

# BARCALDINE REGIONAL COUNCIL POLICY

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<b>SYSTEM:</b>	Professional Governance
<b>POLICY TITLE:</b>	<b>Code of Conduct for Councillors</b>
<b>ADOPTED:</b>	13 October 2010
<b>AMENDED:</b>	18 April 2018
<b>POLICY NO:</b>	<b>CG007</b>

## **PURPOSE:**

This Code of Conduct sets out the standards of behaviour expected of the Councillors of the Barcaldine Regional Council.

This code is deemed to be a “procedure” for the purposes of section 176(4) of the *Local Government Act 2009*.

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## **Policy Statement**

This Code exemplifies a Councillor’s commitment to the highest ethical standards of behaviour whilst performing their duties as elected officials.

Councillors are committed to adhering to the local government principles under the *Local Government Act 2009* (S.4):

- 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
- e. Ethical and legal behaviour of councillors and local government employees.

## **Key Legal Obligations (*Local Government Act 2009*)**

*Councillors must:*

1. provide high quality leadership to Council and the community. S.12(3)(b)
2. not release information that the Councillor knows, or should reasonably know, is information that is confidential to Council. S.171(3)
3. declare a material personal interest at a meeting where a decision relating to that interest is to be made. S.172
4. declare a conflict of interest at a meeting where a decision relating to that interest is to be made. S.173
5. keep up to date their Councillor Register of Interests. S.171B
6. only contact employees for assistance or information in accordance with Council’s Approved Acceptable Request Guidelines. S.170A
7. not use information acquired as a Councillor to gain, directly or indirectly, a financial advantage for anyone or to cause detriment to Council. S.171(1)
8. not give a direction to any Council employee S.170(2)

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## Key Ethical and Behavioural Obligations

*Councillors will:*

1. ensure their personal conduct does not reflect adversely on the reputation of the Council
2. demonstrate respect for fellow councillors, council employees and members of the public
3. refrain from harassing, bullying or intimidating fellow councillors, council employees or members of the public
4. commit to honest, fair and respectful engagement with the community
5. conform to the requirements of Council's Standing Orders Policy during formal meetings of the Council
6. not communicate with the public or media on behalf of the Council, unless expressly authorized by the Council to make that communication
7. when communicating with the public or the media, make it clear that they are expressing a personal opinion and not speaking on behalf of Council
8. respect and protect the privacy and personal information of individuals
9. respect the confidentiality of all information presented and discussed at briefing sessions that is marked confidential

## Use of Entitlements

Councillors must ensure that public resources are used prudently and within community expectations. Councillor expenditure must be in compliance with Council policies and guidelines pertaining to that expenditure.

## Council Policies, Guidelines and Procedures

Councillors must comply with Council's approved policies, guidelines and procedures.

## Consequences of Failing to Comply with this Code

Section 176 deals with complaints about the conduct and performance of councillors.

**Misconduct** is conduct, or a conspiracy or attempt to engage in conduct, of or by a councillor –

- (a) that adversely affects, or could adversely affect the honest and impartial performance of the councillor's responsibilities or exercise of the councillors powers; or
- (b) that is or involves
  - i. the performance of the councillors responsibilities or powers in a way that is not honest or is not impartial; or
  - ii. a breach of the trust placed in the councillor; or
  - iii. a misuse of information acquired in the performance of the councillor's responsibilities; or
  - iv. a failure by the councillor to comply with a direction to leave a meeting of the local government by the chairperson presiding at the meeting; or
  - v. a refusal by the councillor to comply with a direction or order of the regional conduct review panel or tribunal about the councillor; or
- (c) that is a repeat of inappropriate conduct that the mayor or the department's chief executive has ordered by referred to a review panel; or
- (d) not dealing with a real or perceived conflict of interest in a transparent and accountable way; or

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- (e) releasing information that the councillor knows, or should reasonably know, is information that is confidential to the local government.

***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.

*Misconduct* is dealt with by the regional conduct review panel or tribunal.

*Inappropriate conduct* is dealt with by the mayor or the department's chief executive.