



Councillor Transparency

February 2020

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RELATED POLICIES AND RESOURCES

AMENDMENT OF POLICY 11

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
SECTION 1: PURPOSE AND PRINCIPLES 1.1 Purpose – 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. 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. 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. This document outlines various ways in which Council makes certain information public. 1.2 Scope This policy applies to Councillors. For the avoidance of doubt, this policy applies equally to all Councillors, including the Mayor and Deputy Mayor. 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.	Sections 1.1 and 1.2 are not substantive content.

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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. This policy applies when Councillors are conducting the business of Council or acting as a representative of Council.	
1.3 General Principles The general principles underpinning the Policy are: 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. 2. The transparency obligations outlined in this policy apply to all Councillors. 3. This policy is not an exhaustive list of all transparency obligations. 4. The transparency obligations apply whenever a Councillor conducts Council-related business. 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).	Transparency Principles are now captured in the Public Transparency Policy: 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.
SECTION 2: TRANSPARENCY IN DECISION MAKING 2.1 Conflicts of Interests – 2.1.1 Conflicts of Interest	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.

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Division 1A, Part 4 of <i>the Act</i> sets out the detailed requirements with respect to the disclosure of direct and indirect interests. Section 2.4.4 of the Councillor Code of Conduct 2019 sets out the acknowledgement of each Councillor with respect to conflicts of interest. 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. 2.1.2 Types of Conflicts of Interest A person has a conflicts of interest if they have: - 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; - One of the following five types of indirect interest: - 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. - 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. - 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. - 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	5 CONFLICT OF INTEREST 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. 15 Councillor Code Of Conduct 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.

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does not include reasonable hospitality received by the person when attending an event or function in an official capacity. 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. 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. 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.	
2.1.3 Personal Responsibility 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.	This content about responsibility for identifying conflict has now been added into the Code of Conduct: value j. 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 liable for any legal costs incurred by a Councillor who seeks independent legal advice about whether they have a conflict.
2.1.4 Process for Declaring a Conflict of Interest A Councillor who has an actual or perceived conflict of interest in relation to a matter, will: a. Declare and identify this at the commencement of any discussion on the matter.	The process for disclosing a conflict of interest is captured in the Governance Rules. A paragraph cross-referencing the relevant section of the Governance Rules has also been added into the Code of Conduct:

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
b. 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. c. Seek advice from the Chief Executive Officer or other appropriate person if the Councillor needs assistance on interpretation of the relevant legislative provisions. d. Leave the meeting when the matter is discussed, and not participate in any decision making. All declarations of conflict are recorded in an internal Register of Conflicts. In addition, declarations of conflict also form part of the relevant meeting minutes. The Register of Interests is open for public inspection, following a written application to the Chief Executive Officer.	<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>
2.2 Return of Interests – 2.2.1 Return of Interests Form Division 1A, Part 4 of <i>the Act</i> sets out the detailed requirements with respect to primary and ordinary returns. 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: a. A primary return that must be lodged when a person becomes a Councillor; and	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 Local Government (Governance and Integrity) Regulations 2020 . <u>8.4 Personal Interest Returns</u> <u>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.</u>

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
b. An ordinary return that must be lodged every six months while holding office as a Councillor. 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. 2.2.2 Personal Responsibility Every Councillor must complete submit a: • Primary Return of Interest form upon becoming a Councillor; and • Half-yearly ordinary interest return via a Return of Interest form. 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.	
2.3 Gifts And Hospitality – 2.3.1 Accepting and Declaring Gifts and Hospitality 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. 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. Accepting gifts and hospitality can result in a conflict of interest, whether it is real or perceived.	Processes and obligations relating to gifts and hospitality are captured in detail in the updated Councillor Gifts, Benefits and Hospitality Policy.

