

GUIDELINES FOR GOOD CONDUCT

As Councillors of the Buloke Shire Council we are committed to constructively working with each other and our staff in the best interests of the Buloke community and to discharge our responsibilities to the best of our skill and judgment.

Our commitment to working together constructively will enable us to achieve a sustainable community where everyone is actively encouraged to participate in community life to enrich the cultural, social, and economic viability of our Shire and to care for our natural environment.

As Councillors we will achieve this in a manner that is consistent with:

- Constructive engagement.
- Good communication.
- Transparency in decision making.
- Accountability for actions.
- A collaborative approach working with partners.
- Taking responsibility.
- Representation of the community and its needs.
- Being responsive and timely.

PRELIMINARY COMMENTS

This Code of Conduct is a statement of how we, as Councillors, will behave and work with our staff, our community and our stakeholders. It provides guidance about the general standards of ethical conduct and how we will carry out the role expected by the Buloke community.

This Code operates together with the Local Government Act (1989) ("the Act"), Council's Meetings Procedure Local Law, other Council Policies and the Good Governance Guide 2004.

Councillors acknowledge that the Act requires Council to adopt a Code of Conduct, and that the Act specifies some types of conduct that are expressly prohibited. However, we believe this Code represents more than just a statement of compliance with the Act. The values that underpin this Code incorporate respect and consideration of fellow Councillors, all staff and the whole of the Buloke community.

Consistent with the values expressed above, we undertake to communicate openly and honestly with each other, demonstrating an appreciation for the professional views, abilities and the unique contributions each of us will make toward the effective governance of the Buloke Shire Council.

We acknowledge the primary role of the Council is to provide leadership and guidance for the good governance of the Shire.

We also acknowledge that the role of the Council includes:

- Acting as a representative government by taking into account the diverse needs of the local community in decision making;
- Providing leadership by establishing strategic objectives and monitoring their achievement;
- Maintaining the viability of the Council by ensuring that finite financial resources, including additional sources of funding such as grants, are managed in a responsible and accountable way;

- Advocating for the interests of the local community to other communities and governments;
- Acting as a responsible partner in government by taking into account the needs of other communities; and
- Fostering community cohesion and encouraging active participation in civic life.

COMMUNITY EXPECTATIONS

Councillors are, in effect, an extension of the community they represent, so the community's expectations of Councillors is high, firstly as its representative, but secondly to ensure that the business of Council is conducted with efficiency and impartiality, whilst demonstrating compassion and sensitivity towards the needs of the community.

In recognition of these expectations as Councillors, we will:

- Endeavour to make decisions solely in the public interest and on the basis of merit;
- Endeavour to ensure decisions will never improperly confer advantage or disadvantage to any person or organisation;
- Not place ourselves in circumstances where financial or other obligations to other persons or organisations may unduly influence decisions and actions;
- Be open and transparent about personal interests that would influence, or could reasonably be perceived to influence, decisions and actions as a Councillor;
- Be accountable to the community for decisions and actions and, wherever possible, be open and transparent about the reasons for decisions and report results, without disclosing confidential information;
- Exercise due care and diligence in the performance of our duties and submit to whatever lawful scrutiny is appropriate to the office of Councillor;
- Act honestly in the performance of our duties, avoiding words and actions that are intended to mislead or deceive Councillors, Staff or persons having dealings with Council;
- Treat all people with due courtesy and respect, not discriminating improperly against any person, and respecting the impartiality and integrity of fellow Councillors and Staff;
- Ensure public resources are used prudently in the public interest;
- Uphold all laws and act in accordance with the trust that the community is entitled to place in our public and private capacities; and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the Council, Councillors and Staff.

COUNCILLOR CONDUCT PRINCIPLES

The Councillors of the Buloke Shire Council endorse and agree to the following Councillor Conduct Principles specified in Sections 76B and 76BA of the Act in carrying out our role as Councillors.

This means that as Councillors, we will:

- Act with integrity;
- Impartially exercise our responsibilities in the interests of the local community; and
- Not improperly seek to confer an advantage or disadvantage on any person.

