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

(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

(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.

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.

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.