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2.3.2 Personal Responsibility Every Councillor must, in accordance with the clause 2.4.7 of the Code: - 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. - Complete a Declaration of Gifts and Hospitality form and return the same to Council's Governance Manager. - Notify the Chief Executive Officer if in the conduct of their duties, of any inappropriate offer of a gift or hospitality of any kind. Completed Declaration of Gifts and Hospitality forms are recorded in a Register of Gifts and Hospitality, which is reported to Council's Audit and Risk Management Committee on a quarterly basis.															
2.4 Records of Assemblies of Councillors – 2.4.1 Assemblies of Councillors 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: - 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 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.	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: Contents These Governance Rules are divided into the following Chapters: <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> 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:	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?
2.4.2 Personal Responsibility 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: - immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or - 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.	5. Disclosure at a Meeting Conducted Under the Auspices of Council A Councillor who has a conflict of interest in a matter being considered by a <i>meeting conducted under the auspices of Council</i> at which they are <i>in attendance</i> must: - 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; - absent themselves from any discussion of the matter; and - 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 <u>summarising</u> the explanation given to those <i>in attendance</i> at the meeting.
2.4.3 Reporting Assemblies 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: - The names of all Councillors and staff at the meeting - List of all matters considered - Any conflict of interest disclosed - Whether the disclosing party left the meeting. 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.	Reporting is captured in 5.5 (above) in relation to declaring conflict and in Chapter 1.3 (below) in relation to meeting records. 3. Informal Meetings of Councillors If there is a meeting of Councillors that: - is scheduled or planned for the purpose of discussing the business of <i>Council</i> or briefing Councillors; - is attended by at least one member of Council staff; and - is not a <i>Council meeting</i>, <i>Delegated Committee meeting</i> or <i>Community Asset Committee meeting</i> <u>the</u> <i>Chief Executive Officer</i> must ensure that a summary of the matters discussed at the meeting are: <u>tabled</u> at the next convenient <i>Council meeting</i>; and <u>recorded</u> in the minutes of that <i>Council meeting</i>.
2.5 Council Committees - Delegates' And Representatives' Reports 2.5.1 Advisory Committees	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:

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
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. 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. 2.5.2 Personal Responsibility Following the meeting of the committee, Councillor delegates and representatives will provide a written account of the most recent 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. 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.	Chapter 3 – Meeting Procedure for Delegated Committees 1. Meeting Procedure Generally If Council establishes a <i>Delegated Committee</i>: 1.1 all of the provisions of Chapter 2 apply to meetings of the <i>Delegated Committee</i>; and 1.2 any reference in Chapter 2 to: 1.2.1 a <i>Council meeting</i> is to be read as a reference to a <i>Delegated Committee meeting</i>; 1.2.2 a Councillor is to be read as a reference to a <i>Member of a Delegated Committee</i>; and 1.2.3 the Mayor is to be read as a reference to the <i>Chair of the Delegated Committee</i>. Chapter 2.20 states that Councillors who are member of a committee 'can' (not 'will') present a written account. 20. Reports of Council Representatives and Delegates A Councillor who is: 20.1 the <i>Chair</i> of an advisory committee, a <i>Community Asset Committee</i> or a <i>Delegated Committee</i> established by Council; 20.2 appointed by Council as a member of a community consultative or reference committee; or 20.3 a delegate, nominee or appointee to an external committee, body, association, group or working party can present to other Councillors a written account on the most recent deliberations of the committee, body, association, group or working party at the next practicable Council meeting.
2.6 Portfolios – 2.6.1 Portfolios Councillor Portfolios were developed to support Council's briefing	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.

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and decision-making structure, and are governed in accordance with the Councillor Portfolio Policy 2019. 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. 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. 2.6.2 Personal Responsibility Council officers will also prepare a quarterly report on matters presented to Portfolios, to be presented at a Council Meeting. Councillors will disclose any conflict of interest through assemblies of Council reports for Portfolios, reported to Council Meetings.	
2.7 Leave Of Absence – 2.7.1 Leave of Absence 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. 2.7.2 Personal Responsibility 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. The Chief Executive Officer must submit the request for leave of absence to the next Ordinary Meeting and the Council must not unreasonably	Section added to the Governance Rules to capture leave of absence: <u>12. Leave of Absence</u> <u>12.1 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> <u>12.2 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> <u>12.3 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>

