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| <b>13.3</b>          | <b>Governance Policies Review</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Directorate</b>   | People, Partnerships and Performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Director</b>      | Georgie Hill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Manager</b>       | Danny Bilaver                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Attachment(s)</b> | <ol style="list-style-type: none"> <li>1. Councillor Code of Conduct [<b>13.3.1</b> - 38 pages]</li> <li>2. Councillor Gifts Benefits and Hospitality Policy [<b>13.3.2</b> - 19 pages]</li> <li>3. Live Streaming of Council Meetings Policy [<b>13.3.3</b> - 18 pages]</li> <li>4. Public Transparency Policy [<b>13.3.4</b> - 16 pages]</li> <li>5. Councillor Support Policy [<b>13.3.5</b> - 35 pages]</li> <li>6. Councillor Transparency Policy 2020 Reckoner [<b>13.3.6</b> - 24 pages]</li> <li>7. Councillor Protocol 2020 Reckoner [<b>13.3.7</b> - 40 pages]</li> <li>8. Councillor Respectful Conduct Policy 2020 Reckoner [<b>13.3.8</b> - 16 pages]</li> </ol> |

### Purpose

For Council to consider policies that are proposed to be revised or revoked to ensure legislative compliance and support good governance.

### Officer Recommendation

That Council:

- Endorses for community consultation the revised *Councillor Code of Conduct; Councillor Gifts, Benefits and Hospitality Policy; Live Streaming of Council Meetings Policy; Public Transparency Policy; and Councillor Support Policy*, at Attachments 1 – 5 to this report (the revised policies).**
- Notes the 'ready reckoner' documents at Attachments 6 - 8 that identify where relevant content the from the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; and Councillor Protocol* (the revoked policies) can be transferred to other Council policies.**
- Endorses community consultation on the proposed revocation of the *Councillor Transparency Policy; Councillor Respectful Conduct Policy; Councillor Protocol* (the revoked policies).**
- Endorses the revocation of the *Councillor Portfolio Policy and Terms of Reference* at the end of the current Council term.**
- Notes the sunseting of Brimbank Governance [Major Policy Consultation] Local Law 3.**
- Receives a further report outlining any community consultation submissions made on the revised policies and presenting a final draft of the policies for consideration.**

### Background

Councillors must comply with a range of policies and associated documents (governance policies). Some governance policies are mandatory under the *Local Government Act 2020 (the Act)*; others are not mandated but support good governance. Broadly, Council's governance policies serve the important purpose of guiding Councillor conduct and supporting integrity and legislative compliance.

The governance policies outlined in this report have been reviewed in line with Council's commitment to maintain up to date policies and strategic documents. The aims for this the review were to:

- Move all Councillor policies over to updated standard policy template.
- Update any remaining outdated content.
- Replace content that was incorrectly removed as part of the expedited 2020-21 Governance policy reviews.
- Remove duplication of content across Councillor policies and protocols.
- Incorporate recommendations from the Operation Sandon report where appropriate.
- Revoke Councillor policies that duplicate other council policies (e.g. Councillor Transparency Policy duplicates Public Transparency Policy).
- Ensure no relevant content is lost when consolidating documents.

The Governance policies updated in this report also incorporate recommendations for strengthening policies from the IBAC report from Operation Sandon, which was an investigation of serious corrupt conduct within the City of Casey.

### Matters for Consideration

Five policies have been reviewed and are recommended for community consultation. These are the revised *Councillor Code of Conduct*; *Councillor Gifts, Benefits and Hospitality Policy*; *Live Streaming of Council Meetings Policy*; *Public Transparency Policy*; and the *Councillor Support Policy*.

Three policies have been reviewed and identified as suitable to be revoked because they duplicate existing content and/or their content can be transferred to other policies. These are the *Councillor Transparency Policy*; *Councillor Respectful Conduct Policy*; and *Councillor Protocol*.

Where policies are recommended to be revoked, a document showing where relevant content will be captured and retained is at **Attachments 6 – 8** to this report.

The Councillor Portfolio Policy and Terms of Reference have been reviewed and are recommended to be revoked at the end of the Council term. The reasons this recommendation are outlined in the Overview section below.

The Brimbank Governance [Major Policy Consultation] Local Law 3 is due to sunset on its 10th anniversary on 17 July 2024. With the introduction of the Community Engagement Policy this year, this Local Law is not required and is recommended that it be allowed to lapse.

### Overview of policies reviewed

#### 1. Councillor Code of Conduct

The Councillor Code of Conduct is a prescribed policy under *the Act* that includes the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, sexual harassment and vilification.

The Councillor Code of Conduct was last reviewed and adopted in 2021. Pursuant to section 139(4) of *the Act*, this policy must be reviewed within 4 months after a general election. Council can only amend the Councillor Code of Conduct by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council. The major changes to the Councillor Code of Conduct are:

- Values Statement added to link the Code with Council values and help make it a less prescriptive and more values based document.
- Definition of 'misconduct' changed to the statutory definition.
- Relevant content from the Councillor Protocol inserted (this Protocol is recommended to be revoked).
- Role of the CEO updated to reflect new *Act* provisions and redundant CEO duties under 1989 *Act* removed.
- Duties of the Principal Councillor Conduct Registrar summarised rather than replicating long list in the *Act*.
- Prescribed Standards of Conduct included verbatim as required by s139(3)(a) of *the Act*.
- Requirement for Councillors not to discredit or mislead reinserted in the Code after being omitted in the 2021 update.
- Prohibition on inciting hatred included in 'Other Conduct' section. This reflects *Racial and Religious Tolerance Act 2001* requirements.
- Requirements for interactions with Members of Parliament reinserted in the Code after being omitted in the 2021 update.
- Requirements for meetings with applicants planning permits or amendments and fitness for duty provisions reinserted in the Code after being omitted in the 2021 update.
- Child Safe Standards provision inserted.
- Conflict of Interest provisions updated to correctly reflect requirements in section 130 of *the Act*.
- Content relating to city representation added from Councillor Protocol, which is recommended to be revoked.
- List of incorporated documents updated.

State Government reforms occurring in 2024 will include the launch of a model code of conduct for councillors with a uniform set of standards. This will mean the Councillor Code of Conduct will need to be reviewed again to adopt these reforms following the election of the new Council.

A copy of the reviewed Councillor Code of Conduct is included at **Attachment 1**.

## *2. Councillor Gifts, Benefits and Hospitality Policy (Reviewed)*

This policy was last reviewed as part of the implementation of the new *Act* on 20 April 2021. This policy applies to all Councillors of Brimbank including the Mayor. It is based on principles of integrity, good governance, transparency and accountability and seeks to minimise improper practices and potential conflicts of interest. Having a Councillor gifts policy is a requirement under section 138 of *the Act*.

The name of this policy has been changed from Councillor Gifts Policy 2021 to the Councillor Gifts, Benefits and Hospitality Policy for consistency with the Employee Gift, Benefit and Hospitality Policy 2023. The major changes to this policy are:

- Inclusion of a GIFT Table with questions for Councillors to consider when presented with a gift, benefit or hospitality.
- Inclusion of a definition of 'anonymous gifts'
- Changed from the gift register being always available online to being 'upon request' (to reduce admin effort).

A copy of the reviewed Councillor Gifts, Benefits and Hospitality Policy is included at **Attachment 2**.

### *3. Livestreaming of Council Meetings Policy*

The Livestreaming of Council Meetings Policy 2021 was first endorsed on 16 October 2018 and was due for review on 21 September 2022 after a piloted period between 2020 and 2022. The live streaming of Council Meetings aims to provide greater flexibility and convenient access for the community to Council's decision-making process. The major changes to this policy are:

- References to redundant sections of 1989 *Act* removed.
- Provision made for publication on Council website (not just YouTube).
- Section added dealing with adjournment of meeting due to technical issues.

A copy of the reviewed Livestreaming of Council Meetings Policy is included at **Attachment 3**.

### *4. Public Transparency Policy*

The Public Transparency Policy was adopted in August 2020 as required under section 57 the new *Act* and was due for review in August 2021. This Policy aims to adopt and maintain public transparency by ensuring the availability of all information needed in order to collaborate, cooperate and make considered well informed decisions. The major changes this policy are:

- Policy purpose statement expanded to include more detail about why transparency is important.
- Suggested amendment to commitment to publicly release decisions from closed meetings once it is determined that they are no longer confidential.
- Content re-ordered for readability throughout.

A copy of the reviewed Public Transparency Policy is included at **Attachment 4**.

### *5. Councillor Support Policy*

The Councillor Support Policy was last reviewed in June 2020 as part of the implementation of the *Local Government Act 2020* and was due for review in June 2022. This is an important policy that details how the Council can provide assistance and support to the Mayor and Councillors when conducting council business. The major changes to this policy are:

- Removal of the major policy status of this policy following the expected sunset of the Governance (Major Policy Consultation) Local Law 3 on 17 July 2024.
- Inclusion of mandatory midyear refresher training for Councillors in accordance with *the Act* and Regulations.
- Amendment relating to the maximum annual expenditure for professional development if the amount exceeds the threshold.
- Provision added for CEO to be able to waive the requirement for Councillors to refund Council in certain circumstances.
- Further examples added of what might constitute unreasonable hospitality.
- Clarification of types of Councillor support that Council Officers would not ordinarily provide.
- Provision added for support to participate in Councillor engagement, in accordance with our Community Engagement Policy.
- Section inserted to include requests for information and viewing of Council files. This content was previously included in the Councillor Access to Information Protocol, which is recommended to be revoked.

- Section added to include advice and recommendations to Councillors in reports from Council. This content is from the Councillor Protocol, which is recommended to be revoked. The wording has been revised for clarity.
- Section on personal interest returns added.

A copy of the reviewed Councillor Support Policy is included at **Attachment 5**.

### **Overview of policies / protocols recommended to be revoked**

A range of policies and protocols have been identified with content that is already covered, or could logically be incorporated, in other policies. It is therefore recommended that these documents be revoked:

- Councillor Transparency Policy 2020
- Councillor Protocol 2020
- Councillor Respectful Conduct Policy 2020

A 'ready reckoner' document showing where all relevant content from each of these documents will be captured if it is revoked is included in **Attachments 6-8**.

### **Councillor Portfolio Policy and Terms of Reference**

The Councillor Portfolio system was introduced in 2018 originally as a pilot program then implemented ongoing, with a commitment to be evaluated annually to ensure effective and relevant. Council has seen a recent decrease in the activities of the portfolio system. The breadth of Council's Advisory Committees largely covers portfolio activities and Committees and Council briefing cycles provide a more focused and efficient system to brief Councillors on matters. Council's Community Engagement Policy 2021 also ensures community participation in decision making processes through other channels. It is therefore recommended that Council discontinues the Portfolio system and that the Councillor Portfolio Policy and Terms of Reference be revoked at the end of the current Council term.

### **Sunsetting of Governance (Major Policy Consultation) Local Law 3**

This Local Law will sunset on its 10th anniversary on 17 July 2024. Since the inception of this Local law, the *Local Government Act 2020* was introduced which requires that Council to have a Community Engagement Policy. As such, the Local Law has now been superseded by this legislative requirement and is no longer required. It is proposed that the Brimbank Governance [Major Policy Consultation] Local Law 3 be allowed to lapse. The effect is that, after the sunset date, consultation on Major Policies will default to requirements under the Community Engagement Policy, as legislatively required.

### **Community Engagement**

These policies and protocols have broad application and are therefore considered suitable for general, rather than targeted consultation with specific community groups. Community consultation will occur via the 'Your Say Brimbank' website. The recommended timelines for community engagement are:

- 20 June 2024 until 4 July 2024 - 2 weeks consultation policies that have been reviewed or are recommended to be revoked.

- 20 June 2024 until 18 July 2024 - 4 weeks consultation for Councillor Support (Major) Policy in line with Governance (Major Policy Consultation) Local Law.

### Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2023/2024.

**Community:** Failure to keep our governance policies up to date can signal a lack of care and attention to our governance obligations and erode public trust.

**Regulatory:** Failure to update governance policies can result in key guidance material about our governance obligations not being clear, current and lawful.  
There are no Environmental, Financial or Safety impacts.

### Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

**4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all**

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with Council's Policy Management Framework, Community Engagement Policy 2021, and *Local Government Act 2020* requirements.

Council officers contributing to the preparation and approval of this report have no conflicts of interests to declare.



# Councillor Code of Conduct

June 2024

DRAFT

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future.

Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens.

The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.



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# 1 INTRODUCTION

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## 1.1 Councillor's important contribution to achieving Council's values

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The Councillor's Code of Conduct outlines the principles and guidelines that govern the work of Councillors. By adhering to this code, Councillors play a vital role in upholding Council's core values. Our commitment to being respectful, finding better ways, acting with integrity, and working together forms the foundation of our collective efforts to serve the community and ensure effective governance. Councillors contribute to Council's values by treating others with respect, seeking innovative solutions, acting with integrity, and collaborating with others to achieve our goals.

## 1.2 Legislative framework

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*The Local Government Act 2020* (the Act) requires a council to develop and maintain a Councillor Code of Conduct. The Councillor Code of Conduct is required to be periodically reviewed. This Councillor Code of Conduct (Code) has been adopted by Council to comply with the requirements of the Act.

A Councillor Code of Conduct:

- Must include the Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations) expected to be observed by Councillors.
- Must include any provisions prescribed by the Regulations.
- 
- May include any other matters which Council considers appropriate, other than any other Standards of Conduct.

The Standards of Conduct with which Councillors are required to comply are specified in Schedule 1 to the Regulations.

Misconduct by a Councillor is defined in the Act as any breach by a Councillor of the standards of conduct. Misconduct may be pursued in accordance with the processes set out in this Code.

## 1.3 Councillors commitment

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Councillors commit to the principles of good governance, working together in the best interests of the people within the municipality and to discharging responsibilities to the best of their skill and judgment.

## 1.4 Purpose of this Code

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The purpose of this Code is to set out the Standards of Conduct that Councillors must comply with to:

- Foster good working relationships between Councillors to enable Councillors to work constructively together in the best interests of the municipal community.
- Lift the standard of behaviour of Councillors during Council meetings, Councillor Briefings and any other meetings which Councillors participate in from time to time.
- Establish benchmarks for Councillor conduct designed to build public confidence in the integrity of local government.

## 2 ROLES AND RESPONSIBILITIES

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### 2.1 Role of Council

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The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (see section 8 of the Act). Council provides good governance if:

- It performs its role in accordance with the Overarching Governance Principles in section 9 of the Act.
- The Councillors perform their roles in accordance with section 28 of the Act.

In performing its role, Council may:

- Perform any duties or functions and exercise any powers conferred on it under the Act or any other Act.
- Perform any other functions that it considers are necessary to enable that performance.

Good governance is fundamental to Council being able to perform its role. Good governance relies on, among other things, good working relationships between Councillors.

### 2.2 Role of Councillors

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Section 28 of the Act provides that the role of a Councillor is:

- To participate in the decision-making of Council.
- To represent the interests of the municipal community in that decision-making.
- To contribute to the strategic direction of Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor, a Councillor must:

- Consider the diversity of interests and needs of the municipal community.
- Support the role of Council.
- Acknowledge and support the role of the Mayor.
- Act lawfully and in accordance with the oath or affirmation of office.
- Act in accordance with the Standards of Conduct.
- Comply with Council procedures required for good governance.

Councillors may represent the Mayor at functions and meetings where the Mayor and Deputy Mayor are unavailable. Allocation of representation roles will be made by the Mayor

The role of a Councillor expressly excludes the performance of any responsibilities or functions of the Chief Executive Officer (CEO).

### 2.3 Role of the Deputy Mayor

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The Deputy Mayor has a leadership and representational role in conjunction with the Mayor. Due to the large number of Mayoral engagements and commitments, the Deputy Mayor is expected to assist in representing the Mayor at various functions and meetings.

In line with Council resolution, the Deputy Mayor will assume the role of Acting Mayor during periods of absence of the Mayor, or at the request of the Mayor.

## **2.4 Role of the Mayor**

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Section 18 of the Act provides that the role of the Mayor is to:

- Chair Council meetings.
- Be the principal spokesperson for Council.
- Lead engagement with the municipal community on the development of the Council Plan.
- Report to the municipal community, at least once each year, on the implementation of the Council Plan.
- Promote behaviour among Councillors that meets the Standards of Conduct set out in the Councillor Code of Conduct.
- Assist Councillors to understand their role.
- Take a leadership role in ensuring the regular review of the performance of the CEO.
- Provide advice to the CEO when the CEO is setting the agenda for Council meetings.
- Perform civic and ceremonial duties on behalf of Council.

## **2.5 Role of the CEO**

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Section 46 of the Act sets out the functions of the CEO, which include:

- Supporting the Mayor and the Councillors in the performance of their roles.
- Ensuring the effective and efficient management of the day-to-day operations of the Council.
- Ensuring Council decisions are implemented without undue delay.
- Developing, adopting and disseminating a Staff Code of Conduct.
- Providing timely advice to Council.
- Ensuring that Council receives timely and reliable advice about its legal obligations.
- Supporting the Mayor in the performance of the Mayor's role.
- Setting the agenda for Council meetings after consulting the Mayor.
- When requested by the Mayor, reporting to Council in respect of the implementation of a Council decision.
- Carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation.
- Establishing and maintaining an organisational structure for Council.
- Being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff.
- Managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between Council

staff and Councillors.

- Developing and maintaining a workforce plan.

The CEO will determine the extent to which Councillors will be informed of decisions made in pursuit of these functions. Councillors acknowledge that any information provided by the CEO is provided as a courtesy and in pursuit of maintaining good working relationships.

Councillors accept that they must not seek to direct the CEO with respect to the fulfilment of these functions.

It is neither the role nor the responsibility of the CEO to mediate disagreements arising between Councillors, or to draft, or otherwise assist in the drafting of, an application under this Code or the Act.

## **2.6 Role of the Councillor Conduct Officer**

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The CEO will from time to time appoint a member of Council staff as the Councillor Conduct Officer under section 150 of the Act. The Councillor Conduct Officer must:

- Assist Council in the implementation and conduct of the internal arbitration process.
- Assist the Principal Councillor Conduct Registrar to perform his or her functions.
- Assist the Principal Councillor Conduct Registrar in relation to any request for information.

It is neither the role nor the responsibility of the Councillor Conduct Officer to draft, or to otherwise assist in the drafting of, an application under this Code or the Act.

## **2.7 Role of the Principal Councillor Conduct Registrar**

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The Principal Councillor Conduct Registrar is appointed by the Secretary Department of Jobs, Precincts and Regions under section 148 of the Act and is employed by the State Government under Part 3 of the *Public Administration Act 2004*.

The functions of the Principal Councillor Conduct Registrar are outlined in section 149 of the Act and include (in summary):

- Receiving and appointing arbiters for internal arbitration processes.
- Publishing guidelines for the arbitration process.
- Providing advice to arbiters and publishing arbiters' decisions and reasons.
- Setting fees for arbiters and Councillor Conduct Panels.
- Forming Councillor Conduct Panels.
- Providing advice to panel members.
- Keeping copies of panel documents.
- Complying with document requests from the Chief Municipal Inspector or VCAT, and requesting information from Councils.

The Principal Councillor Conduct Registrar also has the power to do everything necessary for the performance of their functions under the Act.

# **3 STANDARDS OF CONDUCT**

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The Standards of Conduct to be observed by Councillors are set out in the Regulations. Failure to comply with the Standards of Conduct constitutes 'misconduct' for the purposes of the Act. If allegations of misconduct cannot be resolved between Councillors informally, they will be referred to the internal arbitration process, which may result in the imposition of sanctions.

### **3.1 Treatment of others**

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A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 ; and
- b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

#### **3.1.1 Discrimination**

Discrimination can be direct or indirect.

Direct discrimination occurs if a person treats another person with a protected attribute unfavourably because of that protected attribute.

Some examples of direct discrimination are:

- Not offering computer training to an older Councillor because of their age and a view that they will not be involved in Council for much longer.
- Excluding a Councillor from participation on a Committee because of a protected attribute, for example, their religious belief or age.

Indirect discrimination occurs if a person imposes a requirement, condition or practice that disadvantages a person with a protected attribute and that requirement, condition or practice is not reasonable.

Some examples of indirect discrimination are:

- Holding a Council team building event at a sporting venue that does not permit access or participation by a Councillor with a disability.
- Making it a requirement that Councillors be members of a political party in order to be a member of a committee. Unlawful discrimination can occur even if a Councillor does not intend to discriminate.

### **3.2 Performing the role of Councillor**

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A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- Undertakes any training or professional development activities that Council decides it is necessary for all Councillors to undertake to effectively perform the role of a Councillor.
- Attachment 13.3.1

- Diligently uses Council processes to become informed about matters which are subject to Council decisions.
- Is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity.
- Represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### **3.3 Compliance with good governance measures**

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A Councillor, in performing the role of a Councillor, to ensure the good governance of Council, must diligently and properly comply with the following:

- Any policy, practice or protocol developed and implemented by the CEO in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors.
- The Council expenses policy adopted and maintained by Council under section 41 of the Act.
- The Governance Rules developed, adopted and kept in force by Council under section 60 of the Act.
- Any directions of the Minister for Local Government issued under section 175 of the Act (governance directions).

### **3.4 Councillor must not discredit or mislead Council or public**

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In performing the role of a Councillor, a Councillor must:

- Ensure that their behaviour does not bring discredit upon Council.
- Not deliberately mislead Council or the public about any matter related to the performance of their public duties.

### **3.5 Standards do not limit robust political debate**

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Councillors acknowledge that nothing in the Standards of Conduct is intended to limit, restrict or detract from robust public debate in a democracy. So, while Councillors must always meet these Standards of Conduct, participation in vigorous debate of matters before Council for decision should not be viewed as being inconsistent with them.

## **4 OTHER PROHIBITED CONDUCT**

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In addition to observing the Standards of Conduct, Councillors acknowledge that the Act prohibits them from engaging in certain conduct and that doing so constitutes a criminal offence. This conduct relates to:

- Misuse of position.
- Improper direction and improper influence.
- Confidential information.
- Conflict of interest.
- Electoral conduct.

### **4.1 Binding Caucus votes**

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#### **Attachment 13.3.1**

A binding caucus vote is a process whereby a group of Councillors are compelled by a threat of



disciplinary or other adverse action to comply with a predetermined position on a matter before the Council, irrespective of the personal views of individual members of the group on the merits of the matter before the Council.

Nevertheless, Councillors are not prohibited from discussing a matter before the Council prior to considering the matter in question at a Council meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

However Councillors must not participate in binding caucus votes in relation to matters to be considered at a Council meeting.

## **4.2 Misuse of position**

---

A Councillor must not misuse his or her position:

- To gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person.
- To cause, or attempt to cause, detriment to Council or another person.

Circumstances involving the misuse of position by a Councillor include, but are not limited to:

- Making improper use of information acquired as a result of the Councillor's position (current and past).
- Disclosing information that is confidential information.
- Directing, or improperly influencing or seeking to direct or improperly influence, a member of Council staff.
- Exercising or performing, or purporting to exercise or perform, a power, duty or function that the Councillor is not authorised to exercise or perform.
- Using public funds or resources in a manner that is improper or unauthorised.
- Participating in a decision on a matter in which the Councillor has a conflict of interest.

## **4.3 Directing a member of Council staff**

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A Councillor must not intentionally direct, or seek to direct, a member of Council staff

- In the exercise of a delegated power, or the performance of a delegated duty or function of Council.
- In the exercise of a power or the performance of a duty or function exercised or performed by the staff member as an authorised officer under the Act or any other Act.
- In the exercise of a power or the performance of a duty or function the staff member exercises or performs in an office or position the staff member holds under the Act or another Act.
- In relation to advice provided to Council or a delegated committee, including advice in a report to Council or delegated committee.

## **4.4 Confidential information**

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A Councillor must not intentionally or recklessly disclose information that the he or she knows, or should reasonably know, is confidential information.

For the purposes of the Act 'confidential information' means the following information:

- Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- Land use planning information, being information that if prematurely released is likely to

encourage speculation in land values.

- Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- Private commercial information, being information provided by a business, commercial or financial undertaking that:
  - Relates to trade secrets.
  - If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- Confidential meeting information, being the records of meetings closed to the public under the Act.
- Internal arbitration information, being information specified in section 145 of the Act.
- Councillor Conduct Panel confidential information, being information specified in section 169 of the Act.
- Information prescribed by regulations to be confidential information for the purposes of the Act.
- Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

A Councillor may disclose information that would be considered 'confidential information' if the information that is disclosed is information that Council has determined should be publicly available.

Otherwise, a Councillor may disclose information that the he or she knows is confidential information in the following circumstances:

- For the purposes of any legal proceedings arising out of the Act.
- To a court or tribunal in the course of legal proceedings.
- Pursuant to an order of a court or tribunal.
- In the course of an internal arbitration and for the purposes of the internal arbitration process.
- In the course of a Councillor Conduct Panel hearing and for the purposes of the hearing.
- To a Municipal Monitor to the extent reasonably required by the Municipal Monitor.
- To the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector.
- To a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry.
- To the extent reasonably required for any other law enforcement purposes.

Councillors acknowledge that they will have access to confidential information in many forms and that it will not always be labelled as being 'confidential'. Councillors will take reasonable steps to inform themselves about the confidential nature of any Council information before discussing it outside the organisation.

## 5 CONFLICT OF INTEREST

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### 5.1 Disclosure of conflicts of interest

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If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply) and exclude themselves from the decision making process in relation to the matter.

A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.

A Councillor has a 'general' conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in the Councillor acting in a manner that is contrary to their public duty.

For the purposes of general conflict of interest:

- 'private interests' means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- 'public duty' means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.

A Councillor has a 'material' conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred:

- directly or indirectly; or
- in a pecuniary or non-pecuniary form.

For the purposes of a material conflict of interest, any of the following is an 'affected person':

- The Councillor.
- A family member of the Councillor.
- A body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body.
- An employer of the Councillor, unless the employer is a public body.
- A business partner of the Councillor.
- A person for whom the Councillor is a consultant, contractor or agent.
- A benefit under a trust or an object of a discretionary trust of which the Councillor is a trustee.
- A person from whom the Councillor has received a disclosable gift (i.e. exceeding \$500 in value).

### 5.2 Personal responsibility

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Councillors acknowledge that they must be clear about their associations with parties external to Council and to avoid conflict between those associations and their role as Councillors.

It is the personal legal obligation of every Councillor to form her or his own view as to whether a conflict of interest exists, and to disclose any such conflict. Councillors are able to seek their own independent legal advice in relation to any of their conflict of interest matters. Council will not be liable for any legal costs incurred by a Councillor who seeks independent legal advice about

whether they have a conflict.

The process for disclosing a conflict of interest is contained in Chapter 5 of the Brimbank Governance Rules – Disclosure of Conflicts of Interest

## 6 OTHER CONDUCT REQUIREMENTS

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Councillors acknowledge that, while these matters are not Standards of Conduct they undertake to comply with them.

In the case of non-compliance, these matters could be the subject of an application to a Councillor Conduct Panel made by the Chief Municipal Inspector, or of a complaint to the Local Government Inspectorate, the Independent Broad-based Anti-corruption Commission or Victoria Police, depending on the nature of the allegation.

Councillors agree:

### 6.1 Conduct based on race and religion

Not to engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property and is a criminal offence.

### 6.2 Conduct considered bullying

Not to participate in unreasonable behaviour that may be considered bullying, such as repeated:

- Verbal abuse, insults or name-calling
- Personal attacks, threats, intimidation
- Deliberate exclusion or isolation
- Deliberately withholding information from someone where that information is essential to their ability to perform their work effectively.
- Any form of bullying that occurs online.

### 6.3 Interactions with Members of Parliament

Councillors (or a Councillor representing a group of Councillors) will:

- Declare and record any representations made to her/him, or by them, in their role as a Councillor, to/by a Member of Parliament (or their staff or a candidate in a State or Federal Government election) by completing an Interaction with Member of Parliament form.
- Advise the Member of Parliament (or their staff or candidate) that the representation, and topics discussed, will be publicly reported to Council.

The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.

### 6.4 Meeting with planning permit applicants

When planning to discuss a planning permit application or amendment with an applicant, property owner, or their representative, it is mandatory to complete the Informal Planning Meeting Record. This helps document all interactions. All such meetings must be recorded in the Informal Planning

Meeting Record. Moreover, the Chief Executive Officer must make sure that a record of the meeting is reported to the next available Council Meeting.

### **6.5 Fitness for duties**

Councillors will promptly inform the Mayor/CEO of any physical or psychological concerns that may affect their ability to perform their role and will also consider taking a leave of absence, if necessary, to prioritise well-being. The Mayor may also suggest a leave of absence if they have concerns about a Councillor's health.

### **6.6 Interacting with children**

Council is committed to protecting children and young people from harm and adheres to the Victorian Child Safe Standards and related legislation. Councillors will maintain professional conduct, support child safety, and take necessary steps to protect children to fulfill the obligations imposed by the Victorian Child Safe Standards.

## **7 GOOD GOVERNANCE**

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Nothing in this part of the Code is intended to impose a binding Standard of Conduct on Councillors. These matters are expressed as operating in addition to the Standards of Conduct. Further, nothing in this part of the Code is intended to modify or derogate from the Standards of Conduct.

This part of the Code sets out conduct that the Councillors agree will contribute to the good governance, integrity and responsible operation of Council.

### **7.1 Overarching Governance Principles**

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Councillors will support the role of Council by ensuring that Council gives effect to the overarching governance principles when participating in Council's decision-making functions.

The overarching governance principles are set out in section 9(2) of the Act and are as follows:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- The municipal community is to be engaged in strategic planning and strategic decision making.
- Innovation and continuous improvement is to be pursued.
- Collaboration with other councils and governments and statutory bodies is to be sought.
- The ongoing financial viability of Council is to be ensured.
- Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- The transparency of Council decisions, actions and information is to be ensured.

### **7.2 Council decision-making**

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Councillors are committed to ensuring a high level of transparency in Council's decisions and Council's decision-making processes. Councillors acknowledge that Council decisions cannot be made other than by resolutions made at properly constituted Council meetings following fulsome

public debate in the Council Chamber. While Councillors will engage in informal discussion of matters coming before Council for decision, they acknowledge that these informal discussions are not decision-making forums, and that a final position on such matters cannot be reached before the Council meeting.

Councillors acknowledge the role that reports prepared by members of Council staff provide professional advice which assists in informing Councillors about matters before Council for decision. Councillors will pay respect and attention to the information provided by members of Council staff to assist Council's decision-making functions.

### **7.3 Use of Council resources**

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Councillors commit to using Council resources effectively, economically and only for proper purposes connected with their role as a Councillor, consistent with relevant Council policies and procedures.

In particular, Councillors will:

- Maintain adequate security over Council property, facilities and resources provided by Council to assist in performing their role.
- Comply with any legislation and Council policies and procedures applying to the use of Council property, facilities and resources provided by Council to assist in performing their role.
- Not use Council resources, including the services of members of Council staff, for private purposes, unless authorised to do so, and paying for those resources where required to do so.
- Not use public funds or resources in a manner that is improper or unauthorised.

### **7.4 Gifts and benefits**

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Councillors will avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefit or hospitality of any kind, is attempting to gain favorable treatment from an individual Councillor or from Council.

Councillors will take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that give rise to the appearance of an attempt to gain favourable treatment.

Councillors will only accept gifts that exceed the gift disclosure threshold (at the time of this review it is \$500 or a higher amount or value prescribed by the Regulations) if:

- the name and address of the person making the gift are known to them; or
- at the time when the gift is made, they reasonably believe that the name and address provided are the true name and address of the person making the gift.

Anonymous gifts that exceed the gift disclosure threshold will be disposed of to Council within thirty (30) days of receiving the gift.

Councillors will comply with the Councillor Gifts, Benefits and Hospitality Policy, and any other policies and procedures however termed, adopted by Council from time to time relevant to the acceptance of gifts.

### **7.5 External communications**

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Councillors recognise that, as representatives of the local community, they have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

Councillors are committed to respecting the function of the Mayor as the spokesperson of Council in accordance with the Act.

Councillors undertake to comply with Council's Media and Spokesperson Policy and any other relevant policies, as adopted from time to time, including recognition of and respect for the:

- Role of the Mayor as the principal spokesperson of Council, including in communications with the media on behalf of Council.
- Role of the CEO in communicating with the media on behalf of Council with respect to matters of an operational nature.
- Practice of directing media enquiries to Council's Communications Team at first instance.

Councillors acknowledge that individual Councillors are entitled to express their personal opinions through the media. In doing so, Councillors will make it clear that such comment is their personal view and does not represent the position of Council.

Councillors will ensure that such comments avoid being derogatory, offensive or insulting of Council, Councillors, members of Council staff, members of the community and others and are factually accurate.

## 7.6 Personal dealings with Council

When Councillors deal with Council in their private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit), they will not expect or request preferential treatment in relation to any such private matter. Councillors will avoid any action that could lead members of Council staff or members of the community to believe that they are seeking preferential treatment.

## 7.7 Occupational health and safety

Councillors acknowledge that meeting Council's obligations as an employer under the *Occupational Health and Safety Act 2004* by, among other things, providing a safe workplace for members of Council staff and visitors to Council premises is essential.

Councillors are committed to working in ways that protect and promote the health and safety of members of Council staff and visitors to Council premises and to minimise risks to them.

## 7.8 Elections

Councillors may nominate as candidates in elections at all levels of government. If nominating as a candidate in an election, or assisting in the campaign of a candidate in an election, Councillors commit to not using their position as a Councillor for purposes associated with their campaign, or the campaign of any other candidate.

# 8 CITY REPRESENTATION

## 8.1 Representation Overview

Opportunities for the Mayor, Deputy Mayor and Councillors to represent the City will arise through a range of mechanisms including advocacy, media activity, event attendance and contribution to external publications.

The hierarchy for determining the appropriate Council spokesperson or representative, is at Table 1.

**Table 1 – Spokesperson or Representative Tiers**

| Tier | Attachment | Spokesperson Or Representative |
|------|------------|--------------------------------|
| 1    | 13.3.1     |                                |



|   |                                                                |
|---|----------------------------------------------------------------|
| 1 | Mayor / Deputy Mayor                                           |
| 2 | Appropriate Representative (Advisory Committee representative) |
| 3 | Ward Councillors, operating on a rotational basis              |

Where requested by a community group/organisation, and as appropriate, Councillors with culturally and linguistically diverse backgrounds may be invited by the Mayor to speak in their community language at an event, in addition to the nominated Councillor spokesperson (Table 1).

The following protocols outline the processes by which opportunities will be progressed and allocated. As a general rule, when making an allocation, the key message or subject matter associated with an opportunity will dictate which Advisory Committee it falls within.

Where there is potential Advisory Committee overlap, an opportunity will be referred to relevant Advisory Committee representative for a decision. If no agreement can be reached, or if the Mayor is unable to be contacted within deadline, or where the decision of the Media and Communications team or the Councillor Support Team is (or is likely to be) disputed, the Director People, Partnerships and Performance shall be the referral point and final decision maker.

## 8.2 Representation Protocol

The following protocol acknowledges the Mayor is the principal spokesperson for the Council and that exceptions will only be made as specified below or on the basis of the professional judgement of the Communications, Community Engagement Department (Media Team).

In particular, the Mayor is the official media spokesperson on behalf of Council, where Council has an official position on the matter and where the matter is of a political, controversial, sensitive or emergency nature.

These include:

- Issues relating to the strategic direction of Council and Brimbank City Council
- Issues relating to policy and Council decisions
- State-wide or Federal political issues affecting local government
- Local issues that impact the community that do not relate directly to Council services and functions
- Announcements or commentary relating to premier events, major projects or key community infrastructure being undertaken by Brimbank City Council

If the Mayor is unavailable as spokesperson or has a conflict of interest in relation to the matter, the Deputy Mayor will become the primary spokesperson. If the Deputy Mayor is not unavailable or has a conflict of interest in relation to the matter, the appropriate Advisory Committee representative will be approached to be the primary spokesperson. On occasion and at the discretion of the CEO or delegate, the tier process may be supplanted by a decision to nominate a particular Councillor as spokesperson on the basis of newsworthiness, an acknowledged association with the issue or other factors. An example may be in a case where a conflict of interest prevents the Mayor from being a spokesperson, in which case the appropriate Councillor member of an Advisory Committee may supersede the Deputy Mayor. In such cases, approval to deviate from the standard protocol would be sought from the Mayor.

See Table 1 above for further information on Spokesperson tiers.

A Councillor acting as an authorised spokesperson in line with this protocol has a responsibility to represent Council position in relation to a matter. If that Councillor wishes to express a personal view which differs from an adopted position, they are obliged to identify that the opinion or view is their own. A Councillor does not represent the position of Council; nor should that view be expressed in the



context of a spokesperson opportunity facilitated by Brimbank City Council.

### **8.3 Chief Executive Officer representation**

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The Chief Executive Officer is the official spokesperson for all operational matters relating to Brimbank City Council, including:

- Staffing and structure of the organisation
- Corporate issues relating to service provision or the day-to-day business of Council.

The Chief Executive Officer may delegate their media authority to a Council Officer.

#### **8.3.1 Delegations**

Council Officers delegated to make statements to the media or authorise the issue of media releases are:

- Chief Executive Officer
- Directors
- Manager Media & Communications

### **8.4 Media Enquiries**

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For the purposes of this section, approaches from the media are categorised into three types:

- Where the media contacts a Councillor directly (type A)
- Where the media contacts Brimbank City Council requesting a comment specifically from the Mayor or an individual Councillor (type B)
- Where the media contacts Brimbank City Council requesting general comment or information without specifying the preferred respondent (type C).

All media enquiries, whether received by the Mayor, other Councillors or Council officers, should be directed to the Media Team. Media enquiries should be treated as a priority, with requests passed onto the Media Team as soon as is practicable after receipt, and conducted in accordance with this policy.

The Media Team will deal with media inquiries and the delegation of media enquiries/comment in accordance with this policy. It will provide appropriate advice on how to respond to media enquiries and draft official comments.

Where the media contacts the Mayor or a Councillor directly (type A), they should make no comment on behalf of Council, advise the media that the Media Team will make contact, and inform the Media Team as soon as practicable.

Where the media contacts Brimbank City Council requesting a comment from, or an interview with, the Mayor or a particular Councillor (type B), the Media Team will determine who should be spokesperson, advise the appropriate media outlet and act accordingly (either through providing an approved written response such as a media statement or quote, or producing materials such as FAQs in preparation for an interview with spokesperson).

Where the media contacts Brimbank City Council requesting a response from an unspecified spokesperson or is otherwise seeking a comment from Brimbank City Council (type C), the Media Team will establish the most appropriate spokesperson according to the order of priorities specified in Table 1 such that if and when the first priority for a spokesperson is reasonably determined by the Media Team to be unavailable or otherwise declines to be the spokesperson, the second priority for spokesperson will be approached, and so on.

Table 1 only applies to situations which are not related to operational matters. In operational matters, the spokesperson will be the CEO or a Council official delegated to act as spokesperson

by the CEO.

Table 1 also assumes two circumstances in which a graduation to the next tier would occur:

- Unavailability of the Mayor or appropriate Councillor
- A conflict of interest where it is inappropriate for the Mayor or appropriate Councillor to speak on the issue
- On occasion and at the discretion of the CEO or delegate, the tier process may be supplanted by a decision to nominate a particular Councillor as spokesperson on the basis of newsworthiness, an acknowledged association with the issue or other factors.

