

# Code of Conduct – Elected Members

## Council Policy

Policy Name	Code of Conduct – Elected Members		
Type	Council Policy		
Owner	Chief Executive Officer		
Responsible Officer	Manager Governance		
Decision Number	21073	Approval Date	27/07/2020
Records Number	Add number here	Next Review Date	30/06/2021

### 1 Purpose

This policy sets a code of professional conduct, expected of the Elected Members of the Alice Springs Town Council (Council), that is consistent with the mission and values of Council.

This policy is developed and adopted in accordance with sections 77 and 78, and Schedule 2 of the *Local Government Act 2008*.

### 2 Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
Courtesy	Means politeness, respect and consideration for others.
Member	Means all Elected Members including the Mayor and Deputy Mayor
Official functions	Means all activity undertaken in the course of, or relating to, performing the duties of an Elected Member

### 3 Policy Statement

Council is committed to upholding the principle of equal opportunity by treating all people with dignity and respect.

An Elected Member has a duty to uphold the law and to act on all occasions in accordance with the law, the policies of Council and the trust placed in them by the public. They have a general duty to act in the best interests of Council and the municipality of Alice Springs as a whole.

Council does not tolerate improper conduct by its members, namely conduct that would amount to unlawful discrimination, harassment (including sexual harassment), victimisation, racial and religious vilification or bullying.

The Code of Conduct is as follows:

#### 1. Honesty and integrity

A member must act honestly and with integrity in performing official functions.

# Code of Conduct – Elected Members

## Council Policy

### **2. Care and diligence**

A member must act with reasonable care and diligence in performing official functions.

### **3. Courtesy**

A member must act with courtesy towards other members, council staff, electors and members of the public.

### **4. Prohibition on bullying**

4.1 A member must not bully another person in the course of performing official functions.

Bullying is repeated unreasonable behaviour directed towards another member or officer of Council and that behaviour creates a risk to the health and safety of that other member or officer of Council.

'Unreasonable behaviour' is behaviour that a reasonable person, having regard to all the circumstances, believes or expects would victimise, humiliate, undermine or threaten another person.

A broad range of behaviours can be considered to be bullying. Some examples of behaviour that may constitute bullying are:

- verbal abuse, insults or name-calling
- continually making jokes about a person, or singling out one person for remarks more often than others in a group
- personal attacks, threats, intimidation and misuse of power
- deliberate exclusion or isolation
- deliberately withholding information from someone where that information is essential to their ability to perform their work effectively.

A single incident of unreasonable behaviour, while not bullying, may still create a risk to health and safety and will not be tolerated by Council.

### **5. Conduct towards council staff**

5.1 A member must not direct, reprimand, or interfere in the management of, Council staff.

5.2 A member must respect the role of employees in managing and conducting the work of council and refrain from publicly criticising staff

5.3 A member must not contact employees on Council related business other than in accordance with approved procedures authorised by the CEO.

### **6. Respect for cultural diversity and culture**

6.1 A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

6.2 A member must act with respect for cultural beliefs and practices in relation to other members, council officers, electors and members of the public.

### **7. Conflict of interest**

7.1 A member must abide by Council's Conflict Management Policy and avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

# Code of Conduct – Elected Members

## Council Policy

7.2 If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

### **8. Respect for confidences**

8.1 A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

8.2 A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

### **9. Gifts**

9.1 A member must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

9.2 A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.

### **10. Accountability**

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

### **11. Interests of municipality, region or shire to be paramount**

11.1 A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

11.2 In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

### **12. Training**

A member must undertake relevant training in good faith.

## Contravention of the Code of Conduct

Elected Members are expected to use their best efforts to resolve disputes in a respectful and courteous manner.

If a member believes that this policy has been contravened they may lodge a complaint in writing, within 6 months of the contravention, with the following information:

- stating the name of the member alleged to have committed the contravention (the *respondent*); and
- giving particulars of the alleged contravention; and
- provide a Statutory Declaration verifying the allegations of fact made against the respondent

They may lodge their complaint to the CEO or the Department of Local Government, Housing, and Community Development (the Agency).

If a complaint is made to the CEO, the CEO will ensure all information is present, seeking further clarification if required. The CEO will then present the complaint to Council, who will decide the complaint.

# Code of Conduct – Elected Members

## Council Policy

A response to a contravention of the Elected Member Code of Conduct varies based on the determined severity of the breach but may include:

Upon determination of Council:

- No action; or
- Counselling; and/or
- Direction given for an apology to be made; and/or
- Requirement for training and development;
- Directly report to the police or refer the complaint to the Department of Local Government

In the case of a complaint made to the Agency, a Disciplinary Committee will be convened by the Minister, who will decide the complaint.

Upon determination of the Disciplinary Committee:

- No action;
- Administer a reprimand
- Impose a fine
- Recommend removal from office to the Minister.

## 4

### Responsibilities

Elected Members must:

1. Treat all people with dignity and respect.
2. Maintain a professional and safe work environment free from unacceptable conduct.
3. Report any unacceptable conduct to the CEO or the Agency.
4. Ensure their behaviour is appropriate at all times and in accordance with the Alice Springs Town Council's values.
5. Cooperate with any investigation into, or arbitration of, a complaint made under this policy.
6. Not make or cause to make a vexatious, false or frivolous complaint.
7. Take reasonable and proportionate measures to prevent unacceptable conduct as far as possible.
8. Carry out meetings in a such a manner as to ensure fair participation of all members.
9. Ensure independent views of members are given due consideration.
10. Participate in a review of Council's own performance on an annual basis.
11. Be loyal and supportive to Council, abiding by Council decisions once reached.
12. Be diligent, prepare for and attend Council meetings, contribute to Council discussion and decision making to the best of their ability.
13. Apply natural justice principles in addressing any alleged breach of this code

Chief Executive Officer will:

- Ensure that support and assistance is available to all Councillors where it is required

# Code of Conduct – Elected Members

## Council Policy

### 5 Related Documents

- *Local Government Act 2008*
- *Local Government Act 2019*

### 6 Version History

Title/Version	Date	Approved by
<i>Code of Conduct for Members</i>	28/03/2011	Council

### 7 Communication and Training

Will this policy be communicated through internal communications?	No
Where will this policy be available?	ASTC Website
Will training needs arise from this policy? If yes, who will be responsible.	Yes <ul style="list-style-type: none"><li>• Elected Members</li><li>• CEO</li><li>• Governance</li></ul>