In addition, in performing our role as Councillors we will:

- Avoid conflicts between our public duties as a Councillor and our personal interests and obligations;
- Act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- Exercise reasonable care and diligence and submit to the lawful scrutiny that is appropriate to our office;
- Endeavour to ensure that public resources are used prudently and solely in the public interest;
- Act lawfully and in accordance with the trust placed in us as an elected representative; and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

BEHAVIOURS AND VALUES

As Councillors, we confirm that we will adhere to the following behaviours in our general conduct:

- Treating all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
 - Treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused;
 - Treating fellow Councillors with respect, even when disagreeing with their views or decisions;
 - Debating contentious issues without resorting to personal acrimony or insult;
 - Ensuring our punctual attendance at Council, Assembly of Council and Committee Meetings; and
 - Acting with courtesy towards Council Staff and avoiding intimidating behaviour.
- Always acting with integrity and honesty which means:
 - Being honest in all dealings with the community, with other Councillors and with Council Staff;
 - Acting with impartiality and in the best interests of the community as a whole;
 - Not acting in ways that may damage the Council or its ability to exercise good governance;
 - Exercising reasonable care and diligence in performing our functions as Councillors; and
 - Complying with all relevant Federal or State law or the Council's Local Laws and Council Policies.
- Recognising that we hold a position of trust which we will not misuse or from which we will derive undue benefit. As such:

- We will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Conduct relating to interests and conflicts of interest; and
- We will not exercise undue influence on other Councillors, members of Council Staff or members of the public to gain or attempt to gain an advantage for ourselves, our family or friends.
- Recognising that we are leaders in our community and that we need to:
 - Maintain proper standards of decorum and dress as well as a high standard of public demeanor at all times, particularly at meetings and public functions;
 - Strive to ensure that our ethical and moral standards are not in any way compromised through our dealings with the public and each other; and
 - Observe the requirements of this Code, as we would for this Council, when we as Councillors are appointed as representatives of the Council to other bodies and are carrying out our duties on that body.

RELATIONSHIPS WITH COUNCIL STAFF

As Councillors, we will work as part of the Council team with the Chief Executive Officer and other members of Staff.

We recognise that there needs to be mutual respect and understanding between Councillors and officers in relation to their respective roles, functions and responsibilities.

The Councillor's role is one of advocacy and leadership rather than management and administration, that being the primary function of the Chief Executive Officer, who is responsible for all staff matters. It is appropriate to notify either the Chief Executive Officer or a responsible manager when specific issues or particular functions are required to be undertaken.

Councillors will be aware of the requirements of Section 76E of the Act and must not seek to improperly direct or influence members of Council staff in the exercise of their duties, or attempt to do so.

DECISION MAKING

As Councillors, we are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance. Councillors will;

- Actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;
- Respect the views of the individual in the debate. However, we also accept that decisions are based on a majority vote; and,
- Accept that no Councillor can direct another Councillor on how to vote on any decision.

CONFLICT OF INTEREST PROCEDURES

For the purpose of this Code, "direct interest", "indirect interest" and "conflicts of interest", have the meanings specified in the Act.

As Councillors, we are committed to making all decisions impartially and in the best interests of the whole community, so we recognise the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

We will comply with all the provisions of the Act in regard to conflicts of interest. Therefore,

- If a Councillor considers that he or she has a direct or indirect interest in a matter before the Council, a Special Committee of Council or an Assembly of Councillors, they have a Conflict of Interest.
- If a Councillor has a Conflict of Interest in a matter he or she will comply with the requirements of the Act and ensure that the class and nature of the interest is disclosed. He or she will leave the room in which the meeting or assembly is being held during any discussion, debate or vote on the matter.
- If a Councillor has a personal interest in a matter to be considered by the Council or Special Committee that is not a Conflict of Interest, and he or she considers that their personal interest may be in conflict with their public duty to act impartially and in the interest of the whole community, the Councillor will declare a conflicting personal interest under Section 798 of the Act immediately before the matter is considered at the relevant meeting and apply to the Council or Special Committee to be exempted from voting on the matter.