An example may be in a case where a conflict of interest prevents the Mayor from being a spokesperson, in which case the appropriate Advisory Committee representative may supersede the Deputy Mayor. In such cases, approval from the standard protocol would be sought from the Mayor.

### **8.5 Photo opportunities**

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Where the request from media is for a photo opportunity, the same protocols and tiered approach will apply. Only the Mayor can participate in a formal, scheduled photo opportunity with media except for reasons of unavailability or conflict of interest.

At the discretion of the CEO or appropriate Council Officer (Director, Manager Media & Communications), other Councillors may participate in a photo opportunity as well, subject to the Mayor's approval, including for cultural publications.

It is acknowledged that photo opportunities at events will often be of an informal and unscheduled nature in which participation by multiple Councillors will be inevitable and encouraged. The protocol above applies only to scheduled photo opportunities as requested by media.

### **8.6 Generating media**

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Media Releases will be proactively issued by the Brimbank City Council on a regular basis to assist media and community understanding of a Council position in relation to any matter. In creating and issuing Media Releases, the following protocol will apply:

- The Media Team will determine who is to be quoted, in accordance with Table 1.
- The Media Team will determine key quotes in consultation with the appropriate Directorate and then seek approval from the Mayor and/or any Councillor being quoted.
- The Media Team will circulate final copies of all Media Releases to all Councillors.

### **8.7 Communications and Community Engagement Department support to Councillors**

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If a Councillor wishes to express a personal view to media which differs from an adopted position, they are not acting as the authorised spokesperson on Council matters or positions as described in this protocol, and therefore the Media Team's resources are not available to them.

The Media Team aims to ensure that all Councillors are kept informed and updated on media issues relating to Brimbank City Council. In doing so, a Brimbank Council Media Report will be issued each week, and other ad hoc updates will be provided as extraordinary circumstances require.

A member of the Media Team will generally accompany the Mayor or other Councillor, if required, when interviews or photo opportunities are being conducted.

Opportunities to contribute to publications produced by external sources (e.g. articles) will entail preparation of appropriate content by the Media Team under the byline of the Mayor or, if appropriate, the relevant spokesperson as indicated in Table 1.

### **8.8 Social Media Use by Councillors**

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Attachment 13.3.1  
Social media provides opportunities for dynamic and interactive two-way communication between

Councillors and their constituents. Social media is not considered any different from existing personal communications (e.g., email, letter, face to face conversation) that Councillors engage in. Brimbank City Council acknowledges that Councillors will have and manage their own social media accounts. These communications activities do not require approval from Council officers. However, the following broad principles will apply to personal social media use:

- Councillors must not represent their views and opinions on personal social media accounts as being the official views of Brimbank City Council, unless in accordance with agreed and published Council policy.
- Councillors should not use personal social media accounts to comment on Council matters which are confidential in nature.
- Councillors should not use personal social media accounts to publicly dispute or rebuke the views of other Councillors or Council Officers.
- Councillors should not use personal social media accounts to indicate their disagreement with agreed and published Council policy.

Where Councillors publish social media content in a personal capacity from personal accounts that makes reference to Brimbank City Council, its staff, policies or services, its suppliers or other stakeholders, or any Council-related issues, that content will be considered to be bound by the requirements of Brimbank City Council in regard to social media use.

In such instances, the following content is not permitted under any circumstances nor limited to:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site.
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or trademark protected materials.
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Materials that could compromise Council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Council into disrepute
- Personal details or references to Council staff or third parties which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment.

For the purposes of this policy, social media encompasses but is not limited to the following digital spaces where people may comment, contribute, create, forward, post, upload and share content:

- Websites
- Emails
- Blogs
- Bulletin boards

- Citizen journalism and news sites
- Forums and discussion boards
- Instant messaging facilities
- Micro blogging sites (e.g. Threads, X)
- Online encyclopedias (e.g. Wikipedia)
- Podcasts
- Social networking sites (e.g. Facebook, Instagram, WeChat, TikTok, LinkedIn)
- Video and photo sharing sites (e.g. Flickr, YouTube)
- Wikis

Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As the personal views of Councillors are usually likely to be associated by external audiences with the views of Council, Councillors will be held to a high degree of responsibility in regards to personal use of social media.

Council social media sites that have been set up by Council officers are considered official channels of Council, and current conventions applied to existing communications channels apply. These conventions include the Mayor being the nominated spokesperson of Council, except where the tiered approach in Table 1 is utilised.

## **8.9 Representing Council at Civil Events, Functions and Delegations**

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### **8.9.1 Opportunities generated through Council organised, partnered and sponsored events**

As chief representative and spokesperson for Council, the Mayor is given first opportunity to formally represent Council at functions and events organised, partnered or sponsored by Brimbank City Council.

An event organised by Council is one that is a designated Brimbank City Council event – e.g. the opening of a facility, a policy announcement, a cultural or community event.

An event partnered by Council would usually be one that has been instigated by a State or Federal Government Department or Minister's office for the purpose of a joint media announcement or one with particular relevance to Brimbank City Council.

An event sponsored by Council is one with Brimbank City Council funding or in-kind support towards the staging of an event or function. This does include funding provided through the purchase of tickets or seating at events and functions once the event has been announced and promoted.

For functions and events organised, partnered or sponsored by Brimbank City Council where the Mayor is unavailable, the invitation is first forwarded to the Deputy Mayor, then the relevant Portfolio Champion if the Deputy Mayor is also unavailable, then via the same tiered process outlined in Table 1.

On occasion and at the discretion of the CEO, the tier process may be supplanted by a decision to nominate a particular Councillor as an event representative on the basis of newsworthiness, an acknowledged association with the event or other factors. In such cases the Mayor's approval would be sought.

#### **8.9.1.1 Speeches**

All civic events commitments are placed in the appropriate representative's diary by Councillor Support. Attachment 13.1.1 is a speech request to the Communications and Community Engagement

Department.

A speech request is required, in normal circumstances, six weeks prior to the event taking place. Additional time will be required if translations are needed.

Speechwriting support is only offered for events where the Mayor has accepted to speak.

If a Councillor attending an event in their official role is invited to speak ad hoc at the event, they are able to do so, but must inform the Mayor and Manager Governance and Risk afterwards.

Speechwriting support is not able to be provided for Councillors who wish to speak at functions outside of their official role as a Brimbank City Council representative.

#### **8.9.1.2 MC Role**

A distinction is made, for the purposes of Council organised, partnered and sponsored events, between the Mayor or a Councillor providing formal representation, and another individual serving as the Master of Ceremonies (MC) for the event.

An MC may be the CEO, a Council officer (e.g. a Director) or a non-Council individual serving in the role for reasons of professional experience and appropriateness (e.g. a professional entertainer or speaker at a cultural event). The role of the MC will include introducing the Mayor or relevant Councillor to conduct their ceremonial role and/or provide a speech. The role of MC is not intended to supplant any of the formal or ceremonial aspects of a Mayor or Councillor, nor would it be represented as such.

#### **8.9.1.3 Running Sheet**

All Councillors formally attending an event where Council's participation includes the preparation of a Running Sheet should familiarize themselves with that Running Sheet prior to the event and be familiar with:

- The protocols that will apply at the event
- The restrictions that may apply on participation in photo opportunities – i.e. an event partnered with the State Government may require that only the Mayor participate in a photo or video opportunity with the relevant Minister
- The formal or ceremonial roles that Councillors may be requested to play.

### **8.9.2 Opportunities received directly by Councillors and Council from external sources**

#### **8.9.2.1 Invitations received by the Mayor**

As the chief representative of Council, the Mayor will be approached by stakeholders to participate in events, functions and activities important and relevant to Brimbank. Such requests will be considered by Councillor Support in the first instance.

Councillor Support will liaise with the appropriate Directorate to assess the importance and relevance of the event, and the appropriateness of formal Council attendance, participation and contributions (e.g. speech or ceremonial role). It will be at the discretion of the appropriate Director, with reference to the CEO as appropriate, to determine if Council should play such a role.

If the nature of the event suggests it may be valuable to have Brimbank City Council participation and the Mayor is unavailable, the event organiser will be approached by Councillor Support regarding representation by another Councillor. If the event organiser agrees, the opportunity will be referred to the Deputy Mayor in the first instance. If unavailable, the opportunity will be offered to other Councillors via the same tiered process outlined in Table 1.

#### **8.9.2.2 Invitations received by the Deputy Mayor and Councillors**

The Deputy Mayor and Councillors will receive invitations in an individual capacity to represent Council. These may be received in acknowledgement of portfolio or cultural responsibilities or in

response to established relationships with city stakeholders.

If the event is one in which the Councillor would not be formally representing Council, but attending on the basis of personal relationships with stakeholders or within the community, there would be no formal Council involvement or contribution. The Councillor should not represent themselves as attending or participating in the event on behalf of Brimbank City Council.

If the event is one in which the Councillor would be formally representing Council, Councillors will forward the details to Councillor Support, which will liaise with the appropriate Directorate to assess the importance and relevance of the event.

If a Councillor receives an invitation to a cultural or specific interest event, they will send the invitation to Councillor Support. Councillor Support will liaise with the appropriate Directorate to assess the relevance of the event, and appropriateness of formal Council attendance.

Councillor Support will provide all invitations to the Mayor for their assessment and/or approval, in accordance with the Councillor Support Policy requirements. If approved, Councillor Support will advise the Councillor. If not approved, the Mayor will discuss their decision with Councillor directly.

If the event is deemed appropriate for that Councillor's attendance and contribution (e.g. speech), Councillor Support will confirm the commitment with the event organiser on behalf of the Councillor. If the opportunity is transferable, Councillors should consider referring the invitation to the relevant Portfolio Councillor.

### **8.9.2.3 Invitations received by Council**

Where an external source approaches Council directly with a view to seeking representation by a Councillor, Councillor Support will first liaise with the appropriate Directorate to assess the importance and relevance of the event. If it is deemed suitable, the Mayor will first be approached. If the Mayor declines the invitation and an alternative Councillor is considered acceptable to the organising body, the opportunity will be offered to other Councillors via the same tiered process outlined in Table 1.

### **8.9.2.4 Support for Councillor Representation**

In representing Council at events, functions and delegations, Councillors may require support in the form of speech notes, presentations and background information. This support shall be arranged through Councillor Support, who will forward the relevant requests to the Communications Team.

### **8.9.2.5 Access to tickets for Council organised or sponsored events**

As the organiser or sponsor of a number of key cultural, community, business and sporting events in Brimbank, there will be ticketing opportunities for Councillors, the administration and stakeholders.

It is important to have a transparent and accountable system of allocation of tickets. The process supporting allocation allows Council to use tickets in a strategic way to maximise the profit and relationship opportunities for Brimbank City Council and shall be guided by the following principles:

- The need to ensure Council is appropriately represented at all sponsored and organised events
- That City representation involves participation of Councillors and senior Council officers
- That where limited tickets are available in the proposed allocation to Councillors, priority shall be given to the Mayor, Deputy Mayor and relevant Portfolio Champion
- Ticketing should be used for the primary purpose of further developing and enhancing Council relationships with stakeholders, and so Council officer representation may also occur
- Allocated tickets should be used. Unused tickets represent a loss in profit and stakeholder

Attachment 13.3.1



relationship opportunities

All other event attendance and ticketing in relation to procuring a 'table' for Council will be dealt with in accordance with the Councillor Support Policy.

#### **8.9.2.6 Requests for Council support or funding for events**

Councillors approached for Council support or funding for events and activities must first raise the matter with the relevant Director for consideration in accordance with Council policy and guidelines under specific programs and projects. These policies and guidelines ensure that assessment processes are fair, transparent and accountable.

#### **8.10 Mayoral robe and chain**

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The Mayoral robe and chain signify the office of the Mayor. The Mayor may choose to wear one or both at official functions of the Council. The Mayor will act as custodian of the robe and chain, and liaise with Councillor Support to make any necessary security arrangements.

Given its significant value, the chain is only able to be worn at functions held at the Brimbank Council Offices, Citizenship ceremonies, school visits, or where appropriate security measures are in place.

## **9 INTERPERSONAL DISPUTES BETWEEN COUNCILLORS**

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Councillors acknowledge that interpersonal differences and disputes (as distinct from allegations of contravention of the Standards of Conduct) may arise from time to time. Councillors commit to taking reasonable steps to resolve any interpersonal difference or dispute that arises without recourse to formal processes with a view to maintaining effective working relationships.

In resolving interpersonal differences or disputes, Councillors will consider pursuing informal steps, including 7.1 and 7.2.

#### **9.1 Informal discussions between Councillors**

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Councillors will first consider discussing their interpersonal difference or dispute informally with a view to resolving it.

#### **9.2 Facilitated discussion**

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If Councillors are unable to discuss their interpersonal difference or dispute informally, or their informal discussions are unsuccessful, they will consider approaching a fellow Councillor, chosen with the agreement of both Councillors, to facilitate a discussion with a view to resolving their interpersonal difference or dispute.

If the interpersonal difference or dispute cannot be resolved informally, the Councillors will consider whether any of the conduct giving rise to it constitutes a contravention of the Standards of Conduct. If they consider that it does, they may choose to pursue it as such under part 8 of this Code.

## **10 ALLEGATIONS OF CONTRAVENTION OF THE CODE**

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An allegation that this Code has been breached by a Councillor can be made by:

- Council, by resolution.
- ~~At a Council meeting.~~ 13.3.1

- a group of Councillors.

Where an allegation is made by Council or by a group of Councillors, a single Councillor must be nominated to act as the representative of Council or the group of Councillors (as the case may be) in the internal resolution process. Only that Councillor will be entitled to participate in the internal resolution process.

When an allegation of a breach of this Code is alleged, the Councillors who are party to the allegation undertake to use their best endeavours to resolve it in a courteous and respectful manner without recourse to formal processes under this Code or under the Act. If, after these endeavours have been exhausted, the allegation remains unresolved, either or both of the Councillors may have recourse to any or all of the internal resolution processes set out in this Code.

Councillors accept the following three-phase internal resolution process:

- Formal discussion between the Councillors, facilitated by the Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor.
- Formal mediation between the Councillors, facilitated by a qualified mediator.
- Formal internal arbitration process.

Councillors recognise that the first and second phases are voluntary and that they are not obliged to agree to either of them but will endeavour to resolve allegations without resorting to the mandatory internal arbitration process.

## **10.1 The application**

---

An application alleging a breach of this Code must:

### **10.1.1** include the:

- a) name of the Councillor(s) alleged to have committed the breach;
- b) clause(s) of the Code alleged to have breached;
- c) particular misconduct, or behaviour, that the Councillor(s) is/are alleged to have engaged in that resulted in the breach; and
- d) phase of the internal resolution process being pursued by the Councillor making the allegation at the first instance; and

### **10.1.2** be submitted to the Councillor Conduct Officer for:

- a) action, if the application seeks engagement in the first or second phase of the internal resolution process; or
- b) referral to the Principal Councillor Conduct Registrar, if the application seeks a formal internal arbitration process.

If an application received by the Councillor Conduct Officer does not meet the requirements of this Part 10.1, the Councillor Conduct Officer will return it to the Councillor submitting it with a brief statement of the ways in which the application is deficient.

A Councillor may revise and resubmit to the Councillor Conduct Officer a deficient application, provided that the Councillor submits the revised application no later than 3 months after the alleged breach of the Standards of Conduct occurred (see s 143(3) of the Act).

## **10.2 Process on receiving an application**

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### **10.2.1 Application for a facilitated discussion**

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks a facilitated discussion, the Councillor Conduct Officer will take the



following steps:

- a) notify Mayor or, if the Mayor is involved in the allegation, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the allegation, the most recent past Mayor (as the case may be) and the CEO (for the CEO's information only) and provide them with a copy of the application;
- b) notify the Councillor(s) the subject of allegation in the application and provide them with a copy of the application;
- c) request the Councillor(s) the subject of the application to advise whether they will participate in the facilitated discussion within 5 days of receiving the application, noting that, if no advice is received, the Councillor(s) will be taken to have declined;
- d) if the Councillor(s) agree/s to participate in the facilitated discussion:
  - i. the Councillor Conduct Officer will, with the cooperation of the Councillors involved in the application and the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be), arrange a suitable time and place for the facilitated discussion, to be no later than 5 days from the date of the advice provided under paragraph (c);
  - ii. the facilitated discussion must be completed with the Mayor or, if the Mayor is involved in the application, the Deputy Mayor or, if both the Mayor and the Deputy Mayor are involved in the application, the most recent past Mayor (as the case may be) providing a record of the outcome to the Councillors involved in the application and the CEO no later than 5 days after the discussion takes place; and
  - iii. if the facilitated discussion is not complete within 5 days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in a facilitated discussion, unless both Councillors agree to extend the time for completion;
- e) if the facilitated discussion is not completed in accordance with this Part 9.2.1 for whatever reason, or if the facilitated discussion does not resolve the allegation the subjection of the application, the Councillor Conduct Officer will advise the:
  - i. Councillor making the application and ask the Councillor(s) to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase;
  - ii. Councillor the subject of the application; and
  - iii. CEO; and
- f) the Councillor Conduct Officer will make arrangements to close or to escalate the application, as the case may be, according to the advice of the Councillor making the application.

### **10.2.2 Mediation**

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks a mediation, or on escalating an application where a facilitated discussion has not been completed or has not resolved the allegation, the Councillor Conduct Officer will take the following steps:

- a) notify the CEO and provide them with a copy of the application;
- b) notify the Councillor(s) the subject of allegation in the application and provide them with a copy of the application;
- c) request the Councillor(s) the subject of the application to advise whether they will participate in mediation within 5 days of receiving the application, noting that, if no

advice is received, the Councillor(s) will be taken to have declined;

- d) if the Councillor(s) agree/s to participate in mediation:
  - i. the CEO, or a member of Council staff nominated by the CEO for the purpose (the CEO's nominee), will engage a mediator, to be chosen by the CEO (or the CEO's nominee);
  - ii. the CEO (or the CEO's nominee) will, with the cooperation of the Councillors involved in the application, arrange a suitable time and place for the mediation, to be no later than 5 business days from the date of the advice provided under paragraph (c); and
  - iii. if the mediation is not complete within 5 business days of the date nominated for it to take place, the Councillors will be taken as not having agreed to participate in the mediation, unless both Councillors agree to extend the time for completion;
- e) if the mediation resolves the application, the mediator will document the agreement reached by the Councillors involved and provide a copy of the agreement to both Councillors and to the CEO;
- f) if the mediation is not completed in accordance with this Part 9.2.2 for whatever reason, the CEO (or the CEO's nominee) will advise the:
  - i. Councillor making the application and ask the Councillor(s) to advise whether they wish to escalate the matter to another phase of the internal resolution process and, if so, which phase; and
  - ii. Councillor(s) the subject of the application; and
- g) the CEO (or the CEO's nominee) will ask the Councillor Conduct Officer to make arrangements to close or to escalate the application, according to the advice of the Councillor making the application.

### **10.2.3 Internal arbitration**

Misconduct by a Councillor is defined in the Act as any breach by a Councillor of the standards of conduct. A breach may be referred to an arbiter for determination. The process for internal arbitration is prescribed by Part 6 of the Act and r 11 of the Regulations.

Internal arbitration may be commenced either after the first two phases of the internal resolution process prove unsuccessful in resolving the allegation, or as the first step in an application.

On receiving an application from a Councillor which meets the requirements of Part 9.1 of this Code and which seeks an internal arbitration process, or on escalating an application where a facilitated discussion and/or mediation has not been completed or has not resolved the allegation, the Councillor Conduct Officer will:

- a) refer the application to the Principal Councillor Conduct Registrar;
- b) notify the Councillors involved in the application of the referral;
- c) notify the CEO of the referral (for the CEO's information only);
- d) await advice from the Principal Councillor Conduct Registrar about the application; and
- e) take such steps as are necessary to give effect to the Principal Councillor Conduct Registrar's advice, in accordance with any instructions received.

Councillors recognise that an application for internal arbitration for an allegation of a breach of the Standards of Conduct will only be accepted by the Principal Councillor Conduct Registrar, and an arbiter will only be appointed, if the Principal Councillor Conduct Registrar is satisfied that:

- f) the application is not frivolous, vexatious, misconceived or lacking in substance; and
- g) there is sufficient evidence to support an allegation of a breach of the Councillor Code of

### Conduct.

It is for the Councillor or Councillors submitting an application to ensure that the application meets these requirements.

If the Principal Councillor Conduct Registrar is satisfied that an application for internal arbitration should be accepted, the Principal Councillor Conduct Registrar will appoint an arbiter from a panel list compiled by the Secretary to the Department of Jobs, Precincts and Regions.

In conducting an arbitration the arbiter must:

- h) ensure that the parties involved are given an opportunity to be heard;
- i) ensure that a Councillor who is a party does not have a right to representation, unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly;
- j) conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
- k) ensure that the hearing is not open to the public. Additionally, in conducting an arbitration the arbiter:
  - i. may hear each party to the matter in person or solely by written or electronic means of communication;
  - ii. is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit;
  - iii. may at any time discontinue the hearing if the arbiter considers that the:
    - application is vexatious, misconceived, frivolous or lacking in substance; or
    - Councillor making the application, or representing the group of Councillors making the application, has not responded, or has responded inadequately, to a request for further information.

If, at the completion of the internal arbitration process, the arbiter determines that a Councillor has breached the Standards of Conduct, the arbiter may make a finding of misconduct against the Councillor and impose any one or more of the following sanctions:

- l) direct the Councillor to make an apology;
- m) suspend the Councillor from the office of Councillor for a period specified by the arbiter (not exceeding one month);
- n) direct that the Councillor be removed from any position where the Councillor represents Council for a period determined by the arbiter;
- o) direct that the Councillor is removed from being the chair of a delegated committee for a period determined by the arbiter; and/or
- p) direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter must provide a written copy of the arbiter's final and statement of reasons to:

- q) Council;
- r) the applicant(s) and the respondent; and
- s) the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the arbiter's final and statement of reasons are provided. If the arbiter's decision and statement of reasons contain any confidential information, the confidential information must be redacted before it is tabled.

Attachment 13.3.1  
Councillors recognise that a failure to participate in and comply with the internal arbitration

process or a direction given to the Councillor by an arbiter is 'serious misconduct' for the purposes of the Act. Allegations of 'serious misconduct' are heard by a Councillor Conduct Panel.

### **10.3 Responsibility of Councillors**

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It is the responsibility of a Councillor or Councillors submitting an application to prepare the application, including by identifying and collating the evidence which supports it.

While members of Council staff may provide some administrative support, that support will not extend to assisting Councillors with the preparation of the substance of an application.

## **11 ADOPTION OF THIS CODE**

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### **11.1**

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This Code was adopted by a resolution of Council made at the Council meeting held on [ ] with a majority of at least two thirds of all Councillors voting in favour of it.

### **11.2**

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This Code may be reviewed at any time during the Council term.

## **12 DOCUMENTS INCORPORATED BY REFERENCE**

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### **12.1**

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Council may from time to time decide that additional documents should be part of this Code.

### **12.2**

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Documents Incorporated by Reference may be added or removed by Council resolution.

### **12.3**

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Councillors will comply with the policies and protocols included as documents incorporated into this Code by reference.

### **12.4**

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A breach of a document incorporated by Reference may constitute a breach of this Code.

### **Documents Incorporated by Reference**

- 
- Conduct During Elections Policy
- Child Safety and Wellbeing Policy
- Councillor Support Policy
- Fraud and Corruption Control and Framework
- Brimbank Governance Rules
- Information Privacy and Health Records Policy
- Councillor Gift, Benefit and Hospitality Policy
- Racial and Religious Tolerance Act 2001

Attachment 13.3.1

- Public Transparency Policy

Councillor Code Of Conduct

## APPENDIX 1 DECLARATION

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I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

---

I, Councillor \_\_\_\_\_, will abide by this Councillor Code of Conduct.

Signed

Date

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Signed

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Signed

Date

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***INTERNAL USE ONLY***

| <b>Version</b> | <b>Version notes</b>                                              | <b>Adopted</b>      | <b>Next Review</b> |
|----------------|-------------------------------------------------------------------|---------------------|--------------------|
| C              | Adopted as Major Policy<br>Local Government Act 1989<br>Amendment | 19 April 2016       | February 2017      |
| D              | Local Government Act 1989<br>requirement (new Council)            | 14 February<br>2017 | October 2017       |
| E              | Councillor Conduct Panel Direction                                | 16 April 2019       | September 2019     |
| F              | Status as a Major Policy<br>New policy structure                  | February 2020       | February 2021      |
| G              | Review                                                            | 5 February 2024     | February 2026      |
|                |                                                                   |                     |                    |



**Local Government Act 2020 Compliance Statement**

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Section 9(1) of the *Local Government Act 2020* (Act) requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of the Act specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (Compliance with the law);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (Achieve best outcomes for the community);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (Promote the sustainability of the municipality);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (Engage the community in strategic planning and decision making);
- e) Innovation and continuous improvement is to be pursued (Strive for innovation and continuous improvement);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (Collaborate with all other levels of government and government agencies);
- g) The ongoing financial viability of the Council is to be ensured (Secure the ongoing financial viability of Council);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (Strategic planning and decision making must take into account plans and policies in operation at all levels);
- i) The transparency of Council decisions, actions and information is to be ensured (Council decisions, actions and information must be transparent).

## Governance Principles

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In developing the Councillor Code of Conduct ("the Code"), Council has considered and given effect to the overarching governance principles, as summarised below:

| Governance Principle                                               | Considerations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Compliance with the law                                        | All relevant legal requirements have been considered in developing the Code. In particular, and without limitation, the Code complies with the requirements in Part 6 of the Act, the public transparency principles at section 58 of the Act, and the <i>Local Government (Governance and Integrity) Regulations 2020</i> . The Code meets the requirements prescribed in section 139(3) and adopted through a formal resolution of the Council in accordance with section 139(5) of the <i>Local Government Act 2020</i> . |
| (b) Achieve best outcomes for the community                        | The Code ensures ethical behavior and accountability among Councillors. Setting clear standards and expectations promotes transparency and fairness and leads to optimal outcomes for the community                                                                                                                                                                                                                                                                                                                          |
| (c) Promote the sustainability of the municipality                 | By adhering to this Code of Conduct, Councillors contribute to responsible governance, which in turn supports the overall sustainability and well-being of the municipality.                                                                                                                                                                                                                                                                                                                                                 |
| (d) Engage the community in strategic planning and decision making | In developing the Code Council undertook a community consultation process, in accordance with Council's Community Engagement Policy. Council will ensure that the community are consulted in the review of the Code in accordance with the Community Engagement Principles in section 56 of the Act and Council's Community Engagement Policy.                                                                                                                                                                               |

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## Councillor Code Of Conduct

|     |                                                                                               |                                                                                                                                                                                                                                                                                                                       |
|-----|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (e) | Strive for innovation and continuous improvement                                              | Council will review the Code on a no less than biennial basis and pursue innovation and continuous improvement during every review.                                                                                                                                                                                   |
| (f) | Collaborate with all other levels of government and government agencies                       | In developing the Code Council considered the Councillor conduct framework arbitration process outlined <a href="http://www.localgovernment.vic.gov.au">www.localgovernment.vic.gov.au</a> and Codes developed by other Victorian Councils                                                                            |
| (g) | Secure the ongoing financial viability of Council                                             | Not directly applicable for this Code.                                                                                                                                                                                                                                                                                |
| (h) | Strategic planning and decision making must take into account plans and policies in operation | Not directly applicable for this Code.                                                                                                                                                                                                                                                                                |
| (i) | Council decisions, actions and information must be transparent                                | The Councillor Code of Conduct promotes transparency and ethical behavior by setting guidelines to prevent conflicts of interest, ensure accountability, and prioritise the community's best interests. The Code also sets out clear and transparent processes for investigation of breaches of standards of conduct. |



## Brimbank City Council

Telephone 9249 4000

Email [info@brimbank.vic.gov.au](mailto:info@brimbank.vic.gov.au)

Post PO Box 70, Sunshine, VIC 3020

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### Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1300 555 727
- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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# 131 450

Local call costs apply

[www.brimbank.vic.gov.au](http://www.brimbank.vic.gov.au)



# **Councillor Gifts, Benefits and Hospitality Policy**

June 2024

DRAFT

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future.

Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens.

The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

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## 1 POLICY PURPOSE

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This policy is based on principles of integrity, good governance, transparency and accountability and seeks to minimise improper practices and potential conflicts of interest.

The purpose of this policy is to:

- Specify the general obligations for Councillors who are offered Gifts, Benefits, and Hospitality in their role as Councillors, in order to assist Councillors to demonstrate their fair and impartial conduct, and avoid conflicts of interest and/or perceptions of conflicts of interest
- State the requirements and processes to be followed by Councillors when declaring offers of Gifts, Benefits, and Hospitality
- State the requirements in relation to the retention and disposal of Gifts by Councillors
- Specify instances when the giving or receiving of civic Gifts is appropriate
- Specify instances when the giving or receiving of ceremonial Gifts is appropriate
- Outline Council's accountability and reporting framework in relation to the reporting of offers of Gifts, Benefits and Hospitality, and the maintenance of the Gifts Register
- Give effect to the *Local Government (Governance and Integrity) Regulations 2020*, and the Standards of Conduct contained in the Regulations
- Give effect to the Public Transparency Principles in accordance with section 58 of the *Local Government Act 2020*.

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## 2 POLICY SCOPE

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### 2.1 This policy covers

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Any circumstance where Councillors are offered or receive Gifts, Benefits, and Hospitality or give Civic and Ceremonial Gifts in their role as Councillors.

### 2.2 This policy applies to

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The Mayor, Deputy Mayor and Councillors of Brimbank City Council (Council).

### 2.3 This policy does not cover

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Offers or receipt of Gifts, Benefits, and Hospitality or by Council Staff. These circumstances are covered in the Employee Gift, Benefit and Hospitality Policy 2023.

## 3 DEFINITIONS

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For the purposes of this policy, Council adopts the following definitions:

| Term                                                   | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Anonymous Gift</b>                                  | A gift given by an unknown donor. *It is an offence for a Councillor to receive an Anonymous Gift that has a value of or more than the Gift Disclosure Threshold. A breach of these provisions could result in a maximum penalty of 60 penalty units and a requirement to pay the Council an amount equal to the value of the Gift. A Councillor is not in breach of this clause if the Anonymous Gift is disposed of to the Council within 30 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Benefit</b>                                         | Any advantage or profit (whether monetary or otherwise) gained by a person.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Bribe</b>                                           | Money or other inducement to procure an action, decision or preferential treatment. Bribery of a public official is a criminal offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Biannual Personal Interests Return</b>              | The personal interests return that a Councillor submits to the Chief Executive Officer in accordance with section 134 of the <i>Local Government Act 2020</i> and Regulation 9 of the <i>Local Government (Governance and Integrity) Regulations 2020</i> on a biannual basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Declaration of Gift / Benefit/ Hospitality Form</b> | The form containing the details at Appendix A, made available to Councillors in digital form via the Councillor Portal for the purposes of declaring any relevant gift, benefit or hospitality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Demonstrable Benefit</b>                            | <p>An offer of a form of Gift, Benefit or Hospitality that:</p> <ul style="list-style-type: none"> <li>• Has a clear Benefit to the City of Brimbank and its community.</li> <li>• Relates directly to the role of Council or a Councillor of Brimbank (under the <i>Local Government Act 2020</i>).</li> <li>• Has a clear link to achieving Council's key commitments under the current Council Plan.</li> <li>• Contributes to the development and skills of a Councillor, to perform their duties and responsibilities.</li> <li>• Supports the role of a Portfolio Councillor/Representative in developing their knowledge and advocating for Portfolio issues.</li> <li>• Is unlikely to create the impression an attempt is being made to compromise the impartiality of the Councillor in relation to their decision-making (including planning applications, tenders, policy positions, community fund, budget process</li> </ul> |

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  | etc.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Disclosable Gift</b>          | <p>One or more Gifts with a total value of, or more than, \$500 received from a person in the 5 years preceding the decision on the matter:</p> <ol style="list-style-type: none"> <li>if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the Gift was received; or</li> <li>if the Gift was, or Gifts were, or will be, required to be disclosed as an election campaign donation— but does not include the value of any Reasonable Hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</li> </ol> |
| <b>Gift</b>                      | <p>A Gift means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—</p> <ol style="list-style-type: none"> <li>the provision of a service (other than volunteer labour); and</li> <li>the payment of an amount in respect of a guarantee; and</li> <li>the making of a payment or contribution at a fundraising function.</li> </ol> <p>A Gift received by a Councillor from Brimbank City Council is not covered by this Policy, and does not need to be declared. For example, a Civic Gift provided by Brimbank City Council to a Mayor or Councillor at the end of a term does not need to be declared.</p>   |
| <b>Gift Disclosure Threshold</b> | <p>The Gift Disclosure Threshold as defined in section 3(1) of the Local Government Act 2020.</p> <p>*At the time of this review it is \$500 or a higher amount or value prescribed by the Regulations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Hospitality</b>               | <p>Any item or service (e.g. food, drink, transportation or accommodation) provided by a party that is to be consumed at a function (e.g. networking function, conference, speaking engagement), and includes the provision of services associated with the function (e.g. travel).</p> <p>Hospitality does not include items that you or Council have paid for (e.g., tickets to the event, official conference dinner).</p>                                                                                                                                                                                                                                                                                                                    |
| <b>Reasonable Hospitality</b>    | <p>Hospitality that:</p> <ul style="list-style-type: none"> <li>Is received by a Councillor at an event or function, where the Councillor was attending the event or function for an official purpose that is related to their duties as a Councillor and in</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <p>their official capacity as a Councillor; and</p> <ul style="list-style-type: none"> <li>Is reasonable in the circumstances. That is, the Hospitality is of a standard and type that an independent observer would consider appropriate and not excessive, in the circumstances.</li> </ul> <p>Examples of Reasonable Hospitality include:</p> <ul style="list-style-type: none"> <li>A cup of coffee at another organisation's premises;</li> <li>a modest working lunch, such as sandwiches and pastries, at another organisation's premises.</li> </ul> <p>The following are examples of hospitality that are not Reasonable Hospitality, and Councillors are to disclose:</p> <ul style="list-style-type: none"> <li>a 'fine dining and wines' working meal at another organisation's premises;</li> <li>an offer to pay for a working meal at a dining establishment;</li> <li>an offer of a free spot at an industry golf day;</li> <li>where the Hospitality is provided at event or function, the offer of the ticket to the event or function; or</li> <li>functions where alcohol is served.</li> </ul> |
| <b>Token Gift</b> | <p>A Token Gift is a gift that is of very low monetary value. The combined total of offers to a Councillor from that source in the last 12 months must not exceed \$50.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## 4 POLICY STATEMENT

Council's goals for Brimbank are to be an inclusive, liveable and prosperous community and to be an innovative and responsive Council that puts our 'Community First'.

The Local Government Act 2020 (Act) requires Council to adopt a Councillor Gift Policy within regulated timeframes. This policy is also required to comply with the Public Transparency Principles in the Act, and the Brimbank City Council Public Transparency Policy.

Councillors agree to uphold the 'Community First' principle by complying with the applicable legal and regulatory requirements (inclusive of the *Local Government Act 2020*), the Councillor Code of Conduct 2021 (Code) and this Policy. In accordance with the Standards of Conduct in the *Local Government (Governance and Integrity) Regulations 2020*, a 'Councillor must ensure that their behaviour does not bring discredit upon the Council is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity'.

## 5 SPECIFIC REQUIREMENTS

### 5.1 Councillors are to comply with the General Obligations of this Policy:

- 5.1.1** Councillors are to comply with Council's values and behaviours as expressed in the Code. This includes the prescribed Standards of Conduct as incorporated into the Code from the *Local Government (Governance and Integrity) Regulations 2020*.

- **5.1.2:** Councillors are not to accept any offer Gift, Benefit, or Hospitality where the purpose of the offer is to maintain or return a favour. (See Conflicts of Interest)
- **5.1.3:** A Councillor is only to accept an offer of a Gift, Benefit or Hospitality if the Councillor considers that acceptance of the offer would provide a Demonstrable Benefit to Council.
- **5.1.4:** Councillors are to declare all offers of Gifts and Benefits, (including those offers that have been declined, apart from offers of Token Gifts,) in accordance with this Policy (See Definitions and Declaration Processes).
- **5.1.5:** Councillors are to declare all offers of Hospitality (including those offers that have been declined) except Reasonable Hospitality.
- **5.1.6:** Councillors are to immediately report all offers of bribes, cash or inducements to the Police or Independent Broad-Based Anti-Corruption Commission.
- **5.1.7:** Councillors are not to accept Anonymous Gifts over the Gifts Disclosure Threshold. (See Anonymous Gifts).
- **5.1.8:** Councillors are to decline to give or receive Civic and Ceremonial Gifts except in accordance with this Policy.

## **5.2 Declaration of Offers of Gifts, Benefits, and Hospitality**

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- **5.2.1** A Councillor who receives an offer of a Gift, Benefit, or Hospitality (excluding Reasonable Hospitality and an offer of a token gift that the Councillor declined) will complete and submit the Declaration of Gift / Benefit/ Hospitality Form on the Councillor Portal within one calendar week of receiving the offer.
- **5.2.2** A Councillor is to disclose particulars of any Gift, or cumulative Gifts over five years, of or above the Gift Disclosure Threshold received, on their Biannual Personal Interests Return, unless the Gift is from a family member.
- **5.2.3** A Councillor who has a material conflict of interest in a matter based on receipt of a Disclosable Gift, is to comply with the disclosure requirements in the Brimbank Governance Rules 2020 (Governance Rules) with respect to that Conflict of Interest.

**Table 1.** GIFT table with questions for Councillors should they be presented with a gift, benefit or hospitality.

|          |                  |                                                                                                                                                                                                                                                                                                                                      |
|----------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>G</b> | <b>GIVER</b>     | <p><b><i>Who is providing the gift, benefit or hospitality and what is their relationship to me?</i></b></p> <p>Could the person or organisation benefit from a decision I make?</p>                                                                                                                                                 |
| <b>I</b> | <b>INFLUENCE</b> | <p><b><i>Are they seeking to gain an advantage or influence my decisions or actions?</i></b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately?<br/>Is it a courtesy or a token of appreciation or valuable non-token offer?<br/>Does its timing coincide with a decision I am about to make?</p> |
| <b>F</b> | <b>FAVOUR</b>    | <p><b><i>Are they seeking a favour in return for the gift, benefit or hospitality?</i></b></p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>                            |
| <b>T</b> | <b>TRUST</b>     | <p><b><i>Would accepting the gift, benefit or hospitality diminish public trust?</i></b></p> <p>How would the public view acceptance of this gift, benefit or hospitality?<br/>What would my colleagues, family, friends or associates think?</p>                                                                                    |

### 5.3 Civic Gifts

- **5.3.1** The giving of Civic Gifts by Council will be determined in accordance with this Policy. The giving of a Civic Gift by, or on behalf of, Council, should be made in a consistent and equitable manner in order to avoid perceptions of improper relationships, and to ensure the proper use of Council resources.
- **5.3.2** A Councillor proposing to give a Civic Gift will circulate the proposal to all other Councillors.
- **5.3.3** The Mayor will decide whether or not the proposed Civic Gift should be made in accordance with and subject to the limits in the Thresholds for Civic Gifts in Table 2 of this Policy.
- **5.3.4** Upon request by the Mayor, the Chief Executive Officer will make arrangements for the purchase or supply of the civic Gift provided that it is in accordance with and subject to the limits in the Threshold for Civic Gifts at in Table 2 of this Policy. No Council Officer can make arrangements for the purchase or supply of a civic Gift that is outside the Thresholds for Civic Gifts at Table 2 of this Policy.
- **5.3.5** A Councillor will not seek to direct or influence Council officers in the giving of civic Gifts.

