

**4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS  
COMMITTEE MEMBERS AND CANDIDATES**

Explanatory Notes

	Objectives	Objectives of the policy
	Policy Statement	To whom the policy applies
<b>Division 1 – Preliminary Provisions</b>		
<b>1</b>	Citation	
<b>2</b>	Terms Used	This clause defines “Act”, “candidate”, “complaint” and “publish”. All other terms used have the same meaning as in the Act unless the contrary intention appears.
<b>Division 2 – General principles</b>		
<b>3</b>	Overview of Division	As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.
<b>4</b>	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> <li>• act with reasonable care and diligence;</li> <li>• act with honesty and integrity;</li> <li>• act lawfully;</li> <li>• identify and appropriately manage any conflict of interest;</li> <li>• avoid damage to the reputation of the local government.</li> </ul>
<b>5</b>	Relationships with others	This clause outlines principles for relationships with others, including the need to treat others with respect, courtesy and fairness, and maintain and contribute to a harmonious, safe and productive work environment.
<b>6</b>	Accountability	This clause outlines principles for accountability, including that decisions should be based on relevant and factually correct information and that a council or committee member should be open and accountable to, and represent, the community in the district.
<b>Division 3 - Behaviour</b>		
<b>7</b>	Overview of Division	<p>As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.</p> <p>This division sets the standards of behaviour which enable and empower members to meet the principles outlined in Division 2.</p> <p>Division 3 behaviour breaches are managed by local governments, and so the division also includes a mechanism to deal with alleged breaches. The emphasis is on an educative role to establish sound working relationships and avoid repeated breaches</p>

<b>8</b>	Personal Integrity	<p>This clause provides for behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>Behaviours include that a council member, committee member or candidate must ensure their use of social media and other forms of communication comply with the code. Members must also not be impaired by alcohol or drugs in the performance of their official duties.</p>
<b>9</b>	Relationships with others	<p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> <li>• deal with the media in a positive and appropriate manner;</li> <li>• not use offensive or derogatory language when referring to another person;</li> <li>• not disparage the character of another council member, committee member, candidate or local government employee in connection with the performance of their official duties; and</li> <li>• not impute dishonest or unethical motives to another council member, committee member, candidate or local government employee in connection with the performance of their official duties.</li> </ul>
<b>10</b>	Council or committee meetings	<p>This clause provides for behaviours when attending a council or committee meeting. This includes that a council member, committee member or candidate must not:</p> <ul style="list-style-type: none"> <li>• act in an abusive or threatening manner towards another person;</li> <li>• repeatedly disrupt the meeting; or</li> <li>• make a statement that they know, or could reasonably be expected to know, is false or misleading.</li> </ul>
<b>11</b>	Complaints about alleged breach	<p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to receive complaints and withdrawals of complaints.</p>
<b>12</b>	Dealing with complaint	<p>This clause provides a process for dealing with complaints. Subclause (1) requires local governments to make a finding as to whether the breach occurred, unless the complaint is dismissed (clause 13), or withdrawn (clause 14).</p> <p>Before making a finding, the person to whom the complaint relates must be given a reasonable opportunity to be heard. A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This may include training, mediation, counselling or any other action considered appropriate. Subclause (5) requires that the local</p>

		<p>government must consult with the person to whom the complaint relates in preparing the plan.</p> <p>After a finding has been made, written notice of the outcome needs to be given to the complainant and the person to whom the complaint relates.</p>
13	Dismissal of complaint	This clause provides that a complaint must be dismissed if the behaviour occurred at a council or committee meeting, and the local government is satisfied that the behaviour has already been dealt with, or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.
14	Withdrawal of complaint	This clause provides that a complainant may withdraw a complaint at any time before a finding is made.
15	Other provisions about complaints	This clause provides that a complaint about a candidate cannot be dealt with unless the candidate is elected. It also allows local governments to determine the procedure for dealing with complaints to the extent it isn't already provided for.
<b>Division 4 – Rules of conduct</b>		
16	Overview of Division	<p>As per section 5.103(2)(c) of the Amendment Act, the Model Code contains rules of conduct. The rules of conduct are specific rules for which alleged breaches (minor breaches) are referred to the Standards Panel. A reference to a council member in this division includes a council member acting as a committee member.</p> <p><i>( Note Former regulation 4 of the Rules of Conduct Regulations has been removed from the Model Code of Conduct and inserted into the Administration regulations new Part 9A –</i></p> <p><b>(2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act)</b></p>
17	Misuse of local government resources	This clause is based on <b>regulation 8</b> of the Rules of Conduct Regulations. It provides that a council member must not misuse local government resources, which includes local government property or services.
18	Securing personal advantage or disadvantaging others	This is based on <b>regulation 7</b> of the Rules of Conduct Regulations. It provides that a council member must not make improper use of their office to gain advantage or cause detriment to the local government or any other person.
19	Prohibition against involvement in administration	This is based on <b>regulation 9</b> of the Rules of Conduct Regulations. It provides that a council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government (council) or CEO.
20	Relationship with local government employees	This is based on <b>regulation 10</b> of the Rules of Conduct Regulations. It provides that a council member or candidate must not direct, influence, abuse or threaten a local government employee.
21	Disclosure of information	This is based on <b>regulation 6</b> of the Rules of Conduct Regulations. It provides that a council member must not disclose information that is from a confidential document or was acquired at a closed meeting.

<b>22</b>	Disclosure of interests	This is based on <b>regulation 11</b> of the Rules of Conduct Regulations. It provides that a council member must disclose impartiality interests, which includes interests arising from kinship, friendship or membership of an association.
<b>23</b>	Compliance with plan requirement	This is a <b>new rule of conduct</b> that provides for a minor breach if a council member does not comply with a plan requirement (see clause 12(4)(b)) imposed by the local government following a breach of a behaviour under Division 3.