

Policy Title: Councillor Code of Conduct Policy

Classification: Governance

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11 November 2017

Responsible Officer

Legal and Governance Officer

Responsible Department

Office of the Mayor and CEO

Revokes:

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Policy Name: Councillor Code of Conduct

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INTERNAL USE ONLY

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NOTE: This cover page is not to be included when submitting a report to a Council meeting

1. BACKGROUND AND PRINCIPLES

Councillors are elected to make decisions on behalf of residents within the local government area and it is vital that their conduct does not reflect negatively on either the Council or the community as a whole.

The *Local Government Act 2009* (“the Act”) contains provisions in relation to the conduct and performance of Councillors and provides for *misconduct* by Councillors to be dealt with by the regional conduct review panel or tribunal and for *inappropriate conduct* by Councillors to be dealt with by the *Mayor* or the *Department’s Chief Executive*.

2. SCOPE

This Policy applies to all Councillors of the Whitsunday Regional Council.

3. POLICY OBJECTIVES

The objective of this policy is to set out clearly the conduct that is expected of Councillors.

4. POLICY STATEMENT

4.1 Councillors must:

- (a) ensure their personal conduct does not reflect adversely on the reputation of the Council;
- (b) exhibit high standards of personal behaviour and demonstrate respect for fellow Councillors, *Council officers* and members of the public;
- (c) refrain from harassing, bullying or intimidating fellow Councillors, Council officers and members of the public;
- (d) 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 and state their personal opinion on the matter in a non-inflammatory manner;
- (e) not communicate with the public or media on behalf of the Council, unless in compliance with Council’s Media Relations Policy or when expressly authorised by the Council to make that communication;
- (f) 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;

- (g) be open, honest and transparent in dealings with fellow Councillors, including information sharing;
- (h) act as a member of the Council team, including support for all decisions made by the Council;
- (i) use a consensus decision-making model while recognising the individual Councillor's rights and obligations. This clause does not reduce or minimise a Councillor's right to hold a different opinion and to state that in the debate but means they will do whatever possible to achieve an outcome that is acceptable to all and in the best interests of the region;
- (j) only have contact with Council officers as per the Acceptable Requests Guidelines and do not direct Council officers in the performance of their duties; and
- (k) follow the letter and spirit of Council and internal policies as well as procedures and any relevant legislation.

4.2 Councillors are elected to act in the public interest and make decisions solely in terms of the public interest. Councillors must:

- (a) take steps to avoid, resolve or disclose conflicts of interest;
- (b) make all decisions in the best interests of the community as a whole and not any discrete groups or individuals; and
- (c) not place themselves under any financial or any other obligation that may influence them in discharging their duties and responsibilities as Councillors.

4.3 Councillors must ensure that they do not disclose any confidential information and must abide by the Confidentiality Policy for Councillors.

4.4 It is vital that the public has confidence in the integrity of a local government's decision making process. To ensure transparency and public scrutiny of, and public confidence in, those processes Councillors must:

- (a) ensure that debate about a matter before the Council occurs at the official Council meeting and that in the event of differing views these are voiced;
- (b) disclose their financial interests, by completion of the appropriate registers; and
- (c) declare any conflict or potential perceived conflict of interests.

- 4.5 Councillors must not engage in misconduct or inappropriate conduct.
- 4.6 Failure to comply with this Policy, other Council policies, internal policies or procedures is inappropriate conduct under the Act and renders Councillors liable to disciplinary action by the Mayor or by the Department's Chief Executive.

5. RELEVANT LEGISLATION

Local Government Act 2009

Local Government Regulation 2012

6. DEFINITIONS

Act refers to the *Local Government Act 2009*.

CEO shall mean a person who holds an appointment as Chief Executive Officer of the Whitsunday Regional Council under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

Councillor/s shall mean the Mayor and Councillors as defined in the *Local Government Act 2009*.

Council Officers includes a permanent, temporary, casual or contract member on Council's staff.

Department's Chief Executive shall mean the Chief Executive of the State Government Department responsible for Local Government.

Inappropriate conduct shall mean inappropriate conduct as defined in section 176(4) of the *Local Government Act 2009*, namely conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example-

- 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 committee.

Mayor shall mean the Mayor of the Whitsunday Regional Council.

Misconduct shall mean misconduct as defined in s176(3) of the *Local Government Act* namely conduct or a conspiracy or attempt to engage in conduct of or by a Councillor –

- that adversely affects, or could adversely affect, (either directly or indirectly) the honest and impartial performance of the Councillor's responsibilities or exercise of the Councillor's powers; or

- that is or involves -
 - the performance of the Councillor's responsibilities, or the exercise of the Councillor's powers, in a way that is not honest or is not impartial; or
 - a breach of the trust placed in the Councillor; or
 - a misuse of information or material acquired in or in connection with the performance of the Councillor's responsibilities, whether the misuse is for the benefit of the Councillor's or someone else; or
 - a failure by the Councillor to comply with a direction to leave a meeting of the local government or its committees by the Chairperson presiding at the meeting; or
 - a refusal by the Councillor to comply with a direction or order of the regional conduct review panel or tribunal about the Councillor; or
- that is a repeat of inappropriate conduct that the Mayor or the Department's Chief Executive has ordered to be referred to the regional conduct review panel under section 181(2) of the Act; or
- that contravenes section 171(3) or 173(4) of the Act.

7. RELATED DOCUMENTS

Acceptable Requests Guidelines

Confidentiality Policy for Councillors

Media Relations Policy

8. DATE REVIEWED

11 November 2015

9. NEXT REVIEW

11 November 2017