
Code of Conduct for Councillors Policy

CONTROL:

Policy Type:	Executive
Authorised by:	Council
Head of Power:	<i>Section 176(4) of the Local Government Act 2009</i>
Responsible Officer:	Chief Executive Officer
Adopted / Approved:	20 March 2018; Resolution 2018/83
Last Reviewed:	New Policy
Review:	August 2019 Note: This Policy is reviewed when any of the following occur: <ol style="list-style-type: none">1. The related information is amended or replaced.2. Other circumstances as determined from time to time by the Chief Executive Officer. Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

1. INTRODUCTION

1.1 PURPOSE:

This Code of Conduct sets out the standard of behavior expected of Councillors or the Bulloo Shire Council.

The Requirements of this code are in addition to the roles, responsibilities and obligation of councillors, as set out in the *Local Government Act 2009* and the *Local Government Regulation 2012*. This Code has been adopted by resolution of Council. Council accordingly considers this Code to be a 'procedure', as that term is used in section 176(4) of the Act.

1.2 COMMENCEMENT OF POLICY:

This Policy will commence on adoption. It replaces all other specific Code of Conduct for Councillors policies of Council (whether written or not).

1.3 SCOPE:

The provisions of this policy apply to all actions of councillors.

2. POLICY

2.1 POLICY STATEMENT:

This Code exemplifies Councillor's commitment to the highest ethical standards through their behaviour and conduct whilst performing their duties as elected officials.

Councillors are committed to adhering to the following local government principles:

- Transparent and effective processes, and decision-making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Democratic representation, social inclusion and meaningful community engagement;
- Good governance of, and by, local government; and
- Ethical and legal behaviour of councillors and local government employees.

3. STANDARDS AND PROCEDURES

3.1 KEY ETHICAL AND BEHAVIOURAL OBLIGATIONS

Under this policy Council expects that Councillors will:

1. Ensure that their personal conduct does not reflect adversely on the reputation of Council ;
2. Demonstrate respect for fellow Councillors, Council officers and members of the public and refrain from harassing, bullying or intimidating fellow Councillors, Council officers or other members of the public;
3. Not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that communication, and, when communicating with the public or the media, make it clear when they are expressing a personal opinion and when they are speaking on behalf of Council under that Council authorisation;
4. Ensure that any public record received or created by them is captured in Council's approved record management system in accord with the relevant Council records management policy and related procedures;
5. Comply with the Council workplace health and safety requirements applicable to Council controlled workplaces whilst within Council controlled workplaces as well as other site security requirements;
6. When utilising Council owned or supplied vehicles or equipment comply with Council policies with respect to the use, operation and maintenance of such vehicles and equipment;
7. When using Council supplied corporate credit cards comply with Council's policy on corporate credit card use and the related Council procurement policy;

8. Comply with this policies 'Acceptable Requests Guidelines' (Councillor requests of Council officers) contained in the Councillor Conduct Code Booklet attached to this Policy;
9. Comply with this policies 'Councillor contact guidelines with Applicants for Council approval (including Lobbyist, Developers & Submitters) and Bidders' contained in the Councillor Conduct Code Booklet attached to this Policy; and
10. Comply with all other Council policies and corporate standards which have been adopted by Council or instigated by the chief executive

3.2 CONTACT WITH STAFF

The Acceptable Requests Guideline Policy (Policy 1.05.1), adopted by Council pursuant to section 170A(6) of the Act, details the arrangements that apply to councillors seeking assistance or information from Council's employees.

Councillors should avoid seeking advice or information from staff that are not on the list attached to that Guideline. Councillors must also note section 170 of the Act and the requirement not to direct staff, or attempt to do so (see 'key responsibilities of councillors above).

Councillors should take particular care to frame requests for assistance or information in such a way that they cannot be interpreted as instructions, or as attempts to exert improper influence over a process or decision.

Contact with managers and staff should be restricted to normal business hours unless the matter is urgent, i.e. it is of such significance that its resolution cannot wait until business hours resume.

Excessive and unnecessary copying of emails to groups of managers/staff should be avoided.

Unless specifically involved as a panel member of a staff recruitment process (such as required by section 196 of the Act – employing a senior executive employee), councillors are to distance themselves from such processes to avoid being perceived as using their office to improperly influence decisions relating to the employment or career advancement of Council staff.

3.3 USE OF ENTITLEMENTS

Councillors must ensure that public resources are used prudently and only in the public interest. Council has adopted the Expenses Reimbursement – Councillors Policy (Policy 2.02.2) which ensures that councillors have the facilities and support to perform their duties whilst also ensuring compliance with community expectations and statutory requirements.

Councillors must not use Council resources any purpose that is prohibited in any Council policy, guideline or procedure. This includes the use of Council equipment and facilities for electoral purposes, or enlisting Council employees to assist with a councillor's private business. Councillors must take all reasonable care of Council equipment and must not permit the misuse of equipment, facilities or other resources by any other person.

3.4 CONSEQUENCES OF FAILING TO COMPLY WITH THIS CODE

Section 176(4) of the *Local Government Act 2009* provides:

(4) *Inappropriate conduct is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example:*

- a) *a Councillor failing to comply with the local government's procedures; or*
- b) *a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.*

A failure to comply with this code by a Councillor (other than by the Mayor or Deputy Mayor) will be considered inappropriate conduct (as defined in section 176(4) (a) of the *Local Government Act 2009*) and render a Councillor liable to disciplinary action prescribed by section 181(2) of that Act. Section 181 (2) relevantly provides that the Mayor may make either or both of the following orders that the Mayor considers appropriate in the circumstances:

- a) *an order reprimanding the Councillor for the inappropriate conduct*
- b) *an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.*

Pursuant to section 181(3) of the Act, if the mayor makes three orders under section 181(2) of the Act about the same councillor within one year, the mayor must refer the repeated inappropriate conduct by the councillor to a regional conduct review panel or the tribunal.

A failure to comply with this code by the mayor or deputy mayor will also be considered inappropriate conduct but, by virtue of section 176C(3) of the Act, must be referred to the chief executive of the Department of Local Government.

While any failure to comply with any part of this Code may comprise an act of inappropriate conduct, some acts or omissions may also constitute misconduct or corrupt conduct depending on the circumstances relating to the acts or omissions (s.176(3) of the Act and s.15 Crime and Corruption Act 2001.)

4. REFERENCE AND SUPPORTING INFORMATION

4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Council	means Bulloo Shire Council.
Inappropriate Conduct	As per section 176(4) of the <i>Local Government Act 2009</i> : Conduct that is not appropriate conduct for a representative of a local government, but is not misconduct including for example – <ul style="list-style-type: none"> • A Councillor failing to comply with the local government's procedures; or • A Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:

Links to supporting documentation
Local Government Act 2009
Local Government Regulation 2012
Crime and Corruption Act 2001
Integrity Act 2009
Right to Information Act 2009
Information Privacy Act 2009
Public Interest Disclosure Act 2010
Councillor Acceptable Request Guidelines Policy
Register of Interest