In addition to the requirements of the Act, as Councillors, we will:

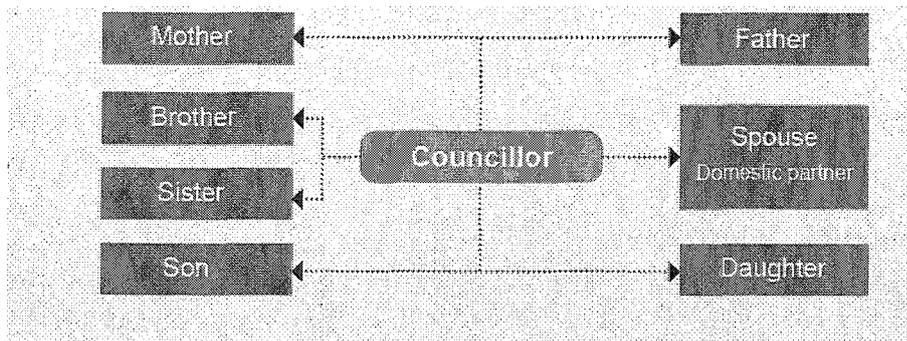
- Give early consideration to each matter to be considered by the Council, any Special Committee to which we belong, or Assembly of Councillors, to ascertain if we have a Conflict of Interest.
- Recognise that the legal onus to determine whether a Conflict of Interest exists rests entirely with each individual Councillor and that a member of staff cannot offer any advice in relation to potential conflicts. If we cannot confidently say that we do not have a Conflict of Interest, we will declare a Conflict of Interest and comply with the relevant requirements as if we had a Conflict of Interest.
- Notify the Mayor or the Committee Chair, as soon as possible, if we consider that we may be unable to vote on a matter because of a Conflict of Interest, (depending on whether the matter is to be considered by the Council, a Special Committee, or an Assembly of Councillors), as well as the Chief Executive Officer.

As Councillors, we need to be alert to the fact that it is not just our direct or indirect interests that could be a conflict in our role, but the direct and indirect interests of our family and members of our households. The Act lists the extent of family and household members whose interests need to be considered in determining our own and the action that we need to take.

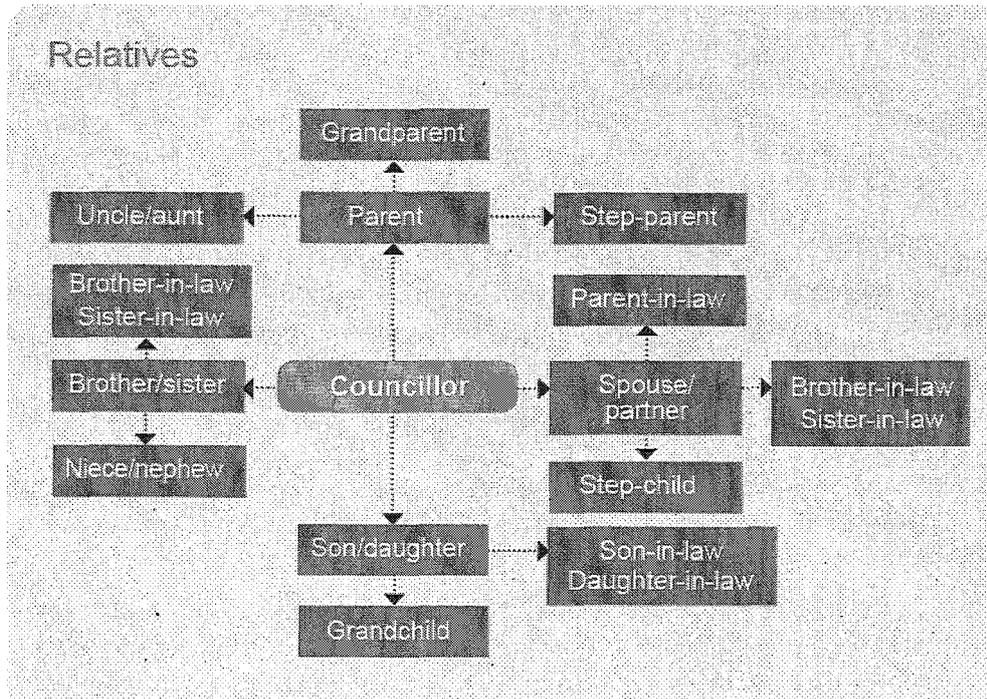
We need to be vigilant in assessing our interests and the disclosure of them where they interfere with the ability act as a Councillor. The expansive definition of "family" in the Act means that the "if in doubt, get out" approach is no longer suitable. It means that to avoid conflict of interest situations that we should step away from being involved in any matter if there is even a remote possibility that a person could establish a link to the proposal and a member of our family.