**Table 2.** Thresholds for Civic Gifts.

| Recipient                                                                                                        | Type of Civic Gift                                                                                                            |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Mayor – End of Term                                                                                              | Bound Mayoral Album; or Soft cover Mayoral album and framed print to the value of \$200                                       |
| Deputy Mayor - End of Term                                                                                       | Flowers or potted plant up to the value of \$100                                                                              |
| Councillor - End of Term                                                                                         | Framed BCC photo with inscription to the value of approximately \$150                                                         |
| Councillor - End of Year                                                                                         | Soft copy album – The Year That Was (produced in-house)                                                                       |
| Civic Hosting - Guests of the Head of Council or Chief Executive Officer – for example, overseas delegations     | Commemorative Brimbank City Council item (e.g. commemorative plate) value up to \$300 per group                               |
| Hosts of Brimbank Councillors or Council officer delegations (representing Council on official Council business) | Council marketing items as appropriate and available(e.g. boxed Brimbank pen or Brimbank pin)                                 |
| Volunteers who make a significant contribution to a Council-run event/ initiative                                | Certificate                                                                                                                   |
| Civic Award recipients, for example, Australia Day Awards, We are Brimbank Awards                                | Trophy Up to the value of \$150 and flowers up to a value of approximately \$100                                              |
| Civic condolences/congratulations                                                                                | Flowers up to the value of \$100                                                                                              |
| Commemorations for key events, for example, ANZAC Day, Armistice day                                             | One floral wreath per occasion/site to the value of approximately \$300, or such greater value approved by a Director         |
| New Citizens – citizenship ceremonies                                                                            | Sapling tree to the value of approximately \$3 each<br><br>Commemorative Brimbank Coin to the value of approximately \$6 each |

## 5.4 Ceremonial Gifts

- **5.4.1** The giving of Ceremonial Gifts as an official Gift or token of respect or appreciation is a common cultural practice of communities and organisations, both within Australia or internationally.
- **5.4.2** Council may occasionally receive a Ceremonial Gift from an official delegate or representative from another organisation, for the purpose of acknowledging, establishing, and/or strengthening a relationship with Council.

Attachment 15.3.2

- **5.4.3** A Ceremonial Gift is the property of Council, irrespective of value. The Councillor meeting with the official delegate or representative is responsible for providing the ceremonial Gift to a member of the Governance Department, who will arrange for the Gift to be recorded in Council's Civic Collection and arrange for it be stored/displayed, as appropriate.

## 5.5 Anonymous gifts

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Section 137 of the Act states that a Councillor should not accept a gift that exceeds the Gift Disclosure Threshold, unless they know the name and address of the person giving the gift, or if they are given the name and address at the time of the gift and reasonably believe it to be true. If the Councillor does not know the giver's name and address, they are not in breach if they give the gift to the Council within 30 days of receiving it.

## 5.6 Conflicts of Interest

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- **5.5.1** The Act provides that a Councillor has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- **5.5.2** An affected person includes a person from whom the Councillor has received a Disclosable Gift.
- **5.5.3** Each Councillor will:
  - comply with the conflict of interest provisions in the Act, Code and Governance Rules, including, without limitation, the provisions with respect to material conflicts of interest arising out of the receipt of a Disclosable Gift; and
  - review the requirements of the Act to ensure they comply with their personal legal obligation to comply with the requirements of the Act, including the requirements in relation to conflicts of interest in the Act.

# 6 ROLES AND RESPONSIBILITIES

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## 6.1 Councillors

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Councillors are responsible for:

- Complying with the General Obligations in the Councillor Gifts Policy
- Completing a Declaration of Gift / Benefit/ Hospitality Form

## 6.2 Executive Management Team / Audit and Risk Committee / Council

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The Executive Management Team, Audit and Risk Committee and Council are responsible for:

- Quarterly review of Gift Register

## 6.3 Governance

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Governance is responsible for:

- Upon being provided with a completed declaration form, the Governance Department will enter the details in the form into the Councilors' Gifts, Benefits, and Hospitality Register (Gift Register). For avoidance of doubt, all declared offers of Gifts, Benefits and Hospitality will be recorded in the Gift Register.

Attachment 15.3.2



- Reporting the Gift Register to Council's Executive Management Team, and Audit and Risk Committee on a quarterly basis and to Council in the monthly Governance Report.
- Making the Gift Register available upon request to facilitate public awareness of the availability of Council information, in a format that is understandable and accessible to members of the municipal community in accordance with the Public Transparency Policy.

## 7 OWNERSHIP

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**Responsible Director:** Director, People, Partnerships and Performance

**Responsible Officer:** Manager, Governance and Risk

**Directorate:** People, Partnerships and Performance

**Unit:** Governance and Risk

## 8 REVIEW AND COMMUNITY CONSULTATION

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### 8.1 Consultation

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Council will ensure that the community are consulted in the formation and the review of this policy in accordance with the Community Engagement Principles in section 55 of the Local Government Act 2020 and Council's Community Engagement Policy.

### 8.2 Review

---

A review of this Policy will be completed on no less than a biennial basis. More frequent reviews may occur due to changes in the legislative and regulatory framework or on request by Council.

## 9 RELATED POLICIES & LEGISLATION

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- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*
- Council Officer Gifts, Benefits and Hospitality Policy
- Councillor Code of Conduct 2021

## 10 APPROVAL

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**Approved by:**

**Date:**

***INTERNAL USE ONLY***

| <b>Version</b> | <b>Version notes</b>               | <b>Adopted</b> | <b>Next Review</b> |
|----------------|------------------------------------|----------------|--------------------|
| <b>1</b>       | New Policy                         | 10/06/2015     | 10/06/2016         |
| <b>2</b>       | Review                             | 2/11/2016      | 2/11/18            |
| <b>3</b>       | Review (Local Government Act 2020) | 20/04/2021     | 20/04/2023         |
| <b>4</b>       | Review                             | 5/02/2024      | 5/2/2026           |

## **Local Government Act 2020 Compliance Statement**

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Section 9(1) of the *Local Government Act 2020* (Act) requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of the Act specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (Compliance with the law);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (Achieve best outcomes for the community);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (Promote the sustainability of the municipality);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (Engage the community in strategic planning and decision making);
- e) Innovation and continuous improvement is to be pursued (Strive for innovation and continuous improvement);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (Collaborate with all other levels of government and government agencies);
- g) The ongoing financial viability of the Council is to be ensured (Secure the ongoing financial viability of Council);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (Strategic planning and decision making must take into account plans and policies in operation at all levels);
- i) The transparency of Council decisions, actions and information is to be ensured (Council decisions, actions and information must be transparent).

## Governance Principles

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In developing the Councillor Gifts Policy, Council has considered and given effect to the overarching governance principles, as summarised below:

| Governance Principle                                                        | Considerations                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Compliance with the law                                                 | All relevant legal requirements have been considered in developing the Policy. In particular, and without limitation, the Policy complies with the requirements in Part 6 of the Act, the public transparency principles at section 58 of the Act, and the <i>Local Government (Governance and Integrity) Regulations 2020</i> .                    |
| (b) Achieve best outcomes for the community                                 | Refer to the comments under (i) below.                                                                                                                                                                                                                                                                                                              |
| (c) Promote the sustainability of the municipality                          | Refer to the comments under (i) below.                                                                                                                                                                                                                                                                                                              |
| (d) Engage the community in strategic planning and decision making          | In developing the Policy, Council undertook a community consultation process, in accordance with Council's Community Engagement Policy. Council will ensure that the community are consulted in the review of the Policy in accordance with the Community Engagement Principles in section 55 of the Act and Council's Community Engagement Policy. |
| (e) Strive for innovation and continuous improvement                        | Council will review the Policy on a no less than biennial basis, and pursue innovation and continuous improvement during every review.                                                                                                                                                                                                              |
| (f) Collaborate with all other levels of government and government agencies | In developing the Policy, Council considered the Victorian State Government's "Model policies for agencies and boards: Gifts, benefits and hospitality".                                                                                                                                                                                            |
| (g) Secure the ongoing financial viability of Council                       | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                      |

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|                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (h) Strategic planning and decision making must take into account plans and policies in operation | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (i) Council decisions, actions and information must be transparent                                | <p data-bbox="646 398 805 443">The Policy:</p> <ul data-bbox="646 454 1485 741" style="list-style-type: none"><li data-bbox="646 454 1485 629">• relates to the systems and processes by which offers of gifts and hospitality to Councillors are recorded, addressed, and reported to the municipal community, to promote the transparency of Council's decisions, actions, and information;</li><li data-bbox="646 640 1485 741">• has met all of the relevant requirements of transparency within Council's management and decision making processes.</li></ul> |

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## Appendix A - Declaration of Gift / Benefit/ Hospitality Form

|                                                                       |                                                                                                                     |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| What are you declaring?                                               | An offer of:<br><input type="checkbox"/> Gift <input type="checkbox"/> Benefit <input type="checkbox"/> Hospitality |
| Name of Councillor                                                    |                                                                                                                     |
| Name of Offeror                                                       |                                                                                                                     |
| Description of Gift, Benefit, or Hospitality offered.                 |                                                                                                                     |
| Assessment of Demonstrable Benefit to Council (if offer was accepted) |                                                                                                                     |
| Total Value                                                           |                                                                                                                     |
| Date of Offer                                                         |                                                                                                                     |

### Declaration

I declare that:

- The information I have provided in this form, is true and correct.
- I have read and understood the Councillor Gifts Policy.
- I agree that I am aware that in accordance with the Standards of Conduct in the Local Government (Governance and Integrity) Regulations 2020, a 'Councillor must ensure that their behaviour does not bring discredit upon the Council and is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity'.
- I agree that non-compliance with this policy may bring discredit upon the Council and compromise my ability to conscientiously perform the role of a Councillor.
- I agree that I have declared and will continue to declare any Conflict of Interest that may arise in accordance with the Local Government Act 2020.
- I understand that compliance with the Councillor Gifts Policy is my personal responsibility as a Councillor, and acknowledge that it is not the responsibility of any Council Officer to monitor my compliance with this Policy.

Signed Councillor \_\_\_\_\_ Date \_\_\_\_\_



## Brimbank City Council

Telephone 9249 4000

Email [info@brimbank.vic.gov.au](mailto:info@brimbank.vic.gov.au)

Post PO Box 70, Sunshine, VIC 3020

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### Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1300 555 727
- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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# **Live Streaming of Council Meetings Policy**

June 2024

DRAFT

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future.

Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens.

The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

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## 1 POLICY PURPOSE

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Brimbank City Council (Council) is committed to improving community engagement and transparency in Council decision making processes in accordance with the public transparency principles set out in the *Local Government Act 2020* (the Act) and Council's Public Transparency Policy.

It is anticipated that the live streaming of Council Meetings will provide greater flexibility and convenient access for the community to Council's decision-making process. This will be further enhanced by the subsequent publishing of the recordings of meetings on Council's website and/or Council's Social Media Channels.

In addition, Council will comply with the requirements set out in Ministerial Guidelines, Regulations or Act when Council is impacted by health directions or restrictions.

## 2 POLICY SCOPE

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This Policy applies to all Council Meetings as defined by section 61(1) of the Act.

## 3 COUNCIL'S COMMITMENT TO LIVE STREAM

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Council will live stream Council Meetings and publish the recording of the meetings on Council's YouTube and/or Council's Social Media Channels after the meetings, subject to the technical disclaimer in section 7(3) of this Policy.

## 4 SPECIFIC REQUIREMENTS

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### 4.1 Notice of meetings

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Notice of the meeting will be given on Council's website and/or Council's social media channels (Appendix 1) and printed in the agenda of a Council Meeting (Appendix 2). Council's website will also display a Privacy Collection Statement with regards to Council Meetings (Appendix 3).

### 4.2 Signage about live streaming

---

Where a meeting is live streamed and/or recorded, appropriate signage will be placed at the entrance of the meeting location, notifying all attendees that the meeting will be live streamed and/or recorded. Council does not record members of the public during a Council Meeting. Cameras will be positioned so that the public gallery is not visible.

### 4.3 Privacy of members of the public

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Although all care will be taken to maintain the privacy of members of the public, there is a possibility of incidental capture of members of the public during the meeting and Council provides no assurance to people present in the public gallery that their image or voice will not be incidentally live streamed or recorded.

### 4.4 Camera positioning

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Standard camera positioning will provide visual and audio recording of all Councillors present at a meeting in Chamber. The camera will focus on Councillors who are speaking where practicable.

### 4.5 Chair Statement permitting live streaming

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At the commencement of a meeting, the Chair will read a statement (Appendix 4) informing all attendees that the Chair has granted permission for the meeting to be live streamed and/or

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recorded (which may include publishing on Council's website and/or YouTube Channel).

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#### **4.6 Who may operate equipment**

Unless given permission by the Chair, no other person may operate any audio or visual recording equipment at any Council Meeting.

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#### **4.7 Confidential items**

Where Council has designated an item confidential in accordance with section 3(1) of the Act, Council deliberations in regards to that item will be closed to the public and will not be live streamed. If the Chamber is open, the public will be asked to leave the Chamber while the item is considered by Council and will be advised that live streaming of the meeting will be on hold while the item is considered. Once the matter is finalised, the meeting will be reopened to the public and the live stream will continue.

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## **5 LIVE STREAMING OF A COUNCIL MEETING THAT IS OPEN TO THE PUBLIC VIA ELECTRONIC MEANS ONLY**

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### **5.1 Closed meetings**

Section 66 of the Act provides detail about when Council meetings are to be open to the public or when circumstances allow for them to be closed.

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### **5.2 Notice of closed meetings**

Where the Chief Executive Officer has determined that the Council Chamber will be closed to the public for any Council Meeting, they will provide notice on Council's website and Council's social media channels (Appendix 1) and printed in the agenda of a Council Meeting (Appendix 2).

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### **5.3 Confidential items**

Where Council has designated an item confidential in accordance with section 3(1) of the Act, Council deliberations in regard to that item will be closed to the public and will not be live streamed. Members of the public will be advised that the live stream of the meeting will be on hold while the item is considered. Once the matter is finalised, the live stream will continue.

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## **6 RESPONSIBILITIES OF COUNCILLORS AND STAFF**

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### **6.1 Councillors**

When attending a Council Meeting (including by remote attendance), Councillors will act in accordance with the Councillor Code of Conduct and Brimbank Council's Governance Rules and make every effort to avoid statements or actions that may put themselves or Council at legal, financial or reputational risk. Councillors are solely responsible for their own comments made during a Council Meeting.

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### **6.2 Staff**

When attending a Council Meeting (including a meeting considered open to the public by virtue of being live streamed on Council's website), Council staff will act in accordance with the Staff Code of Conduct and Brimbank Council's Governance Rules, and make every effort to avoid statements or actions that may put themselves or Council at legal, financial or reputational risk.

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## **7 USE OF TECHNOLOGY FOR LIVE STREAMING OF MEETINGS**

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### **7.1 Technology determination**

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The Chief Executive Officer will determine what technology will be used to ensure Council complies with this Policy.

### **7.2 Live Streaming and Recording of meetings**

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Council ensure meetings are live streamed unless circumstances specified in section 66 of the Act apply and will exert all reasonable efforts to ensure recordings are published after the meetings in accordance with this Policy. In the event that live streaming and recording of a meeting is unavailable or disrupted, the meeting will not be deferred for that reason, provided public access to the meeting is available. Where public access is not available (for example where a meeting is closed to the public due to disruption from the public gallery) and live streaming and recording is not available, then the meeting may be deferred.

### **7.3 Disclaimer for Potential Technical Issues**

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Council acknowledges that due to potential technical issues, streaming and/or publishing recordings of meetings may not be available, or disrupted or delayed. Council cannot be held responsible or liable for the live stream or a published recording of a meeting being temporarily unavailable, disrupted or delayed due to technical issues beyond Council's control.

### **7.4 Notification and Rectification of Technical Issues**

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If streaming or accessing a recording of a meeting is unavailable, disrupted or delayed, Council will notify the public on its social media channels and/or website, attempt to rectify the issue as soon as possible and inform the public when the issue has been rectified.

### **7.5 Publishing of Meeting Records**

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All reasonable efforts will be made to ensure that a recording of the live stream will be published on Council's website within five business days of the meeting.

### **7.6 Records Management of Council Meetings**

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All recordings of Council Meetings will be maintained in accordance with Council's Records Management Policy and related procedures.

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## **8 NO RELIANCE ON THE LIVE STREAMING OR RECORDING OF COUNCIL MEETINGS**

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### **8.1 Disclaimer of Council Opinions**

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The opinions or statements made during the course of a Council Meeting are those of the particular individuals, and not necessarily the opinions and statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of the meeting.

### **8.2 Limitation of Liability for Council Meeting Material**

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Council does not warrant or represent that the material or statements made during a Council Meeting are complete, reliable, accurate or free from error. Council does not accept any responsibility or liability for any loss, damage, cost or expense that a person might incur as a result of the viewing, using or relying on information or statements provided in the live streaming or recording of a Council Meeting.

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## **9 TRANSCRIBING AND TRANSLATION OF COUNCIL MEETINGS**

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## 9.1 Public Request for Transcribing and Translation

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Members of the public can request the transcribing and translation of the recordings of a Council Meeting to a community language.

## 9.2 Council Arrangement for Transcribing and Translation

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Council will arrange the transcription and/or translation of the recordings of a Council Meeting upon request in accordance Council's Public Transparency Policy.

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# 10 PRIVACY BREACH

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Allegations of privacy breaches resulting from unauthorised access to, or collection, use or disclosure of personal information in live streamed and recorded Council Meetings will be handled in accordance with the *Privacy and Data Protection Act 2014*.

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# 11 COMMUNITY CONSULTATION

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Council will ensure that the community are consulted in the formation and the review of this policy in accordance with the Community Engagement Principles in section 55 of the Act and Council's Community Engagement Policy.

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# 12 REVIEW

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A review of this Policy will be completed on no less than an annual basis. More frequent reviews may occur due to changes in the legislative and regulatory framework or on request by Council.

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# 13 POLICY OWNERSHIP

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**Responsible Director:** Director, People, Partnerships and Performance

**Responsible Officer:** Manager, Governance and Risk

**Directorate:** People, Partnerships and Performance

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# 14 APPROVAL

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**Approved by:**

**Date:**

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# 15 RELATED POLICIES & LEGISLATION

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- Brimbank Governance Rules
- *Privacy and Data Protection Act 2014*

Attachment 13.3.3



## **APPENDIX 1 – NOTICE ON COUNCIL’S WEBSITE AND/OR COUNCIL’S SOCIAL MEDIA CHANNELS**

The following is an example of a notice on Council’s website and/or Council’s social media channels with regards to Council Meetings:

This public meeting will be live streamed and made available on Council’s website and/or Brimbank City Council’s YouTube Channel after the meeting. What you say at this meeting may be streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of public gallery, however, your presence and what you say may be recorded. By remaining in the public gallery it is implied that you give consent to your image and what you say being broadcast and recorded.

Everyone at this meeting is personally responsible for what they say. You may be personally liable at law for what you say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

The opinions or statements made during the course of this meeting are those of the particular individuals, and not necessarily the opinions and statements of Council. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of the meeting.

For further information, please view the Live Streaming of Council Meetings Policy on Council’s website.

## **APPENDIX 2 – AGENDA NOTICE**

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The following is an example of the statement to be included in the agenda of a Council Meeting:

This public meeting will be live streamed and made available on Council's website and/or Brimbank City Council's YouTube Channel after the meeting. What you say at this meeting may be live streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of public gallery, however, your presence and what you say may be live streamed and recorded. By remaining in the public gallery, it is implied that you give consent to your image and what you say being live streamed and recorded.

Everyone at this meeting is personally responsible for what they say here and do here. You may be personally liable at law for what you do and say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

A copy of the Live Streaming of Council Meetings Policy is available on Council's website.

## **APPENDIX 3 – COUNCIL WEBSITE’S PRIVACY COLLECTION STATEMENT**

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The following is an example of the Privacy Collection Statement to be included on Council’s website with regards to Council Meetings:

### Privacy Collection Statement – Live Streaming and Recording of Council Meetings

Brimbank City Council’s Council Meetings are live streamed and made available on the internet via Council’s YouTube Channel after the meeting for the public’s future reference.

The meeting recordings will be retained on Council’s website for no less than five years.

Live streaming allows you to watch and listen to the meeting from any media device with an internet connection in real time, giving you greater access to Council decision-making and debate. Overall, the live streaming of Council Meetings is intended to provide greater flexibility for the community to access Council Meetings.

Every care is taken to maintain privacy and the cameras filming the meeting are focussed on the Mayor and Councillors. Any person who walks behind or in front of a Councillor’s seat may be filmed and recorded in the footage. Comments made by members of the public from the gallery may also be live streamed and recorded.

A copy of the Live Streaming of Council Meetings Policy is available on Council’s website.

## **APPENDIX 4 – CHAIR’S STATEMENT AT MEETING**

The following is an example of the statement to be read by the Chair at the commencement of a Council Meeting:

This public meeting will be live streamed and made available on the internet via Brimbank City Council’s YouTube Channel after the meeting. What you say at this meeting may be live streamed, recorded and published.

All care will be taken to maintain the privacy of members of the public gallery. As a member of the public gallery, your presence and what you say may be live streamed and recorded. By remaining in the public gallery, it is implied that you give consent to your image and what you say being live streamed and recorded.

Everyone at this meeting is personally responsible for what they say here and do here. You may be personally liable at law for what you do and say, including any action brought by another person for a breach of any relevant law including defamation, discrimination and privacy.

A copy of the Live Streaming of Council Meetings Policy is available on Council’s website.

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## LOCAL GOVERNMENT ACT 2020 COMPLIANCE STATEMENT

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Section 9(1) of the Local Government Act 2020 (the Act) requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of the Act specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (Compliance with the law);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (Achieve best outcomes for the community);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (Promote the sustainability of the municipality);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (Engage the community in strategic planning and decision making);
- e) Innovation and continuous improvement is to be pursued (Strive for innovation and continuous improvement);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (Collaborate with all other levels of government and government agencies);
- g) The ongoing financial viability of the Council is to be ensured (Secure the ongoing financial viability of Council);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (Strategic planning and decision making must take into account plans and policies in operation at all levels);
- i) The transparency of Council decisions, actions and information is to be ensured (Council decisions, actions and information must be transparent).

In developing the Live Streaming of Council Meetings Policy, Council has considered and given effect to the overarching governance principles, as summarised below:

|     | Governance Principle                                                                                        | Considerations                                                                                                                                                                                                                                                                                                                                                                                    |
|-----|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Compliance with the law                                                                                     | All relevant legal requirements have been considered in developing the Policy. In particular, and without limitation, the Policy complies with the requirements in Division 2 of Part 3 and Part 6 of <i>the Act</i> .                                                                                                                                                                            |
| (b) | Achieve best outcomes for the community                                                                     | Refer to the comments under (i) below                                                                                                                                                                                                                                                                                                                                                             |
| (c) | Promote the sustainability of the municipality                                                              | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                                                                    |
| (d) | Engage the community in strategic planning and decision making                                              | In developing the Policy, Council undertook a community consultation process, in accordance with Council's Community Engagement Policy. Council will ensure that the community are consulted in the review of the Policy in accordance with the Community Engagement Principles in section 55 of <i>the Act</i> and Council's Community Engagement Policy.                                        |
| (e) | Strive for innovation and continuous improvement                                                            | <p>The Policy sets out requirements and processes for live streaming and publishing recordings of Council Meetings which utilised the modern multimedia technology in providing new access to the community to Council decision making processes.</p> <p>Council will review the Policy on a no less than annual basis, and pursue innovation and continuous improvement during every review.</p> |
| (f) | Collaborate with all other levels of government and government agencies                                     | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                                                                    |
| (g) | Secure the ongoing financial viability of Council                                                           | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                                                                    |
| (h) | Strategic planning and decision making must take into account plans and policies in operation at all levels | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                                                                    |
| (i) | Council decisions, actions and                                                                              | The Policy sets out requirements and                                                                                                                                                                                                                                                                                                                                                              |

information must be transparent

processes for live streaming and publishing recordings of Council Meetings which will provide greater flexibility and convenient access for the community to Council decision making processes without requiring physical attendance.

The live streaming of the meetings is particularly essential to the transparency in Council decision making processes where physical attendance at those meetings is restricted due to COVID-19 pandemic in accordance with the public health directions.

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***INTERNAL USE ONLY***

| <b>Revision</b> | <b>Reason for amendment</b> | <b>Adopted</b> | <b>Next Review</b> |
|-----------------|-----------------------------|----------------|--------------------|
| <b>1</b>        | New policy                  | 16/10/2018     | 16/3/2021          |
| <b>2</b>        | Review after Pilot          | 18/02/2020     | 19/02/2022         |
| <b>3</b>        | Review                      | 21/09/2021     | 21/09/2022         |
| <b>4</b>        | Review                      | 5/02/2024      | 5/02/2026          |





## Brimbank City Council

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- Speak & Listen 1300 555 727
- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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# Public Transparency Policy

June 2024

DRAFT

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future.

Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens.

The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

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## 1 POLICY PURPOSE

Brimbank City Council (Council) is required by section 57 of the *Local Government Act 2020* (the Act) to have a public transparency policy in place.

The purpose of Council's Public Transparency Policy is to promote openness and transparency in Council decision-making and to ensure that the public is well-informed and able to participate in these processes.

Greater transparency in Council's decision-making processes serves several important purposes:

- **Accountability and Trust:** By making information about how Council manages public resources readily available, transparency promotes accountability and fosters public trust.
- **Information and Participation:** Transparency allows residents and stakeholders to stay informed about Council decisions, policies, and projects, empowering them to participate in the decision-making process.
- **Community Engagement and Trust:** By providing more opportunities for residents and stakeholders to engage in discussions, express their opinions, and contribute to local decision-making processes, transparency helps build community engagement and trust.
- **Enhanced Decision Making:** Involving diverse community perspectives in decision making leads to more comprehensive and thoughtful outcomes.
- **Compliance:** Transparency ensures compliance with laws and regulations, reducing the likelihood of legal issues and potential conflicts.

## 2 POLICY SCOPE

### 2.1 This policy applies to

Councillors, including the Mayor and Deputy Mayor, and staff of the Council.

### 2.2 This policy does not cover

Council information that not appropriate to be publicly availability because it is protected by privacy, confidentiality, legal privilege or otherwise contrary to the public interest.

## 3 DEFINITIONS

For the purposes of this policy, Council adopts the following definitions:

| Term                                      | Definition                                                                                                                                   |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Closed Meetings                           | When Council resolves to close the meeting to the general public                                                                             |
| Consultation                              | The process of seeking input on a matter                                                                                                     |
| Public Participation<br>Attachment 13.3.4 | Public participation involves various levels of engagement, including informing the public about government activities, providing timely and |

|              |                                                                                                                                                                                                                      |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | relevant information to facilitate participation, delegating decision-making power to the public, and engaging in community activities that promote the common good.                                                 |
| Stakeholder  | An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes.                                                                                               |
| Transparency | Transparency is the principle of having no hidden agendas or conditions. It involves providing all the necessary information to facilitate collaboration, cooperation, and effective, well-informed decision-making. |

## 4 STATEMENT OF POLICY PRINCIPLES

### 4.1 Public Transparency Principles

The objective of this policy is to give effect to the following Public Transparency Principles outlined in section 58 of the Act —

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.
- b) Council information must be publicly available unless—
  - (i) the information is confidential by virtue of this Act or any other Act; or
  - (ii) public availability of the information would be contrary to the public interest.
- c) Council information must be understandable and accessible to members of the municipal community.
- d) Public awareness of the availability of Council information must be facilitated.

## 5 SPECIFIC REQUIREMENTS

### 5.1 Decision Making at Council Meetings

Council must make decisions in accordance with its obligations under law, rules and adopted policy.

### 5.2 Requirements for Decisions at Council Meetings

Council must ensure that decisions made at Council Meetings are:

- a) Undertaken in accordance with the Act, Regulations and the Governance Rules.
- b) Conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.
- c) Informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- d) Made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered, in accordance with the law.

### 5.3 Records of Council Meetings

Council must display records of its meetings in accordance with its Governance Rules and Live Streaming of Council Meetings Policy. The public will be able to access the minutes and video recording of meetings.

Attachment 13.3.4



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## **5.4 Specifying the legal basis for closed Council Meetings**

---

Where Council closes a meeting to the public, or closes part of a meeting to the public, on the grounds that an item is confidential, it will specify the legal basis upon which the meeting is closed in accordance with the Act. The Minutes will also show the basis on which the meeting is closed.

---

## **5.5 Resolutions at Closed Council Meetings**

---

Decisions made in closed council, depending upon their nature, may then be reported in the minutes at the discretion of Council.

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## **5.6 Publishing agenda prior to Council Meetings**

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Council will publish an agenda prior to the Council meeting, ensuring that the municipality may ask a public question in accordance with its Governance Rules, about items that will be considered at that meeting.

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# **6 COUNCIL INFORMATION**

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## **6.1 Availability**

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Council ensures that information is made available on the Council website, open data, at Council offices, or by request.

---

## **6.2 Accessibility**

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Council seeks to ensure that its communications are able to be understood by the municipality. For this reasons Council Officers are required to draft their reports in plain English and avoid technical language where possible.

---

## **6.3 Inclusivity**

---

Brimbank is an inclusive community and Council will seek to provide information to the community in a way suitable to their needs, this includes translation services and providing information in other forms.

---

## **6.4 Community feedback**

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Council is under statutory obligations to seek community feedback on relevant items. A Community Engagement Policy is also a mandatory requirement for Councils and sets out Council's commitment to letting the Community know about Council's decision making.

---

## **6.5 Publication**

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Council's media team will facilitate the publication of Council Information on its website, social media channels, local newspapers or by public display on Council land.

---

# **7 COUNCIL RECORDS THAT ARE MADE PUBLIC**

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## **7.1 Accessing Council publications**

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Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to Council. These publications can be downloaded from Council's website or by calling Council for a copy. Some of these publications are also available at Council's Libraries.

---

# **8 COUNCIL RECORDS THAT MAY BE AVAILABLE ON REQUEST**

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## 8.1 Accessing information under Freedom of Information

---

Some Council information will not be published but can be requested from Council. It may be required by Council to make a formal Freedom of Information application.

The *Freedom of Information Act 1982* (FOI Act) gives a right of access to documents held by Council. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner.

## 8.2 How Council will respond to requests for information

---

Council will respond to requests for information in accordance with the Act, the FOI Act, and this policy. Consideration will be given to accessibility and cultural requirements under the *Charter of Human Rights and Responsibilities Act 2006*.

## 8.3 Statement of information held by Council

---

A list of available information is provided in the FOI Act Part II Statement (Statement) published on Council's website. This Statement requires government agencies and local councils to publish statements about the type of information they hold to assist members of the public in accessing information.

## 8.4 Council publications generally available

---

The Council will make the following records available on Council's website or upon request:

- Council meeting agendas
- Reporting to Council
- Minutes of Council meetings
- Reporting from Advisory Committees to Council through reporting to Council
- Audit and Risk Committee Performance Reporting
- Terms of reference or charters for Advisory Committees
- Registers of travel undertaken by Councillors or Council Staff
- Registers of Conflicts of Interest disclosed by Councillors or Council Staff
- Submissions made by Council
- Registers of donations and grants made by Council
- Registers of leases entered into by Council, as lessor and lessee
- Register of Delegations
- Register of Authorised officers
- Register of Election campaign donations
- Summary of Personal Interests
- Any other Registers, Policies, Processes or Records required to be made public by legislation.

## 8.5 Other forms of information that may be requested

---

Other forms of information that Council creates that may be available upon request include:

- a) Documents such as:
  - Plans and Reports adopted by Council
  - Policies
  - Project and service plans
  - Grant application, tenders and tender evaluation material

- 
- Service agreements, contracts, leases and licenses
  - Council leases, permits and notices of building and occupancy
  - Relevant technical reports and / or research that informs decision making.
- b) Process information such as:
- Practice notes and operating procedures
  - Application processes for approvals, permits, grants, access to Council services
  - Decision making processes
  - Guidelines and manuals
  - Community engagement processes
  - Complaints handling processes.

If a member of the community is unable to locate the desired information, they can contact Council directly for assistance. It is possible that Council can provide them with the requested information without the need for a formal freedom of information request.

## 9 CONFIDENTIALITY

---

Some Council information may not be made publicly available, this includes information that the Council considers confidential.

“Confidential information” is defined in section 3 of the Act and includes the types of information listed in the following table.

**Table 1. Types of confidential information**

| Type                           | Description                                                                                                                                                                                                            |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council business information   | Information that would prejudice the Council's position in commercial negotiations if prematurely released.                                                                                                            |
| Security information           | Information that is likely to endanger the security of Council property or the safety of any person if released.                                                                                                       |
| Land use planning information  | Information that is likely to encourage speculation in land values if prematurely released.                                                                                                                            |
| Law enforcement information    | Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.                                                  |
| Legal privileged information   | Information to which legal professional privilege or client legal privilege applies.                                                                                                                                   |
| Personal information           | Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.                                                                                   |
| Private commercial information | Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released. |

|                                                                          |                                                                                                                                                                              |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confidential meeting information                                         | Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.                                                    |
| Internal arbitration information                                         | Confidential information relating internal arbitration about an alleged breach of the Councillor code of conduct.                                                            |
| Councillor Conduct Panel confidential information                        | Confidential information relating to a Councillor Conduct Panel matter                                                                                                       |
| Confidential information under the 1989 Act or Local Government Act 2020 | Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> or as defined in the <i>Local Government Act 2020</i> . |

## 10 REVIEW OF DECISIONS ABOUT RELEASE OF INFORMATION

---

If a member of the community disagrees with a decision about the release of information, this should be raised directly with the officer handling the matter at first instance. If this does not resolve the issue, the concern may be reported to the Legal and Privacy Officer.

If the concern remains unresolved the matter may then be raised directly with the Victorian Ombudsman's office on 1800 806 314 or via the website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## 11 ROLES AND RESPONSIBILITIES

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### 11.1 Council

---

Council is responsible for:

- Championing the commitment and principles for public transparency through leadership, modelling practice and decision-making.

### 11.2 Chief Executive Officer

---

The CEO is responsible for:

- Champion behaviours that foster transparency and drive the principles through policy, process and leadership.
- Monitor implementation of this policy.

### 11.3 Executive Management Team

---

The EMT is responsible for:

- Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.

### 11.4 Manager Governance and Risk

---

The Manager Governance and Risk is responsible for:  
Attachment 13.3.4

- 
- Monitoring implementation of this policy and conducting periodic reviews to drive continuous improvement.

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### **11.5 All Staff**

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Public transparency is the responsibility of all employees as appropriate to their role and function.

### **11.6 Chief Executive Officer**

---

The CEO is responsible for:

- Champion behaviours that foster transparency and drive the principles through policy, process and leadership.
- Monitor implementation of this policy.

## **12 NON-COMPLIANCE WITH THIS POLICY**

---

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If the request is not resolved, this can be reported to the Senior Freedom of Information and Privacy Officer.

Unresolved concerns about release of information can then be raised directly with the Office of the Victorian Information Commissioner on 1300 006 842 or by email [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au).

## **13 MONITORING, EVALUATION AND REVIEW**

---

Council commits to monitoring processes to understand the success of implementation of this policy.

A periodic review of this policy will be undertaken in line with Council's Policy Management Framework to ensure any changes required to strengthen or update the policy are made in a timely manner.

## **14 POLICY OWNERSHIP**

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**Responsible Director:** Director, People, Partnerships and Performance

**Responsible Officer:** Manager, Governance and Risk

**Directorate:** People, Partnerships and Performance

**Unit:** Governance and Risk

## **15 APPROVAL**

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**Approved by:**

**Date:**

---

## **16 RELATED POLICIES & LEGISLATION**

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- *Local Government Act 2020*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- Freedom of Information Operational Policy
- Information Privacy and Health Records Policy

***INTERNAL USE ONLY***

| <b>Version</b> | <b>Version notes</b>               | <b>Adopted</b> | <b>Review</b> |
|----------------|------------------------------------|----------------|---------------|
| <b>1</b>       | New Policy                         | 10/06/2015     | 10/06/2016    |
| <b>2</b>       | Review                             | 2/11/2016      | 2/11/18       |
| <b>3</b>       | Review (Local Government Act 2020) | 20/04/2021     | 20/04/2023    |
| <b>4</b>       | Review                             | 5/02/2024      | 5/2/2026      |
| <b>5</b>       |                                    |                |               |

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## Local Government Act 2020 Compliance Statement

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Section 9(1) of the *Local Government Act 2020* (the Act) requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of the Act specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law **(Compliance with the law);**
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations **(Achieve best outcomes for the community);**
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted **(Promote the sustainability of the municipality);**
- d) The municipal community is to be engaged in strategic planning and strategic decision making **(Engage the community in strategic planning and decision making);**
- e) Innovation and continuous improvement is to be pursued **(Strive for innovation and continuous improvement);**
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought **(Collaborate with all other levels of government and government agencies);**
- g) The ongoing financial viability of the Council is to be ensured **(Secure the ongoing financial viability of Council);**
- h) Regional, state and national plans and policies are to be taken into to account in strategic planning and decision making **(Strategic planning and decision making must take into account plans and policies in operation at all levels);**
- i) The transparency of Council decisions, actions and information is to be ensured **(Council decisions, actions and information must be transparent).**



In developing the Public Transparency Policy, Council has considered and given effect to the overarching governance principles, as summarised below:

| Governance Principle                                                                              | Considerations                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Compliance with the law                                                                       | All relevant legal requirements have been considered in developing the Policy. In particular, and without limitation, the Policy complies with the requirements in Part 6 of the Act, the public transparency principles at section 58 of the Act, and the <i>Local Government (Governance and Integrity) Regulations 2020</i> .                    |
| (b) Achieve best outcomes for the community                                                       | The Policy achieves better outcomes by promoting accountability and openness and allowing the community to have access information and opportunities to provide feedback and participate in decision-making.                                                                                                                                        |
| (c) Promote the sustainability of the municipality                                                | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                      |
| (d) Engage the community in strategic planning and decision making                                | In developing the Policy, Council undertook a community consultation process, in accordance with Council's Community Engagement Policy. Council will ensure that the community are consulted in the review of the Policy in accordance with the Community Engagement Principles in section 55 of the Act and Council's Community Engagement Policy. |
| (e) Strive for innovation and continuous improvement                                              | Council will review the Policy on a no less than biennial basis, and pursue innovation and continuous improvement during every review.                                                                                                                                                                                                              |
| (f) Collaborate with all other levels of government and government agencies                       | In developing the Policy, Council considered the Office of the Victorian Information Commissioner's <i>Framework for Releasing Council Information Proactively and informally under the Local Government Act 2020 (Vic) and the Freedom of Information Act 1982 (Vic)</i> .                                                                         |
| (g) Secure the ongoing financial viability of Council                                             | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                      |
| (h) Strategic planning and decision making must take into account plans and policies in operation | Not applicable for the Policy.                                                                                                                                                                                                                                                                                                                      |
| (i) Council decisions, actions and information must be transparent                                | The purpose and intent of this Policy is to promote openness and transparency.                                                                                                                                                                                                                                                                      |

## Brimbank City Council

Telephone 9249 4000

Email [info@brimbank.vic.gov.au](mailto:info@brimbank.vic.gov.au)

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- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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# Councillor Support Policy

June 2024

DRAFT

Council respectfully acknowledges and recognises Wurundjeri and Bunurong peoples as the Traditional Custodians of this land and pays respect to their Elders past, present and future.

Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens.

The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

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# 1. SCOPE AND PRINCIPLES

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## 1.1 Purpose

---

Significant demands and expectations are placed on the Mayor and Councillors of Brimbank City Council (Council) in carrying out their civic and statutory functions. This policy provides an overview of how the Council can provide assistance and support to the Mayor and Councillors when conducting council business. The policy recognises the support Councillors require to serve, engage and act in the best interests of the community.

The allowance paid to Councillors is set by the State Government. The current allowance rates can be found at [www.vic.gov.au/allowances-mayors-deputy-mayors-and-councillors](http://www.vic.gov.au/allowances-mayors-deputy-mayors-and-councillors). Section 42 of Local Government Act 2020 (the Act) requires a Council to make available minimum resources and facilities for the Mayor and Councillors.

Councillors and members of delegated committees are entitled, under section 40 and 41 of the Act, to reimbursement of bona fide expenses reasonably incurred in the performance of their duties. This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act's principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the council.

The cost of allowances and reimbursed expenses paid to Councillors, together with the costs of related services and resources, are managed as part of Council's annual budget process and publicly reported in compliance with the Act and this Policy.

Councillors should put in place processes for documenting their claimable expenses. They should also seek their own financial and taxation advice.

## 1.2 Scope

---

The Councillor Support Policy (Policy) supports, and is incorporated by reference in, the Councillor Code of Conduct (Code). This Policy applies to a Councillor of Council. For the purposes of this Policy, the term 'Councillors' includes the Mayor, the Deputy Mayor and all other Councillors of Council.

This policy should be read in conjunction with the current version of the Conduct During Election Period Policy.

## 1.3 Principles

---

The general principles underpinning the Policy are:

1. Councillor support expenses are those bona fide costs necessarily incurred by Councillors (out-of-pocket) or on behalf of Councillors, in conducting their official Council duties.
2. 'Official Council duties' are defined as a Councillor attending:
  - Ordinary and Special Council Meetings or Committees of Council
  - Formal briefing sessions and planning forums
  - Civic or ceremonial functions convened by the Council or presided over by the Mayor

- Meetings scheduled by the Council or the Mayor
  - A meeting, function or other official role as a representative of the Council or Mayor, including meetings with residents and constituents
  - Meetings of advisory or external committees, community groups, organisations and statutory authorities to which the Councillor has been appointed the Council delegate/representative
  - Conferences, study tours/official visits (domestic and overseas), seminars and training sessions as a Councillor where attendance has been approved by Council or in accordance with this Policy. This includes travel to and from air, rail or other transport when embarking on interstate or international Council business.
3. The services and facilities provided are for use while conducting Council related business.
  4. When claiming out-of-pocket expenses, tax receipts or supporting documentation must be provided to support claims.
  5. Any costs incurred by a Councillor which are not covered specifically within the Policy will not be met, unless the Councillor has received prior authorisation from the Council or, by delegation, from the Chief Executive Officer.
  6. Remuneration or fees offered to Councillors for participation in external activities in the capacity of Councillor should be paid to Council. This includes fees for presentations delivered at conferences and seminars. It also includes fees for positions on external boards, committees and organisations received by virtue of direct appointment by resolution of Council – excepting MAV, VLGA, and the Metro Waste Board. In circumstances where fees are offered for positions gained through a separate election or selection process conducted by an external organisation, a Councillor may retain the fees.

## **1.4 Policy Statement on Reporting Councillor Support Expenses**

As part of Council's commitment to open and transparent activities and in accordance with the Act and the Public Transparency Policy, details of support expenses incurred by the Mayor and Councillors are subject to regular reporting.

Councillor expenses are reconciled and reported to Council's Audit and Risk Committee on a bi-annual basis and are made public via Council's website.

### **1.4.1 Councillor Expense Reports**

Councillors will be provided with bi-annual reports on expenses that they have claimed which have been accepted by Council as directly attributable to their role as Councillor.

Councillors will generally be provided 3-5 days to review a report and seek clarification from Council where required, prior to the issuing of the Council Meeting agenda.

Councillors shall be given an opportunity to reimburse Council for any expenditure incurred on non-Council related business. Where a Councillor chooses to reimburse Council, reimbursement should occur by the end of the month of which the expense was incurred.

### **1.4.2 Publication of expenses**

Councillor expenses will be presented to a Council Meeting on a bi-annual basis, and published on the Council website for the term of the Council. Expenses incurred as part of

Attachment 13.3.5

interstate and international travel on behalf of Council will be recorded in the travel register.

### **1.4.3 Payment of Allowances**

Section 39 of the Act provides for payment of annual allowances to the Mayor and Councillors, in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (section 23(a)); a Council must review and set the allowance amount within the category range within six (6) months of a general election.

Councillors will also be paid an amount equivalent to the superannuation guarantee, as published by the Minister for Local Government. In accordance with section 39 (5) of the Act, the Mayor and Councillors may elect to:

- (a) receive the entire allowance to which they are entitled; or
- (b) receive a specified part of the allowance to which they are entitled; or
- (c) receive no allowance.

Council must review and set the allowance amount for the Mayor and Councillors, in accordance with the Act. Allowances are taxable income. Any personal taxation implications are the responsibility of the Councillor.

## **2. PROFESSIONAL DEVELOPMENT**

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### **2.1 Professional Development – Conferences, Courses and Training**

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Councillors have the opportunity to participate in professional development opportunities that will increase their skills and knowledge relevant to their duties of office, and improve their effective community representation and advocacy, especially in relation to their Portfolio responsibilities.

Professional development may include conferences, courses, and training - generally a one-off, occasional or short-term nature, and supported by a program, course material or invitation by organisers.

Council is required to make available for public inspection all details of overseas or interstate travel undertaken in an official capacity by Councillors (with the exception of interstate travel by land for less than 3 days), including name, dates, destination, purpose and total cost (including accommodation) to Council of the travel.

#### **2.1.1 Induction**

Councillors will be supported in their role through the provision of a comprehensive induction program arranged by the Chief Executive Officer. Section 32 of the Act requires a Councillor to complete induction training within 6 months after the day the Councillor takes the oath or affirmation of office.

#### **2.1.2 Ongoing Development**

Councillors can seek assistance from the Chief Executive Officer or delegate to analyse their particular requirements and identify appropriate professional development to meet their needs. The CEO/ Director will provide a response to the initial request within 14



business days, which may include a meeting to discuss individual needs.

Councillors may attend professional development opportunities that:

- Relate directly to the duties and responsibilities of the Councillor
- Relate to a Councillor's portfolio responsibilities
- Are organised by a Local Government peak body/association - MAV, VLGA, ALGA, ALGWA, etc.
- Are a governance and leadership course approved by the Chief Executive Officer, such as the Australian Institute of Company Directors (AICD) course
- All Councillors must undertake mid-term refresher training on Governance, Leadership and Integrity as approved by the Chief Executive Officer or in accordance with the Act or Regulations
- Are specific needs-based training approved by the Chief Executive Officer, including media, chairing, public speaking and social media use; and
- have 'demonstrable benefit' for the City of Brimbank:

#### 2.1.2.1 Definition of Demonstrable Benefit

- (a) Clearly apparent benefit to the City of Brimbank and its community
- (b) Relates directly to the role of Council or a Councillor of Brimbank (under the Local Government Act)
- (c) Clear link to achieving Council's key commitments under the current Council Plan
- (d) Contributes to the development and skills of a Councillor, to perform their duties and responsibilities
- (e) Relevant to Portfolio/Advisory Committee responsibilities and supports the role of a Portfolio Councillor/ Representative in developing their knowledge and advocating for Portfolio issues
- (f) Unlikely to create the impression an attempt is being made to compromise the impartiality of the Councillor in relation to their decision-making (including planning applications, tenders, policy positions, community fund, budget process etc.)

*Reasonable person test:* If, before you became a Councillor, you read about this expense/attendance by a Councillor, would you think it was reasonable?

#### 2.1.2.2 Courses Nearing End of Council Term

Any professional development courses undertaken by a Councillor should provide a demonstrable benefit to the Brimbank community. To reflect this commitment, all courses must be completed at least three months prior to the commencement of the election period for a general municipal election. For higher investment courses (more than \$5,000), such as AICD, to ensure benefit to the community, Councillors will only be able to undertake these courses in the first three years of the Council term.

### **2.1.3 Support Expenses Covered**

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Council will pay the following expenses for Councillor attendance at professional development opportunities:

- Registration
- All meals for the duration of the Conference/Course within reasonable limits
- Payment for the conference dinner.
- Accommodation that is booked through Councillor Support team from the day prior to commencement of the conference/course and ending on the day where official sessions conclude, where the conference/course is held outside of metropolitan Melbourne.
- Wi-Fi costs
- Transportation to and from the conference/course that is related to the duties of office will be booked by Councillor Support. Transportation during the conference/course related to the duties of office may be booked by Councillor Support or reimbursed to the Councillor upon completion of a claim form with receipts attached. As appropriate, transport arranged will be by:
  - Aircraft – Economy Class (unless travel by business class is resolved by Council prior to travel)
  - Taxi
  - Private/Council vehicle (including car parking)
  - Train/bus – economy class
  - Hire car – up to standard 6 cylinder.
- Return transport will be covered, including if a Councillor stays for additional days at their own cost.

Council will not pay the following expenses for Councillor attendance at professional development opportunities:

- Any additional accommodation costs incurred as a result of the attendance of partners, children or other guests.
- Any additional meal costs incurred as a result of the attendance of partners, children or other guests.
- Charges for alcohol not consumed during a conference/course dinner where the ticket covers that cost.
- Minibar (excepting bottled water) and room phone charges will not be covered.

#### **2.1.4 Attending conferences and seminars**

Conferences and seminars are organised by local government related organisations, professional bodies and private sector providers on issues and events which impact on the role of Councillors and the City of Brimbank in general.

Requests for attendance at interstate or international conferences and events must be made in line with the interstate and international travel approval processes outlined in section 4.

##### 2.1.4.1 Accompanying partners/guests

A partner or guest may accompany a Councillor to conferences, and conference-related events and functions. Events and functions will generally involve luncheons and evening activities and be of a nature where other attendees will be accompanied by partners. In situations where a Councillor wishes to invite one guest to a function or event, the cost and arrangements will be covered by Council and reported as a Councillor expense (within the Councillor's personal development budget). Additional guests to a function or event, costs and arrangements will be paid by the Councillor (as a personal cost).

If a partner, spouse, companion or children wishes to accompany a Councillor in a private capacity, such accommodation is able to be booked through Councillor Support. Any additional costs incurred by the person accompanying the Councillor in a private capacity, including meals or additional accommodation, will not be funded by Council.

It is the responsibility of the Councillor to reimburse all private or personal costs to Council, within three months of the cost being invoiced. Failure to reimburse Council within this period will be considered a breach of the Code and will be reported in accordance with the Act.

#### 2.1.4.2 Presenter at a conference

Councillors may receive invitations to speak at a conference in their capacity as a Councillor. In some cases, conference organisers may waive or cover registration fees for participation. This would be considered a gift or hospitality benefit, and appropriate reporting in line with this Policy and the Councillor Gifts, Benefits and Hospitality Policy will be required. The invitation to speak can only be accepted if it is in relation to primacy of the Mayor, then Deputy Mayor, and then Portfolio Councillor.

### **2.1.5 Planning sessions and workshops**

Councillors will participate in Council planning and development sessions and workshops organised through the Chief Executive Officer. The costs of these sessions, and any associated accommodation, meals, and travel, will be paid for by Council.

### **2.1.6 Training courses and seminars**

The Council strongly supports the enhancement of skills required by Councillors to assist in carrying out their role. This includes participating in a range of one-off or short-term training courses, seminars and activities in a variety of areas of professional and personal development. These may be provided internally or by professional bodies, private organisations and educational institutions.

Councillors wishing to undertake any training courses offered outside Victoria need to seek travel approval in accordance with requirements set out in section 4.

Professional or personal development needs which require or involve on-going, longer-term support, guidance or mentoring should first be discussed with the Chief Executive Officer or delegate who will assist Councillors in line with an agreed framework and process, including in accordance with 2.1.2.2. The Chief Executive Officer will inform all Councillors of implemented arrangements. Reporting will be in line with this Policy and the Public Transparency Policy

### **2.1.7 Memberships and subscriptions**

Council will reimburse Councillors or directly pay membership and subscription fees to bodies and organisations whose activities are relevant to the role of Councillors. In seeking

membership or subscription, the Councillor will identify the link to Council business and how membership will assist in development or fulfilment of their role. Appropriateness will be determined by the CEO or delegate.

### **2.1.8 Requirements and Limits**

A Councillor will discuss their desire to attend any interstate or overseas professional development with the Mayor and Chief Executive Officer, prior to any arrangements being made.

All overseas travel by a Councillor will require approval by resolution of Council at a meeting open to the public.

The total maximum annual expenditure for attendance at professional development opportunities, directly related to the Councillor role, is \$7,000 (plus GST) per annum for Councillor, and \$12,000 (plus GST) per annum for Mayor. Subject to budget funding, Councillors may exceed this annual limit to participate in the Australian Institute of Company Directors Course and other professional development opportunities if they are considered appropriate and received approval by the CEO. This expenditure includes registration, accommodation, and related travel and incidental expenses.

All registration, travel and accommodation arrangements and payment of costs will be organised by Councillor Support. Councillors will provide Councillor Support with a reconciliation (including receipts) of all expenditure incurred within 10 business days of return, for the statutory registers to be updated.

### **2.1.9 Accountability**

Within two weeks of return from any interstate or overseas professional development opportunity, the Councillor will provide a written delegate's report for inclusion at the next practicable Ordinary Council Meeting.

Councillors undertaking higher investment courses such as AICD, will be required to sit the accreditation.

A Councillor who does not complete the accreditation will be required to refund the Council, unless exceptional circumstances exist as assessed by the Chief Executive Officer.

Training organised for all Councillors as part of the induction program or in-house development program, will not be required to be reported as part of expense reports.

All other professional development opportunities costs will be publically reported, in accordance with this Policy.

## **3. CIVIL REPRESENTATION & ENGAGEMENT**

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### **3.1 Events and Functions**

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Attendance at local events and functions is a key part of a Councillor's representative role. Councillors will carefully consider if their attendance at an event or function truly relates to the duties of office, and whether community resources should be used to pay for their attendance.

Councillors are required to declare and avoid Conflicts of Interest and Misuse of Position in accordance with the Act, Governance Rules and the Councillor Code of Conduct.

Councillors will avoid conflicts of interest (or perceptions of) that may arise as a result of their attendance at events and functions, including the applicable gifts threshold.

Hospitality is a gift where a Councillor attends an event or function:

- From free tickets the Councillor received and they have no official duties to perform.
- With free membership.
- Where the hospitality is generous.
- Examples of hospitality that is not reasonable include:
  - serving of alcohol under any circumstances;
  - a 'fine dining' working meal at another organisation's premises or venue booked or hired by another organisation; or
- a free spot at an industry sports day.

Councillors will act in accordance with the Act, this Policy and the Councillor Gifts, Benefits and Hospitality Policy.

### **3.1.1 Events covered**

If invited, Councillors will be supported to attend paid/non-paid events that:

- Are Council-organised or Council-sponsored
- Are held by councils, groups or organisations in the City of Brimbank or the Metropolitan Region and have a 'demonstrable benefit' to the local community, as defined at section 2.1.2.1
- Melbourne-based events hosted by key community partners/stakeholder organisations, departments or agencies, where an official invitation is received and the Councillor has been invited in an official capacity and attendance has been approved by resolution of Council or the Chief Executive Officer.
- Are not conflicting with any Council policies or resolutions, for example, gambling, and attendance can reasonably be seen to support the achievement of Council's objectives.
- Are a ticketed event for Councillors invited by written invitation to attend local fundraiser/charitable events, where event benefits the City of Brimbank directly.
- The cost of a Councillor's partner or guest will be covered by Council. The ticket may constitute an applicable gift under The Act for the Councillor if accepted free of charge.

The Chief Executive Officer, in consultation with the Mayor, will determine appropriate events for Council to purchase 'a table', if invited to do so. In principle, a table should be purchased only if 50 per cent or more of Councillors are able to attend.

### **3.1.2 Requirements**

All event registration/ticket and payment for Councillors will be organised by Councillor Support. Council will only cover the cost of the ticket price, and any incidental expenses relating to transport, car parking or family care will be claimed as per section 10.2 Reimbursement.

### **3.1.3 Civic hosting**

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All formal civic hosting, for example, Council hosting a visiting delegation, will be by approval by Council resolution. The resolution will include the benefit to the City of Brimbank in providing the hosting function. Where insufficient notice is provided for Council to consider hosting a delegation, the Chief Executive Officer will determine whether the visit is to be approved, in accordance with this Policy, and the Councillor Declaration of Gift, Benefits and Hospitality Form.

All approved civic hosting arrangements will be organised and paid for by Councillor Support, as approved by the Chief Executive Officer.

## **3.2 Community Engagement**

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### **3.2.1 Online Engagement**

Each Councillor will be provided with a web page on Council's website – containing their official headshot photo, contact details, ward map, representation on committees, and ward meeting details. These will be discontinued or amended to include only minor details during an election period.

### **3.2.2 In-person Engagement**

Support will be provided to Councillors to participate in Councillor engagement in accordance with the Community Engagement Policy. Councillors may undertake their own community engagement activities at their own expense or seek the approval of the Chief Executive Officer.

## **4. TRAVEL AND TRANSPORT**

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### **4.1 Local travel**

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Councillors and members of delegated committees are entitled, under section 40 of the Act, to reimbursement of bona fide expenses reasonably incurred in the performance of their duties.

The following support is provided to assist Councillors and members of delegated committees with local travel costs when conducting Council business. Councillors and members of delegated committees are encouraged to consider the most environmentally friendly modes of transport and should take into account the circumstances of a particular situation including weather, time of day and distance.

Where possible, all travel should be by most direct route, and carpooling is encouraged (where it is safe to do so) and where more than one Councillor attends the same event or meeting

#### **4.1.1 Car parking fees and permits**

On and off-street car parking fees may be reimbursed and claims should be accompanied by details stating the nature of Council business and date and time of activity.

#### **4.1.2 Public transport**

Councillors shall have access to a Council supplied Myki card, via request to Councillor Support team, to enable travel on trains, trams, buses and light rail journeys within and outside the municipality. Any personal use will need to be reimbursed to Council.

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Councillors can submit a claim for specific trips undertaken on Council business. Details stating the nature of Council business and date and time of activity to be provided to Councillor Support for maintaining in a register and for expense reporting purposes.

#### **4.1.3 Use of taxis/Uber**

Cab-charge Cards issued to Councillors may be used for taxi services for Council business. Cab-charge Cards are to be used by the cardholder only and must not be provided to any other individual for use, or used for personal business.

Councillors should retain which will assist in the verification of nature of Council business, date, time and cost of transactions. To assist the process, transaction statements will be issued to Councillors. Councillors who incur taxis costs without use of a Cab-charge card can make a claim for reimbursement.

Councillors and members of delegated committees are able use Uber – or an equivalent registered service - for travel in relation to Councillor duties. Costs will be reimbursed and claims should be accompanied by a tax receipt and claim form stating the nature of Council business and date and time of activity.

Details of all services detailed above are to be provided to Councillor Support for reimbursement and expense and reporting purposes.

#### **4.1.4 Use of car share schemes/hire cars**

Councillors wishing to use a car share scheme will be responsible for managing the booking and logistics. Council will not be able to pay or reimburse annual subscription or registration fees for car share schemes. Councillors will be reimbursed for use of car share schemes where the expense was incurred undertaking Council business.

Councillors will comply with all parking restrictions and Road Rules, and will be personally liable for any damage, or infringement penalties received.

#### **4.1.5 Use of private vehicles**

Councillors and members of delegated committees are able to claim costs relating to use of a private vehicle based on the following allowance rates may be claimed in accordance with the rates as determined by the Australian Taxation Office.

A record of private vehicle use must be maintained by the Councillor and shall contain details of Council business, date, destination and number of kilometres and any tolls.

Councillors and members of delegated committees will comply with all parking restrictions and road rules, and will be personally liable for any infringement penalties incurred. Councillors will also be required to have current registration and minimum third party insurance in place. Separate reimbursement for insurance is not able to be claimed, as it is covered in the allowance rates above.

#### **4.1.6 Tolls**

Councillors and members of delegated committees may incur tolls including those associated with the use of *CityLink* while conducting Council business. Councillors may seek reimbursement of costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts.

Council supplied e-tags will be provided for the Council fleet vehicle issued to the Mayor.

#### **4.1.7 Council fleet vehicles**

#### 4.1.7.1 Mayoral vehicle

To assist in meeting the demands and expectations placed on the Mayor, a Council fleet vehicle shall be provided for use by the Mayor during their term. This will include all associated costs including servicing, fuel and insurance.

The type of vehicle provided to the Mayor shall comply with the fleet policy. The vehicle will be traded in accordance with the vehicle replacement policy, unless otherwise authorised by the Chief Executive Officer.

The Mayor may also opt for a bicycle instead of a motor vehicle, for use during their term. The Mayor will be required to undertake appropriate safety training prior to initial use.

The Mayor will use the vehicle primarily to carry out their duties of office, and may also use the vehicle for reasonable private use. The Mayor should ensure they seek appropriate financial advice from an expert in relation to their tax position if they choose to use a Council fleet vehicle. Requests related to support for disability - or family care-related requirements to the vehicle, such as the provision of child seats, can be made through the Chief Executive Officer.

The Mayor will comply with all parking restrictions and road rules, and will be personally liable for any infringement penalties received.

If the Mayor does not require a Council vehicle, and chooses to use their private vehicle/s to carry out their duties of office, an allowance in accordance with 4.1.5 applies.

#### 4.1.7.2 Councillor access to fleet vehicles

When available and practicable, and by prior arrangement through Councillor Support, a Council fleet vehicle may be made available to a Councillor for travel outside the municipality, where use of private vehicle or other means of transport is not possible or is cost prohibitive.

Councillors will fill be responsible for filling out the logbook in a fleet vehicle. Councillors will comply with all parking restrictions and Road Rules, and will be personally liable for any infringement penalties received.

#### **4.1.8 Accommodation and incidentals**

When travelling on Council business in outer metropolitan Melbourne and regional Victoria, Councillors may require accommodation. Councillors can stay in reasonable accommodation appropriate to the area travelled to and the nature of the visit.

Bookings for accommodation should be made through Councillor Support team. Prior to making the booking, the authorisation of the Chief Executive Officer or delegate must be obtained. All reasonable sustenance and incidental costs associated with outer metropolitan Melbourne and regional Victoria travel will be met by Council. If travel includes attendance by a partner, spouse, companion or children, Council will only cover expenses in accordance with Section 2 of this Policy.

## **4.2 Interstate and International Travel**

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As part of their duties, the Mayor, Deputy Mayor and Councillors may be required to undertake interstate and international travel on behalf of Council. Representation of Council at national/international levels can be an important part of developing, communicating and



implementing Council policy and includes:

- Travel to investigate issues, projects or activities of relevance to actions contained in the Council Plan and other policies and programs including those relating to portfolio responsibilities.
- Attendance at conferences, workshops and forums as either a presenter or a delegate on topics relating to Council's policies, aims and projects or on areas of professional development for Councillors.

Where a request is initiated by Councillor and approved by the Chief Executive Officer for travel that includes attendance by a Councillors partner, spouse, companion or children scheduling will be processed in conjunction with the Councillors bookings for each additional attendee by the Councillor Support team. A Council tax invoice will be raised to the Councillor for the full cost incurred excluding any expense for Councillor duties, with payment required by Councillor in full within three month of the invoice date by Council. Additional expenses will be paid in accordance with Section 2 of this Policy. Failure to reimburse Council within this period will be considered a breach of the Code and will be reported in accordance with the Act.

#### **4.2.1 Authorisation and reporting framework**

##### 4.2.1.1 Proposal to travel by Mayor, Deputy Mayor and Councillors

All proposals relating to international travel by the Mayor, Deputy Mayor and Councillors requires the approval by resolution of Council. Such proposals should be presented in a report by the relevant Director or Manager, including identification of how the proposal will underpin or support Council's Council Plan actions, key strategies or Portfolio responsibilities, and the costs of the proposal.

Interstate travel does not require approval by Council. Financial thresholds and requirements as per section 2.1.4 apply. A Councillor must report interstate and international travel to Council in accordance with this Policy, including a conference/post travel report, and a briefing to Councillor colleagues.

##### 4.2.1.2 Leveraging opportunities – additional stakeholder meetings

If a Councillor wishes to include additional meetings relating to their Councillor duties on either side of a conference or professional development opportunity, they must request this in writing to the Mayor and Chief Executive Officer. If determined to be appropriate, the meeting/s will be organised by the relevant Director. Approval to represent Council will be required regardless of whether an expense is incurred.

##### 4.2.1.3 Undertaking Council business while on private travel

If the Mayor, Deputy Mayor or Councillor proposes to officially represent the Council while on private interstate or overseas travel, authorisation should be sought in line with approval processes and requirements outlined above in 4.2.1.2. Approval to represent Council is required regardless of whether or not expenses will be incurred.

##### 4.2.1.4 Partner/companion travel

The cost of a partner, spouse, companion or children accompanying a Councillor on a business trip is the financial responsibility of the Councillor for payment (as a personal cost). If a partner, spouse, companion or children wishes to accompany a Councillor in a private capacity, such travel is able to be booked through Councillor Support. Any costs incurred by the person accompanying the Councillor in a private

capacity will not be funded by Council. It is the responsibility of the Councillor to reimburse all private or personal costs to Council, within three months of the cost being invoiced. Failure to reimburse Council within this period will be considered a breach of the Code.

#### 4.2.1.5 Non-Council funded travel

Offers of sponsored travel from international organisations, foreign governments, educational institutions and industry bodies can be considered provided that:

- The offer of travel is not made in exchange for, nor with an expectation of, the granting of favourable treatment
- The acceptance of the offer does not give rise to an actual or perceived conflict of interest

Care must be taken to ensure that there is no conflict of interest in such situations with Councillors being seen to use the status of their office to advance the interests of other organisations or interest groups.

Overseas or interstate visits in relation to invitations from inter-governmental, official agencies, governments or private organisations (where all or part of the costs are to be met by the Council) are subject to this policy.

Councillors should seek advice from Council officers before accepting any sponsored travel.

Travel at the expense of other parties should be in accordance with the standards of the sponsoring organisation. Supporting documentation should be provided confirming both external funding arrangements and appropriate authorisation by the host city or organisation for such travel by Councillors.

Councillors undertaking private travel arrangements in conjunction with Council approved and funded travel, must ensure that all costs incurred with private travel are clearly delineated from Council funded travel arrangements.

### **4.2.2 Bookings and confirmation**

Travel and accommodation arrangements will generally not be made in anticipation of approval. However, it is recognised that in some circumstances, tentative arrangements may need to be made to secure the most cost effective airfare and accommodation options.

All travel and accommodation reservations apart from private travel and non-council funded travel, should be booked through Councillor Support. To permit the option for bookings to be scheduled by Councillor Support team for travel by a partner, spouse, companion or children; Councillors must confirm arrangements for travel and accommodation with the Councillor Support team at the same time as requesting their own arrangements.

The Councillor will be responsible for all costs incurred for travel of additional parties, including insurances and where applicable any cancellation fees.

### **4.2.3 Travel documentation**

When travelling, Councillors will need to maintain accurate documentation relating to expenses incurred.

#### 4.2.3.1 Insurance

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Councillors are covered by Workcover under the Workplace Injury Rehabilitation and Compensation Act 2013, both in Australia and overseas. Councillors are also covered by Council's Personal Accident and Corporate Travel Insurance policy. This covers Councillors whilst engaged in any activity connected with or on behalf of the Council. Non-business related travel and non-business related items are not covered by this policy. Any non-business related travel including travel by a Councillor and travel by a partner, spouse, companion or children will require consideration by Councillor to seek independent travel insurance.

#### 4.2.3.2 Passport and visas

Councillors travelling overseas on Council-related business are responsible for ensuring that they have a current passport and obtain any required visas. Costs can be reimbursed by the Council.

A Councillor will be responsible for ensuring that any additional travel by a partner, spouse, companion or children, have a current passport and obtain any required visas. No reimbursement by Council will be available for additional parties.

#### **4.2.4 ICT arrangement and expenses**

When using mobile devices while on international travel, Councillors should avoid excessive communication costs and are encouraged to use internet services provided through place of accommodation.

Councillors on leave of absence will store their devices securely, or have their ICT devices appropriately managed by Councillor Support, including an out of office message and disabling of data roaming, as appropriate. Where a Councillor travels overseas on Council business, ICT staff will ensure appropriate international roaming on the Council ICT device before the Councillor leaves.

#### **4.2.5 Reimbursement of travel expenses**

Councillors must submit any claims for reimbursement within 30 days of return. Councillors will be required to complete a Claim form via the Councillor Portal, with claims supported by accounts and other receipts.

The exchange rate to be applied by Councillors when making claims and reconciling expenses shall be the rate identified by a banking institution or credit card company as being the closing rate on the day of departure for travel, or on the day of transaction, where a credit card is used.

#### **4.2.6 Travel expense reporting**

All travel and associated expenses will be reported in accordance with the Act, this Policy and the Public Transparency Policy.

## **5. COMMUNICATIONS**

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### **5.1 Equipment and Services**

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#### **5.1.1 ICT devices**

Section 42 of the Act, ensures that the Mayor and Councillors have the tools, services and facilities necessary to undertake their roles.

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Communication equipment and services shall be provided to assist Councillors in the conduct of Council business.

Councillors will be provided with an iPhone, an iPad and a laptop, in accordance with Council's ICT procurement contracts. The devices will be Wi-Fi, Bluetooth and mobile data enabled. In car phone kits will be provided if requested. Councillors can be provided with portable printers, on request.

Councillors will be provided with a maximum 6GB data plan for Council business, and unlimited storage plans.

A multifunctional device (to scan, print, email, copy) will be provided in the Councillor offices, to facilitate communication relating to the Councillor's duties.

Councillors will not have access to delete any Council standard applications provided on the iPhone and iPad.

#### 5.1.1.1 Broken and faulty devices

For the safety and protection of these Council assets, cases will be provided for assets. If an asset is taken out of its case, it is the responsibility of a Councillor to replace it with another case.

Councillors will present a broken or faulty device to Councillor Support for repair or replacement. Broken items will only be replaced once per year per Councillor, and reported in accordance with this Policy and the Public Transparency Policy.

A Councillor must report a stolen device to the Victoria Police and to Councillor Support as soon as possible. Stolen devices will be replaced on receipt of a police report.

Every 12 months devices are recalled by the Councillor Support team to be tagged and tested to ensure the device meets required standards. Any product not found to meet the requirements will be repaired or replaced as required.

### **5.1.2 ICT Policies**

Councillors will act in accordance with Brimbank City Council's Mobile Phone Policy, Acceptable Use of ICT Resources Policy, Mobile Computing Device Policy, Internet & Email Security Policy, and the Information Security Policy.

#### 5.1.2.1 Non-Council related use

Council phones and mobile data enabled devices will be provided to support a Councillor to undertake their duties, however, it is recognised that for practical reasons, a Councillor may make a reasonable number of non-Council related calls. They may also make reasonable personal use of mobile devices, including mobile data.

Each Councillor will be responsible for determining the personal use to be reimbursed to Council. The Chief Executive Officer may also determine where a Councillor's personal phone or data use charges is beyond reasonable limits, and require reimbursement.

International calls will not be considered reasonable use unless a Councillor is conducting Council business (such as related to a conference/tour that has been approved by a resolution of Council). Telephone calls to information/ service providers which incur a significant per minute charge will normally not be considered reasonable use. App store purchases will not be covered by Council and

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must be reimbursed.

Councillors must not, under any circumstances, use Council provided equipment for private business purposes, including making telephone calls and using data (internet/email).

Councillors who take leave from their Councillor duties for 2 weeks or more, are required to provide devices back to Council for the duration of their leave.

Councillors electing to use their own equipment will be entitled to receive a reimbursement package to cover the costs of equipment use and consumables expenses relating to Councillor duties in accordance with this Code.

Itemised bills will be provided to each Councillor on request. Councillors will reimburse Council in accordance with Section 10 of this policy, on a monthly basis. Failure to reimburse Council for personal use that is deemed to be beyond reasonable limits by the Chief Executive Officer will be considered a breach of the Code and be reported in accordance with the Act.

The issued items remain the property of Council, are recorded in Council's Asset Register, and must be returned at the end of the Council term.

Councillors are responsible to ensure that fully charged Council issued devices (iPad, iPhone and laptop) are brought to all scheduled meetings, along with plugs and charges as a supply backup.

## **6. ADMINISTRATION AND FACILITIES**

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### **6.1 Administrative Support and Services**

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#### **6.1.1 Administrative Support – Mayor**

Administrative support will be provided to the Mayor for work directly related to the duties of office, acknowledging the responsibilities and greater level of commitments and expectations placed on the Mayor. All support will be overseen by the Manager Governance, and undertaken by Councillor Support.

#### **6.1.2 Administrative Support - Councillors**

Limited administrative support is available to Councillors for work directly related to their duties of the office. All support will be overseen by the Manager Governance, and undertaken by Councillor Support.

#### **6.1.3 Support requests that are not appropriate for Council staff**

The following activities are deemed inappropriate for council staff to engage in at the request of Councillors:

- Undertaking personal errands or tasks unrelated to council work
- Management or handling of personal finances or private business matters.
- Provision of support for personal social events or parties.
- Assistance in any individual political campaigning activities.

- Writing of notices of motion, debate notes for Council meetings, etc.

It is essential that council staff's time and resources are used effectively for the benefit of the community we serve. Council staff are here to support the functions of the council and not for personal or political tasks. This policy aims to ensure that the relationship between Council staff and Councillors remains professional and focused on serving our community.

#### **6.1.4 Councillor Portal**

All information for Councillors, including Council, portfolio and committees agendas and minutes, request status updates, and invitations, will be available through the Councillor Portal.

#### **6.1.5 Stationery/Mail**

When communicating with constituents, Councillors are encouraged to use electronic formats. Where postage services are required on Council business related matters, Councillors shall have access to postal services which will be arranged through Councillor Support.

Standard stationery will be made available in the Councillor Offices. Stationery will include paper, writing implements and pads, envelopes and a diary (on request). Councillors will not modify Council stationery in any way and will only use reasonable supplies for carrying out their duties of office. The supply of stationery will be organised by Councillor Support. Councillors will not use any Council stationery for any personal, business, political or election-related purposes.

#### **6.1.6 Photocopying**

A photocopier is provided in the Councillor Offices for a Councillor to undertake small amounts of photocopying directly related to carrying out their duties of office. Photocopying on behalf of external groups or organisations is not permitted. Photocopying is a reportable expense and Councillors will not use for any personal, business, political or election-related material.

#### **6.1.7 Newspapers/Publication subscriptions**

Councillors will be provided with an internally-produced media monitoring record (Media Watch).

Annually, Councillors will have the option of a subscription to the Age and/or Herald Sun online newspapers.

Councillors will be provided with subscription copies of key local government industry publications.

Councillors will be given the opportunity of sending corporate Christmas/Festive Season cards. These shall be available in electronic format.

Councillors will not use images for any personal, business, political or election-related material.

#### **6.1.8 Photographs**

On request, Councillors will be given access to the Council image library for carrying out their duties of office. The images remain the property of Council (copyright) and will only be used by Councillors for a specified and approved purpose.



At request from Councillor to Councillor Support, Councillors will be able to update their official Councillor headshot (using a Council-engaged photographer) each year.

Councillors will not use images for any personal, business, political or election-related material. All image access and use must be approved by the Manager Media and Communications.

#### **6.1.9 Name Badges**

Councillors will be provided with a Councillor name badge (approved Councillor format) for use while carrying out their duties of office.

#### **6.1.10 Business Cards**

Councillors will be provided with a Councillor business card (approved Councillor format) for use while carrying out their duties of office.

On request, the business card may include a Councillor's Facebook, LinkedIn or other social media address (set up and maintained by a Councillor for the purposes of their role), but not a personal Facebook, LinkedIn or other social media address.

#### **6.1.11 Uniforms**

On request, Councillors will be able to access an item/s of uniform or use while carrying out their duties of office, up to a value of \$1,000 (excl. GST) per term, including any Council branding requirements. The item must include the Brimbank Council logo. All items will be organised by Councillor Support, in consultation with the Councillor. Uniforms may not be worn for election related events or activities and if the Office of Councillor is ceased.

### **6.2 Councillor Facilities**

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#### **6.2.1 Catering**

To assist Councillors in meeting the demands and expectations while conducting Council business, the following internal sustenance arrangements shall be offered to all Councillors:

- Reasonable refreshments served on Council premises during meetings of Council business. The type of refreshments shall depend on the nature of the meeting, timing and attendees.
- Reasonable meals served during evenings of Committees, Council and other key meetings.
- Provision of light refreshments in the Councillors' Offices.

Catering for the above will be provided by Council's contracted catering panel.

Alcohol will not be served or made available, except at official Council functions, as approved by the Chief Executive Officer. Non-Council business related functions organised by a Councillor must be paid for by the Councillor.

Where a Council Meeting is held by virtual livestream, a Councillor has an option to order a meal to their location and submit through the Councillor Portal request for reimbursement a claim for the cost of the meal to a total value of the reasonable amount for overtime meal expenses as published by the Australian Taxation Office, with the supply of a tax receipt.

### **6.2.2 Office of Mayor**

Due to the special role of the Mayor, a separate office is provided in the Councillors Office, including a computer and landline, for the Mayor to carry out their duties.

### **6.2.3 Councillor Offices**

Councillors are provided with a shared office area - the Councillors Office - at Brimbank Community and Civic Centre, reserved solely for Councillor use. The Councillors Office will be equipped with three workstations, including landlines and a multifunctional device (to scan, print, email, and copy), a lounge and dining area, and a separate meeting room. The shared office area will be suitable for office work, reading, research, and small meetings. Visitors can only be provided access if accompanied by a Councillor.

### **6.2.4 Access and Parking**

Councillors will be provided with a security card allowing 24 hour access to the Councillors Office. The Mayor will also have access to the Mayor's office. Parking spaces are available at the Brimbank Multi deck carpark.