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
refuse to grant the request for leave of absence. 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.	
2.8 Meeting Planning Permit Applicants 2.8.1 Meeting with Applicants Section 2.4.1.1 of the Code sets out the purpose and requirements for any Councillor meeting with a planning applicant. 2.8.2 Personal Responsibility 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. The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.	Section added to the Code of Conduct to capture meetings with Planning Permit Applicants: 4.3 Meeting with planning permit applicants 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.
2.9 Interactions With Members Of Parliament 2.9.1 Interactions with Members of Parliament 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. 2.9.2 Personal Responsibility 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	Section added to the Code of Conduct to capture interactions with Members of Parliament: 4.1 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 publically reported to Council. The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.

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election by completing an Interaction with Member of Parliament form. b. Advise the Member of Parliament (or their staff or candidate that the representation, and topics discussed, will be publically reported to Council. The Chief Executive Officer will ensure a record of the meeting is reported to the next practicable Council Meeting.	
2.10 Notices Of Motion – 2.10.1 Notices of Motion 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. 2.10.2 Personal Responsibility 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. 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. Council also maintains an internal register of all NOMs. 2.11	Requirements for NOMs are captured in section 23 of the Governance Rules: 23. Notice Of Motion 23.1 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. 23.2 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. 23.3 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. 23.4 The Chief Executive Officer must reject any notice of motion which: 23.4.1 is vague or unclear in intention; 23.4.2 is beyond Council's power to pass; 23.4.3 is defamatory;
SECTION 3: COUNCILLOR ROLE AND RESOURCES –	a) Brimbank's FOI Part 2 statement captures public information including the Code of Conduct that is available on Council's Website

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?									
3.1 Public Information Under <i>The Act</i> Under <i>the Act</i>, and in the interest of transparency and accountability, the following information relating to Councillor’s duties is made publically available: a. Councillor Code of Conduct – available on Council’s website b. Details of current allowances fixed for Mayor and Councillors – available in the Council Minutes and Annual Report (on Council’s website) 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). d. Details of Councillor Support Expenses. 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).	<table><tr><td>s. 139</td><td>Summary of personal interests</td><td>Available on Council Website Summary of Personal Interests</td></tr><tr><td>s. 139</td><td>Councillor Code of Conduct</td><td>Available on Council Website Councillor Code of Conduct 2021</td></tr><tr><td>s. 251</td><td>Inspection of certified Voters’ Roll</td><td>Available for inspection for a short</td></tr></table> b) Councillor Code of Conduct states that Councillor allowances are published on the internet and this is noted in the Councillor Support Major Policy: 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 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. The allowance paid to Councillors is set by the State Government. The current allowance rates can be found on Council’s website at www.brimbank.vic.gov.au. Section 42 of Local Government Act 2020 (the Act) requires a Council to make available minimum resources and facilities for the Mayor and Councillors. c) Publication of travel is captured in section 7.2 of the Public Transparency Policy. Councillor Code of Conduct is Details of Councillor allowances are published on the internet and this is noted in the Councillor Support Major Policy: 7.2 Council publications available on Council website The Council will make the following records available on its website: • 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 gifts, benefits and hospitality offered to Councillors or Council Staff • 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.	s. 139	Summary of personal interests	Available on Council Website Summary of Personal Interests	s. 139	Councillor Code of Conduct	Available on Council Website Councillor Code of Conduct 2021	s. 251	Inspection of certified Voters’ Roll	Available for inspection for a short
s. 139	Summary of personal interests	Available on Council Website Summary of Personal Interests								
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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?						
3.2 Annual Report – Section 131 of <i>the Act</i>, requires Council to prepare an annual report in respect of each financial year. The Annual Report details Council’s operations and performance during the financial year. The following information relating to Council and Councillors is provided in the Annual Report: • Number of Ordinary and Special Council Meetings– including attendance, by Councillor • Number of petitions and public question time questions • Councillors allowances and support expenses • Representatives and Delegates on Committees and Portfolios.	Brimbank’s FOI Part 2 statement captures public information including the annual report that is available on Council’s Website Annual Budget 2022-2023 <table><tr><td>s. 98</td><td>Annual Report</td><td>Available on Council Website</td></tr><tr><td></td><td></td><td>Annual Report</td></tr></table>	s. 98	Annual Report	Available on Council Website			Annual Report
s. 98	Annual Report	Available on Council Website					
		Annual Report					
3.3 Travel (Interstate & Overseas) 3.3.1 Travel in Accordance with The Councillor Support Major Policy 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. 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. 3.3.2 Personal Responsibility A Councilor undertaking, in an official capacity, overseas or interstate travel (other than interstate travel by land for less than 3 days) must complete:	Interstate and overseas travel and reporting requirements are captured in Chapter 4.2 of the Councillor Support (Major Policy). 4.2 Interstate and International Travel 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.						