The following diagram has been developed to identify at a glance the ambit of the Act's requirements.

Family



Relatives



The Act describes a number of indirect interests that will lead to a conflict of interest. We understand that we are defined as a "relevant person" for certain purposes of the Act and the application of the provisions that attempt to clarify what an indirect conflict of interest may be. In this regard we will comply with the requirements of the Act in relation to:

Type of Interest		Detail
Direct Interest		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered.
Indirect Interest	Close Association (Section 78)	A member of your family has a direct interest or an indirect interest
		A relative has a direct interest
		A member of your household has a direct interest
	Indirect Financial Interest (Section 78A)	Likely to receive a benefit or loss, measurable in money, resulting from a benefit received or loss incurred by another person who has a direct or indirect interest.
	Holding shares in a company or body that has a direct interest	
	When a person with a direct interest owes money to you	

Conflict of Duty (Section 78B)	Manager or member of the governing body of an organisation with a direct interest
	Partner, consultant, contractor, agent or employee of person/body/company with direct interest.
	Trustee for a person with a direct interest
	Past dealings in relation to the matter as duty to another person or body
Applicable Gift (Section 78C)	One or more gifts with a total value of more than the gift disclosure threshold, in the previous 5 years
Interested Party (Section 78D)	Initiated or became party to civil proceedings in relation to the matter
Residential Amenity (Section 78E)	A reasonable likelihood that your residential amenity will be altered

CONFIDENTIALITY

It is important that the Buloke Shire community has confidence that confidential information acquired by Council is only used for legitimate Council purposes.

Councillors acknowledge that they will comply with their obligations under Section 77 of the Act in relation to confidential briefings or information (as defined under the Act) and recognise that this obligation extends to ensuring safekeeping of confidential information and does not disclose commercial-in-confidence or proprietary information unless legally required to do so.

ACCESS TO AND USE OF INFORMATION

As Councillors we will have access to information that may at times be confidential or controversial. Consequently as Councillors, we will:

- Not use information gained by virtue of our position as a Councillor for any purpose than to exercise our role as a Councillor;
- Ensure that information of a confidential nature is not communicated until it is no longer treated as confidential;
- Be aware that information relating to decisions of the Council is to only be communicated in an official capacity by a designated officer of the Council;
- Be careful that information concerning adopted policies, procedures and decisions of the Council is conveyed accurately;
- Be aware that we are only entitled to access information which is relevant to a matter before the Council;
- Be prudent in the use of information that we acquire in our role as a Councillor;
- Be aware of any specific policies that the Council has adopted on the use of Council information;
- Be careful that information is not used in a way that can cause detriment to the Council;
- Be aware that unauthorised disclosure of Council information, including misuse of intellectual property must not occur;
- Be aware that improper use or release of information is an offence under Section 77 of

the Act; and

- Be cognizant that the requirements of the Information Privacy Act 2000 (Vic) regarding access, use of and the release of personal information apply equally to Councillors and staff as individuals.

Councillors acknowledge that all requests made by them for briefings from staff or access to information on Council files should in the first instance be directed through the staff member's manager.

Conversely, there may be times when a staff member needs access to information from a Councillor. As Councillors, we may respond directly, but should make staff aware that the appropriate manager will be advised of the inquiry. Staff should also be aware of these requirements.