### **6.2.5 Meeting Rooms and Venues**

Councillors can book meeting rooms at Council-managed venues, subject to availability, for meetings where the primary purpose is for the Councillor to carry out their duties. The Councillor must be in attendance at the meeting. Councillors are required to schedule the use of any meeting room at Council-managed venue through Councillor Support. Due to the limited space available, meeting must be scheduled on an individual booking and not able to be a standing booking. e.g. not available to book for a monthly, school term or annual booking.

Requests made to Councillors by community, charitable or non-profit organisations for meeting rooms/venues, should be referred to the appropriate operational area for assessment against policy and previously determined criteria. This includes requests by external organisations for single, occasional or on-going access to meeting facilities for the conduct of that organisation's business.

As a general operating principle, in circumstances where individual Councillors, in pursuing an issue or project, believe it is beneficial to arrange a function involving a large number of people, this should be arranged in consultation with the appropriate operational area. Such functions should be funded by the relevant area, therefore ensuring attribution of the cost to the project or issue. Where the cost cannot be attributed to a project or issue and the matter relates to Council business, the function will require the approval of Council via resolution.

### **6.2.6 Viewing Council Files**

A Councillor viewing a Council file must do so in the presence of the relevant Director, or Manager nominated by the Director.

Documents cannot be removed from files or the Council premises (other than copies made available by the Chief Executive Officer/Director). Councillors will be unable to access Council's electronic document management system, however copies of approved documents may be made electronically available (email or portal) by the Chief Executive Officer/Director. A Councillor requesting to view a public register must do so through the statutory process (filling out a form and viewing the register in the presence of a Council officer).

Attachment 13.3.5



### 6.2.7 Requests for Information

A Councillor will request information through the Chief Executive Officer or relevant Director.

If the information is public, it will be circulated to all Councillors. If the information is confidential or potentially restricted, the Councillor will also provide the purpose they require the information for. The Chief Executive Officer /Director will contact the Councillor to discuss the matter, and if the information is able to be viewed/disclosed, will organise an appropriate response as soon as possible.

Provisions relating to confidentiality and privacy are set out in section 4.8 of the Code. Councillors may not be able to access information that protected by legislation (including the Protected Disclosure Act 2012, and Privacy and Data Protection Act 2014), designated as 'commercial in confidence' or is privileged legal advice.

## 6.3 Reports from the Organisation

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The organisation will provide professional advice and recommendations to Councillors via Council reports. A forward plan of proposed Council business for the upcoming fortnight will be maintained and made available to all Councillors on the Councillor Portal (updated weekly).

The preparation and submission of these reports will generally be based on:

- **Council Plan and Budget:** These reports are necessary to implement actions of the adopted Council Plan and Budget, as well as related policies and strategies.
- **Public Interest:** The proposal brings up an issue of significant public interest.
- **Policy Change:** The proposal introduces an issue of policy or process not covered by existing policy or practice.
- **Consultation:** The proposal is deemed to require community consultation to receive feedback from affected communities and stakeholders.
- **Public Objection:** The proposal has caused substantial public objection or is likely to do so.
- **Consistency:** The Chief Executive Officer or delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions.
- **Unbudgeted Expenditure:** Implementation of the proposal would require expenditure of Council funds not specifically provided for in the budget.
- **Decision by Council:** The Chief Executive Officer or delegate believes that the proposal or any issue arising from it should be decided by the Council rather than the organisation.
- **Call-in of Proposal:** Any Councillor has expressed a desire to call in the proposal for Council consideration.
- **Transparency:** Appropriate reporting as determined by legislation, policy, plan, and strategy.

## 7. CARER SUPPORT AND WELLBEING

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### 7.1 Expenses Incurred in the Provision of Carer Services

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Section 41 (c) and (d) of The Act provides for the reimbursement of child care costs to Councillors and delegated committee members where the provision of child care is reasonably

required for a Councillor or member of a delegated committee to perform their role. The Act provides for re-imbursement of child care costs for children 0-15 years old where the Councillor is a carer in a care relationship as stated in the *Carers Recognition Act 2012*, and/or the *Children, Youth and Families Act 2005*.

#### **7.1.1 Approved carers**

Reimbursement of costs will be available for immediate family only, that is, where the Councillor or domestic partner is the primary care giver.

Council will reimburse the Councillor for carer expenses paid to:

- An accredited child care/attendant care provider/nanny or
- A person providing care who does not:
  - have a familial or like relationship with the Councillor, or
  - reside either permanently or temporarily with the Councillor - except where a live-in (professional) helper, such as a nanny, is required to work extra time at extra expense because of the Councillor's duties, or
  - have a relationship with the Councillor or their partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

#### **7.1.2 Carer costs**

Councillors who require carer or support services for other immediate family members should raise the matter with the Chief Executive Officer, or delegate, who shall advise on possible arrangements including reimbursement processes.

Requests for reimbursement will be processed on receipt of the following by Councillor Support:

- Councillor Claim Form – including details on the reason care was needed (official Councillor duties)
- Copy of receipt (clearly identifying the registered provider, type of service, date and time of service, hourly rate and hours of service, provider signature and total payment received).
- A Statement by a Supplier Form required if the provider does not quote an Australian Business Number (ABN).

Fees will be payable per hour or part of an hour (subject to any minimum period which is part of the provider's usual terms). Block or full day care options are available if appropriate to support the Councillor's duties of officer, with the approval of the Chief Executive Officer or delegate.

Maximum fees will be determined as rates not exceeding reasonable market rates available within the municipality.

Delegated committee members will make claims for reimbursement for family care by supplying relevant details for the request for reimbursement by email to the Councillor Support team.

## **7.2 Support for a Councillor with a Disability**

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The Chief Executive Officer or delegate will assess and approve reasonable support - through additional facilities and expenses - to allow a Councillor or member of a delegated committee

with a disability to perform their duties of office.

### **7.3 Health and Wellbeing**

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#### **7.3.1 Counselling support**

Councillors may be able to access Council's Employee Assistance Program (EAP) counselling service – Councillor Support, to assist with their health and wellbeing during their term of office. Access to this program can be requested through the Chief Executive Officer or delegate.

#### **7.3.2 Protective clothing**

As appropriate, Councillors will be loaned protective clothing to meet safety requirements in carrying out the duties of office (for example, high visibility vests for site visits). Councillors will return any protective clothing at the completion of the activity/ duty.

At the start of a Mayoral term the Mayor will be supplied with a single pair of steel caped safety boots to wear as instructed when this PPE is required. This item will be available to be retained by the Mayor.

## **8. LEGAL AND INSURANCE**

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This section outlines the legal and insurance protections, and support exemptions, for Councillors.

### **8.1 Legal**

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#### **8.1.1 Compliance with legislation and policy**

Councillors will comply with all relevant laws and regulations and adhere to Council's confidentiality, legal and privacy requirements. Councillors will act in accordance with legislation, all Council Policies adopted under the Act, the Councillor Code of Conduct, Council's ICT policies, and Livestreaming of Council's Meeting Policy.

#### **8.1.2 Procurement of legal advice**

A Councillor may seek legal advice at their own expense – including advice relating to conflicts of interest – but must not direct Council officers to do so.

Council will not pay for any legal advice organised or commissioned by a Councillor (including advice that relates to their duties of office or Council matters). Any legal advice relating to Council matters will be procured through the Chief Executive Officer (or their delegate), in accordance with the Code of Conduct and the Act.

Council will not bear the costs of legal representation for any party in a dispute resolution process. For avoidance of doubt, this does not affect the ability of any party to a dispute to seek their own legal advice. Where a party procures their own legal advice, the cost of the legal advice will not be paid or reimbursed by Council.

#### **8.1.3 Legal protections**

Public Council meetings are an open forum. Occasionally some things that are said may be regarded as defamatory.

Defamation occurs when statements are made and published about a person, which causes injury to that person's reputation by disparaging them, causing others to shun or avoid them, or subjects them to hatred, ridicule or contempt.

Councillors may have legal protection against defamation under 'qualified privilege' when undertaking their duties of office, however, only when comments are made in good faith and without malice.

This includes comments made when undertaking the duties of office in a Council Meeting, to the media, at events, in hard copy or electronic publications.

Third parties may attempt to hold Council liable for defamatory statements made by Councillors during a Council meeting. This risk is increased if the meeting is recorded and published online or made available to the public. In that case, Council may be liable for defamatory statements made by Councillors or members of the public, as it has published those comments.

In the event a Councillor makes an intentional defamatory comment, Council will not provide resources to legally defend the Councillor, and the Councillor may face disciplinary action and/or could be sued in their personal capacity. Council will not provide legal advice in relation to the liabilities of a Councillor.

## **8.2 Insurance**

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Councillors and delegated members of committees are covered under the following Council insurance policies on a 24 hour basis while undertaking their duties of office, including attendance at meetings of external bodies as Council's representative or delegate:

- Public Liability
- Professional Indemnity
- Councillors and Officers Liability
- Travel – Council business, including to and from Council meetings.

Council equipment provided to Councillors is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft.

Councillors must provide information requested annually for insurance purposes, to ensure appropriate level of cover. For claims relating to travel, an incident report must be completed.

### **8.2.1 Councillors and Officers Liability**

Council will not bear the costs of legal representation for any party in an informal or formal dispute resolution process. For avoidance of doubt, this does not affect the ability of any party to a dispute to seek their own legal advice. Where a party procures their own legal advice, the cost of the legal advice will not be paid or reimbursed by Council. Councillors should note that the nature of arbitral processes and Councillor Conduct Panels are an informal ones and as such should consider participation without legal representation. Section 321 of the *Local Government Act 2020* relates to the possible imposition of a surcharge (cost recovery) by the Secretary of the State Department in relation to any expenditure, deficiency or loss incurred by Council due to the misconduct of a Councillor. That section provides that the Secretary of the State Department may impose a surcharge any deficiency or loss has been incurred by the misconduct of a Councillor. In any such

case, the Secretary may by notice in writing require the Councillor to show cause why they should not be surcharged. If the Councillor or member of the Council staff does not show cause to the satisfaction of the Secretary, the Secretary may by notice in writing impose the surcharge.

### **8.3 Occupational Health and Safety and Work Cover**

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Councillors and delegated committee members will ensure they follow Occupational Health and Safety requirements while undertaking their duties of office. A Councillor injured while carrying out their duties may be entitled to claim workers compensation under the Accident Compensation Act 1985. Each case will be determined based on individual circumstances.

### **8.4 Personal Interest Returns**

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Councillors must declare their personal interests in corporations, unincorporated associations, business partnerships, trusts, paid employment, land owned, significant shareholdings, personal debt, and any other interests that may give rise to a conflict of interest. The personal interests must be declared through biannual returns, and a summary of these returns must be published on the council's website for transparency and accountability purposes. Non-compliance with these requirements can result in penalties. Seeking assistance from council governance staff, the CEO, legal professionals, or accountants is recommended when completing personal interest returns.

## **9. EXCLUSIONS**

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This section sets out the exclusions to reimbursement of expenditure by Councillors and delegated committee members.

Any expenditure not specified in this Code of Conduct will be the responsibility of the Councillor.

A Councillor and delegated committee members will not be able to be reimbursed for any claims made outside of the timeframes specified. If a Councillor and delegated committee members does not claim a particular expense within the designated timeframe, this cannot be claimed as an additional amount for another expense.

Any expenses arising for a Councillor and delegated committee members from a breach of road, traffic, parking or other regulations or laws, will not be reimbursed or funded by Council.

Any expenses relating to legal advice or insurance, as set out in Section 8.

Council will not be able to reimburse Councillors for immediate family members/associates attending conferences, seminars, training, planning sessions, or corporate hospitality or events, except as provided for in the policy.

Councillors and delegated committee members are ineligible for the Brimbank City Council employee discount rate for membership to Council's aquatic centres, as under legislation, they are not able to receive an employee financial benefit.

## **10. REIMBURSEMENT**

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This section outlines the timeframes and requirements for reimbursement for, and by, Councillors and delegated committee members. Councillors and delegated committee

Attachment 13.3.5

members will only claim reimbursement for reasonable, bona fide out-of-pocket expenses incurred while performing their duties of office.

### **10.1 Timeframe for Claims**

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Councillors and delegated committee members will submit their claims for reimbursement on a monthly basis, to ensure equitable public reporting of expenses, and management within Council's financial cycle.

All claims for an ending financial year will be finalised and submitted to Councillor Support by the end of that financial year. Claims submitted outside the financial year they were incurred, will only be reimbursed with the approval of the Chief Executive Officer (excepting expenses incurred in the month of June, which must be claimed by the end of July).

Claims by a Councillor for a previous term must be finalised within one month of a Brimbank City Council election or by-election. After this time, the entitlement of the Councillor to claim the expense will cease.

Claims by a delegated committee members must be finalised within one month of ceasing to hold a position within a committee. After this time, the entitlement of the committee members to claim the expense will cease.

### **10.2 Reimbursement**

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Councillors will act in accordance with this Code of Conduct and any reimbursement protocol or direction provided by Council to claim reimbursement of expenses.

Councillors are aware their approved support expenses will be reimbursed in accordance with Council's financial processes (including fortnightly scheduled payment runs and electronic funds transfer only).

Councillors are responsible for retaining and submitting all documentation for their reimbursement claims. Councillors will submit reimbursement claims on a monthly basis.

To maintain transparency and probity, all reimbursements will be paid directly into the Councillor's nominated bank account. A remittance of payment will be provided to the Councillor.

#### **10.2.1 Forms and Receipts**

Councillors and delegated committee member will submit all claims for reimbursement through the Councillor Portal, including providing fully detailed tax receipts for any expenses incurred in accordance with this Code.

A Councillor claiming for private vehicle use is responsible for keeping a travel log, including mileage.

#### **10.2.2 Councillor Reimbursing Personal Use**

A Councillor is only able to reimburse Council, for personal expenses paid for by Council, for example, telephone calls, by a Councillor making payment via Council's Customer Service and providing a copy of the receipt to Councillor Support.

#### **10.2.3 Authorisation levels**

The Chief Executive Officer shall stipulate authorisation levels and designate Council officers in respect of reimbursement and other expense transaction processes referred to Attachment 13.3.5

in the Policy.

Remittance will be provided for Councillor's records.

#### **10.2.4 Accountability and Reporting**

The Chief Executive Officer or delegate has processes to monitor the quantum of Councillor expenses and review transaction processes to ensure accurate allocation of costs.

Reporting will be in accordance with the Act and the Public Transparency Policy. The following Councillors support expenses will be reported to a Council Meeting and made available on Council's website for the current term:

- Travel (excluding for professional development)
- Vehicle Mileage
- Child Care/Family Care
- Professional Development – Conferences, Seminars, Training, including associated costs of transport, accommodation and meals for professional development
- Information and Communication Technology
- Events and Functions

The report will include details of reimbursements, including justification for claims made by Councillors that were approved by the Chief Executive Officer (or delegate) to be paid outside the one month limit for claims.

Any reimbursement provided by a Councillor for personal use of Council resources, for example, phone calls, will be deducted from reported support expenses.

Councillors and members of delegated committees will also have their expenses reported to the Audit and Risk Committee of Council.

Please note: legal and insurance costs related to conduct matters will be reported separately to Council.

#### **10.2.5 Tax requirements**

When making a claim, Councillors and delegated committee member must supply tax invoices which are tax invoice compliant for Goods and Services Tax purposes.

Councillors should seek their own personal taxation and financial advice.

## **11. RELATED POLICIES AND RESOURCES**

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- Councillor Code of Conduct
- Councillor Gift, Benefit and Hospitality Policy
- Public Transparency Policy
- Councillor Gifts Protocol and Declaration of Gift Form
- Conduct During Elections Policy
- Councillor Portfolio Policy
- *Local Government Act 2020*



- All policies required to be in operation under the requirements of the *Local Government Act 2020*.

## 12. REFERENCES

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*Local Government Act 2020*

Councillor support and expenses policies and procedures of the Cities of Melbourne, Dandenong, Maribyrnong, Hobsons Bay, Melton, Wyndham and Moonee Valley.

## 13. AMENDMENT OF POLICY

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| Revision | Review Date      | Reason for Amendment                                                                    | Next Review Date |
|----------|------------------|-----------------------------------------------------------------------------------------|------------------|
| C        | 19 April 2016    | Adopted as Major Policy as part of Councillor Code of Conduct Local Government Act 1989 | February 2017    |
| D        | 14 February 2017 | Local Government Act 1989 requirement                                                   | October 2017     |
| E        | February 2020    | Status as Major Policy New standalone policy (incorporated by reference in the Code)    | June 2020        |
| F        | June 2020        | Local Government Act 2020 update                                                        | June 2022        |
| G        | October 2023     | Review                                                                                  | October 2025     |
| H        | February 2024    | Review                                                                                  | February 2026    |





## Local Government Act 2020 Compliance Statement

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Section 9(1) of the *Local Government Act 2020* (Act) requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of the Act specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (Compliance with the law);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (Achieve best outcomes for the community);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (Promote the sustainability of the municipality);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (Engage the community in strategic planning and decision making);
- e) Innovation and continuous improvement is to be pursued (Strive for innovation and continuous improvement);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (Collaborate with all other levels of government and government agencies);
- g) The ongoing financial viability of the Council is to be ensured (Secure the ongoing financial viability of Council);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (Strategic planning and decision making must take into account plans and policies in operation at all levels);
- i) The transparency of Council decisions, actions and information is to be ensured (Council decisions, actions and information must be transparent).

## Governance Principles

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In developing the Councillor Support Policy (the Policy), Council has considered and given effect to the overarching governance principles, as summarised below:

| Governance Principle        | Considerations                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Compliance with the law | All relevant legal requirements have been considered in developing the Policy. In particular, and without limitation, the Policy complies with the requirements in Part 6 of the Act, the public transparency principles at section 58 of the Act, and the <i>Local Government (Governance and Integrity) Regulations 2020</i> . |

|                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) Achieve best outcomes for the community                                                                     | The Policy ensures transparent and accountable reimbursement of expenses while providing support, resources, and protections for Councillors to effectively serve the community, promoting positive outcomes for all.                                                                                                                                                                                                                                      |
| (c) Promote the sustainability of the municipality                                                              | The Policy helps ensure the sustainability of the municipality by providing Councillors with the necessary resources and support to effectively carry out their duties, thereby fostering good governance and decision-making. Additionally, the policy promotes transparency and accountability through regular reporting of Councillor expenses, ensuring responsible use of public funds and maintaining public trust in the municipality's operations. |
| (d) Engage the community in strategic planning and decision making                                              | In developing the Policy Council undertook a community consultation process, in accordance with Council's Community Engagement Policy.                                                                                                                                                                                                                                                                                                                     |
| (e) Strive for innovation and continuous improvement                                                            | Council will review the Policy on a no less than biennial basis, and pursue innovation and continuous improvement during every review.                                                                                                                                                                                                                                                                                                                     |
| (f) Collaborate with all other levels of government and government agencies                                     | In developing the Policy, Council considered the ' <i>Overview of councillor support and expenses policy</i> ' provided by the by the Local Government Inspectorate and also reviewed Councillor support and expenses policies and procedures of the Cities of Melbourne, Dandenong, Maribyrnong, Hobsons Bay, Melton, Wyndham and Moonee Valley.                                                                                                          |
| (g) Secure the ongoing financial viability of Council                                                           | The Policy helps to secure the ongoing financial viability of Council by ensuring that reimbursement claims for expenses incurred by Councillors and delegated committee members are submitted within designated timeframes and comply with the specified requirements.                                                                                                                                                                                    |
| (h) Strategic planning and decision making must take into account plans and policies in operation at all levels | The Policy helps strategic planning and decision making by providing guidelines and resources for Councillors to carry out their duties effectively and efficiently. It takes into account plans and policies in operation by aligning reimbursement processes with Council's financial cycle and reporting requirements, ensuring transparency and accountability.                                                                                        |

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|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Council decisions, actions and information must be transparent | The Policy helps to ensure that Council decisions, actions, and information are transparent by providing guidelines for the reimbursement of expenses incurred by Councillors and delegated committee members, and by requiring regular reporting and disclosure of these expenses to the public. Additionally, the policy outlines the accountability and reporting processes, including the monitoring of expenses by the Chief Executive Officer and the reporting of expenses to the Audit and Risk Committee, further enhancing transparency in Council operations. |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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## Brimbank City Council

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# Councillor Transparency

February 2020

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## RELATED POLICIES AND RESOURCES AMENDMENT OF POLICY 11

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| <h2 data-bbox="85 323 869 368">SECTION 1: PURPOSE AND PRINCIPLES</h2> <h3 data-bbox="85 400 324 435">1.1 Purpose –</h3> <p data-bbox="85 464 869 675">Councillors - through their Code of Conduct - have committed to work together with one another in a respectful and constructive manner to achieve the goals and vision for the City of Brimbank. Councillors have acknowledged they have been elected by the community to a position of significant responsibility with the expectation that they will act in accordance with accepted values of our society.</p> <p data-bbox="85 703 869 842">Council also provides the opportunity for citizens to influence the decisions that affect their lives and the community. Transparent decision making, therefore, supports accountability and builds public confidence in Council and its processes.</p> <p data-bbox="85 871 869 1082">The purpose of the Councillor Transparency Policy 2020 is to record and establish the framework to identify and manage the various obligations of Councillors, to ensure Council processes and decision making is transparent and demonstrably fair and equitable. As part of Council's commitment to open and transparent activities, details of Councillor decision-making activities are made public.</p> <p data-bbox="85 1110 869 1166">This document outlines various ways in which Council makes certain information public.</p> <h3 data-bbox="85 1233 264 1268">1.2 Scope</h3> <p data-bbox="85 1297 869 1369">This policy applies to Councillors. For the avoidance of doubt, this policy applies equally to all Councillors, including the Mayor and Deputy Mayor.</p> <p data-bbox="85 1398 869 1497">This policy is incorporated in the Councillor Code of Conduct. Nothing in this policy changes or detracts from the operation of other provisions in the Council Code of Conduct, or any legislation setting out alternative</p> | <p data-bbox="965 371 1500 400">Sections 1.1 and 1.2 are not substantive content.</p> |



| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>avenues that may be available to a Councillor or Councillors in respect of matters mentioned in this policy.</p> <p>The processes outlined in this policy may run concurrently with any processes set out in the Councillor Code of Conduct, the <i>Local Government Act 1989 (the Act)</i> and any other legislation.</p> <p>This policy applies when Councillors are conducting the business of Council or acting as a representative of Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <h3>1.3 General Principles</h3> <p>The general principles underpinning the Policy are:</p> <ol style="list-style-type: none"> <li>1. The primary objective of a Council is to endeavor to achieve the best outcomes for the local community, having regard to the long term and cumulative effects of decisions. In pursuit of this objective, Council must have regard to transparent and accountable decision making.</li> <li>2. The transparency obligations outlined in this policy apply to all Councillors.</li> <li>3. This policy is not an exhaustive list of all transparency obligations.</li> <li>4. The transparency obligations apply whenever a Councillor conducts Council-related business.</li> <li>5. Transparency means that people should be able to follow, and understand the Councillor's decision-making process. The community should be able to clearly see how and why a decision was made (that is, what information, advice, consultation and legislative obligations were considered).</li> </ol> | <p>Transparency Principles are now captured in the Public Transparency Policy:</p> <div data-bbox="965 571 2029 1054"> <h4>4 STATEMENT OF POLICY PRINCIPLES</h4> <h5>4.1 Public Transparency Principles</h5> <p>The objective of this policy is to give effect to the following Public Transparency Principles outlined in section 58 of the Act —</p> <ol style="list-style-type: none"> <li>a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.</li> <li>b) Council information must be publicly available unless—               <ol style="list-style-type: none"> <li>(i) the information is confidential by virtue of this Act or any other Act; or</li> <li>(ii) public availability of the information would be contrary to the public interest.</li> </ol> </li> <li>c) Council information must be understandable and accessible to members of the municipal community.</li> <li>d) Public awareness of the availability of Council information must be facilitated.</li> </ol> </div> |
| <h2>SECTION 2: TRANSPARENCY IN DECISION MAKING</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Conflict of Interest is captured in the Councillor Code of Conduct. Direct and indirect conflict also no longer exist under the LGA2020, meaning this content is out of date.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>2.1 Conflicts of Interests –</p> <p>2.1.1 Conflicts of Interest</p> <p>Division 1A, Part 4 of <i>the Act</i> sets out the detailed requirements with respect to the disclosure of direct and indirect interests.</p> <p>Section 2.4.4 of the Councillor Code of Conduct 2019 sets out the acknowledgement of each Councillor with respect to conflicts of interest.</p> <p>Councillors generally have close connections with their local community and are more likely to have conflicts of interest than other people in public life. Councillors are elected to serve in the best interests of their communities, and this includes being transparent about any private, or other, interests that may be seen to conflicts with their public duty.</p> <p>2.1.2 Types of Conflicts of Interest</p> <p>A person has a conflicts of interest if they have:</p> <ol style="list-style-type: none"> <li>Direct interest in a matter, for example if a person's benefits obligations, opportunities or circumstances would be likely to be directly altered if the matter is decided in a particular way;</li> <li>One of the following five types of indirect interest: <ol style="list-style-type: none"> <li>Interests of someone with whom the person has a close association, such as members of a person's family, their partner or anyone the person lives with.</li> <li>Financial interest, where a person is likely to receive a gain or loss that is measurable in money and which arises as a result of the direct or indirect interest of another person, such as shares in a company with a direct interest, subject to an exemption threshold for small holding in large companies.</li> </ol> </li> </ol> <p>Attachment 13.3.6</p> | <p>5 CONFLICT OF INTEREST</p> <p><u>5.1 Disclosure of conflicts of interest</u></p> <p>If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must, if he or she is attending the meeting, <u>disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply) and exclude themselves from the decision making process in relation to the matter.</u></p> <p>A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.</p> <p>A Councillor has a 'general' conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in the Councillor acting in a manner that is contrary to their public duty.</p> <p>For the purposes of general conflict of interest:</p> <ul style="list-style-type: none"> <li>'private interests' means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</li> <li>'public duty' means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.</li> </ul> <p>A Councillor has a 'material' conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p>15</p> <p>Councillor Code Of Conduct</p> <p>The benefit may arise or the loss incurred:</p> <ul style="list-style-type: none"> <li>directly or indirectly; or</li> <li>in a pecuniary or non-pecuniary form.</li> </ul> <p>For the purposes of a material conflict of interest, any of the following is an 'affected person':</p> <ul style="list-style-type: none"> <li>The Councillor.</li> <li>A family member of the Councillor.</li> <li>A body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body.</li> <li>An employer of the Councillor, unless the employer is a public body.</li> <li>A business partner of the Councillor.</li> <li>A person for whom the Councillor is a consultant, contractor or agent.</li> <li>A benefit under a trust or an object of a discretionary trust of which the Councillor is a trustee.</li> </ul> |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this policy is revoked?                                                 |
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| <ul style="list-style-type: none"> <li>iii. A conflict duty to another person or organisation as a director, committee member, manager, partner, consultant, contractor, agent or employee. Some exemptions are provided, including duties to certain organisations connected with local government.</li> <li>iv. Receipt of a gift or gifts, or hospitality, valued at \$500 or more in the past five years from someone with a direct interest. This does not include reasonable hospitality received by the person when attending an event or function in an official capacity.</li> <li>v. An interest arising from being, or having been, a party to the matter by being a party to civil proceeding in relation to the matter. This includes civil proceedings in Victorian Civil and Administrative Tribunal, and where there is reasonable likelihood the residential amenity of the person will be altered.</li> <li>vi. An interest in respect of whether the residential amenity of a person will be altered if a matter is decided in a particular way.</li> </ul> <p>A Councillor does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.</p> |                                                                                                                |
| <p><b>2.1.3 Personal Responsibility</b></p> <p>It is the personal legal obligation of every Councillor to form her or his own view as to whether a conflict of interest exists, and to disclose any such conflict. Councillors are able to seek their own independent legal advice in relation to any of their conflict of interest matters. Council will not be liable for any legal costs incurred by a Councillor who seeks independent legal advice about whether they have a conflict.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>This content about responsibility for identifying conflict has now been added into the Code of Conduct:</p> |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>2.1.4 Process for Declaring a Conflict of Interest</b></p> <p>A Councillor who has an actual or perceived conflict of interest in relation to a matter, will:</p> <ol style="list-style-type: none"> <li>Declare and identify this at the commencement of any discussion on the matter.</li> <li>Make the declaration immediately before the matter is considered at a Council meeting, or a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be the subject of a decision of the Council or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.</li> <li>Seek advice from the Chief Executive Officer or other appropriate person if the Councillor needs assistance on interpretation of the relevant legislative provisions.</li> <li>Leave the meeting when the matter is discussed, and not participate in any decision making.</li> </ol> <p>All declarations of conflict are recorded in an internal Register of Conflicts.</p> <p>In addition, declarations of conflict also form part of the relevant meeting minutes.</p> <p>The Register of Interests is open for public inspection, following a written application to the Chief Executive Officer.</p> <p>Attachment 13.3.6</p> | <p>The process for disclosing a conflict of interest is captured in the Governance Rules.</p> <p>A paragraph cross-referencing the relevant section of the Governance Rules has also been added into the Code of Conduct:</p> <p><u>The process for disclosing a conflict of interest is contained in Chapter 5 of the Brimbank Governance Rules – Disclosure of Conflicts of Interest</u></p>                                                                                                                                                                                                                                                                                                                                   |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>2.2 Return of Interests –</b></p> <p><b>2.2.1 Return of Interests Form</b></p> <p>Division 1A, Part 4 of <i>the Act</i> sets out the detailed requirements with respect to primary and ordinary returns.</p> <p>All Councillors are required by <i>the Act</i> to lodge interest returns in which they disclose specific interests such as, by way of example and without limitation, the name of any company or other body corporate or unincorporate in which a Councillor held an office as a director or otherwise. These include:</p> <ol style="list-style-type: none"> <li>A primary return that must be lodged when a person becomes a Councillor; and</li> <li>An ordinary return that must be lodged every six months while holding office as a Councillor.</li> </ol> <p>The Return of Interest form is an important document for recording a Councillor's interest(s) in the municipality, and disclosing other interests, positions and obligations to ensure probity and transparency of decision making. A failure to provide a primary or ordinary return, or the making of a false disclosure can attract significant penalties for non-compliance.</p> <p><b>2.2.2 Personal Responsibility</b></p> <p>Every Councillor must complete submit a:</p> <ul style="list-style-type: none"> <li>Primary Return of Interest form upon becoming a Councillor; and</li> <li>Half-yearly ordinary interest return via a Return of Interest form.</li> </ul> <p>The Return of Interest form is recorded in the Register of Interests maintained by the Chief Executive Officer pursuant to section 81(9) of <i>the Act</i>. The Register of Interests is open for public inspection, following a written application to the Chief Executive Officer.</p> <p>Attachment 13.3.6</p> | <p>This new paragraph has been added into the Counsellor Support (Major Policy) covering personal interest returns. This new content is based on requirements in Part 6 Division 3 LGA 2020, and section 8 <i>Local Government (Governance and Integrity) Regulations 2020</i>.</p> <p><b><u>8.4 Personal Interest Returns</u></b></p> <p>Councillors must declare their personal interests in corporations, unincorporated associations, business partnerships, trusts, paid employment, land owned, significant shareholdings, personal debt, and any other interests that may give rise to a conflict of interest. The personal interests must be declared through biannual returns, and a summary of these returns must be published on the council's website for transparency and accountability purposes. Non-compliance with these requirements can result in penalties. Seeking assistance from council governance staff, the CEO, legal professionals, or accountants is recommended when completing personal interest returns.</p> |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Where will this content be captured if this policy is revoked?                                                                                              |
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| <p><b>2.3 Gifts And Hospitality –</b></p> <p><b>2.3.1 Accepting and Declaring Gifts and Hospitality</b></p> <p>Division 1A, Part 4 of <i>the Act</i>, establishes categories of ‘applicable gifts’ and the requirements for disclosure of indirect interests where Councilors have accepted applicable gifts above the value of a specific threshold. Section 2.4.7 of the Councillor Code of Conduct 2019 sets out the acknowledgment of each Councillor with respect to conflict of interest and gifts.</p> <p>Councillors should not seek, solicit or use their position to obtain gifts or benefit from external organisations or individuals. This includes situations where a person, company or organisation is placed in a position, which they feel obliged to offer gifts or hospitality to secure or retain Council business.</p> <p>Accepting gifts and hospitality can result in a conflict of interest, whether it is real or perceived.</p> <p><b>2.3.2 Personal Responsibility</b></p> <p>Every Councillor must, in accordance with the clause 2.4.7 of the Code:</p> <ol style="list-style-type: none"> <li>Disclose all gifts, benefits or hospitality offered and/or accepted in their capacity as a Councillor. This includes, as specified by clause 2.1.4.2 of the Councillor Support Major Policy 2019, where a Councillor receives an invitation to speak at a conference in their capacity as a Councillor and the conference organiser waives or covers registration fees for participation, as this would be considered a gift or hospitality benefit.</li> <li>Complete a Declaration of Gifts and Hospitality form and return the same to Council’s Governance Manager.</li> <li>Notify the Chief Executive Officer if in the conduct of their duties, of any inappropriate offer of a gift or hospitality of any kind.</li> </ol> <p>Completed Declaration of Gifts and Hospitality forms are recorded in a Register of Attachments 13B, which is reported to Council’s Audit and</p> | <p>Processes and obligations relating to gifts and hospitality are captured in detail in the updated Councillor Gifts, Benefits and Hospitality Policy.</p> |



| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
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| Risk Management Committee on a quarterly basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| <p><b>2.4 Records of Assemblies of Councillors –</b></p> <p><b>2.4.1 Assemblies of Councillors</b></p> <p>Section 3(1) of <i>the Act</i> provides that an Assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:</p> <ol style="list-style-type: none"> <li>the subject of a decision of the Council; or</li> <li>subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee</li> </ol> <p>but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.</p> <p><b>2.4.2 Personal Responsibility</b></p> <p>A Councillor attending an assembly of Councillors who knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under <i>the Act</i>, the Councillor must, disclose the conflict of interest to the Chair of the assembly either:</p> <ol style="list-style-type: none"> <li>immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or</li> <li>if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest and leave the assembly while the matter is being considered by the assembly.</li> </ol> | <p>Assemblies of Councillors no longer exist under LGA 2020 and have been replaced by procedures in Governance Rules for meetings conducted under the auspices of the Council. Procedures for different types of meetings are detailed in Chapters 2-4 of the Brimbank Governance Rules:</p> <div data-bbox="965 389 1939 719"> <p><b>Contents</b></p> <p>These Governance Rules are divided into the following Chapters:</p> <table border="1"> <thead> <tr> <th>Chapter</th><th>Name</th></tr> </thead> <tbody> <tr> <td>Chapter 1</td><td>Governance Framework</td></tr> <tr> <td>Chapter 2</td><td>Meeting Procedure for Council Meetings</td></tr> <tr> <td>Chapter 3</td><td>Meeting Procedure for Delegated Committees</td></tr> <tr> <td>Chapter 4</td><td>Meeting Procedure for Community Asset Committees</td></tr> <tr> <td>Chapter 5</td><td>Disclosure of Conflicts Of Interest</td></tr> <tr> <td>Appendix 1</td><td>Conduct During Election Period Policy</td></tr> </tbody> </table> </div> <p>Procedures for disclosure of conflict of interest at a meeting conducted under the auspices of Council is captured in 5.5 of the Brimbank Governance Rules:</p> <div data-bbox="965 863 2029 1283"> <p><b>5. Disclosure at a Meeting Conducted Under the Auspices of Council</b></p> <p>A Councillor who has a conflict of interest in a matter being considered by a meeting conducted under the auspices of Council at which they are <i>in attendance</i> must:</p> <ol style="list-style-type: none"> <li>disclose that conflict of interest by explaining the nature of the conflict of interest to those <i>in attendance</i> at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;</li> <li>absent themselves from any discussion of the matter; and</li> <li>as soon as practicable after the meeting concludes provide to the <i>Chief Executive Officer</i> a written notice recording that the disclosure was made and accurately summarising the explanation given to those <i>in attendance</i> at the meeting.</li> </ol> </div> | Chapter | Name | Chapter 1 | Governance Framework | Chapter 2 | Meeting Procedure for Council Meetings | Chapter 3 | Meeting Procedure for Delegated Committees | Chapter 4 | Meeting Procedure for Community Asset Committees | Chapter 5 | Disclosure of Conflicts Of Interest | Appendix 1 | Conduct During Election Period Policy |
| Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Chapter 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Governance Framework                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Chapter 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Meeting Procedure for Council Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Chapter 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Meeting Procedure for Delegated Committees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Chapter 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Meeting Procedure for Community Asset Committees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Chapter 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Disclosure of Conflicts Of Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |
| Appendix 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Conduct During Election Period Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |      |           |                      |           |                                        |           |                                            |           |                                                  |           |                                     |            |                                       |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>2.4.3 Reporting Assemblies</b></p> <p>Following an assembly of Councillors, the responsible Council Officer will prepare a written record of the assembly, as required by section 80A(1) of <i>the Act</i>, recording:</p> <ol style="list-style-type: none"> <li>The names of all Councillors and staff at the meeting</li> <li>List of all matters considered</li> <li>Any conflict of interest disclosed</li> <li>Whether the disclosing party left the meeting.</li> </ol> <p>The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council, and incorporated in the minutes of that Council meeting.</p>                                                                                                                                                                                                         | <p>Reporting is captured in 5.5 (above) in relation to declaring conflict and in Chapter 1.3 (below) in relation to meeting records.</p> <div data-bbox="965 277 2033 719"> <p><b>3. Informal Meetings of Councillors</b></p> <p>If there is a meeting of Councillors that:</p> <ol style="list-style-type: none"> <li>is scheduled or planned for the purpose of discussing the business of <i>Council</i> or briefing Councillors;</li> <li>is attended by at least one member of Council staff; and</li> <li>is not a <i>Council meeting</i>, <i>Delegated Committee meeting</i> or <i>Community Asset Committee meeting</i></li> </ol> <p><u>the</u> Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:</p> <ol style="list-style-type: none"> <li>tabled at the next convenient <i>Council meeting</i>; and</li> <li><u>recorded</u> in the minutes of that <i>Council meeting</i>.</li> </ol> </div>                                                                                                                                                   |
| <p><b>2.5 Council Committees – Delegates’ And Representatives’ Reports</b></p> <p><b>2.5.1 Advisory Committees</b></p> <p>In accordance with the Code, Councillors are appointed as internal representatives and external delegates to various external and Council-established advisory committees, bodies, associations and groups (Committees) by resolution of Council.</p> <p>Committees promote collaboration and efficiency on a range of issues relevant to the City of Brimbank. The deliberations of such Committee meetings form advice that may influence Council’s future decision making. To maintain public confidence in Council’s decision making processes, all committee interactions and advice needs to be transparent.</p> <p><b>2.5.2 Personal Responsibility</b></p> <p>Following the meeting of the committee, Councillor delegates and representatives will provide a written account of the most recent</p> | <p>Reporting of Committee meetings is captured under Chapter 3 of the Governance Rules, which state that meeting procedures for Delegated Committees are the same as for Council meetings:</p> <div data-bbox="965 884 1986 1366"> <p><b>Chapter 3 – Meeting Procedure for Delegated Committees</b></p> <p><b>1. Meeting Procedure Generally</b></p> <p>If <i>Council</i> establishes a <i>Delegated Committee</i>:</p> <ol style="list-style-type: none"> <li>all of the provisions of Chapter 2 apply to meetings of the <i>Delegated Committee</i>; and</li> <li>any reference in Chapter 2 to: <ol style="list-style-type: none"> <li>a <i>Council meeting</i> is to be read as a reference to a <i>Delegated Committee meeting</i>;</li> <li>a Councillor is to be read as a reference to a <i>Member of a Delegated Committee</i>; and</li> <li><u>the Mayor</u> is to be read as a reference to the <i>Chair of the Delegated Committee</i>.</li> </ol> </li> </ol> </div> <p>Chapter 2.20 states that Councillors who are member of a committee ‘can’ (not ‘will’) present a written account.</p> |



| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p>matters presented and discussed by the Committees – including any recommendations to Council - at the next practicable Council Meeting, in the form of a Councillor Representatives' or Delegates' Report.</p> <p>The CEO will ensure that the written account is, as soon as practicable, reported at an Ordinary Council Meeting, and incorporated in the minutes of that Council Meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <div data-bbox="965 188 2029 679"> <p><b>20. Reports of Council Representatives and Delegates</b></p> <p>A Councillor who is:</p> <p>20.1 the <i>Chair</i> of an advisory committee, a <i>Community Asset Committee</i> or a <i>Delegated Committee</i> established by <i>Council</i>;</p> <p>20.2 appointed by <i>Council</i> as a member of a community consultative or reference committee; or</p> <p>20.3 a delegate, nominee or appointee to an external committee, body, association, group or working party; <i>has</i> present to other Councillors a <i>written</i> account on the most recent deliberations of the committee, body, association, group or working party at the next practicable <i>Council meeting</i>.</p> </div> |
| <h2>2.6 Portfolios –</h2> <h3>2.6.1 Portfolios</h3> <p>Councillor Portfolios were developed to support Council's briefing and decision-making structure, and are governed in accordance with the Councillor Portfolio Policy 2019.</p> <p>Through this system, Councillors are given an opportunity for in-depth engagement, and information sharing on issues impacting the municipality. This enables Councillors to advocate and become 'knowledge champions' on their Portfolio issues.</p> <p>Although Portfolios are not decision making committees, they are advisory committees that can provide decision making context, and may make recommendations for Council to consider.</p> <h3>2.6.2 Personal Responsibility</h3> <p>Council officers will also prepare a quarterly report on matters presented to Portfolios, to be presented at a Council Meeting.</p> | <p>Portfolio content is captured in the Councillor Portfolios Policy. We will be considering the Councillor Portfolios Policy 2019 and whether we could merge it with the Portfolio Terms of Reference document, which is more detailed and covers most or all of the policy content.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Councillors will disclose any conflict of interest through assemblies of Council reports for Portfolios, reported to Council Meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>2.7 LeaveOfAbsence –</b></p> <p><b>2.7.1 Leave of Absence</b></p> <p>In accordance with <i>the Act</i>, it is expected Councillors will attend all Council and Special Committee meetings to participate in the Council decision making process. There may be times a Councillor is not able to attend a meeting, and may submit an apology for that meeting by advising the Mayor or Chair. A Councillor unable or unavailable to fulfil their duties, in addition to being absent from Council Meetings, for a longer period of time should request for leave of absence.</p> <p><b>2.7.2 Personal Responsibility</b></p> <p>A Councillor wishing to take a leave of absence must submit a Request for Leave of Absence form to the Chief Executive Officer. A leave of absence cannot be granted in respect of a past meeting.</p> <p>The Chief Executive Officer must submit the request for leave of absence to the next Ordinary Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.</p> <p>Where leave of absence has been granted to a Councillor or a member of a Special Committee, the Chief Executive Officer must record the leave of absence in the minutes of each Council Meeting and relevant Special Committee meeting held during the period of leave of absence.</p> | <p>Section added to the Governance Rules to capture leave of absence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><b>12. Leave of Absence</b></p> <p><b>12.1</b> <u>A Councillor wishing to take a leave of absence must submit a Request for Leave of Absence form to the Chief Executive Officer. A leave of absence cannot be granted in respect of a past meeting.</u></p> <p><b>12.2</b> <u>The Chief Executive Officer must submit the request for leave of absence to the next Ordinary Meeting and the Council must not unreasonably refuse to grant the request for leave of absence.</u></p> <p><b>12.3</b> <u>Where leave of absence has been granted to a Councillor or a member of a Special Committee, the Chief Executive Officer must record the leave of absence in the minutes of each Council Meeting and relevant Special Committee meeting held during the period of leave of absence.</u></p> </div> |
| <p><b>2.8 MeetingPlanningPermitApplicants</b></p> <p><b>2.8.1 Meeting with Applicants</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section added to the Code of Conduct to capture meetings with Planning Permit Applicants:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>Section 2.4.1.1 of the Code sets out the purpose and requirements for any Councillor meeting with a planning applicant.</p> <p><b>2.8.2 Personal Responsibility</b></p> <p>In accordance with the Code, all meetings will be reported on the Informal Planning Meeting record to ensure the interaction with the planning permit applicant (or property owner, or their representative) is documented.</p> <p>The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>4.3 Meeting with planning permit applicants</b></p> <p>When planning to discuss a planning permit application with an applicant, property owner, or their representative, it is mandatory to complete the Informal Planning Meeting Record. This helps document all interactions. All such meetings must be recorded in the Informal Planning Meeting Record. Moreover, the Chief Executive Officer must make sure that a record of the meeting is reported to the next available Council Meeting.</p>                                                                                                                                                                                                                                                                                                                                                |
| <p><b>2.9 Interactions With Members Of Parliament</b></p> <p><b>2.9.1 Interactions with Members of Parliament</b></p> <p>Section 2.4.6 of the Code sets out the purpose and requirements for Councillors interactions with Members of Parliament, their staff, and candidates in elections.</p> <p><b>2.9.2 Personal Responsibility</b></p> <p>Councillors (or a Councillor representing a group of Councillors) will:</p> <ol style="list-style-type: none"> <li>Declare and record any representations made to her/him, or by them, in their role as a Councillor, to/by a Member of Parliament (or their staff or a candidate in a State or Federal Government election) by completing an Interaction with Member of Parliament form.</li> <li>Advise the Member of Parliament (or their staff or candidate) that the representation, and topics discussed, will be publically reported to Council.</li> </ol> <p>The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.</p> | <p>Section added to the Code of Conduct to capture interactions with Members of Parliament:</p> <p><b>4.1 Interactions with Members of Parliament</b></p> <p>Councillors (or a Councillor representing a group of Councillors) will:</p> <ul style="list-style-type: none"> <li>Declare and record any representations made to her/him, or by them, in their role as a Councillor, to/by a Member of Parliament (or their staff or a candidate in a State or Federal Government election) by completing an Interaction with Member of Parliament form.</li> <li>Advise the Member of Parliament (or their staff or candidate) that the representation, and topics discussed, will be publically reported to Council.</li> </ul> <p>The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.</p> |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                 |                               |                                                                               |        |                            |                                                                                 |        |                                      |                                      |
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| <div>2.10 Notices Of Motion –</div> <div><div>2.10.1 Notices of Motion</div><div>A Notice of Motion (NOM) is a method by which a Councillor is able to have a motion included on the agenda for Council meeting. The requirements and process for NOMs is set out in the Governance (Meeting Procedure) Local Law No 1.</div><div>2.10.2 Personal Responsibility</div><div>A Councillor proposing to lodge a NOM will comply with the requirements of clause 38 of Council’s Governance (Meeting Procedure) Local Law No 1, or any other clause dealing with Council’s requirements with respect to NOMs. This includes circulating the draft NOM to all Councillors prior to submitting the NOM to the CEO for inclusion in the Agenda.</div><div>A NOM lodged in compliance with requirements of the Governance (Meeting Procedure) Local Law No 1, will be published as a Council Meeting agenda item and, subsequently form part of the meeting minutes.</div><div>Council also maintains an internal register of all NOMs.</div></div> <div>2.11</div> | <div>Requirements for NOMs are captured in section 23 of the Governance Rules:</div> <div><div>23. Notice Of Motion</div><div><div>23.1</div><div>A notice of motion must be in writing signed by a Councillor, and be lodged with or sent to the Chief Executive Officer at least five (5) business days before the day of the Council meeting to allow sufficient time for the Chief Executive Officer to include the notice of motion in the agenda for the Council meeting and to give each Councillor at least 48 hours notice of such notice of motion.</div></div><div><div>23.2</div><div>The Councillor proposing a notice of motion must circulate the notice of motion to all Councillors for information before lodging it with the Chief Executive Officer.</div></div><div><div>23.3</div><div>Evidence that a notice of motion has been circulated to all Councillors prior to being lodged with the Chief Executive Officer must be provided to the Chief Executive Officer at the time of lodging the notice of motion.</div></div><div><div>23.4</div><div>The Chief Executive Officer must reject any notice of motion which:</div><div><div>23.4.1</div><div>is vague or unclear in intention;</div></div><div><div>23.4.2</div><div>is beyond Council’s power to pass;</div></div><div><div>23.4.3</div><div>is defamatory;  </div></div></div></div> |                                                                                 |                               |                                                                               |        |                            |                                                                                 |        |                                      |                                      |
| <div>SECTION 3: COUNCILLOR ROLE AND RESOURCES –</div> <div>3.1 Public Information Under The Act</div> <div>Under the Act, and in the interest of transparency and accountability, the</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <div>a) Brimbank’s FOI Part 2 statement captures public information including the Code of Conduct that is available on Council’s Website</div> <div><table><tr><td>s. 139</td><td>Summary of personal interests</td><td>Available on Council Website<br/><a href="#">Summary of Personal Interests</a></td></tr><tr><td>s. 139</td><td>Councillor Code of Conduct</td><td>Available on Council Website<br/><a href="#">Councillor Code of Conduct 2021</a></td></tr><tr><td>s. 251</td><td>Inspection of certified Voters’ Roll</td><td>Available for inspection for a short</td></tr></table></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | s. 139                                                                          | Summary of personal interests | Available on Council Website<br><a href="#">Summary of Personal Interests</a> | s. 139 | Councillor Code of Conduct | Available on Council Website<br><a href="#">Councillor Code of Conduct 2021</a> | s. 251 | Inspection of certified Voters’ Roll | Available for inspection for a short |
| s. 139                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Summary of personal interests                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Available on Council Website<br><a href="#">Summary of Personal Interests</a>   |                               |                                                                               |        |                            |                                                                                 |        |                                      |                                      |
| s. 139                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Councillor Code of Conduct                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Available on Council Website<br><a href="#">Councillor Code of Conduct 2021</a> |                               |                                                                               |        |                            |                                                                                 |        |                                      |                                      |
| s. 251                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Inspection of certified Voters’ Roll                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Available for inspection for a short                                            |                               |                                                                               |        |                            |                                                                                 |        |                                      |                                      |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |               |                              |  |  |                               |
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| <p>following information relating to Councillor’s duties is made publically available:</p> <p>a. Councillor Code of Conduct – available on Council’s website</p> <p>b. Details of current allowances fixed for Mayor and Councillors – available in the Council Minutes and Annual Report (on Council’s website)</p> <p>c. Details of overseas or interstate travel undertaken in an official capacity by Councillors in the previous twelve months (with the exception of interstate travel by land for less than 3 days) – available for inspection in the public register (on application).</p> <p>d. Details of Councillor Support Expenses.</p> <p>General reporting on Councillors (as a group) – in the form of percentage attendance at Council Meetings, and the cost of governance per Councillor, is reported annually to the State Government as part of the Local Government Performance Reporting Framework (LGPRF).</p> | <p>b) Councillor Code of Conduct states that Councillor allowances are published on the internet and this is noted in the Councillor Support Major Policy:</p> <div><p><b>1.1 Purpose</b></p><p>Significant demands and expectations are placed on the Mayor and Councillors of Brimbank City Council (Council) in carrying out their civic and statutory functions. This major policy provides an overview of how the Council can provide assistance and support to the Mayor and Councillors when conducting council business. The policy recognises the support Councillors require to serve, engage and act in the best interests of the community.</p><p>The allowance paid to Councillors is set by the State Government. The current allowance rates can be found on Council’s website at <a href="http://www.brimbank.vic.gov.au">www.brimbank.vic.gov.au</a>. Section 42 of Local Government Act 2020 (the Act) requires a Council to make available minimum resources and facilities for the Mayor and Councillors.</p></div> <p>c) Publication of travel is captured in section 7.2 of the Public Transparency Policy.</p> <p>Councillor Code of Conduct is Details of Councillor allowances are published on the internet and this is noted in the Councillor Support Major Policy:</p> <div><p><b>7.2 Council publications available on Council website</b></p><p>The Council will make the following records available on its website:</p><ul style="list-style-type: none"><li>Council meeting agendas</li><li>Reporting to Council</li><li>Minutes of Council meetings</li><li>Reporting from Advisory Committees to Council through reporting to Council</li><li>Audit and Risk Committee Performance Reporting</li><li>Terms of reference or charters for Advisory Committees</li><li>Registers of gifts, benefits and hospitality offered to Councillors or Council Staff</li><li>Registers of travel undertaken by Councillors or Council Staff</li><li>Registers of Conflicts of Interest disclosed by Councillors or Council Staff</li><li>Submissions made by Council</li><li>Registers of donations and grants made by Council</li><li>Registers of leases entered into by Council, as lessor and lessee</li><li>Register of Delegations</li><li>Register of Authorised officers</li><li>Register of Election campaign donations</li><li>Summary of Personal Interests</li><li>Any other Registers, Policies, Processes or Records required to be made public by legislation.</li></ul></div> |                               |               |                              |  |  |                               |
| <p>3.2 Annual Report –</p> <p>Section 131 of <i>the Act</i>, requires Council to prepare an annual report in respect of each financial year.</p> <p>The Annual Report details Council’s operations and performance during the financial year. The following information relating to Council and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Brimbank’s FOI Part 2 statement captures public information including the annual report that is available on Council’s Website</p> <div><p><a href="#">Annual Budget 2024-2025</a></p><table><tr><td>s. 98</td><td>Annual Report</td><td>Available on Council Website</td></tr><tr><td></td><td></td><td><a href="#">Annual Report</a></td></tr></table></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | s. 98                         | Annual Report | Available on Council Website |  |  | <a href="#">Annual Report</a> |
| s. 98                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Annual Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Available on Council Website  |               |                              |  |  |                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <a href="#">Annual Report</a> |               |                              |  |  |                               |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>Councillors is provided in the Annual Report:</p> <ul style="list-style-type: none"> <li>• Number of Ordinary and Special Council Meetings—including attendance, by Councillor</li> <li>• Number of petitions and public question time questions</li> <li>• Councillors allowances and support expenses</li> <li>• Representatives and Delegates on Committees and Portfolios.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>3.3 Travel (Interstate &amp; Overseas)</b></p> <p><b>3.3.1 Travel in Accordance with The Councillor Support Major Policy</b></p> <p>Councillors may attend interstate and overseas conferences, professional development courses and study tours in connection with their duties of office in accordance with the Councillor Support Major Policy 2019.</p> <p>Section 12 of the <i>Local Government (General) Regulations 2015</i>, requires Council to make available for public inspection all details of overseas or interstate travel undertaken in an official capacity by Councillors (with the exception of interstate travel by land for less than 3 days), including name, dates, destination, purpose and total cost (including accommodation) to Council of the travel. This information is recorded in a travel register that is available for inspection, on request.</p> <p><b>3.3.2 Personal Responsibility</b></p> <p>A Councilor undertaking, in an official capacity, overseas or interstate travel (other than interstate travel by land for less than 3 days) must complete:</p> <ol style="list-style-type: none"> <li>4 An Overseas/Interstate Travel Declaration Form and submit this to Council's Councillor Support team within ten working days of undertaking the travel;</li> <li>5 <b>Attachment 13.3.6</b> And submit a Conference Report, as required by clause 2.1.5 of the</li> </ol> | <p>Interstate and overseas travel and reporting requirements are captured in Chapter 4.2 of the Councillor Support (Major Policy).</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p><b>4.2 Interstate and International Travel</b></p> <p>As part of their duties, the Mayor, Deputy Mayor and Councillors may be required to undertake interstate and international travel on behalf of Council. Representation of Council at national/international levels can be an important part of developing, communicating and implementing Council policy and includes:</p> <ul style="list-style-type: none"> <li>• Travel to investigate issues, projects or activities of relevance to actions contained in the Council Plan and other policies and programs including those relating to portfolio responsibilities.</li> <li>• Attendance at conferences, workshops and forums as either a presenter or a delegate on topics relating to Council's policies, aims and projects or on areas of professional development for Councillors.</li> </ul> <p>Where a request is initiated by Councillor and approved by the Chief Executive Officer for travel that includes attendance by a Councillors partner, spouse, companion or children scheduling will be processed in conjunction with the Councillors bookings for each additional attendee by the Councillor Support team. A Council tax invoice will be raised to the Councillor for the full cost incurred excluding any expense for Councillor duties, with payment required by Councillor in full within three month of the invoice date by Council. Additional expenses will be paid in accordance with Section 2 of this Policy. Failure to reimburse Council within this period will be considered a breach of the Code and will be reported in accordance with the Act.</p> </div> |



| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |    |                                     |           |                        |    |                                                                       |           |                                                |           |
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| <p>Councillor Support Major 2019, within two weeks of returning from a conference, professional development course or study tour paid for by Council, summarising learnings gained from the conference, professional development courses or study tours, and how it may be applied to Council.</p> <p>For avoidance of doubt, each Councillor must submit an Overseas/Interstate Travel Declaration Form and the Conference Report even if no expenses have been incurred by Council in respect of the travel.</p> <p>The Chief Executive Officer will ensure that the:</p> <ol style="list-style-type: none"> <li>6 Details in the Overseas/Interstate Travel Declaration Form is added to Council's Travel Register</li> <li>7 Conference Report is, as soon as practicable, reported at an ordinary meeting of the Council, and incorporated in the minutes of that Council meeting.</li> </ol> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |    |                                     |           |                        |    |                                                                       |           |                                                |           |
| <h3>3.4 Administration &amp; Support Expenses</h3> <h4>3.4.1 Support in Accordance with The Councillor Support Major Policy</h4> <p>Council will provide necessary resources support, in accordance with the Councillor Support Major Policy, to allow Councillors to best serve, engage and act in the best interest of the community.</p> <p>All reporting will in accordance with the <i>Local Government (Planning and Reporting) Regulations 2014</i> and the Councillor Support Major Policy. This includes quarterly reporting, on the following Councillor support expenses:</p> <ul style="list-style-type: none"> <li>• Travel and Transport</li> <li>• Vehicle Mileage</li> <li>• Child Care/Family Care</li> </ul> <p>Attachment 13.3.6</p>                                                                                                                                            | <p>Admin resources and support and reporting are captured in the Councillor Support (Major Policy):</p> <ul style="list-style-type: none"> <li>- Travel and transport: <table border="1" data-bbox="952 938 1541 1098"> <tr> <td>Engagement .....</td> <td>13</td> </tr> <tr> <td><b>4. TRAVEL AND TRANSPORT.....</b></td> <td><b>13</b></td> </tr> <tr> <td>4.1 Local travel .....</td> <td>13</td> </tr> </table> </li> <li>- Child Care: <table border="1" data-bbox="952 1214 1550 1326"> <tr> <td><b>7.1 Expenses Incurred in the Provision of Carer Services .....</b></td> <td><b>24</b></td> </tr> </table> </li> <li>- ICT: <table border="1" data-bbox="952 1442 1370 1517"> <tr> <td><b>4.2.4 ICT arrangement and expenses.....</b></td> <td><b>18</b></td> </tr> </table> </li> </ul> | Engagement ..... | 13 | <b>4. TRAVEL AND TRANSPORT.....</b> | <b>13</b> | 4.1 Local travel ..... | 13 | <b>7.1 Expenses Incurred in the Provision of Carer Services .....</b> | <b>24</b> | <b>4.2.4 ICT arrangement and expenses.....</b> | <b>18</b> |
| Engagement .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |    |                                     |           |                        |    |                                                                       |           |                                                |           |
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| <b>4.2.4 ICT arrangement and expenses.....</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>18</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |    |                                     |           |                        |    |                                                                       |           |                                                |           |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Information and Communication Technology</li> <li>Professional Development – Conferences, Seminars, and Training</li> <li>Individual Memberships</li> <li>Events and Hospitality</li> <li>Administrative items – including photocopying and uniforms</li> </ul> <p><b>3.4.2 Personal Responsibility</b></p> <p>A Councillor is required to submit their support expenses claims in timely manner, in accordance with the Section 10 of the Councillor Support Major Policy.</p> <p><b>3.4.3 Reporting</b></p> <p>As specified at clause 10.2.5 of the Councillor Support Major Policy 2019, details of Councillor expenses will be presented to a Council Meeting on a quarterly basis, and published on the Council website for the term of the Council. This expenditure will be reported in the same quarter that the cost is incurred by Council, and also include details of claims, including justification, received from Councillors that were approved by the Chief Executive Officer (or delegate) to be paid outside the one month limit for claims.</p> | <p>- <b>Individual memberships:</b></p> <p>seminars ..... 10</p> <p>2.1.7 Memberships and subscriptions ..... 10</p> <p>- <b>Professional development:</b></p> <p>allowances ..... 7</p> <p><b>2. PROFESSIONAL DEVELOPMENT ..... 7</b></p> <p>- <b>Events and hospitality:</b></p> <p>3.1 Events and Functions ..... 11</p> <p>3.1.1 Events covered ..... 12</p> <p>- <b>Administrative items:</b></p> |



| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                         | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p style="text-align: center; font-size: 48px; color: lightgray; opacity: 0.5;">Reck</p>                                                                                                                                                                                                                                                                                                                                                            | <p><b>6. ADMINISTRATION AND FACILITIES ..... 20</b></p> <p>6.1 Administrative Support and Services ..... 20</p> <p>6.1.1 Administrative Support – Mayor ..... 20</p> <p>6.1.2 Administrative Support – Councillors ..... 20</p> <p>6.1.3 Councillor Portal ..... 20</p> <p>6.1.4 Stationery/Mail..... 21</p> <p>6.1.5 Photocopying ..... 21</p> <p>6.1.6 Newspapers/Publication subscriptions..... 21</p> <p>6.1.7 Photographs ..... 21</p> <p>6.1.8 Name Badges..... 21</p> <p>6.1.9 Business Cards..... 22</p> <p>6.1.10 Uniforms ..... 22</p> <p>6.2 Councillor Facilities ..... 22</p> <p>6.2.1 Catering ..... 22</p> <p>6.2.2 Office of Mayor..... 22</p> <p>6.2.3 Councillor Offices..... 22</p> <p>6.2.4 Access and Parking ..... 23</p> <p>6.2.5 Meeting Rooms and Venues ..... 23</p> <p>6.2.6 Viewing Council Files ..... 23</p> <p>6.2.7 Requests for Information ..... 23</p> |
| <p><b>3.5 Event Attendance –</b></p> <p>Attending local events and functions, in accordance with the Councillor Support Major Policy, forms a key part of a Councillor’s representative responsibilities. The requirements and processes for event attendance are set out in the Councillor Support Major Policy. Councillors should also be mindful of the Conflict of Interest requirements when accepting hospitality from external parties.</p> | <p>Event attendance is captured in the Councillor Support Major Policy (see above).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Councillor Transparency Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Event costs, and gifts and hospitality costs, will be reported in accordance with <i>the Act</i> and the Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>3.6 Allowances and Superannuation</b></p> <p>Councillors are entitled to an allowance from the date they take the oath of office. Councillors are also entitled to payments equivalent to the superannuation guarantee. The Minister for Local Government sets the categories of allowance for councils, and annual indexing of amounts. Council resolves on its allowance levels for the Mayor and Councillors, for the term of Council, at a meeting open to the public.</p> <p>The Chief Executive Officer will ensure that details of current allowances fixed for Mayor and Councillors are available in the Council Minutes and Annual Report (on Council's website).</p> <p><b>3.7 Councillor Information Online</b></p> <p>Each Councillor is provided with a web page on Council's website. This page will contain content such as the Councillor's office headshot, contact details, representation on committees and other details.</p> <p>In accordance with the Councillor Support Major Policy, this page may also be linked to external webpages, including social media platforms. It is the Councillor's responsibility to ensure the currency of information on their web pages and appropriateness of external weblinks, and to arrange for an updates, as required, through the Councillor Support Team.</p> <p><b>3.8 Councillor Conduct Resolution Reporting</b></p> <p>All reporting of Councillor Conduct resolution processes will be in accordance with <i>the Act</i> and the Code.</p> | <p>Allowances are captured in the Councillor Support Major Policy (see above).</p> <div data-bbox="952 391 1953 922"> <p><b>1.4.3 Payment of Allowances</b></p> <p>Section 39 of the Act provides for payment of annual allowances to the Mayor and Councillors, in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (section 23(a)); a Council must review and set the allowance amount within the category range within six (6) months of a general election.</p> <p>Councillors will also be paid an amount equivalent to the superannuation guarantee, as published by the Minister for Local Government. In accordance with section 39 (5) of the Act, the Mayor and Councillors may elect to:</p> <ul style="list-style-type: none"> <li>(a) receive the entire allowance to which they are entitled; or</li> <li>(b) receive a specified part of the allowance to which they are entitled; or</li> <li>(c) receive no allowance.</li> </ul> <p>Council must review and set the allowance amount for the Mayor and Councillors, in accordance with the Act. Allowances are taxable income. Any personal taxation implications are the responsibility of the Councillor.</p> </div> <p>Councillor information online is captured in section 3.2.1 of the Councillor Support (Major Policy).</p> <div data-bbox="952 1037 2007 1273"> <p><b>3.2 Community Engagement</b></p> <p><b>3.2.1 Online Engagement</b></p> <p>Each Councillor will be provided with a web page on Council's website – containing their official headshot photo, contact details, ward map, representation on committees, and ward meeting details. These will be discontinued or amended to include only minor details during an election period.</p> </div> |
| Attachment 13.3.6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## SECTION 4: RELATED POLICIES AND RESOURCES

- Councillor Code of Conduct
- Councillor Protocol
- Councillor Support Major Policy
- Councillor Respectful Conduct Policy
- Conduct During Elections Policy 2019
- Councillor Gifts Protocol and Declaration of Gift Form
- Councillor Portfolio Policy
- *Local Government Act 1989*

## AMENDMENT OF POLICY

| Rev | Reviewed Date    | Reason for Amendment                                                                              | Next Review Date |
|-----|------------------|---------------------------------------------------------------------------------------------------|------------------|
| C   | 19 April 2016    | Adopted as Major Policy as part of Councillor Code of Conduct<br><i>Local Government Act 1989</i> | February 2017    |
| D   | 14 February 2017 | <i>Local Government Act 1989</i> requirement                                                      | October 2017     |
| E   | February 2020    | New standalone policy<br>(incorporated by reference in the Code)                                  | February 2021    |

## Brimbank City Council

**Telephone** 9249 4000

**Email** [info@brimbank.vic.gov.au](mailto:info@brimbank.vic.gov.au)

**Post** PO Box 70, Sunshine, VIC 3020

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### Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1 300 555 727
- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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 [www.youtube.com/brimbankcitycouncil](https://www.youtube.com/brimbankcitycouncil)



**131 450**

Local call costs apply



**Brimbank Chat**

[brimbank.vic.gov.au](http://brimbank.vic.gov.au)

# Ready reckoner



# Councillor Protocol

February 2020

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| <h2 data-bbox="69 347 680 391">SECTION 1: SCOPE AND ROLES</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                  |
| <h3 data-bbox="69 502 282 539">1.1 Purpose</h3> <p data-bbox="69 568 931 671">The Councillor Protocol (Protocol) further defines roles and responsibilities of Councillors and Council officers in areas relating to decision-making structures and city representation roles.</p> <p data-bbox="69 699 931 911">The Protocol provides greater clarity and guidance on areas such as the role and support provided to the Mayor as civic leader, Portfolio Councillors, media, spokesperson and other city representation roles. It also provides enhanced guidance on preparation of reports for Council, and the separation of a Councillor's individual communication activity and the expression of Council's official position.</p> <h3 data-bbox="69 927 248 963">1.2 Scope</h3> <p data-bbox="69 992 931 1134">The Protocol supports, and is incorporated by reference in, the Councillor Code of Conduct (Code). This Protocol applies to a Councillor of Brimbank City Council. For the purposes of this Protocol, the term 'Councillor' includes the Mayor, the Deputy Mayor and all other Councillors of Council.</p> <p data-bbox="190 1469 439 1501">Attachment 13.3.7</p> | <p data-bbox="1003 488 1603 520">Section 1.1 and 1.2 not substantive content</p> |



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| <p><b>1.3 Roles and Responsibilities</b></p> <p><b>1.3.1 Mayor</b></p> <p>The Mayor's role is to lead the Council in its culture and decision-making, act as key spokesperson to represent the views of Council and its community; and act as ceremonial head at events and other civic engagements.</p>                                                                                                                                                                                              | <p>Role of the Mayor is captured in para 2.4 of the Councillor Code of Conduct:</p> <p><b><u>2.43 Role of the Mayor</u></b></p> <p>Section 18 of the Act provides that the role of the Mayor is to:</p> <ul style="list-style-type: none"> <li>• Chair Council meetings.</li> <li>• Be the principal spokesperson for Council.</li> <li>• Lead engagement with the municipal community on the development of the Council Plan.</li> <li>• Report to the municipal community, at least once each year, on the implementation of the Council Plan.</li> <li>• Promote behaviour among Councillors that meets the Standards of Conduct set out in the Councillor Code of Conduct.</li> <li>• Assist Councillors to understand their role.</li> <li>• Take a leadership role in ensuring the regular review of the performance of the CEO.</li> <li>• Provide advice to the CEO when the CEO is setting the agenda for Council meetings.</li> <li>• Perform civic and ceremonial duties on behalf of Council.</li> </ul> |
| <p><b>1.3.2 Deputy Mayor</b></p> <p>The Deputy Mayor has a leadership and representational role in conjunction with the Mayor. Due to the large number of Mayoral engagements and commitments, the Deputy Mayor is expected to assist in representing the Mayor at various functions and meetings.</p> <p>In line with Council resolution, the Deputy Mayor will assume the role of Acting Mayor during periods of absence of the Mayor, or at the request of the Mayor.</p> <p>Attachment 13.3.7</p> | <p>Role of the Deputy Mayor has been added as new paragraph 2.3 in the Councillor Code of Conduct:</p> <p><b><u>2.3 Role of the Deputy Mayor</u></b></p> <p><u>The Deputy Mayor has a leadership and representational role in conjunction with the Mayor. Due to the large number of Mayoral engagements and commitments, the Deputy Mayor is expected to assist in representing the Mayor at various functions and meetings.</u></p> <p><u>In line with Council resolution, the Deputy Mayor will assume the role of Acting Mayor during periods of absence of the Mayor, or at the request of the Mayor.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <p><b>1.3.3 Councillors</b></p> <p>– 1.3.3.1 General</p> <p>In fulfil the legislative role of Council, all Councillors shall be guided by the principles in the Code. In carrying out their role, Councillors shall:</p> <ul style="list-style-type: none"> <li>• Provide civic leadership and contribute effectively to the interests and advancement of Brimbank City Council and its community</li> <li>• Contribute to the strategic vision for the City</li> <li>• Participate in deliberations of Council.</li> </ul> | <p>Role of the Councillors is captured in para 2.2 of the Councillor Code of Conduct.</p> <p>The role of Councillors is also captured in the Roles and Responsibilities section of the Councillor and Council Officer Interaction Protocol.</p> <div data-bbox="1003 624 2096 1286"> <p><b>2.2 Role of Councillors</b></p> <hr/> <p>Section 28 of the Act provides that the role of a Councillor is:</p> <ul style="list-style-type: none"> <li>• To participate in the decision-making of Council.</li> <li>• To represent the interests of the municipal community in that decision-making.</li> <li>• To contribute to the strategic direction of Council through the development and review of key strategic documents of the Council, including the Council Plan.</li> </ul> <p>In performing the role of a Councillor, a Councillor must:</p> <ul style="list-style-type: none"> <li>• Consider the diversity of interests and needs of the municipal community.</li> <li>• Support the role of Council.</li> <li>• Acknowledge and support the role of the Mayor.</li> <li>• Act lawfully and in accordance with the oath or affirmation of office.</li> <li>• Act in accordance with the Standards of Conduct.</li> <li>• Comply with Council procedures required for good governance.</li> </ul> <p>The role of a Councillor expressly excludes the performance of any responsibilities or functions of the Chief Executive Officer (CEO).</p> </div> |
| <p><b>1.3.3.2 Councillor – Representing the Mayor</b></p> <p>Councillors may represent the Mayor at functions and meetings where the Mayor and Deputy Mayor are unavailable. Allocation of representation roles will be made by the Mayor based on representative tiers hierarchy at Table 2 (see section 4.1 for protocol).</p>                                                                                                                                                                                            | <p>Para 1.3.3.2 regarding Councillors representing the Mayor in certain circumstances has been added in section 2.2 of the Councillor Code of Conduct.</p> <div data-bbox="1003 1417 2130 1477"> <p>Councillors may represent the Mayor at functions and meetings where the Mayor and Deputy Mayor are unavailable. Allocation of representation roles will be made by the Mayor</p> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Where will this content be captured if this document is revoked?                                                                                                                             |
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| <p>1.3.4 Portfolio Champions</p> <p>1.3.4.1 Overview</p> <p>Council will determine the creation of Committees of Council to reflect the policy and strategic direction of the City. Portfolio Champions and Councillor representatives will be appointed to these Committees.</p> <p>A Portfolio Champion shall play a key role in the representation of Council in areas covered under the terms of reference of their Portfolio, and in accordance with the Councillor Portfolio Policy. The representational role of a Portfolio Champion is carried out in line with spokesperson and representational protocols outlined in section 4.1.</p> <p>1.3.4.2 Portfolio Champion</p> <p>In line with the Councillor Portfolio Policy and Terms of Reference, and protocols outlined in section 4.1 that acknowledge the precedence of the role of the Mayor and Deputy Mayor, a Portfolio Champion will also play a key role in representing Brimbank City Council.</p> <p>A Portfolio Champion has an integral role in communicating an agreed Council position and sharing of information and insight leading to that position.</p> <p>If a Portfolio Champion has a individual view which differs from an agreed Council position, they will ensure that clarity between the two is provided when making comment.</p> <p>When commenting or engaging on matters of upcoming, but yet to be determined, Council business, a Portfolio Champion will play a facilitation role by providing information about the process and encouraging input without prejudging an outcome.</p> <p>Community Leadership and Engagement: Leadership in liaison and consultation is an important part of a Portfolio Champion's role.</p> <p>As such, a Portfolio Champion shall:</p> <p>Attachment 13.3.7</p> <ul style="list-style-type: none"> <li>Advocate on community views on issues relating to the portfolio and</li> </ul> | <p>Portfolio responsibilities are captured in the Portfolio Policy and Terms of Reference document. These two documents (PP and Tor) are proposed to be merged into one single document.</p> |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Where will this content be captured if this document is revoked? |
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| <p>provide recommendations on ways to better inform and engage the community on issues related to the Portfolio</p> <ul style="list-style-type: none"> <li>• Be engaged by Council officers when significant meetings – including with stakeholders - are planned in order to better judge whether Councillor involvement is desirable.</li> </ul> <p><b>Media Spokesperson Roles:</b> A Portfolio Champion will be the authorised spokesperson in line with the Portfolios Terms of Reference and media protocols outlined in section 4.</p> <p><b>Events, Functions and Delegations:</b> A Portfolio Champion will, in line with representation protocol outlined in section 4.1, be given the opportunity of representing Council at a range of cultural, community, business and sporting events, in accordance with the Councillor Support Major Policy. These will involve those organised or sponsored by the Brimbank City Council and those being staged by external groups or organisations. Some of these may involve speaking opportunities.</p> <p>A Portfolio Champion may also be required to represent Council at forums, meetings or conferences on key issues relating to portfolio responsibilities. Such representation will be in accordance with the Councillor Support Major Policy.</p> <p><b>Advisory Committees and External Committees:</b> The Councillor representing Council on an advisory committee or external committee shall generally be the Portfolio Champion who has portfolio responsibility for the issue or subject matter.</p> <p>Attachment 13.3.7</p> |                                                                  |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Where will this content be captured if this document is revoked?                                                                                                                         |
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| <p><b>SECTION 2: PROTOCOLS – COMMUNITY FIRST</b></p> <p><b>2.1 Councillor And Council Officer Interaction Protocol</b></p> <p>The purpose of this protocol is to provide a transparent and consistent process for respectful and clear communication between Councillors and Council officers, to enable everyone to fulfil their duties and maintain good governance.</p> <p>Brimbank City Council consists of two parts: the representative arm is the Council (formed by the Councillors); and the operational arm is the organisation (formed by the Chief Executive Officer and the Council officers they appoint).</p> <p>Good governance is dependent on effective, trusting relationships between the Councillors and the organisation, and an understanding of the distinction between the roles and responsibilities of Council and the organisation.</p> <p>Council employs the Chief Executive Officer. The Chief Executive Officer is responsible for the organisation. A Councillor's primary points of contact will be with the Chief Executive Officer and Directors. Contact with other Council officers will be in accordance with this protocol.</p> <p>Councillors seeking information, or wishing to comment on or raise an issue,</p> | <p>Communication between Councillors and Council Officers is covered in detail in the Roles and Responsibilities section of the Councillor and Council Officer Interaction Protocol.</p> |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                        |                                           |                    |                               | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>can contact the relevant Director. Councillors can also contact Council officer/s in accordance with Table 1.</p> <p>In accordance with the Code, Councillors and Council officers will aim to be respectful and courteous in their interactions, including form of address.</p> <p>Council officers will maintain a service approach when referring a matter raised by a Councillor. A Council officer will inform their Manager and Director of any direct contact by a Councillor, including if the Council officer believes the contact may be outside protocol. The Director will refer any relevant matters to the Chief Executive Officer.</p> |                         |                        |                                           |                    |                               | <p><b>4. Roles and Responsibilities</b></p> <p>Section 2 of the Councillor Code of Conduct sets out the roles and responsibilities of Council and the organisation. Brimbank City Council consists of two parts: the representative arm is the Council (formed by the Councillors); and the operational arm is the organisation (formed by the Chief Executive Officer and the Council officers appointed by the Chief Executive Officer).</p> <p>Good governance is dependent on effective, trusting relationships between the Councillors and the organisation, and a clear understanding of the distinction between the roles and responsibilities of Council and the organisation.</p> <p>Council employs the Chief Executive Officer. The Chief Executive Officer is responsible for the administrative management of the organisation and managing interactions between Councillors and Council staff. A Councillor's primary points of contact will be with the Chief Executive Officer and Directors. Contact with other Council officers will be in accordance with this protocol or by authorisation of the Chief Executive Officer or relevant Director.</p> <p><b>Councillors</b></p> <p>In their capacity as elected representatives of the community, Councillor will have a need to request action, advice and/or information on matters pertaining to the day-to-day running of Council business. When interacting with members of Council staff, Councillors will adhere to the provisions under the <i>Local Government Act 2020</i>, the Councillor Code of Conduct, and other relevant Council policies.</p> <p>Councillors will avoid behaving in a way that might contribute to a perception of improper direction. Compliance with this prohibition includes:</p> <ul style="list-style-type: none"> <li>Behaving courteously and respecting the professional opinion, skill or expertise of staff;</li> <li>Following the formal processes when seeking information.</li> <li>Accepting that staff are required to adhere to formal processes when making decisions and providing information, services and assistance.</li> <li>Respecting the normal business timeframes associated with the making of a decision, or the taking of action; and allowing staff to make decisions under delegated authority within the formal reporting and decision making processes.</li> </ul> |
| Matter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Chief Executive Officer | Relevant Director (EA) | Relevant Manager (with Director approval) | Governance Manager | Media & Comms Manager (*team) | This Table is included in the Councillor and Council Officer Interaction Protocol.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Councillor Protocol content

|                                                       |   |        |   |   |     |
|-------------------------------------------------------|---|--------|---|---|-----|
| Policy and strategy direction, and advocacy issues    | X | X      | X |   |     |
| Service and project information (Information Request) |   | X(App) |   |   |     |
| Service request                                       |   | X(App) |   |   |     |
| Routine media and communications                      |   | X      |   |   | X * |
| Complex or strategic media and communications         | X | X      |   |   | X   |
| Council and community events                          |   | X      |   |   | X   |
| Councillor support services                           |   |        |   | X |     |
| Phone/ICT support                                     |   |        |   | X |     |
| Portfolios and Committees administration              |   | X      |   | X |     |
| Governance advice                                     | X | X      |   | X |     |
| Enforcement matters                                   |   | X      |   |   |     |
| Planning (Planning and Environment Act 1987) matters  |   | X      | X |   |     |

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## 5. Protocol

Councillors seeking information, or wishing to comment on or raise an issue, can contact the Chief Executive Officer or relevant Director. Refer to the Councillor Request for Service Protocol.

