

# Councillor Code of Conduct

## 1. Introduction

This Code of Conduct sets out the standards of behaviour expected of the Mayor and all Councillors of the Gympie Regional Council (Council).

The requirements of this code are in addition to all other legislative obligations associated with the role of a Councillor within the Queensland local government framework. Such requirements include a demonstrated commitment to the local government principles that underpin the *Local Government Act 2009 (Act)*, and strict compliance with the specific roles, responsibilities and obligations of Councillors as set out within the Act.

This code has been adopted by resolution of Council. Council accordingly considers this code to be a 'procedure' in line with the use of that term within section 176(4) of the Act. (Refer to Section 3 below in relation to failure to comply with this code.)

## 2. Key ethical and behavioural obligations

### (1) Local Government Principles underpinning the Act

Section 4(2) of the Act prescribes five core principles to ensure that the system of local government is accountable, effective, efficient and sustainable. All Councillors are required to undertake their various roles, responsibilities and obligations under the Act in a way that demonstrates a strong commitment to the local government principles.

The local government principles are—

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees.

### (2) Integrity of Local Government

It is vital that the public has confidence in Council's ability to ensure the good rule and government of its area.

Councillors are to conduct themselves in a way that promotes and maintains the public's trust and confidence in Council.

Councillors must at all times:

- (i) ensure their conduct as a Councillor does not reflect adversely on the reputation of the Council
- (ii) demonstrate respect for fellow Councillors, Council staff and other members of the public
- (iii) refrain from harassing, bullying or intimidating fellow Councillors, Council staff or other members of the public
- (iv) communicate with the public or media on behalf of the Council in accordance with Council's Media Protocol Policy. (OCPOL405)
- (v) when communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council
- (vi) when communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council

### 3. Failure to comply with this code

Section 176(4) of the Act provides as follows:

**Inappropriate conduct** is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—

- (a) a councillor failing to comply with the local government's procedures; or
- (b) a councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

A failure to comply with this code will be deemed as inappropriate conduct by a Councillor and render a Councillor liable to disciplinary action under the Act.

As required under the legislation, a complaint about failure by the Mayor or Deputy Mayor to comply with this code will be referred to the Chief Executive of the Department of Local Government.

A complaint about the failure by any Councillor (other than the Mayor or Deputy Mayor) to comply with this code will be referred to the Mayor.

Under s181(2) of the Act, the Mayor or Department's Chief Executive may make either or both of the following orders that the Mayor or Department's Chief Executive considers appropriate in the circumstances—

- (a) an order reprimanding the councillor for the inappropriate conduct;
- (b) an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.

If the Mayor or the Department's Chief Executive makes three orders about the same Councillor within the one year, the Mayor or the Department's Chief Executive must refer the repeated inappropriate conduct by the Councillor to a regional conduct review panel or the tribunal.

Repeated inappropriate conduct by a Councillor in relation to failure to comply with this code may result in a Councillor's actions being considered as misconduct which will be dealt with in accordance with the Act.