HUMAN RIGHTS IN OUR DECISION MAKING

Councillors need to be aware that sometimes our decision making may lead to an outcome that is incompatible with a human right under the Charter of Human Rights and Responsibilities Act 2006 (The Charter).

Where there is a potential for this to occur, Councillors will consider a range of matters, such as achieving a public safety objective, where if a restriction of a right identified in the Charter is claimed to exist, we can justify its application.

USE OF COUNCIL RESOURCES – FACILITIES, FUNDS AND EQUIPMENT

The resources of the Council entrusted to Councillors are limited.

Councillors are provided with resources to help them to carry out their roles and functions. Therefore we, as Councillors, need to make sure we:

- Are scrupulously honest in our use of Council facilities, funds, staff and equipment and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- Do not use Council resources (including the services of Council staff) for private purposes unless properly authorised to do so and appropriate payments are made (as determined by the Chief Executive Officer or the Council);
- Do not use public funds or resources in a manner that is improper or unauthorised;
- Use those resources effectively and economically; and
- Maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role.

Where a motor vehicle, electronic communication (email, fax and internet), mobile telephone are supplied to us, we are obligated, by virtue of accepting and continuing to accept those resources, to comply with the Council's policies for allocation and use of this equipment.

GIFTS, FEES, REWARDS AND HOSPITALITY

As Councillors, we will not seek or accept (directly or indirectly), from any person, organisation or body any gift, fee or reward for themselves or for any other person or body if the gift, fee, or reward is offered in an attempt to interfere with any Act, matter or thing to be done or performed that may result in a particular outcome for the person or body making the offer or may compromise (either at the time of the offer or in the future) the proper performance of their duties under the Act or any other Act.

It is not appropriate, in any circumstances, for us to accept gifts from persons or bodies engaged in seeking an approval from Council in respect to Planning, Building, Local Laws approvals, statutory enforcement responsibilities or health registration or under any other statutory approval process. Nor is it appropriate, to accept gifts from people or bodies engaged in a competitive tendering process.

Under no circumstances will Councillors accept cash as a gift.

Gifts, fees and reward are taken to mean any financial gain, gift, hospitality or any other benefit. For instance, a gift could be:

- Goods and services given of a commercial value;
- Free services (accommodation, travel, entertainment, sporting events etc.);
- Goods and services made available at heavily discounted prices;
- Property (real or otherwise);
- Loans of property or money;
- Transfers of money or hospitality, such as a luncheon, invitation to an event or other similar corporate hospitality.

Where a gift, fee, or reward could be regarded as having only a token value (less than \$25), and could not be perceived to influence our actions as a Councillor, they may be accepted. In these circumstances Councillors will declare such gifts, fees, or rewards and these declarations will be recorded in a register kept specifically for the purpose by the Chief Executive Officer.

Where refusal to accept a gift, fee, or reward of any value that meets the criteria defined above may cause offence or embarrassment, it may be accepted on behalf of the Council and become the property of the Council. All such items are to be given to the Chief Executive Officer who will declare it in the gift register.

Councillors note that the Act defines an "applicable gift", being a gift that exceeds the gift disclosure threshold as an indirect conflict of interest. There are limited exemptions to this requirement and these are set out in the Act.

There are also provisions under the Act governing the acceptance of gifts (election campaign donations) during the "donation period". These provisions are dealt with below.

TRAVELLING AND OTHER EXPENSES

Councillors will comply with the Councillor's Expenses Policy and the requirements that it applies to travel, including interstate travel, reimbursement of expenses, use of Council vehicles and private use of Council resources.

In doing so we will only claim or accept travelling, sustenance and out of pocket expenses arising directly out of matters which have a direct bearing on the services, policies or business of the Council, or which relate to our appointment as a representative of the Council to a particular organisation.

