

CODE OF CONDUCT – MEMBERS



Section 120 of the *Local Government Act 2019* (the Act) prescribes the following:

- (1) Every member must comply with the code of conduct prescribed by regulation.
- (2) The code of conduct must be published on each council's website.

Furthermore **Regulation 71** of the Local Government (General) Regulations 2021 stipulates that:

“For section 120 of the Act, the code of conduct in Schedule 1A is prescribed”.

The **Code of Conduct** as prescribed is reproduced below in its entirety.

Schedule 1A Code of Conduct

regulation 71

1 Definitions

In this code:

local government employee means a person who is:

- (a) employed by a local government council; or
- (b) engaged by a local government council under a contract for services; or
- (c) a staff member of a local government subsidiary.

publish includes publish on a social media platform.

2 Application

This code applies to the conduct of members:

- (a) when exercising their powers and or performing their functions under the Act; and
- (b) in relation to the local government council of which they are a member.

3 Personal integrity

A member must:

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and

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- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government council of which they are a member; and
- (f) act in accordance with the trust placed in members by the public; and
- (g) participate in decision-making in an honest, fair, impartial and timely manner; and
- (h) actively seek out and engage in training and development opportunities to improve the performance of their functions; and
- (i) attend and participate, within the required time, in briefings, workshops and training sessions:
 - (i) required under section 45 of the Act; or
 - (ii) provided or arranged by the local government council in relation to the performance of their functions.

4 Relationship with others

A member:

- (a) must treat others with respect, courtesy and fairness; and
- (b) must respect and value diversity in the community; and
- (c) must maintain and contribute to a harmonious, safe and productive work environment; and
- (d) must not bully or harass another person in any way; and
- (e) must deal with the media in an appropriate manner and in accordance with any relevant policy of the local government; and
- (f) must not use offensive or derogatory language when referring to another person; and
- (g) must not disparage the character of another member or a local government employee in connection with the performance of their official duties; and

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- (h) must not without reasonable evidence impute dishonest or unethical motives to another member or a local government employee in connection with the performance of their official duties.

5 Accountability

A member must:

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read or be briefed on all agenda papers given to the member in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the local government area for the local government council of the member.

6 Social media

A member:

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must not publish material that they know, or could reasonably be expected to know, is factually incorrect.

7 Other obligations

- (1) A member must not be impaired by alcohol or drugs.
- (2) A member must comply with all policies, procedures and resolutions of the local government.

8 Perceived misconduct

A member who believes on reasonable grounds that another member has engaged in misconduct must make a complaint in accordance with Part 7.4 of the Act.

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9 Council or committee meetings

When attending a council or committee meeting, a member:

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any by-laws and standing orders relating to the procedures and conduct of the meeting; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that is ruled out of order by the person presiding at the meeting.

10 Misuse of local government council resources

- (1) A member must not, directly or indirectly, use the resources of a local government council for an electoral purpose or other purpose unless authorised under the Act, or by the council or the CEO, to use the resources for that purpose.
- (2) In this clause:

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 2004* or the *Commonwealth Electoral Act 1918 (Cth)*;

resources of a local government council includes:

- (a) property of a local government council; and
- (b) services provided, or paid for, by a local government council.

11 Securing personal advantage or disadvantaging others

A member must not make improper use of their office to:

- (a) gain, directly or indirectly, an advantage for the member or any other person; or
- (b) cause detriment to the local government council or any other person.

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12 Prohibition against involvement in administration

- (1) A member must not undertake a task that contributes to the administration of the local government council unless authorised by the council or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a member does as part of the deliberations at a council or committee meeting.

13 Relationship with local government employees

- (1) A member must not:
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (2) Subclause (1)(a) does not apply in relation to:
 - (a) anything that a member does as part of the deliberations at a council or committee meeting; or
 - (b) a direction given by a council member to the CEO of the council.
- (3) If a member, in their capacity as a member, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the member must not orally, in writing or by any other means:
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.

14 Compliance with sanction

A member must comply with any sanction imposed under Part 7.4 of the Act.