

Policy Title: **Councillor Code of Conduct**

Policy No: 114

Directorate: Executive Services

Responsible Officer: Chief Executive Officer

VERSION	MEETING APPROVED	MEETING	HISTORY
1	Policy & Strategy Meeting	05/10/2010	Adopted
2	General Meeting	20/03/2012	Revision
3	General Meeting	18/01/2017	Revision

Authorities: *Local Government Act 2009*
Local Government Regulation 2012

INTRODUCTION:

This Code of Conduct sets out the standards of behaviour expected of councillors of the North Burnett Regional Council.

The requirements of this code are in addition to the roles, responsibilities and obligations of councillors, as set out in the *Local Government Act 2009* and *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 Local Government Act 2009 (see below).

KEY RESPONSIBILITIES OF COUNCILLORS UNDER THE LOCAL GOVERNMENT ACT 2009:

1. To perform all responsibilities under the Act in accordance with the local government principles (s.4(2)):
 - a. transparent and effective processes, and decision-making in the public interest;
 - b. sustainable development and management of assets and infrastructure, and delivery of effective services;
 - c. democratic representation, social inclusion and meaningful community engagement;
 - d. good governance of, and by, local government; and
 - e. ethical and legal behaviour of councillors and local government employees.
2. To represent the current and future interests of the residents of the local government area (s.12(1)).

3. To ensure the local government discharges its responsibilities under the Act; achieves its corporate plan; and complies with all applicable laws (s.12(3)(a)).
4. To provide high quality leadership to the local government and to the community (s.12(3)(b)).
5. To participate in council meetings, policy development and decision-making for the benefit of the local government area (s.12 (3)(c)).
6. To be accountable to the community for the local government's performance (s.12(3)(d)).
7. The mayor has additional responsibilities to: lead and manage meetings of the local government; prepare a budget to present to the local government; lead, manage and provide strategic direction to the CEO; direct the CEO and senior executive employees in accordance with the local government's policies; conduct the CEO's performance appraisals; provide information to the Minister upon request; be a member of each standing committee; and represent the local government at ceremonial or civic functions (s.12 (4)).
8. Abide by the caretaker period arrangements prior to a local government election (s.90A-90D).
9. Not to direct council staff (s.170(2)). Only the mayor may direct the CEO or senior executive employees (other members of the Executive Leadership Group) and then only in accordance with Council's policies.
10. To contact staff for assistance or information only in accordance with Council's approved acceptable requests guideline (s. 170A).
11. Not to use information acquired as a councillor to gain, directly or indirectly, a financial advantage for anyone; or to cause detriment to the local government (s.171(1)).
12. Not to release information the councillor knows, or should reasonably know, is information that is confidential to the local government (s.171(3)).
13. To correct and keep up to date the councillor's register of interests (s.171B) and as stipulated in Chapter 8, Part 5 and Schedule 5 of the Local Government Regulation 2012.
14. To disclose a material personal interest (s.172).
15. To declare conflicts and perceived conflicts of interest (s.173).
16. Not to give false or misleading information, either orally or in a document to anyone named under this section (s.234).

Councillors also have responsibilities under the Work Health & Safety Act 2011, including a general duty of any worker to take reasonable care for his/her safety; take reasonable care that his/her acts or omissions do not adversely affect the health and safety of others; comply with any reasonable instruction by the person conducting the business or undertaking; and co-operate with any reasonable policy or procedure relating to the health or safety of the workplace (s.28)

This is not an exhaustive list. Councillors should maintain a good working knowledge of the Act and other legislation to the extent that they impose obligations on them. Examples include: Integrity Act 2009, Right to Information Act 2009, Local Government Electoral Act 2011 and the Public Sector Ethics Act 1994.

KEY ETHICAL AND BEHAVIOURAL OBLIGATIONS:

Councillors must:

- ensure their personal conduct does not reflect adversely on the reputation of the Council;
- demonstrate respect for fellow councillors, council staff and other members of the public;
- refrain from harassing, bullying or intimidating fellow councillors, council staff or other members of the public;
- commit to honest, fair and respectful engagement with the community;
- not communicate with the public or media on behalf of the Council, unless expressly authorized by the Council to make that communication;
- 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; and
- when communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council.

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 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) provides: -

The mayor or department's chief executive may make either or both of the following orders that the mayor or department's chief executive 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.)