PUBLIC COMMENT

As representatives of the community, we as Councillors, have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

There may be times when an individual Councillor disagrees with a majority decision of Council and want to advise the community. As individual Councillors, we are entitled to express our own independent views. In doing so, a Councillor must not reflect negatively on the Council as a

whole or an individual Councillor. Furthermore:

- We recognise that the Mayor and the Chief Executive Officer are the designated persons authorised to speak to the media and others formally on behalf of the Council unless the Mayor delegates this to another Councillor for a specific purpose
- We will not make allegations, which are personally offensive or derogatory; and
- We will treat all matters on their individual merits with an aim for consistency in decision-making.

CRITICISM AND COMPLAINTS

As Councillors, we will not criticise or discuss members of staff in public or in private conversations with members of the community.

In circumstances where members of the public convey complaints about staff directly to a Councillor, the Councillor will promptly refer the matter to the Chief Executive Officer.

VOLUNTEER ACTIVITIES AND CONFLICTS

Communities are dependent on volunteers to ensure that a multitude of services are delivered to community members. Rural communities are particularly dependent on input from volunteers.

Most Councillors are members of community groups, sporting clubs, service clubs such as Rotary and Lions and volunteer organisations such as the CFA and SES. Some Councillors may be on the management committees of such organisations. Living in small communities and contributing to different aspects of community life as well as being a Councillor means that at some stage there will be a possible conflict between our private and our public life.

As Councillors, we understand that we must strive to keep our private volunteer roles separate from our public Council role.

We understand that we need to be wary of the scope of the Conflict of Interest requirements in the Act and that there could be many occasions when making a decision, that we need to carefully analyse whether any perceived gain, receipt of information or even increased "status" in the community from being a volunteer, will be judged as a conflict of interest that affects our ability to make impartial decisions.

Conversely, Councillors need to be aware that there may be occasions where, as Councillors, we have information that could benefit the organisation that we are a member of.

Councillors need to take care that they do not compromise their position as a Councillor and that they maintain an appropriate separation when acting as a private citizen. In addition to disclosing or avoiding conflicts of interest as far as possible, we need to continue to be aware of other requirements in the Act such as the use and disclosure of information.

A Councillor may volunteer their time on community groups or committees. In these roles there may be scope for the Councillor to be reimbursed for costs incurred in carrying out a role as a member of the committee, or as an authorised representative of the organisation (eg. travel etc). Councillors need to carefully assess whether the reimbursement of expenses from an external organisation creates a direct or indirect conflict in any dealings that organisation has with the Council and that appropriate disclosures are made when any matter in relation to that organisation is considered by the Council.

DISPUTE RESOLUTION PROCEDURES

Before commencing any formal dispute resolution process, the Councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

Failing the resolution of these differences the following internal dispute/grievance resolution process will be followed

Mediation

If any of the Councillors are unable to resolve interpersonal conflicts that adversely affect the operation of the Council, the parties to the dispute agree to work together to try to resolve the dispute. If the Councillors concerned are unable to resolve the dispute within ten working days they will agree to the appointment of a mediator nominated by the President of the Municipal Association of Victoria (MAV) and appointed by the Chief Executive Officer.

If a mediator is appointed, all Councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.

In the event that a dispute cannot be resolved through application of these processes, it may be referred to Grievance Resolution.

If the dispute relates to an apparent offence under the Act, it should be referred to the Minister for Local Government and not be the subject of an application to a Councillor Conduct Panel.

The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings.

Grievance

Where a Councillor has a grievance that cannot be resolved using the normal channels of communication or mediation, the Councillor may lodge a grievance using Council's Grievance Form with the Chief Executive Officer.

The Councillor should provide as much detail as possible in relation to the grievance, including but not restricted to:

- Name and preferred contact details
- Details of the grievance
- Examples of the concerns
- Relevant date(s)
- What steps (if any) the Councillor has taken to resolve the grievance
- Details of any witnesses
- What action is sought by the Councillor

Receipt of a Grievance

All grievances received will be acknowledged in writing by the Chief Executive Officer.

Invalid Grievances

The Chief Executive Officer is responsible for advising the Councillor of any assessment of the Councillor's grievance where the grievance is considered to be lodged in bad faith or with an ulterior motive

Informal Dispute Resolution

At the Chief Executive Officer's discretion, the Complainant and Respondent may be invited to participate in informal dispute resolution to resolve a grievance.

