



Councillors Code of Conduct

Aim

The Councillors Code of Conduct establishes the ethical conduct and behavioural standards expected of councillors elected to the King Island Council. It intends to ensure that councillors comply with agreed standards that promote strong governance and effective discharge of their duties and functions in the best interests of King Island Council and its community.

Background

This version of the Code of Conduct for King Island councillors amends Council's earlier Code in line with *Local Government (Model Code of Conduct) Amendment Order 2018* and maintains Council's compliance with the *Local Government Act 1993* (Tas) (the Act).

Compliance Obligations

Division 3A, Subdivision 2 of the *Local Government Act 1993* (Tas)

Legislation

Local Government Act 1993 (Tas)

Local Government (Model Code of Conduct) Amendment Order 2018 (Tas)

Code of Conduct

PART 1 – Decision making

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 prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of 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 circumstances into account when making decisions.

PART 2 – Conflict of interests that are not pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the 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 the 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 –
 - (a) Declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 – 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 others 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.

PART 4 – 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 any other person or body.

PART 5 – Use of information

1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
2. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 – 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 and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider 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.

PART 7 – Relationships with community, councillors and Council employees

1. A councillor –
 - (a) must treat all persons fairly; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.

2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of the debate.
3. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
4. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 – Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
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.

PART 9 – Variation of Code of Conduct

1. Any variation of this Code of Conduct must be in accordance with section 28T of the Act.
2. Variations that are not in line with the model code of conduct in effect at the time of the proposed variation must be approved by the Minister for Local Government.

Responsibilities

A councillor must comply with the provisions of this Code of Conduct while performing the functions and exercising the powers of office.

Associated Documents

- Local Government Code of Conduct Complaint Form
- King Island Council – Related Party Declaration by Key Management Personnel
- King Island Council – Related Parties Disclosures Policy
- King Island Council – Gifts and Benefits Policy
- King Island Council – Payment of Expenses & the Provision of Facilities to the Mayor, Councillors Policy

History

Code of Conduct first adopted 19/06/2006 – Minute No. 182/06

Appointments to Code of Conduct Panel – Minute No. 183/06

Appointment of community representative to Panel 22/08/2006 – Minute No. 248/06

Amendment to Panel members 16/10/2007 – Minute No. 319/07

Policy reviewed using LGAT model Code of Conduct 17/07/2012 – Minute No. 151/12

Policy reviewed as per LG Amendment (Code of Conduct) Act 2015 21/06/2016 – Minute No. 82/16

Note: *Content in this document aligns with Amendment Order 2018 and numbering has been amended accordingly.*

Approved by Council at its meeting on 18 June 2019



General Manager