Councillors can also contact Council officer/s in accordance with Table 1.

Table 1: Councillor and Council Officer Contact/Response on Issues

| Matter                                                                    | Chief Executive Officer | Relevant Director | Relevant Manager | Governance & Risk Manager/Coord Legal Gov & Integrity | Media & Comms Manager (*Co-ordinator) | Customer Support Manager | CEO's Office & Council Business |
|---------------------------------------------------------------------------|-------------------------|-------------------|------------------|-------------------------------------------------------|---------------------------------------|--------------------------|---------------------------------|
| Policy direction and gaps, advocacy issues – including Council committees | X                       | X                 |                  |                                                       |                                       |                          |                                 |
| Service and project information                                           | X                       | X                 | X                |                                                       |                                       |                          |                                 |
| Operational service requests                                              | X                       | X                 |                  |                                                       |                                       | X                        |                                 |
| Routine media and communications                                          | X                       | X                 |                  |                                                       | X *                                   |                          |                                 |

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|                                                      |   |   |   |   |   |  |   |
|------------------------------------------------------|---|---|---|---|---|--|---|
| Complex or strategic media and communications        | X | X |   |   | X |  |   |
| Council and community events                         | X | X |   |   | X |  | X |
| Councillor support services                          | X | X |   | X |   |  | X |
| Phone/IT support                                     | X | X |   | X | X |  | X |
| Committees administration                            | X | X |   | X |   |  | X |
| Governance advice                                    | X | X |   | X |   |  |   |
| Enforcement matters                                  | X | X |   |   |   |  |   |
| Planning (Planning and Environment Act 1987) matters | X | X | X |   |   |  |   |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>2.1.1 Description of Matters (Table 1)</p> <p>Policy and strategy direction and advocacy issues: Issues that relate to existing or new policy or strategy direction, advocacy issues, consideration of alternatives, impact analysis, forward scheduling, budget proposals, priority timetables</p> <p>Service and project information: Refer to Request for Information Protocol section 3.4</p> <p>Service requests: Refer to the Councillor Request for Service Protocol section 2.2</p> <p>Media and communications: Media and communications activity is set out in section 4. Routine media and communication includes media and communications approvals, classification of scheduling, and media opportunity logistics.</p> <p>Complex or strategic media and communications includes messaging, communications strategies and plans, protocols, launches, and conduct.</p> <p>Council and community events: Planning and protocols for Council and community events is set out in section 4.6</p> <p>Councillor support services: Resources and support available to Councillors are set out in the Councillor Support Major Policy</p> <p>Phone/ICT services: Resources and support available to Councillors are set out in the Councillor Support Major Policy</p> <p>Portfolios and Committees administration: Details that relate to scheduling, logistics and attendees, minutes and delegates and Council representative reports.</p> <p>Governance advice: Advice relating to legislation, statutory requirements, decision making and meeting procedure, conduct and probity.</p> <p>Enforcement matters: Includes enforcement and appeals processes and updates</p> | <p>Description of matters section is included in the Councillor and Council Officer Interaction Protocol.</p> <p><b>6. Description of Matters</b></p> <p><b>Policy direction and gaps, advocacy issues – including Council committees</b></p> <p>Issues that relate to policy direction, gaps or contradictions in policy, advocacy issues, consideration of alternatives, impact analysis, forward scheduling, budget proposals, priority timetables, and the role, function and terms of reference of Council committees.</p> <p><b>Service and project information</b></p> <p>Project or service information, including project updates, issues that relate to interpretation of a policy, service levels, a perceived service failure, management response to emerging trends, information on priority of services, or scheduling of works within a project plan.</p> <p><b>Operational service requests</b></p> <p>Refer to the Councillor Request for Service Protocol.</p> <p><b>Media and communications</b></p> <p>Media and communications activity is set out in the Councillor Code of Conduct and in the Media Protocol. Routine media and communication includes media and communications approvals, clarification of scheduling, and media opportunity logistics.</p> <p>Complex or strategic media and communications includes messaging, communications strategies and plans, protocols, launches, conduct and coverage.</p> <p><b>Council and community events</b></p> <p>Planning and protocols for Council and community events is set out in Section 3 of the Councillor Support Major Policy.</p> <p><b>Councillor support services</b></p> <p>Resources and support available to Councillors are set out in Parts 2 and 4 of the Councillor Support Major Policy.</p> <p><b>Phone/IT services</b></p> |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>(no influence or direction is permitted).</p> <p><b>Planning matters (<i>Planning and Environment Act 1987</i>):</b> Includes planning applications and appeals processes and updates (no influence or direction is permitted), and planning scheme classification. Conduct relating to Council Meetings, decision making in the community interest and planning forums is set out in the Code and Governance (Meeting Procedure) Local Law 2015.</p> | <p>Resources and support available to Councillors are set out in Section 5 of the Councillor Support Major Policy.</p> <p><b>Committees administration</b></p> <p>Details that relate to scheduling, logistics and attendees, minutes and delegates and Council representative reports.</p> <p><b>Governance advice</b></p> <p>Advice relating to legislation, statutory requirements, decision making and meeting procedure, conduct and probity.</p> <p>Councillors and Council staff who interact in a personal capacity are to refrain from discussing Council business.</p> <p>Members of Council staff who are residents and wish to speak to a Councillor/s may contact the Councillor outside of Council in their private capacity, not using Council equipment. To mitigate potential risks and unintended consequences, advice may be sought from Governance or their Manager to maintain the integrity of the Councillor and the staff member.</p> <p><b>Access to Council Building</b></p> <p>Councillors are provided access to all public meeting rooms.</p> <p>Councillors are also provided access to the Councillors' office and facilities, along with internal meeting rooms as required from time to time. Access to any other non-public areas require the approval of the Chief Executive Officer.</p> <p><b>Enforcement matters</b></p> <p>Councillors are prohibited from any involvement in any stage pertaining to matters of investigation or enforcement for any reason, pursuant to s 123(3)(c) of the <i>Local Government Act 2020</i>. This includes enforcement and appeals processes and updates (no influence or direction is permitted).</p> <p><b>Planning matters (<i>Planning and Environment Act 1987</i>)</b></p> <p>Includes planning applications and appeals processes and updates (no influence or direction is permitted), and planning scheme clarification. Conduct relating to Council Meetings, decision making in the community interest and planning forums is set out in the Councillor Code of Conduct and the Councillor Support Major Policy.</p> <p><b>Requests for viewing Council files</b></p> <p>A Councillor viewing a Council file must do so in the presence of the relevant Director, or Manager nominated by the Director.</p> <p>Documents cannot be removed from files or the Council premises (other than copies made available by the Chief Executive Officer/Director). Councillors be unable to access Council's electronic document management system, however copies of approved documents may be made electronically available (email or portal) by the Chief Executive Officer/Director. A Councillor requesting to view a public register must do so through the statutory process (filling out a form and viewing the register in the presence of a Council officer).</p> |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p><b>2.2 Councillor Request For Service Protocol</b></p> <p>The purpose of this protocol is to provide a consistent and equitable process for Councillors requesting operational actions or services on behalf of community members. This process also applies when a Councillor identified operational or service issues that they would like to see addressed. The protocol ensures responses will be provided in accordance with Council's service standards.</p> <p><b>2.2.1 Service standards</b></p> <p>In the interests of equity and transparency, a Councillor is unable to influence operational processes, or direct a particular outcome. Service requests by Councillors will be addressed through Council's established processes, and responded to within the set service standards (based on the resources available).</p> <p><b>2.2.2 Process</b></p> <p>Councillors may be contacted by community members in relation to an operational matter or service complaint. They may also identify areas for action (such as graffiti, potholes etc) as they travel around the municipality.</p> <p>If a Councillor receives a request from a community member, it is recommended they provide the community member with the Customer Service contact details to log their own request, as this can often be the most expedient method (phone: 9249 4000, email: <a href="mailto:info@brimbank.vic.gov.au">info@brimbank.vic.gov.au</a>, website <a href="http://www.brimbank.vic.gov.au">www.brimbank.vic.gov.au</a>).</p> <p>A Councillor has the option of logging the request using the Councillor Service Request function in the Councillor Portal.</p> <p>The online request form will be directed to Customer Support Enhancement Officers, who will enter the request into Council's customer request system and allocate to the relevant department for investigation and response. They will also email <b>Attachment 13.3.7</b> the Councillor and community member (if applicable) a request number for</p> | <p>Para 2.2 is now incorporated into the Councillor Support (Major Policy):</p> <p><b>6.3 Councillors requesting operational actions or services on behalf of community members</b></p> <p><b>6.3.1 Service request management</b></p> <p><u>Councillors often receive inquiries or complaints from community members about operational matters or service issues. They may also identify problem areas, such as graffiti or potholes, while traversing the municipality. When a Councillor receives a request, they can inform the community member that there is a process in place to handle service requests, and the request will be logged in the Council's customer request system.</u></p> <p><u>Once logged, the service request is directed to the appropriate department for action, supervised by the relevant Director. The Director ensures that the Councillor is updated on actions taken and coordinates with them on who will inform the community member.</u></p> <p><u>For the sake of fairness and transparency, a Councillor cannot influence operational processes or dictate a specific outcome. Service requests from Councillors are handled through the Council's established processes and are addressed within the set service standards, depending on available resources. Regular updates on the status of Councillor service requests are coordinated by the Customer Support department.</u></p> <p><b>6.3.2 Service request process</b></p> <p><u>A Councillor who receives or identifies an operational action request should email the details to <a href="mailto:crrequest@brimbank.vic.gov.au">crrequest@brimbank.vic.gov.au</a>. Customer Support officers will then input the request into the Council's customer request system and assign it to the appropriate department for investigation and response. They will also provide a request number for reference to the Councillor and to the community member, if applicable.</u></p> <p><u>To ensure an efficient response, Councillors are encouraged to provide as much information as possible. This includes details of the issue, time/date, location, and contact information of the community member, if applicable.</u></p> |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>reference. To help officers respond efficiently, Councillors are asked to provide as much information as possible, including details of the matter, time/date, location, and contact details of the community member (if applicable).</p> <p>If a Councillor receives an email from a resident with a request for service, they can forward the email to <a href="mailto:communityrequests@brimbank.vic.gov.au">communityrequests@brimbank.vic.gov.au</a>. A Customer Support Enhancement Officer will enter the request into Council’s customer request system directly.</p> <p>Councillors can also indicate if they prefer to respond directly to the community member (to advise them they have referred the complaint to Council officers for response/action), or if they would prefer the relevant department to do so.</p> <p>Once entered in Council’s Customer Support System, the service request will be directed to the appropriate area for action, with oversight by the relevant Director. Updates on progress will be provided to Councillors through a weekly progress report.</p> | <div><p><u>Councillors can also specify whether they prefer to respond directly to the community member (informing them that they have referred the complaint to Council officers for action), or if they would rather have the relevant department do so.</u></p><p><u>In line with the Victorian Ombudsman Good Practice Guide, once a resolution is reached, a Council officer should be in charge of sending and signing an outcome letter/email, particularly in response to a service complaint.</u></p><p><u>Councillors will be provided with a fortnightly report that provides information about all open service requests (requests in progress), including investigation status, and any updates to the anticipated timeframe for resolution.</u></p><p><u>All requests will be actioned in accordance with Council’s service standards.</u></p></div> |
| <div><h2>SECTION 3: PROTOCOLS – INFORMED DECISION MAKING</h2><h3>3.1 Chief Executive Officer – Meetings With Mayor</h3><p>In recognition of the leadership roles of the Chief Executive Officer and the Mayor, regular meetings may be held. These meetings shall provide the opportunity of raising emerging issues (including stakeholders issues), that have the potential to impact on Council position or policy. Discussion shall seek to identify the most appropriate strategy or way forward in progressing such matters.</p></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <div><p>Para 2.2 is now incorporated into the Councillor Support (Major Policy):</p><div><p><u>6. Chief Executive Officer meetings with Mayor</u></p><p><u>6.2 In recognition of the leadership roles of the Chief Executive Officer and the Mayor, regular meetings may be held. These meetings shall provide the opportunity of raising emerging issues (including stakeholders issues), that have the potential to impact on Council position or policy. Discussion shall seek to identify the most appropriate strategy or way forward in progressing such matters through Council.</u></p><p><u>The Chief Executive Officer shall provide advice in relation to progressing matters within budgeted resources and Council Plan priorities and actions. This includes advice in respect of any operational issues raised by the Mayor.</u></p></div></div>     |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this document is revoked?                                                             |
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| <p>The Chief Executive Officer shall provide advice in relation to progressing matters within budgeted resources and Council Plan priorities and actions. This includes advice in respect of any operational issues raised by the Mayor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                              |
| <p><b>3.2 Multi-Member Ward Representation</b></p> <p>Councillors will share information and work collaboratively with their fellow ward Councillor(s) on high level community or strategic, ward based issues and initiatives. In relation to sharing information, a Councillor will inform fellow ward Councillor(s), the Mayor and the Chief Executive Officer, and then the remaining Councillors if appropriate.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>No longer relevant under single Wards.</p>                                                                                |
| <p><b>3.3 Preparation Of Council Reports</b></p> <p><b>3.3.1 Reports from the organisation</b></p> <p>The organisation will provide professional advice and recommendations to Councillors in the form of reports to Council. The organisation will maintain a forward plan of proposed Council business for the upcoming fortnight and this shall be available to all Councillors on the Councillor Portal (updated weekly). A Portfolio Champion will be kept informed on upcoming issues through Portfolio meetings.</p> <p>The preparation and submission of such reports shall generally be based on:</p> <ul style="list-style-type: none"> <li>• Council Plan and Budget: Reports necessary to implement actions of the adopted Council Plan and Budget, and related policies, strategies, and plans.</li> <li>• Public interest: The proposal raises an issue of significant public interest.</li> <li>• Policy change: The proposal raises an issue of policy or process not covered by existing policy or practice.</li> <li>• Consultation: The proposal is considered to require community</li> </ul> | <p>Para 3.3.1 is now incorporated into the Councillor Support (Major Policy). The language had been revised for clarity.</p> |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Where will this content be captured if this document is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>consultation to seek feedback from affected and interested communities and stakeholders</p> <ul style="list-style-type: none"> <li>• Public objection: The proposal has given rise to substantial public objection or appears likely to do so.</li> <li>• Consistency: The Chief Executive Officer or delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council.</li> <li>• Unbudgeted expenditure: Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget.</li> <li>• Decision by Council: The Chief Executive Officer or delegate believes it is more appropriate the proposal or any issue arising in connection with it should be determined by the Council rather than the organisation.</li> <li>• Call-in of proposal: Any Councillor has indicated a desire to call in the proposal for Council decision.</li> <li>• Transparency: Appropriate reporting as determined by legislation, policy, plan and strategy.</li> </ul> | <p><b>6.4 Reports from the Organisation</b></p> <p><u>The organisation will provide professional advice and recommendations to Councillors via Council reports. A forward plan of proposed Council business for the upcoming fortnight will be maintained and made available to all Councillors on the Councillor Portal (updated weekly). Portfolio Champions will be updated on upcoming issues through Portfolio meetings.</u></p> <p><u>The preparation and submission of these reports will generally be based on:</u></p> <ul style="list-style-type: none"> <li>• <b>Council Plan and Budget:</b> These reports are necessary to implement actions of the adopted Council Plan and Budget, as well as related policies and strategies.</li> <li>• <b>Public Interest:</b> The proposal brings up an issue of significant public interest.</li> <li>• <b>Policy Change:</b> The proposal introduces an issue of policy or process not covered by existing policy or practice.</li> <li>• <b>Consultation:</b> The proposal is deemed to require community consultation to receive feedback from affected communities and stakeholders.</li> <li>• <b>Public Objection:</b> The proposal has caused substantial public objection or is likely to do so.</li> <li>• <b>Consistency:</b> The Chief Executive Officer or delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions.</li> <li>• <b>Unbudgeted Expenditure:</b> Implementation of the proposal would require expenditure of Council funds not specifically provided for in the budget.</li> <li>• <b>Decision by Council:</b> The Chief Executive Officer or delegate believes that the proposal or any issue arising from it should be decided by the Council rather than the organisation.</li> <li>• <b>Call-in of Proposal:</b> Any Councillor has expressed a desire to call in the proposal for Council consideration.</li> <li>• <b>Transparency:</b> Appropriate reporting as determined by legislation, policy, plan, and strategy.</li> </ul> |
| <p>3.4 Individual Councillors seeking the preparation of a report to Council can submit a Notice of Motion in accordance with the Governance (Meeting Procedure) Local Law No. 1. In the interests of good governance, a Notice of Motion should generally call for a report to Council on a matter relevant to the Council Plan, and should not commit action or resources without due assessment. It should also not be used to set Council agenda outside of the Council Plan and Budget, and adopted policies, strategies and plans.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Suggest not including this content because it aligns with the Governance (Meeting Procedure) Local Law No. 1 which has been revoked.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>3.4 Councillor Request For Access To Information Protocol</b><br/>Attachment 13.3.7</p> <p>The purpose of this protocol is to provide a transparent and consistent process for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Councillor Access to Information Protocol is recommended to be revoked. Relevant content from that protocol to be included in the Councillor Support (Major Policy), Councillor Code of Conduct and Governance Rules.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Where will this content be captured if this document is revoked? |
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| <p>Councillors to be provided with relevant information by the organisation, to help them make informed decisions and fulfil their duties.</p> <p>A Councillor's primary points of contact for requesting information will be with the Chief Executive Officer and Directors (refer to Table 1). It is the responsibility of the Chief Executive Officer and Directors to coordinate timely and relevant information to Councillors via the Councillor Portal or appropriate meeting/briefing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                  |
| <p><b>3.4.1 Councillor Request for Information</b></p> <p>A Councillor will request information through the Chief Executive Officer or relevant Director through the Councillor Information Request function in the Councillor Portal. If a request is raised during a phone or in person conversation, it will be logged by the Councillor or the Director through the Councillor Portal.</p> <p>If the information is public, it will be made available on the Councillor Portal. If the information is Confidential or potentially restricted, the Councillor will also provide the purpose they require the information for. The Chief Executive Officer /Director will contact the Councillor to discuss the matter, and if the information is able to be disclosed, will organise a response as soon as possible via the Councillor Portal or appropriate meeting/briefing.</p> <p>Provisions relating to Confidentiality are set out in section 3.5. Councillors will not be able to access information that is protected by legislation (including the <i>Protected Disclosure Act 2012</i>, and <i>Privacy and Data Protection Act 2014</i>), designated as 'commercial in confidence', is privileged legal advice, or contains Council officer records or details.</p> <p>A Councillor may request information under the <i>Freedom of Information Act 1982</i>. Requests will be processed in accordance with Council policy and statutory procedure.</p> <p>Councillors are unable to access Council's electronic document management system, however copies of approved documents may be made electronically available (via the Councillor portal) by the Chief Executive Officer/Director. A Councillor requesting to view a public register must do so through the appropriate statutory process.</p> <p>Attachment 15.3.7</p> | <p>As above.</p> <p>As above.</p>                                |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Where will this content be captured if this document is revoked? |
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| <p>- 3.4.1.1 Background/update briefing</p> <p>In some instances, it may be appropriate for the Chief Executive Officer/Director to organise a verbal briefing for a Councillor/s on a matter. This may be offered as a one-on-one briefing small group briefing open briefing or strategic briefing as determined as appropriate by the Chief Executive Officer/Director. The matter may also be referred to the relevant Portfolio, if appropriate.</p> <p>- 3.4.1.2 Councillor requests for briefing</p> <p>Individual Councillors seeking a briefing on a matter to Council should convey the request to all Councillors for discussion at Councillor Only Time (COT) or via email request to the Mayor and Chief Executive Officer. The Chief Executive Officer may only proceed with preparation of a briefing following advice from the Mayor that a consensus view was reached on the need for a briefing or if the Chief Executive Officer considers it aligns with the strategic priorities of the Council Plan and/or policy.</p> <p>The Chief Executive Officer will assess the request, and if fulfil such a request requires use of significant resources, proposes substantial unplanned work or has a budget impact, will liaise with the Mayor to determine a suitable and timely response to the request, which may include reasons for declining the request for a briefing. In instances where a briefing is approved, all Councillors will be invited to attend the briefing or if more appropriate, a briefing item will be scheduled for a Councillor Briefing session or a written update will be provided through the Councillor Information Bulletin/Portal.</p> <p>- 3.4.1.3 Equity and no surprises</p> <p>Any written information (confidential or background), such as briefing notes prepared ahead of time for a Councillor, will be circulated/made available on the Councillor Portal to all Councillors if relevant, to ensure everyone has access to the same information.</p> <p>3.5 Dealing With Confidential Information</p> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this document is revoked?                        |
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| <p>In the course of conducting Council business, information of a confidential nature may be brought to the attention of Councillors or management. There will be occasions, where due to factors such as timing and sensitivity of a matter, the information may not be able to be shared more broadly by Councillors or management.</p> <p>Councillors and management will work within the statutory requirements and provisions guiding access to confidential information as part of the decision-making process. These are referenced in section 2.4.2 of the Code and elsewhere in the Councillor Protocol.</p> <p>It is the responsibility of the Councillor to confidentially store and appropriately dispose of any confidential information received in the course of their official duties.</p> |                                                                                         |
| <p><b>3.6 Councillor Conflict Of Interest</b></p> <hr/> <p>Section 2.4.4 of the Code references Councillors conflict of interest obligations under the Attachment 13.3.9 of the Councillor Transparency Policy specifically sets out requirements, as provided in the <i>Local Government Act 1989</i> (the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Conflict of interest is captured in Chapter 5 of the Councillor Code of Conduct.</p> |



**Councillor Protocol content**

Act), for the types of conflict of interest that must be disclosed.

This protocol provides a transparent and consistent process for Councillors to assess their connections with matters coming before Council, and disclose any conflict of interest in accordance with *the Act* and the Code.

Transparent decision making is underpinned by the trust the community has in its decision makers. Councillors uphold that trust by ensuring their participation in the decision making process is unbiased, and by avoiding both real and perceived conflict of interest.

The decision about whether a conflict of interest exists can only rest with the independent legal advice.

Councillors will avoid the perception of, and/or actual conflict of interest that may be created by the acceptance of gifts and hospitality.

Councillors will consider if they have any connection to a matter that is, or likely to become, the subject of Council consideration and assess whether they have a conflict of interest as defined by the Act, or a conflicting personal interest that means they should not be involved in discussion or decision making about the matter.

General guidance regarding conflict of interest may be provided by the Chief Executive Officer, Director Advocacy Partnerships and Community, or Manager Governance, however Councillors are advised to seek independent legal advice about their specific circumstances, if required.

**Where will this content be captured if this document is revoked?****5 CONFLICT OF INTEREST**

15

Councillor Code Of Conduct

**5.1 Disclosure of conflicts of interest**

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council or a delegated committee, a meeting of a community asset committee, or any other meeting held under the auspices of Council, the Councillor must, if he or she is attending the meeting, ~~disclose the conflict of interest in accordance with the Governance Rules (unless any of the exemptions apply) and exclude themselves from the decision making process in relation to the matter.~~

A Councillor may have a 'general' or a 'material' conflict of interest in a matter being considered at a meeting.

A Councillor has a 'general' conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in the Councillor acting in a manner that is contrary to their public duty.

For the purposes of general conflict of interest:

- ~~'private interests'~~ means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- ~~'public duty'~~ means the responsibilities and obligations that a Councillor has to members of the public in their role as a relevant person.

A Councillor has a 'material' conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred:

- directly or indirectly; or
- ~~in~~ a pecuniary or non-pecuniary form.

For the purposes of a material conflict of interest, any of the following is an 'affected person':

- The Councillor.
- A family member of the Councillor.
- A body corporate of which the Councillor or their spouse or domestic partner is a Director or a member of the governing body.
- An employer of the Councillor, unless the employer is a public body.
- A business partner of the Councillor.
- A person for whom the Councillor is a consultant, contractor or agent.
- A benefit under a trust or an object of a discretionary trust of which the Councillor is a trustee.
- A person from whom the Councillor has received a ~~discretionary~~ gift (i.e. exceeding \$500 in value).

**5.2 Personal responsibility**

Councillors acknowledge that they must be clear about their associations with parties external to Council and to avoid conflict between those associations and their role as Councillors.

~~It is the personal legal obligation of every Councillor to form her or his own view as to whether a conflict of interest exists, and to disclose any such conflict. Councillors are able to seek their own independent legal advice in relation to any of their conflict of interest matters. Council will not be~~

## Councillor Protocol content

### 3.6.1 Council, Special Committee, Audit Committee and Section 223 /Major Policy (Hearing of Submissions) Committee Meetings

If a Councillor has a conflict of interest in a matter that is to be considered or discussed at a Council, Special Committee, Audit Committee or Section 223/Major Policy (Hearing of Submissions) Committee meeting, they will formally disclose the interest for recording in the minutes. This applies even if the meeting is closed to the public.

The disclosure will be made immediately before the matter is considered and will include:

The type of interest - direct interest or one of the six types of indirect interest as defined by the Act, and a brief description of the nature of the interest.

The Councillor will need to leave the meeting, prior to the commencement of any discussion, and not remain in an area where they can see or hear the proceedings of the meeting, until the matter has been concluded.

If a disclosure would include information that is confidential or private (particularly if it involves another person), a Councillor may make a full disclosure to the Chief Executive Officer in writing before the meeting. If a written disclosure is made, the Councillor will only disclose the type of interest (not the nature) at the meeting.

Attachment 13.3.7

## Where will this content be captured if this document is revoked?

Procedure for disclosing conflicts of interest is captured in Chapter 5 of the Governance Rules. This content is also out of date and reflects the old conflict of interest regime that was replaced in 2020.

#### Chapter 5 – Disclosure of Conflicts of Interest

##### 2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they:

- 2.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered, indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to *attend* must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
  - 2.2.1 advising of the conflict of interest;
  - 2.2.2 explaining the nature of the conflict of interest, and indicating whether it is a general conflict of interest or a material conflict of interest; and
  - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

##### 3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A Member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which they:

- 3.1 are *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Delegated Committee meeting immediately before the matter is considered, and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intend to *attend* must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Where will this content be captured if this document is revoked?                                                                                                                                                     |
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| <p><b>3.6.2 Assemblies of Council</b></p> <p>An Assembly of Council means a planned or scheduled meeting involving at least half of the Councillors and one Council officer, or an Advisory Committee with at least one Councillor in attendance, which considers matters intended or likely to be the subject of a Council decision, or subject to the exercise of a function, duty, or power of the Council under delegation by a special committee or a Council officer.</p> <p>If a Councillor attending an Assembly of Council realises they have a conflict of interest in relation to a matter to be (or being) considered, the Councillor must disclose the conflict of interest to the Assembly, and leave the Assembly while the matter is being discussed. It is not necessary to disclose the type and nature of a conflict of interest at an Assembly of Council.</p>                                                        | <p>Assemblies of Councils are now dealt with as Meetings under the auspices of Council and conflicts managed in the same way as other meetings.</p>                                                                  |
| <p><b>3.6.3 Conflicting Personal Interests</b></p> <p>If a Councillor believes that a friendship or connection is too close to allow them to vote impartially at a Council or Special Committee Meeting, or if there is a reasonable likelihood that it will be perceived as a conflict with public duties (but it is not a conflict of interest as defined by the Act), they may, immediately before the matter is considered, request that the Council exempts them from voting on the matter.</p> <p>The Councillor must give reasons in support of their request. If the meeting exempts them from voting, the Councillor must leave the meeting (as if they had a conflict of interest) and the conflict personal interest will be recorded in the minutes. The Council/Special Committee must vote to exempt, and will not unreasonably deny a request to be exempt from voting on the grounds of a conflict personal interest.</p> | <p>Procedure for disclosing conflicts of interest is captured in Chapter 5 of the Governance Rules. This content is also out of date and reflects the old conflict of interest regime that was replaced in 2020.</p> |
| <p><b>3.6.4 Exemptions</b></p> <p>There are certain situations when a Councillor is not considered to have a conflict of interest. The exemptions include when a Councillor has an interest in common with a large class of persons, an interest is very remote or insignificant, or if a Councillor has no knowledge of the conflict. Additionally, there are exemptions for matters where Councillors would not be expected to vote as a matter of Council business, such as when appointing delegates or representatives or electing the</p>                                                                                                                                                                                                                                                                                                                                                                                           | <p>As above.</p>                                                                                                                                                                                                     |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Where will this content be captured if this document is revoked?                                                       |
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| <p>Mayor. The full list of exemptions is provided in the <i>the Act</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                        |
| <p><b>3.6.5 Accountability and Reporting</b></p> <p>Conflict of interest will be recorded in accordance with the Councillor Transparency Policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>As above</p>                                                                                                        |
| <p><b>3.7 Councillor Gifts And Hospitality</b></p> <p>The purpose of this protocol is to provide a transparent and consistent process for Councillors accepting and declaring gifts that will assist in demonstrating their fair and impartial conduct, including avoiding conflict of interest and/or perceptions of conflict of interest.</p> <p>Councillors will aim to be ethical, fair and honest in the conduct of official duties and not seek, solicit or use their position, to gain gifts, benefit or hospitality. It is the responsibility of a Councillor to disclose the receipt of a gift in accordance with the Act, the Code, the Councillor Gifts and Hospitality Policy, the Councillor Transparency Policy and this protocol.</p> <p>The giving and receiving of civic gifts will be determined in accordance with the Councillor Gifts and Hospitality Policy.</p> | <p>Councillor Gifts and Hospitality is covered in detail in the Councillor Gifts, Benefits and Hospitality Policy.</p> |
| <p><b>3.7.1 Acceptance and declaration of gifts</b></p> <p>A Councillor offered a gift or hospitality will carefully consider the purpose of the offer, whether it relates to the official business of Council, the proportionality of the gift or hospitality offered and the impact on public trust if the offer is to be accepted. A Councillor will declare all offers, and acceptance, of a gift or hospitality by completing a declaration of gift form and submitting this to the Manager Governance for inclusion in Council's Gifts and Hospitality Register. The form will be submitted within one (1) month of the acceptance of the gift.</p> <p>Reasonable hospitality received by a Councillor at an event or function they attend in their official capacity does not need to be declared as a gift. Strategic</p>                                                      | <p>As above.</p>                                                                                                       |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Where will this content be captured if this document is revoked?            |
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| advocacy hospitality will need to be declared using the declaration of gift form.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                             |
| <p><b>3.7.2 Civic gifts</b></p> <p>The giving of a civic gift by, or on behalf of, Council, should be made in a consistent and equitable manner in accordance with the Councillor Gifts and Hospitality Policy in order to avoid perceptions of improper relationships, and to ensure the proper use of Council resources.</p> <p>A Councillor proposing to give a civic gift will circulate the recommendation to all other Councillors. The Mayor will refer any proposed civic gifts to the Chief Executive Official to make arrangements for the purchase or supply of the gift.</p>                                                                                                                               | As above.                                                                   |
| <p><b>3.8 Councillor Reimbursement Of Support Expenses</b></p> <p>The protocol for Councillor reimbursements of support expenses is set out in the Councillor Support Major Policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Councillor expenses are covered in the Councillor Support (Major Policy).   |
| <p><b>SECTION 4: PROTOCOLS – CITY REPRESENTATION</b></p> <hr/> <p><b>4.1 Representation Overview</b></p> <p>Opportunities for the Mayor, Deputy Mayor and Councillors to represent the City will arise through a range of mechanisms including advocacy, media activity, event attendance and contribution to external publications.</p> <p>The hierarchy for determining the appropriate Council spokesperson or representative, is at Table 2. The Mayor and Deputy Mayor may, by mutual agreement at the commencement of their term, allow the Mayor to request the appropriate Portfolio Champion represent the Mayor (instead of the Deputy Mayor) for certain spokesperson and representative opportunities.</p> | All of Section 4 has been incorporated into the Councillor Code of Conduct: |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                               | Where will this content be captured if this document is revoked? |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
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| <table><tr><th>Tier</th><th>Spokesperson Or Representative</th></tr><tr><td>1</td><td>Mayor / Deputy Mayor</td></tr><tr><td>2</td><td>Appropriate Portfolio Champion (subject matter expert)</td></tr><tr><td>3</td><td>Ward Councillors, operating on a rotational basis</td></tr></table> <p>Table 2 – Spokesperson Or Representative Tiers</p> <p>Where requested by a community group/organisation, and as appropriate, Councillors with culturally and linguistically diverse backgrounds may be invited by the Mayor to speak in their community language at an event, in addition to the nominated Councillor spokesperson (Table 2).</p> <p>The following protocols outline the processes by which opportunities will be progressed and allocated. As a general rule, when making an allocation, the key message or subject matter associated with an opportunity will dictate which Portfolio it falls within.</p> <p>Where there is potential Portfolio overlap, an opportunity will be referred to relevant Portfolio Champions for a decision. If no agreement can be reached, or if the Mayor is unable to be contacted within deadline, or where the decision of the Media and Communications team or the Councillor Support Team is (or is likely to be) disputed, the Director Advocacy, Partnerships and Community shall be the referral point and final decision maker.</p> <p>Representations to/by Members of Parliament will be dealt with in accordance with section 2.4.6 of the Code. Style and naming conventions in relation to Council plaques will be in accordance with the Place Naming Policy.</p> | Tier                                                          | Spokesperson Or Representative                                   | 1 | Mayor / Deputy Mayor | 2 | Appropriate Portfolio Champion (subject matter expert) | 3 | Ward Councillors, operating on a rotational basis | <p><b><u>7 CITY REPRESENTATION</u></b></p> <p><b><u>7.1 Representation Overview</u></b></p> <p><u>Opportunities for the Mayor, Deputy Mayor and Councillors to represent the City will arise through a range of mechanisms including advocacy, media activity, event attendance and contribution to external publications.</u></p> <p><u>The hierarchy for determining the appropriate Council spokesperson or representative, is at Table 2.</u></p> <p><u>The Mayor and Deputy Mayor may, by mutual agreement at the commencement of their term, allow the Mayor to request the appropriate Portfolio Champion represent the Mayor (instead of the Deputy Mayor) for certain spokesperson and representative opportunities.</u></p> <p><b><u>Table 2 – Spokesperson or Representative Tiers</u></b></p> <table><tr><th><u>Tier</u></th><th><u>Spokesperson Or Representative</u></th></tr><tr><td><u>1</u></td><td><u>Mayor / Deputy Mayor</u></td></tr><tr><td><u>2</u></td><td><u>Appropriate Portfolio Champion (subject matter expert)</u></td></tr><tr><td><u>3</u></td><td><u>Ward Councillors, operating on a rotational basis</u></td></tr></table> <p>(this is just a section not the whole Chapter).</p> | <u>Tier</u> | <u>Spokesperson Or Representative</u> | <u>1</u> | <u>Mayor / Deputy Mayor</u> | <u>2</u> | <u>Appropriate Portfolio Champion (subject matter expert)</u> | <u>3</u> | <u>Ward Councillors, operating on a rotational basis</u> |
| Tier                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Spokesperson Or Representative                                |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
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| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Appropriate Portfolio Champion (subject matter expert)        |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Ward Councillors, operating on a rotational basis             |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| <u>Tier</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Spokesperson Or Representative</u>                         |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| <u>1</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Mayor / Deputy Mayor</u>                                   |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| <u>2</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Appropriate Portfolio Champion (subject matter expert)</u> |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| <u>3</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Ward Councillors, operating on a rotational basis</u>      |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |
| <p><b>4.2 General Principles</b></p> <p>The following protocol acknowledges the Mayor is the principal spokesperson for the Council and that exceptions will only be made as specified below or on the basis of the professional judgement of the Media &amp; Communications Department.</p> <p>Attachment 13.3.7</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>As above.</p>                                              |                                                                  |   |                      |   |                                                        |   |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                       |          |                             |          |                                                               |          |                                                          |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Where will this content be captured if this document is revoked? |
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| <p>In particular, the Mayor is the official media spokesperson on behalf of Council, where Council has an official position on the matter and where the matter is of a political, controversial, sensitive or emergency nature.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Issues relating to the strategic direction of Council and Brimbank City Council</li> <li>• Issues relating to policy and Council decisions</li> <li>• State-wide or Federal political issues affecting local government</li> <li>• Local issues that impact the community that do not relate directly to Council services and functions</li> <li>• Announcements or commentary relating to premier events, major projects or key community infrastructure being undertaken by Brimbank City Council</li> </ul> <p>If the Mayor is unavailable as spokesperson or has a conflict of interest in relation to the matter, the Deputy Mayor will become the primary spokesperson. If the Deputy Mayor is unavailable or has a conflict of interest in relation to the matter, the appropriate Portfolio Chair will become the primary spokesperson. See Table 2 for further information on Spokesperson tiers.</p> <p>A Councillor acting as an authorised spokesperson in line with this protocol has a responsibility to represent Council position in relation to a matter. If that Councillor wishes to express a personal view which differs from an adopted position, they are obliged to identify that the opinion or view is their own, and does not represent the position of Council; nor should that view be expressed in the context of a spokesperson opportunity facilitated by Brimbank City Council.</p> |                                                                  |
| <p><b>4.3 Chief Executive Officer</b></p> <hr/> <p>The Chief Executive Officer is the official spokesperson for all operational matters relating to Brimbank City Council, including:</p> <ul style="list-style-type: none"> <li>• <b>Attachment 13.3.7</b><br/>Staffing and structure of the</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Where will this content be captured if this document is revoked? |
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| <p>organisation</p> <ul style="list-style-type: none"> <li>Corporate issues relating to service provision or the day-to-day business of Council. The Chief Executive Officer may delegate their media authority to a Council Officer.</li> </ul> <p><b>4.3.1 Delegations</b></p> <p>Council Officers delegated to make statements to the media or authorise the issue of media releases are:</p> <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Directors</li> <li>Manager Media &amp; Communications</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                  |
| <p><b>4.4 Media Enquiries</b></p> <p>For the purposes of this section, approaches from the media are categorised into three types:</p> <ul style="list-style-type: none"> <li>Where the media contacts a Councillor directly</li> <li>Where the media contacts Brimbank City Council requesting a comment specifically from the Mayor or an individual Councillor</li> <li>Where the media contacts Brimbank City Council requesting general comment or information without specifying the preferred respondent.</li> </ul> <p>All media enquiries, whether received by the Mayor, other Councillors or Council officers, should be directed to the Media Team. Media enquiries should be treated as a priority, with requests passed onto the Media Team as soon as is practicable after receipt, and conducted in accordance with this policy.</p> <p>The Media Team will deal with media inquiries and the delegation of media enquiries/comment in accordance with this policy. It will provide appropriate advice on how to respond to media enquiries and draft official comments.</p> <p>Where the media contacts the Mayor or a Councillor directly (type A), they should make no comment on behalf of Council, advise the media that the Media Team</p> | <p>As above.</p>                                                 |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Where will this content be captured if this document is revoked? |
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| <p>will make contact, and inform the Media Team as soon as practicable.</p> <p>Where the media contacts Brimbank City Council requesting a comment from, or an interview with, the Mayor or a particular Councillor (type B), the Media Team will determine who should be spokesperson, advise the appropriate media outlet and act accordingly (either through providing an approved written response such as a media statement or quote, or producing materials such as FAQs in preparation for an interview with spokesperson).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                  |
| <p>4.5 Where the media contacts Brimbank City Council requesting a response from an unspecified spokesperson or is otherwise seeking a comment from Brimbank City Council (type C), the Media Team will establish the most appropriate spokesperson according to the order of priorities specified in Table 2 such that if and when the first priority for a spokesperson is reasonably determined by the Media Team to be unavailable or otherwise declines to be the spokesperson, the second priority for spokesperson will be approached, and so on.</p> <p>Table 2 only applies to situations which are not related to operational matters. In operational matters, the spokesperson will be the CEO or a Council official delegated to act as spokesperson by the CEO.</p> <p>Table 2 also assumes two circumstances in which a graduation to the next tier would occur:</p> <ul style="list-style-type: none"> <li>• Unavailability of the Mayor or appropriate Councillor</li> <li>• A conflict of interest where it is inappropriate for the Mayor or appropriate Councillor to speak on the issue</li> <li>• On occasion and at the discretion of the CEO or delegate, the tier process may be supplanted by a decision to nominate a particular Councillor as spokesperson on the basis of newsworthiness, an acknowledged association with the issue or other factors.</li> </ul> <p>An example may be in a case where a conflict of interest prevents the Mayor from being a spokesperson, in which case the appropriate Portfolio Chair may supersede the Deputy Mayor. In such cases, approval from the standard protocol would be sought from the Mayor.</p> <p>Attachment 13.3.7</p> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this document is revoked? |
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| <p><b>4.4.1 Photo opportunities</b></p> <p>Where the request from media is for a photo opportunity, the same protocols and tiered approach will apply. Only the Mayor can participate in a formal, scheduled photo opportunity with media except for reasons of unavailability or conflict of interest.</p> <p>At the discretion of the CEO or appropriate Council Officer (Director, Manager Media &amp; Communications), other Councillors may participate in a photo opportunity as well, subject to the Mayor's approval, including for cultural publications.</p> <p>It is acknowledged that photo opportunities at events will often be of an informal and unscheduled nature in which participation by multiple Councillors will be inevitable and encouraged. The protocol above applies only to scheduled photo opportunities as requested by media.</p> | <p>As above.</p>                                                 |
| <p><b>4.4.2 Generating media</b></p> <p>Media Releases will be proactivity issued by the Brimbank City Council on a regular basis to assist media and community understanding of a Council position in relation to any matter. In creating and issuing Media Releases, the following protocol will apply:</p> <ul style="list-style-type: none"> <li>• The Media Team will determine who is to be quoted, in accordance with Table 2.</li> <li>• The Media Team will determine key quotes in consultation with the appropriate Directorate and then seek approval from the Mayor and/or any Councillor being quoted.</li> <li>• The Media Team will circulate final copies of all Media Releases to all Councillors.</li> </ul>                                                                                                                                   | <p>As above.</p>                                                 |
| <p><b>4.4.3 Media Team support to Councillors</b></p> <p><b>Attachment 13.3.7</b></p> <p>If a Councillor wishes to express a personal view to media which differs from</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Where will this content be captured if this document is revoked? |
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| <p>an adopted position, they are not acting as the authorised spokesperson on Council matters or positions as described in this protocol, and therefore the Media Team's resources are not available to them.</p> <p>The Media Team aims to ensure that all Councillors are kept informed and updated on media issues relating to Brimbank City Council. In doing so, a Brimbank Council Media Report will be issued each week, and other ad hoc updates will be provided as extraordinary circumstances require.</p> <p>A member of the Media Team will generally accompany the Mayor or other Councillor, if required, when interviews or photo opportunities are being conducted.</p> <p>Opportunities to contribute to publications produced by external sources (e.g. articles) will entail preparation of appropriate content by the Media Team under the byline of the Mayor or, if appropriate, the relevant spokesperson as indicated in Table 2.</p>                                                                                                                                                                                           |                                                                  |
| <h4 data-bbox="62 823 604 858">4.5 Social Media Use By Councillors</h4> <p>Social media provides opportunities for dynamic and interactive two-way communication between Councillors and their constituents. Social media is not considered any different from existing personal communications (eg, email, letter, face to face conversation) that Councillors engage in.</p> <p>Brimbank City Council acknowledges that Councillors will have and manage their own social media accounts. These communications activities do not require approval from Council officers. However, the following broad principles will apply to personal social media use:</p> <ul style="list-style-type: none"> <li>• Councillors must not represent their views and opinions on personal social media accounts as being the official views of Brimbank City Council, unless in accordance with agreed and published Council policy.</li> <li>• Councillors should not use personal social media accounts to comment on Council matters which are confidential in nature.</li> <li>• Councillors should not use personal social media accounts to publicly</li> </ul> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Where will this content be captured if this document is revoked? |
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| <p>dispute or rebuke the views of other Councillors or Council Officers.</p> <ul style="list-style-type: none"> <li>Councillors should not use personal social media accounts to indicate their disagreement with agreed and published Council policy.</li> </ul> <p>Where Councillors publish social media content in a personal capacity from personal accounts that makes reference to Brimbank City Council, its staff, policies or services, its suppliers or other stakeholders, or any Council-related issues, that content will be considered to be bound by the requirements of Brimbank City Council in regards to social media use.</p> <p>In such instances, the following content is not permitted under any circumstances nor limited to:</p> <ul style="list-style-type: none"> <li>Abusive, profane or sexual language</li> <li>Content not relating to the subject matter of that blog, board, forum or site</li> <li>Content which is false or misleading</li> <li>Confidential information about Council or third parties</li> <li>Copyright or trademark protected materials</li> <li>Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation</li> <li>Illegal material or materials designed to encourage law breaking</li> <li>Materials that could compromise Council, employee or system safety</li> <li>Materials which would breach applicable laws (defamation, privacy, trade practices, rules and regulations, fair use, trademarks)</li> <li>Material that would offend contemporary standards of taste and decency</li> <li>Material which would bring the Council into disrepute</li> <li>Personal details or references to Council staff or third parties which may breach privacy laws</li> <li>Spam, meaning the distribution of unsolicited bulk electronic messages</li> </ul> <p>Attachment 13.3.7</p> |                                                                  |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this document is revoked? |
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| <ul style="list-style-type: none"> <li>• Statements which may be considered to be bullying or harassment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                  |
| <p>4.6 For the purposes of this policy, social media encompasses but is not limited to the following digital spaces where people may comment, contribute, create, forward, post, upload and share content:</p> <ul style="list-style-type: none"> <li>• Websites</li> <li>• Emails</li> <li>• Blogs</li> <li>• Bulletin boards</li> <li>• Citizen journalism and news sites</li> <li>• Forums and discussion boards</li> <li>• Instant messaging facilities</li> <li>• Micro blogging sites (e.g. Twitter)</li> <li>• Online encyclopaedias (e.g. Wikipedia)</li> <li>• Podcasts</li> <li>• Social networking sites (e.g. Facebook, MySpace, Bebo, Friendster, LinkedIn)</li> <li>• Video and photo sharing sites (e.g. Flickr, YouTube)</li> <li>• Wikis</li> <li>• Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.</li> </ul> <p>As the personal views of Councillors are usually likely to be associated by external audiences with the views of Council, Councillors will be held to a high degree of responsibility in regards to personal use of social media.</p> <p>Council social media sites that have been set up by Council officers are considered official</p> <p>channels of Council, and current conventions applied to existing communications channels apply. These conventions include the Mayor being</p> <p>Attachment 13.3.7</p> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Where will this content be captured if this document is revoked? |
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| <p>the nominated spokesperson of Council, except where the tiered approach in Table 2 is utilised.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                  |
| <p><b>4.6 Representing The City at Civic Events, Functions and Delegations</b></p> <hr/> <p><b>4.6.1 Opportunities generated through Council organised, partnered and sponsored events*</b></p> <p>As chief representative and spokesperson for Council, the Mayor is given first opportunity to formally represent Council at functions and events organised, partnered or sponsored by Brimbank City Council.</p> <p>An event organised by Council is one that is a designated Brimbank City Council event – e.g. the opening of a facility, a policy announcement, a cultural or community event.</p> <p>An event partnered by Council would usually be one that has been instigated by a State or Federal Government Department or Minister's office for the purpose of a joint media announcement or one with particular relevance to Brimbank City Council.</p> <p>An event sponsored by Council is one with Brimbank City Council funding or in-kind support towards the staging of an event or function. This does include funding provided through the purchase of tickets or seating at events and functions once the event has been announced and promoted.</p> <p>For functions and events organised, partnered or sponsored by Brimbank City Council where the Mayor is unavailable, the invitation is first forwarded to the Deputy Mayor, then the relevant Portfolio Chair if the Deputy Mayor is also unavailable, then via the same tiered process outlined in Table 2.</p> <p>On occasion and at the discretion of the CEO, the tier process may be supplanted by a decision to nominate a particular Councillor as an event representative on the basis of newsworthiness, an acknowledged association with the event or other factors. In such cases the Mayor's approval would be sought.</p> <p>Attachment 13.3.7</p> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Where will this content be captured if this document is revoked? |
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| <p><b>4.6.1.1 Speeches</b></p> <p>All civic events commitments are placed in the appropriate representative's diary by Councillor Support, which then submits a speech request to Media &amp; Communications.</p> <p>A speech request is required, in normal circumstances, six weeks prior to the event taking place. Additional time will be required if translations are needed.</p> <p>Speechwriting support is only offered for events where the Mayor has accepted to speak.</p> <p>If a Councillor attending an event in their official role is invited to speak ad hoc at the event, they are able to do so, but must inform the Mayor and Manager Governance afterwards.</p> <p>Speechwriting support is not able to be provided for Councillors who wish to speak at functions outside of their official role as a Brimbank City Council representative.</p> | <p>As above.</p>                                                 |
| <p><b>4.6.1.2 MC Role</b></p> <p>A distinction is made, for the purposes of Council organised, partnered and sponsored events, between the Mayor or a Councillor providing formal representation, and another individual serving as the Master of Ceremonies (MC) for the event.</p> <p>An MC may be the CEO, a Council officer (e.g. a Director) or a non-Council individual serving in the role for reasons of professional experience and appropriateness (e.g. a professional entertainer or speaker at a cultural event). The role of the MC will include introducing the Mayor or relevant Councillor to conduct their ceremonial role and/or provide a speech. The role of MC is not intended to supplant any of the formal or ceremonial aspects of a Mayor or Councillor, nor would it be represented as such.</p>                                            | <p>As above.</p>                                                 |
| <p><b>4.6.1.3 Running Sheet</b></p> <p>Attachment 13.3.7<br/>All Councillors formally attending an event where Council's participation</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Where will this content be captured if this document is revoked? |
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| <p>includes the preparation of a Running Sheet should familiarise themselves with that Running Sheet prior to the event and be familiar with:</p> <ul style="list-style-type: none"> <li>- The protocols that will apply at the event</li> <li>- The restrictions that may apply on participation in photo opportunities – i.e. an event partnered with the State Government may require that only the Mayor participate in a photo or video opportunity with the relevant Minister</li> <li>- The formal or ceremonial roles that Councillors may be requested to play.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                  |
| <p>4.6.2 Opportunities received directly by Councillors and Council from external sources</p> <ul style="list-style-type: none"> <li>- 4.6.2.1 Invitations received by the Mayor</li> </ul> <p>As the chief representative of Council, the Mayor will be approached by stakeholders to participate in events, functions and activities important and relevant to Brimbank. Such requests will be considered by Councillor Support in the first instance.</p> <p>Councillor Support will liaise with the appropriate Directorate to assess the importance and relevance of the event, and the appropriateness of formal Council attendance, participation and contributions (e.g. speech or ceremonial role). It will be at the discretion of the appropriate Director, with reference to the CEO as appropriate, to determine if Council should play such a role.</p> <p>If the nature of the event suggests it may be valuable to have Brimbank City Council participation and the Mayor is unavailable, the event organiser will be approached by Councillor Support regarding representation by another Councillor. If the event organiser agrees, the opportunity will be referred to the Deputy Mayor in the first instance. If unavailable, the opportunity will be offered to other Councillors via the same tiered process outlined in Table 2.</p> <p>Attachment 13.3.7</p> | <p>As above.</p>                                                 |
| <ul style="list-style-type: none"> <li>- 4.6.2.2 Invitations received by the Deputy Mayor and Councillors</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>As above.</p>                                                 |



| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this document is revoked? |
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| <p>The Deputy Mayor and Councillors will receive invitations in an individual capacity to represent Council. These may be received in acknowledgement of portfolio or cultural responsibilities or in response to established relationships with city stakeholders.</p> <p>If the event is one in which the Councillor would not be formally representing Council, but attending on the basis of personal relationships with stakeholders or within the community, there would be no formal Council involvement or contribution. The Councillor should not represent themselves as attending or participating in the event on behalf of Brimbank City Council.</p> <p>If the event is one in which the Councillor would be formally representing Council, Councillors will forward the details to Councillor Support, which will liaise with the appropriate Directorate to assess the importance and relevance of the event.</p> <p>If a Councillor receives an invitation to a cultural or specific interest event, they will send the invitation to Councillor Support. Councillor Support will liaise with the appropriate Directorate to assess the relevance of the event, and appropriateness of formal Council attendance.</p> <p>Councillor Support will provide all invitations to the Mayor for their assessment and/or approval, in accordance with the Councillor Support Major Policy requirements. If approved, Councillor Support will advise the Councillor. If not approved, the Mayor will discuss their decision with Councillor directly.</p> <p>If the event is deemed appropriate for that Councillor's attendance and contribution (e.g. speech), Councillor Support will confirm the commitment with the event organiser on behalf of the Councillor. If the opportunity is transferable, Councillors should consider referring the invitation to the relevant Portfolio Councillor.</p> |                                                                  |
| <p>4.6.2.3 Invitations received by Council<br/>Attachment 13.3.7</p> <p>Where an external source approaches Council directly with a view to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Where will this content be captured if this document is revoked? |
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| <p>seeking representation by a Councillor, Councillor Support will first liaise with the appropriate Directorate to assess the importance and relevance of the event. If it is deemed suitable, the Mayor will first be approached. If the Mayor declines the invitation and an alternative Councillor is considered acceptable to the organising body, the opportunity will be offered to other Councillors via the same tiered process outlined in Table 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                  |
| <p><b>4.6.2.4 Support for Councillor Representation</b></p> <p>In representing Council at events, functions and delegations, Councillors may require support in the form of speech notes, presentations and background information. This support shall be arranged through Councillor Support, who will forward the relevant requests to the Media Team.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>As above.</p>                                                 |
| <p><b>4.6.2.5 Access to tickets for Council organised or sponsored events</b></p> <p>As the organiser or sponsor of a number of key cultural, community, business and sporting events in Brimbank, there will be ticketing opportunities for Councillors, the administration and stakeholders.</p> <p>It is important to have a transparent and accountable system of allocation of tickets. The process supporting allocation allows Council to use tickets in a strategic way to maximise the profit and relationship opportunities for Brimbank City Council and shall be guided by the following principles:</p> <ul style="list-style-type: none"> <li>- The need to ensure Council is appropriately represented at all sponsored and organised events</li> <li>- That City representation involves participation of Councillors and senior Council officers</li> <li>- That where limited tickets are available in the proposed allocation to Councillors, priority shall be given to the Mayor, Deputy Mayor and relevant Portfolio Champion</li> <li>- Ticketing should be used for the primary purpose of further developing and enhancing Council relationships with stakeholders, and so Council officer representation may also occur</li> </ul> | <p>As above.</p>                                                 |

| Councillor Protocol content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Where will this content be captured if this document is revoked? |
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| <ul style="list-style-type: none"> <li>- Allocated tickets should be used. Unused tickets represent a loss in profit and stakeholder relationship opportunities</li> </ul> <p>All other event attendance and ticketing in relation to procuring a 'table' for Council will be dealt with in accordance with section 3 of the Councillor Support Major Policy.</p>                                                                                                                                                                                                     |                                                                  |
| <p>4.6.2.6 Requests for Council support or funding for events</p> <p>Councillors approached for Council support or funding for events and activities must first raise the matter with the relevant Director for consideration in accordance with Council policy and guidelines under specific programs and projects. These policies and guidelines ensure that assessment processes are fair, transparent and accountable.</p>                                                                                                                                        | As above.                                                        |
| <p><b>4.1 Mayoral Robe and Chain</b></p> <hr/> <p>The Mayoral robe and chain signify the office of the Mayor. The Mayor may choose to wear one or both at official functions of the Council. The Mayor will act as custodian of the robe and chain, and liaise with Councillor Support to make any necessary security arrangements.</p> <p>Given its significant value, the chain is only able to be worn at functions held at the Brimbank Council Offices, Citizenship ceremonies, school visits, or where appropriate security measures are in place.</p> <p>-</p> | As above.                                                        |

## SECTION 5: RELATED POLICIES AND RESOURCES

- Councillor Code of Conduct
- Councillor Support Major Policy
- Councillor Transparency Policy
- Councillor Respectful Conduct Policy
- Councillor Portfolio Policy 2019
- Place Naming Policy
- Councillor Gifts Protocol and Declaration of Gift Form
- Conduct During Elections Policy 2019
- *Local Government Act 1989*

## REFERENCES

City of Melbourne Councillor Protocol

## AMENDMENT OF POLICY

| Amendment of Policy | Reviewed Date | Reason for Amendment                                                                       | Next Review Date |
|---------------------|---------------|--------------------------------------------------------------------------------------------|------------------|
|                     | February 2020 | Status as Major Policy<br>New standalone policy<br>(incorporated by reference in the Code) | February 2021    |

Date Approved by Council—

## Brimbank City Council

**Telephone** 9249 4000

**Email** [info@brimbank.vic.gov.au](mailto:info@brimbank.vic.gov.au)

**Post** PO Box 70, Sunshine, VIC 3020

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### Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1300 555 727
- [www.relayservice.gov.au](http://www.relayservice.gov.au), then enter 03 9249 4000



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### Find us on Facebook, Twitter and YouTube

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 [www.twitter.com/brimbankcouncil](http://www.twitter.com/brimbankcouncil)

 [www.youtube.com/brimbankcitycouncil](http://www.youtube.com/brimbankcitycouncil)



**131 450**

Local call costs apply



**Brimbank Chat**

[brimbank.vic.gov.au](http://brimbank.vic.gov.au)



# **Councillor Respectful Conduct Policy**

February 2020

# Ready reckoner

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this policy is revoked? |
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| <p><b>1: PURPOSE</b></p> <p>Councillors - through their Code of Conduct- have committed to work together with one another in a respectful and constructive manner to achieve the goals and vision for the City of Brimbank. Councillors have acknowledged they have been elected by the community to a position of significant responsibility with the expectation that they will act in accordance with accepted values of our society.</p> <p>The purpose of the Councillor Respectful Conduct Policy 2020 is to establish a framework to identify and manage inappropriate conduct by Councillors that falls short of this standard.</p> <p>This policy reflects the obligations on Council to promote and support a workplace that is free from unlawful discrimination, sexual harassment, victimisation, racial and religious vilification, and workplace bullying, and comply with applicable laws contained in relevant legislation.</p> | <p>Purpose section not substantive content</p>                 |
| <p><b>2. Scope</b></p> <p>This policy applies to Councillors with respect to their conduct towards fellow Councillors and Council officers. For the avoidance of doubt, this policy applies equally to all Councillors, including the Mayor and Deputy Mayor.</p> <p>This policy is incorporated in the Councillor Code of Conduct. Nothing in this policy changes or detracts from the operation of other provisions in the Councillor Code of Conduct, nor any legislation setting out alternative avenues that may be available to a Councillor or Councillors in respect of matters mentioned in this policy.</p> <p>The processes outlined in this policy may run concurrently with any</p>                                                                                                                                                                                                                                                 | <p>Scope section not substantive content</p>                   |



| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>processes set out in the Councillor Code of Conduct, the Local Government Act 1989 and any other legislation.</p> <p>Council has separate policies regarding unlawful discrimination, sexual harassment, victimisation, racial and religious vilification and workplace bullying that applies to Council employees.</p> <p>This policy applies when Councillors are conducting the business of Council or acting as a representative of Council, irrespective of location, during or outside normal Council hours.</p> <p>This policy sits independently of, and neither changes nor detracts from, the Governance (Meeting Procedure) Local Law No.1 2015</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <h3>3. Policy</h3> <p>The Council is committed to upholding the principle of equal opportunity by treating all people with dignity and respect.</p> <p>Council will not tolerate disrespectful conduct by Councillors, namely conduct that would amount to unlawful discrimination, harassment (including sexual harassment), victimisation, exclusion, racial and religious vilification or workplace bullying if the Councillor were an employee of Council.</p>                                                                                                                                                                                                | <p>This section covered in Treatment of Others section of the Code of Conduct</p> <div data-bbox="1037 659 1989 1034"> <p><b>3.1 Treatment of others</b></p> <p>A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:</p> <ul style="list-style-type: none"> <li>a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 ; and</li> <li>b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and</li> <li>c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and</li> <li>d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.</li> </ul> </div> |
| <h4>3.1 Unlawful discrimination</h4> <p>Unlawful discrimination means direct or indirect discrimination on the basis of a protected attribute. Protected attributes are specifically listed in anti-discrimination legislation.</p> <p>Protected attributes include the following:</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Breastfeeding</li> <li>• Disability</li> <li>• Employment</li> </ul> <p>Attachment 13.3.8</p>                                                                                                                                                                                                                      | <p>This section replicates s6 of the Equal Opportunity Act. Duty to take positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act generally covered in Code of Conduct.</p> <div data-bbox="1037 1198 1989 1414"> <p><b>3.1 Treatment of others</b></p> <p>A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:</p> <ul style="list-style-type: none"> <li>a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 ; and</li> </ul> </div> <p>Also covered in the Use of Social Media section of the Code of Conduct:</p>                                                                                                                                                                                                                               |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <ul style="list-style-type: none"> <li>• Genderidentity</li> <li>• Industrial activity</li> <li>• Lawfulsexualactivity</li> <li>• Marital or relationship status</li> <li>• Status as a parent or carer</li> <li>• Physical features</li> <li>• Political belief or activity</li> <li>• Pregnancy</li> <li>• Race</li> <li>• Religious belief or activity</li> <li>• Sex</li> <li>• Sexual orientation</li> <li>• Association with someone who is identified by a protected attribute.</li> </ul> <p>Direct discrimination occurs if a person treats another person with a protected attribute unfavourably because of that protected attribute.</p> <p>Some examples of direct discrimination are:</p> <ul style="list-style-type: none"> <li>• Not offering computer training to an older Councillor because of their age and a view that they will not be involved in Council for much longer.</li> <li>• Excluding a Councillor from participation on a Committee because of a protected attribute, for example, their religious belief or age.</li> </ul> <p>Indirect discrimination occurs if a person imposes a requirement, condition or practice that disadvantages a person with a protected attribute and that requirement, condition or practice is not reasonable.</p> <p>Some examples of indirect discrimination are:</p> <ul style="list-style-type: none"> <li>• Holding a Council team building event at a sporting venue that does not permit access or participation by a Councillor with a</li> </ul> | <p>Where Councillors publish social media content in a personal capacity from personal accounts that makes reference to Brimbank City Council, its staff, policies or services, its suppliers or other stakeholders, or any Council-related issues, that content will be considered to be bound by the requirements of Brimbank City Council in regard to social media use.</p> <p>In such instances, the following content is not permitted under any circumstances nor limited to:</p> <ul style="list-style-type: none"> <li>• Abusive, profane or sexual language</li> <li>• Content not relating to the subject matter of that blog, board, forum or site.</li> <li>• Content which is false or misleading</li> <li>• Confidential information about Council or third parties</li> <li>• Copyright or trademark protected materials.</li> <li>• Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political</li> </ul> <p><b>Detailed description of direct and indirect discrimination added to the Code of Conduct:</b></p> <p><b>3.1.1 Discrimination</b></p> <p>Discrimination can be direct <u>or</u> indirect.</p> <p>Direct discrimination occurs if a person treats another person with a protected attribute unfavourably because of that protected attribute.</p> <p>Some examples of direct discrimination are:</p> <ul style="list-style-type: none"> <li>• Not offering computer training to an older Councillor because of their age and a view that they will not be involved in Council for much longer.</li> <li>• Excluding a Councillor from participation on a Committee because of a protected attribute, for example, their religious belief or age.</li> </ul> <p>Indirect discrimination occurs if a person imposes a requirement, condition or practice that disadvantages a person with a protected attribute and that requirement, condition or practice is not reasonable.</p> <p>Some examples of indirect discrimination are:</p> <ul style="list-style-type: none"> <li>• Holding a Council team building event at a sporting venue that does not permit access or participation by a Councillor with a disability.</li> <li>• Making it a requirement that Councillors be members of a political party in order to be a member of a committee. Unlawful discrimination can occur even if a Councillor does not intend to discriminate.</li> </ul> |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>disability.</p> <ul style="list-style-type: none"> <li>Making it a requirement that Councillors be members of a political party in order to be a member of a committee. Unlawful discrimination can occur even if a Councillor does not intend to discriminate.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>3.2 Harassment</b></p> <p>Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, sex or some other attribute specified under anti-discrimination legislation.</p> <p>Some examples of harassment are:</p> <ul style="list-style-type: none"> <li>Ageist or racist comments or jokes about another Councillor</li> <li>Isolating a Councillor because they have a disability.</li> </ul> <p>A person's intention or motive for conduct that constitutes harassment is irrelevant to whether unlawful harassment has taken place.</p> <p><b>3.3 Sexual harassment</b></p> <p>Sexual Harassment means unwelcome conduct of a sexual nature where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. The intention of the harasser is irrelevant.</p> <p>Some examples of sexual harassment are:</p> <ul style="list-style-type: none"> <li>Repeatedly asking another Councillor to go on a date when that person has already declined.</li> <li>Sending an email to another Councillor with sexually explicit images attached.</li> </ul> | <p>Sexual harassment covered generally in the Code of Conduct:</p> <div data-bbox="1021 890 2024 1118"> <p><b>3.1 Treatment of others</b></p> <p>A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:</p> <ul style="list-style-type: none"> <li>a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 ; and</li> </ul> </div> |
| <p><b>3.4 Racial or religious vilification</b></p> <p>Racial or religious vilification means conduct that incites hatred against,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section on racial and religious vilification added to the Code of Conduct:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property, and is a criminal offence.</p> <p>Some examples of racial or religious vilification are:</p> <ul style="list-style-type: none"> <li>• Sending an email to your colleagues that ridicules Muslims, Christians, or any other faith</li> <li>• Making threats to harm a colleague because they are Muslim (serious religious vilification).</li> </ul> <p>A person's intention or motive for conduct that constitutes racial or religious vilification is irrelevant to whether such vilification has taken place.</p> | <p>Councillors agree:</p> <p><b>6.1 Conduct based on race and religion</b></p> <p>Not to engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property and is a criminal offence.</p> <p><i>Also Racial and Religious Tolerance Act 2001 now included under 'Documents Incorporated by Reference'.</i></p>            |
| <p><b>3.5 Victimisation</b></p> <p>Victimisation means unfavourable treatment of a fellow Councillor who reports or complains about any of the conduct covered by this policy.</p> <p>Some examples of victimisation are:</p> <ul style="list-style-type: none"> <li>• Denying a Councillor access to information shared with other Councillors because they had made a complaint about unlawful discrimination.</li> <li>• Excluding or isolating a Councillor because they had made a complaint of sexual harassment against one of your Councillor friends.</li> </ul>                                                                                                                                                                                          | <p><i>Victimisation covered generally in the Code of conduct:</i></p> <p><b>3.1 Treatment of others</b></p> <p>A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:</p> <p>a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010 ; and</p> |
| <p><b>3.6 Bullying—Including Exclusion</b></p> <p>Bullying is repeated unreasonable behaviour directed towards another Councillor or member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff.</p> <p>'Unreasonable behaviour' is behaviour that a reasonable person, having regard to all the circumstances, believes or expects would victimise, humiliate, undermine or threaten another person.</p>                                                                                                                                                                                                                                                                              | <p><i>Section on bullying including cyber bullying has been added to the Code of Conduct:</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p>A broad range of behaviours can be considered to be bullying. Some examples of behaviour that may constitute bullying are:</p> <ul style="list-style-type: none"> <li>• Verbal abuse, insults or name-calling</li> <li>• Continually making jokes about a person, or singling out one person for remarks more often than others in a group</li> <li>• Personal attacks, threats, intimidation and misuse of power</li> <li>• Deliberate exclusion or isolation</li> <li>• Deliberately withholding information from someone where that information is essential to their ability to perform their work effectively.</li> </ul> <p>A single incident of unreasonable behaviour, while not bullying, may still create a risk to health and safety.</p>                                                                                                                                                                                                                                                                                 | <p><b>6.2 Conduct considered bullying</b></p> <p>Not to participate in unreasonable behaviour that may be considered bullying, such as repeated:</p> <ul style="list-style-type: none"> <li>• Verbal abuse, insults or name-calling</li> <li>• Personal attacks, threats, intimidation</li> <li>• Deliberate exclusion or isolation</li> <li>• Deliberately withholding information from someone where that information is essential to their ability to perform their work effectively.</li> <li>• Any form of bullying that occurs online.</li> </ul> |
| <p><b>4. RESPONSIBILITIES</b></p> <p>Councillors will:</p> <ul style="list-style-type: none"> <li>• Treat all people with dignity and respect.</li> <li>• Report any unacceptable Councillor conduct, consistent with the Councillor Code of Conduct.</li> <li>• Ensure their behaviour is appropriate at all times and in accordance with the Council values.</li> <li>• Cooperate with any external investigation into, or arbitration of, a complaint made under this policy.</li> <li>• Other than reporting to appropriate people as set out in the Councillor Code of Conduct, maintain confidentiality regarding any complaint raised under this policy, unless the Councillor has been given explicit permission by the individual bringing the complaint or they are legally obliged to provide information to appropriate authorities.</li> <li>• Not make or cause to make a vexatious, false or frivolous complaint.</li> <li>• Maintain a professional and safe work environment free from unacceptable conduct</li> </ul> | <p>Councillor responsibilities in relation to behaviour covered in detail throughout the Code of Conduct.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                |
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| <ul style="list-style-type: none"> <li>Take reasonable and proportionate measures to prevent unacceptable conduct as far as possible. The Chief Executive Officer, or delegate, will:</li> <li>Provide relevant training opportunities for Councillors on matters covered in this policy</li> <li>Assist Council in the implementation of the following procedure</li> <li>Ensure that support and assistance is available to all Councillors where it is required</li> <li>Apply natural justice principles in addressing any allegation of disrespectful conduct.</li> </ul>                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>5. PROCEDURE FOR DEALING WITH ALLEGED BREACHES OF THIS POLICY</b></p> <p>Councillors are expected to use their best efforts to resolve disputes in a respectful and courteous manner. If a Councillor believes that this policy has been breached, the Councillor should refer to the internal resolution procedure in the Councillor Code of Conduct.</p>                                                                                                                                                                                                                                                                                                                                                 | <p>Procedures for dealing with breaches covered in detail in the Code of Conduct</p> <p><b><u>10 ALLEGATIONS OF CONTRAVENTION OF THE CODE</u></b></p> <p>An allegation that this Code has been breached by a Councillor can be made by:</p> <ul style="list-style-type: none"> <li>Council, by resolution.</li> <li>a Councillor.</li> <li>a group of Councillors.</li> </ul> |
| <p><b>6. OTHER RESOURCES AND SUPPORT</b></p> <p>a. Independent Advisor</p> <p>If a Councillor has a concern relating to a breach under this policy, they should follow the Independent Procedure in the Code. The Independent Advisor (IA) is an external independent resource available to a Councillor under the procedure.</p> <p>The IA can provide dispute resolution advice and strategic support to parties in an informal dispute resolution process, including clarifying their rights and obligations under the Code and legislation.</p> <p>The IA is also able to provide the Mayor (or Deputy Mayor) will facilitation and strategic advice for the purposes of the informal dispute resolution</p> | <p>This is outdated content. There is no Independent Procedure in the Code of Conduct. Procedures for facilitated discussion and managing allegations of contraventions are covered in detail in Sections 8 &amp; 9 of the Code.</p>                                                                                                                                          |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                       | Where will this content be captured if this policy is revoked?                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>procedure. While the IA is retained by Council, the Councillor can contact with them on a confidential basis, in accordance with section 3.6 of the Code.</p> <p>If the IA believes an issue has been brought to their attention that creates a risk to the health and safety of a Councillor or another person, they may raise the matter with the CEO on a confidential basis.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>6.2 Employee Assistance Program</b></p> <p>Councillors will have access to the Employee Assistance Program, or like service, should they require general counselling support in relation to any matters covered by this policy.</p>                                                                                                                                               | <p>This content covered in the Councillor Support Major Policy</p> <p><b>7.3 Health and Wellbeing</b></p> <p><b>7.3.1 Counselling support</b></p> <p>Councillors may be able to access Council's Employee Assistance Program (EAP) counselling service – Councillor Support, to assist with their health and wellbeing during their term of office. Access to this program can be requested through the Chief Executive Officer or delegate.</p> |
| <p><b>7. POSSIBLE SCENARIOS</b></p> <p>The following scenarios are provided as examples only in order to illustrate how this policy may operate in practice. Failure to follow the steps outlined in these scenarios does not necessarily constitute a breach of this policy.</p>                                                                                                       | <p>Recommend this content not to be retained because processes should be consistent and contained in the Code of Conduct.</p>                                                                                                                                                                                                                                                                                                                    |



| Councillor Respectful Conduct Policy 2020 content |                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                     | Where will this content be captured if this policy is revoked? |
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| I've been the subject of inappropriate behaviour  | <p>Can you address it?</p> <p>If you think someone has acted inappropriately toward you, and you feel comfortable doing so, you can bring their behaviour to their attention and/or ask them to stop.</p> <p>Making others aware of the impact of their behaviour helps to create respectful boundaries.</p> | <p>Did it resolve?</p> <p>If the behaviour doesn't stop, or you are not comfortable addressing the person directly, you can report it to the Mayor (or other) in accordance with the Code.</p> <p>The Mayor may direct you to the Independent Respectful Conduct Advisor who can advise you on options to report the behaviour.</p> |                                                                |
|                                                   | <p>I am being treated unfairly</p> <p>Can you address it?</p> <p>If someone is treating you unfairly, you can bring their behaviour to their attention and ask them to stop.</p> <p>Sometimes, raising issues early can also clarify any potential misunderstanding</p>                                      | <p>Is it bullying?</p> <p>If the behaviour doesn't stop and poses a risk to health, you can report it to the Mayor (or other) in accordance with the Code.</p> <p>The Mayor may direct you to the Independent Respectful Conduct Advisor who can advise you on options to report the behaviour.</p>                                 |                                                                |



| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Where will this content be captured if this policy is revoked? |
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|  <p>I've been asked to keep a situation confidential</p> <p>Is anyone's health and safety at risk?</p> <p>You must take reasonable steps to address safety concerns. This includes disclosing private or sensitive information when it is necessary to keep people safe.</p> <p>Report the behaviour</p> <p>You can notify the Mayor (or other) in accordance with the Code.</p> <p>The Mayor may direct you to the Independent Respectful Conduct Advisor who can advise you on options to report the behaviour.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                |
| <h2>8. RELATED POLICIES AND RESOURCES</h2> <ul style="list-style-type: none"> <li>• Councillor Code of Conduct</li> <li>• Councillor Support Major Policy</li> <li>• Councillor Protocol</li> <li>• Councillor Transparency Policy</li> <li>• Councillor Gifts Protocol and Declaration of Gift Form</li> <li>• Conduct During Elections Period Policy</li> <li>• <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i></li> <li>• <i>Age Discrimination Act 2004 (Cth)</i></li> <li>• <i>Disability Discrimination Act 1992 (Cth)</i></li> <li>• <i>Equal Opportunity Act 2010 (Vic)</i></li> <li>• <i>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</i></li> <li>• <i>Human Rights and Equal Opportunity Commission Regulations 1998 (Cth)</i></li> <li>• <i>Privacy and Data Protection Act 2014 (Vic)</i></li> <li>• <i>Local Government Act 1989 (Vic)</i></li> <li>• <i>Occupational Health and Safety Act 2004 (Vic)</i> <i>Public Administration Act 2004 (Vic)</i></li> </ul> <p>Attachment 13.3.8</p> | <p>This is not substantive content.</p>                        |

| Councillor Respectful Conduct Policy 2020 content                                                                                                                                                                                                                         | Where will this content be captured if this policy is revoked? |
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| <ul style="list-style-type: none"><li>• <i>Racial Discrimination Act 1975 (Cth)</i></li><li>• <i>Racial and Religious Tolerance Act 2001 (Vic)</i></li><li>• <i>Sex Discrimination Act 1984 (Cth)</i></li><li>• <i>Workplace Gender Equality Act 2012 (Cth)</i></li></ul> |                                                                |

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## SECTION 4: RELATED POLICIES AND RESOURCES

- Councillor Code of Conduct
- Councillor Protocol
- Councillor Support Major Policy
- Councillor Respectful Conduct Policy
- Conduct During Elections Policy 2019
- Councillor Gifts Protocol and Declaration of Gift Form
- Councillor Portfolio Policy
- *Local Government Act 1989*

## AMENDMENT OF POLICY

| Rev | Reviewed Date    | Reason for Amendment                                                                              | Next Review Date |
|-----|------------------|---------------------------------------------------------------------------------------------------|------------------|
| C   | 19 April 2016    | Adopted as Major Policy as part of Councillor Code of Conduct<br><i>Local Government Act 1989</i> | February 2017    |
| D   | 14 February 2017 | <i>Local Government Act 1989</i> requirement                                                      | October 2017     |
| E   | February 2020    | New standalone policy<br>(incorporated by reference in the Code)                                  | February 2021    |

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