Informal dispute resolution may include informal mediation/conciliation conducted by, or with the assistance of resources allocated by the Chief Executive Officer.

The Chief Executive Officer is responsible for advising the Complainant and Respondent of the informal dispute resolution process.

Such advice will be both verbal and confirmed in writing and will include advice that:

- No further discussion or action is to be taken in relation to the matter until the required processes have been concluded. This means and includes a requirement that the Complainant and Respondent must maintain confidentiality regarding both the fact and content of the grievance.

Possible Outcomes

If the Complainant and Respondent reach an agreed outcome by informal dispute resolution, Council will regard the matter as concluded and the following shall occur:

- The agreement will be documented and should be sent to the Complainant and Respondent.
- Chief Executive Officer shall ensure that the agreed outcomes are confirmed to the Complainant and Respondent in writing.

Formal Investigation

If the grievance is not resolved by informal dispute resolution, the Chief Executive Officer may submit a grievance to impartial, confidential and timely investigation.

The Chief Executive Officer is solely responsible for determining whether an external party will be engaged to investigate the grievance.

The Chief Executive Officer is responsible for advising the Respondent and any potential witnesses of the grievance and provide a summary of the allegations to the Respondent and witnesses, as well as information in relation to the action that will be taken as a result of the grievance. Such advice will be both verbal and confirmed in writing and will include advice that:

- No further discussion or action is to be taken in relation to the matter until the required processes have been concluded. This means and includes a requirement that the Complainant, Respondent and any witnesses must maintain confidentiality regarding both the fact and content of the grievance.
- Parties to the grievance may have a support person present during the investigation process, but are not obliged to do so.
- Where an external party is engaged to investigate a grievance, the Chief Executive Officer may, on request from the external party, conduct a preliminary assessment interview with the Complainant in order to identify any further relevant information and/or witnesses to the grievance.

- Parties to a grievance will be provided with as much notice as possible regarding the date, time and location of their interview with the person appointed to investigate the grievance.

During the investigation, the following may occur:

- The Complainant may be interviewed to obtain details of the grievance;
- The Respondent may be interviewed regarding the grievance;
- All relevant witnesses may be interviewed; and
- All relevant documents may be submitted and reviewed.

Where a support person has been asked to attend an investigation, the support person is not to advocate on behalf of the Councillor and may be requested to leave a meeting should they hinder or disrupt the meeting.

The Respondent will be provided with details of the grievance in order that he/she can respond to the allegations.

The investigator must take notes of discussions and responses during the interview process. Interview notes will be provided to the relevant party to ensure that they accurately reflect the discussion during the interview. If the relevant party believes there is a need to change or amend the notes he or she should mark up the copy and return it to the investigator. A copy of the notes and any changes or corrections suggested will be included in the investigation process.

Following the investigation process, the investigator must submit a report to the Chief Executive Officer outlining the summary and findings of the investigation, together with interview notes and any other relevant documentation. The report may include recommendations on what action, if any, should be taken as a result of the grievance.

Parties to a grievance will not be provided with a copy of the full report or copies of the witness statements (if applicable).

Possible Outcomes

The Chief Executive Officer, is responsible for recommending what action, if any, should be taken following an investigation process.

Where a grievance has been substantiated, the Chief Executive Officer will make a recommendation to Council. Matters that will be taken into consideration will include, but are not limited to:

- The nature of the substantiated allegations;
- Any previous substantiated grievances against the Respondent;
- Actions taken by Council to address any previous substantiated grievances;
- Any other previous counselling and/or warnings issued to the Respondent for breaches of Council policy (for example, breaches of the Council Code of Conduct); and
- Any other matter that the Chief Executive Officer considers relevant.

Where a grievance is found not to be proven, no further action will be taken against the Respondent. However, Council may determine to monitor the situation and take broader action in response to the matter (for example, corporate bullying and harassment prevention training).

The Chief Executive Officer is responsible for advising the Complainant and Respondent of the findings and outcomes of the investigation process.