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
4 An Overseas/Interstate Travel Declaration Form and submit this to Council’s Councillor Support team within ten working days of undertaking the travel; 5 And submit a Conference Report, as required by clause 2.1.5 of the 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. 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. The Chief Executive Officer will ensure that the: 6 Details in the Overseas/Interstate Travel Declaration Form is added to Council’s Travel Register 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.	
3.4 Administration & Support Expenses 3.4.1 Support in Accordance with The Councillor Support Major Policy 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. 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: Travel and Transport	Admin resources and support and reporting are captured in the Councillor Support (Major Policy): - Travel and transport: engagement 13 4. TRAVEL AND TRANSPORT.....13 4.1 Local travel 13 - Child Care: 7.1 Expenses Incurred in the Provision of Carer Services 24

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
• Vehicle Mileage • Child Care/Family Care • Information and Communication Technology • Professional Development – Conferences, Seminars, and Training • Individual Memberships • Events and Hospitality • Administrative items – including photocopying and uniforms 3.4.2 Personal Responsibility 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. 3.4.3 Reporting 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.	- ICT: 4.2.4 ICT arrangement and expenses..... 18 - Individual memberships: seminars 10 2.1.7 Memberships and subscriptions..... 10 - Professional development: ALLOWANCES..... 7 2. PROFESSIONAL DEVELOPMENT 7 - Events and hospitality: 3.1 Events and Functions 11 3.1.1 Events covered..... 12 - Administrative items:

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
Reck	6. ADMINISTRATION AND FACILITIES 20 6.1 Administrative Support and Services 20 6.1.1 Administrative Support – Mayor 20 6.1.2 Administrative Support – Councillors 20 6.1.3 Councillor Portal 20 6.1.4 Stationery/Mail..... 21 6.1.5 Photocopying 21 6.1.6 Newspapers/Publication subscriptions..... 21 6.1.7 Photographs 21 6.1.8 Name Badges..... 21 6.1.9 Business Cards..... 22 6.1.10 Uniforms 22 6.2 Councillor Facilities 22 6.2.1 Catering 22 6.2.2 Office of Mayor..... 22 6.2.3 Councillor Offices..... 22 6.2.4 Access and Parking 23 6.2.5 Meeting Rooms and Venues 23 6.2.6 Viewing Council Files 23 6.2.7 Requests for Information 23
3.5 Event Attendance – 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. Event costs, and gifts and hospitality costs, will be reported in accordance	Event attendance is captured in the Councillor Support Major Policy (see above).

Councillor Transparency Policy 2020 content	Where will this content be captured if this policy is revoked?
with ~~the Act~~ and the Code.	
3.6 Allowances and Superannuation 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. 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). 3.7 Councillor Information Online 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. 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. 3.8 Councillor Conduct Resolution Reporting All reporting of Councillor Conduct resolution processes will be in accordance with ~~the Act~~ and the Code.	Allowances are captured in the Councillor Support Major Policy (see above). 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. Councillor information online is captured in section 3.2.1 of the Councillor Support (Major Policy). 3.2 Community Engagement 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.

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 <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 (incorporated by reference in the Code)	February 2021

Brimbank City Council

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Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1300 555 727
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