

 <p>Kingborough</p>	<p align="center">COUNCILLORS CODE OF CONDUCT</p>	<p align="center">Policy No. 1.8</p>		
<p>POLICY STATEMENT:</p>		<p>1.1 The Model Code of Conduct was made by Order dated 13 April 2016 and is administered by the Department of Premier and Cabinet.</p> <p>1.2 The Model Code of Conduct is a statement of the standard behaviour that Councillors are required to demonstrate, and which the community can expect when they are carrying out their roles and responsibilities as an elected member.</p> <p>1.3 The requirement for all Councils to adopt Model Code of Conduct was inserted into the <i>Local Government Act 1993</i> effective from 13 April 2016.</p>	<p align="center">LAST REVIEW May 2016</p>	<p align="center">NEXT REVIEW May 2018</p>
<p>OBJECTIVE:</p>	<p>2.1 The Code of Conduct objectives are as set out in Section 28S of the <i>Local Government Act 1993</i>.</p>			
<p>SCOPE:</p>	<p>3.1 The Code of Conduct applies to all Councillors.</p>			
<p>PROCEDURE:</p>	<p>Decision Making</p> <ol style="list-style-type: none"> 1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority. 2. A councillor must make decisions free from personal bias or prejudice. 3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or which he or she should have reasonably been aware. 4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstance into account when making decisions. <p>Conflict of interest</p> <ol style="list-style-type: none"> 1. When carrying out his or her duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interest that he or she may have. 2. A councillor must act openly and honestly in public interest. 3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by Council. 4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest. 5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible. 6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must – <ol style="list-style-type: none"> (a) declare the conflict of interest before discussion on the matter begins; and (b) act in good faith and exercise reasonable judgement to determine whether conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council. 			

Use of Office

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence other in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

Use of resources

- 1 A councillor must use Council resources appropriately in the course of his or her public duties.
- 2 A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
- 3 A councillor must not allow the misuse of Council resources by another person or body.
- 4 A councillor must avoid any action or situation which may lead to a reasonable perception that Council resources are being misused by the councillor or any other person or body.

Use of information

1. A councillor must protect confidential Council information in his or her possession or knowledge, and only release it if he or she has authority to do so.
2. A councillor must only access Council information needed to perform his or her role and not for personal reasons or non-official purposes.
3. A councillor must not use Council information for personal reasons or non-official purposes.
4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Gifts and benefits

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances.
2. A councillor must avoid situations in which the appearance may be created that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
3. A councillor must carefully consider-
 - (a) the apparent intent of the giver of the gift or benefit; and
 - (b) the relationship the councillor has with the giver; and
 - (c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.
4. A councillor must not solicit gifts or benefits in the carrying out of his or her duties.
5. A councillor must not accept an offer of cash, cash-like gifts (such as gift cards and vouchers) or credit.

	<p>6. A councillor must not accept a gift or benefit if the giver is involved in a matter which is before the Council.</p> <p>7. A councillor may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit as defined by Council's <i>Councillors Gifts & Benefits Policy</i> as amended from time to time.</p> <p>8. A councillor accepting a gift or benefit must register the gift or benefit in Council's Councillor's Gifts & Benefits Register in accordance with the <i>Councillors Gifts & Benefits Policy</i> as amended from time to time.</p> <p>Relationship with community, councillors and Council employees</p> <p>1. A councillor –</p> <ul style="list-style-type: none"> (a) must treat all persons with courtesy, fairness, dignity and respect; and (b) must not cause any reasonable person offence or embarrassment; and (c) must not bully or harass any person. <p>2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.</p> <p>3. A councillor must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.</p> <p>4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.</p> <p>5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.</p> <p>Representation</p> <p>1. When given information to the community, a councillor must accurately represent the policies and decisions of the Council.</p> <p>2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.</p> <p>3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.</p> <p>4. A councillor must clearly indicate when he or she is putting forward his or her personal views.</p> <p>5. A councillor's personal views must not be expressed in such a way as to undermine the decisions of Council or bring the Council into disrepute.</p> <p>6. A councillor must show respect when expressing personal views publicly.</p> <p>7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.</p> <p>8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.</p>
<p>GUIDELINES:</p>	<p>5.1 By virtue of section 28V of the <i>Local Government Act 1993</i>, a person may make a complaint to Council in relation to an alleged failure of a Councillor to comply with any provision of the Code of Conduct.</p> <p>5.2 A breach of the Code of Conduct is a failure by a Councillor to comply with a provision of the Code. A complaint may only be lodged in respect of a breach of the Code.</p>

	<p>5.3 A complaint must:</p> <ul style="list-style-type: none"> • be in writing; and • state the name and address of the complainant; and • state the name of each councillor against whom the complaint is made; and • state the provision of the code of conduct that the councillor has allegedly contravened; and • contain details of the behaviour of each councillor that constitutes the alleged contravention; and • be lodged with the general manager of the council within 6 months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and • be accompanied by the prescribed fee.
COMMUNICATION:	<p>6.1 The Code of Conduct is a statutory requirement and is available from the Civic Centre or can be accessed on Council's website at www.kingborough.tas.gov.au</p>
LEGISLATION:	<p>7.1 The Code of Conduct is intended to address matters specifically required in accordance with the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulations 2005</i>.</p>
RELATED DOCUMENTS:	<p>8.1 Other Council policies which are relevant to the Code of Conduct include:</p> <ul style="list-style-type: none"> • Payment of Councillor Expenses and Provision of Facilities Policy (2.1) • Occupational Health and Safety Policy (9.8) • Anti- Discrimination & Harassment Policy (9.3) • Equal Employment Opportunity & Workplace Diversity Policy (9.9) • Public Interest Disclosures Policy and Procedures (1.4)
AUDIENCE	<p>9.1 Councillors, employees and public</p>