Other Matters

Frivolous, Vexatious or Malicious Grievances

Grievances should not be frivolous, vexatious or malicious. Action in accordance with this Code of Conduct may apply where a Councillor has submitted a grievance that is demonstrably frivolous, vexatious or malicious.

Breaches of Confidentiality

Where the Chief Executive Officer receives an allegation or report of a breach of confidentiality during or after the grievance resolution process, he/she may determine to investigate the matter further. Action in accordance with this Code of Conduct may apply where a Councillor has been found to have breached confidentiality during the grievance resolution process.

Withdrawing a Grievance

A Complainant has the right to withdraw the grievance in writing at any time. The Chief Executive Officer may, however, continue to investigate the grievance in order to comply with obligations under law.

Record Keeping

The Chief Executive is solely responsible for retaining all documentation in relation to a grievance made under the policy in line with the Local Government Records Management Disposal Schedule. Such documentation will be held in a secure and restricted location separate to other files in accordance with Equal Opportunity and WorkSafe guidelines. These guidelines recommend that separate files should be maintained for grievances to ensure the privacy of parties involved in the grievance resolution process is upheld.

RESPONSIBILITIES

In relation to the application of this document, the following roles and responsibilities shall apply:

Chief Executive Officer (CEO)

- The CEO is responsible for determining whether an external party will be engaged to investigate the grievance.

Councillors

- All Councillors are expected to familiarise themselves with, and adhere to, the Councillor Code of Conduct and this procedure as amended from time to time.
- All Councillors must treat each other with dignity, courtesy and respect.
- Councillors should not lodge a grievance that is in bad faith or with an ulterior motive.
- Councillors must not victimise any person because they are involved in a grievance whether as a party, a witness, or otherwise.
- Councillors must not assist or encourage another person to victimise any person because they are involved in a grievance (whether as a party, a witness in a formal investigation, or otherwise).
- Councillors must maintain privacy and confidentiality (to the extent permitted by law) during a grievance process in which they are involved as a party, witness or otherwise.

Support Person

- The support person is responsible for supporting the Councillor and should not advocate

on behalf of the Councillor.

Investigator

- The investigator is responsible for conducting interviews and reviewing all relevant documents in relation to the grievance.
- The investigator must take notes of discussions and responses during the interview process and provide notes to the relevant party to ensure that they accurately reflect the discussion during the interview
- The investigator is responsible for preparing and submitting a report to the Chief Executive Officer outlining the summary and findings of the investigation.

BREACHES OF THE CODE OF CONDUCT - REMEDIES AND AVENUES AVAILABLE

The Shire of Buloke expects its Councillors to comply with the letter and spirit of this Code, the Act and other applicable legislation and law.

As Councillors we acknowledge that breaches or transgressions of this Code and relevant provisions of the Act can range from minor to very serious in nature. In some instances, breaches of the Code or the Councillor conduct principles can amount to misconduct, serious misconduct or gross misconduct and be the subject of an application to a Councillor Conduct Panel or VCAT to make a finding or determination.

The appropriate remedy or course of action will depend on the nature and circumstances of the breach.

Perceived breaches of this Code by Councillors should be drawn to the attention of the Mayor and the Chief Executive Officer.

Action to be taken by the Mayor is at the discretion of the Mayor, but in some cases it may require a resolution of the Council. It is also expected that the Mayor would seek the advice of other Councillors before taking action unless the perceived breach is so serious that urgent action is required.

Complaints or allegations against the Mayor should be referred to the Deputy Mayor and the Chief Executive Officer.

The particular circumstances of a matter will dictate the appropriate course of action. The avenues available in relation to perceived breaches of the Act and conduct constituting corrupt or criminal activity include Court injunctions and Court actions, or approaches to the IBAC, State Ombudsman, Victoria Police or the Office of Local Government.

ADDITIONAL PROVISIONS APPLIED AS "CARETAKERS" DURING THE ELECTION PERIOD

During the caretaker period (32 days prior to election day) the requirements of the Election Period Policy must be adhered to.