

## 1. SCOPE

For the purposes of section 28R(2) of the *Local Government Act 1993*, the code of conduct set out in Schedule 1 is the model code of conduct relating to the conduct of councillors.

## SCHEDULE 1

### 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.
4. ....

### PART 5 - USE OF INFORMATION

1. ....
2. 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.
3. ....
4. 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.
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....

**COUNCILLORS CODE OF CONDUCT**

**PART 7 - RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES**

1. A councillor:
  - (a) must treat all persons fairly;
  - (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 debate.
3. ....
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
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.

**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 model code of conduct is to be in accordance with section 28T of the Act.
2. Notified in the Gazette on 26 December 2018.
3. This order is administered in the Department of Premier and Cabinet.

**LEGISLATIVE REQUIREMENTS:**

- *Local Government Act 1993*- Section 339A
- *Local Government (Model Code of Conduct) Order 2016* (amended in December 2018)

**RELATED PROCEDURES/GUIDELINES:**

Annexure 'A' - Local Government Code of Conduct Complaint Form

**AMENDMENT TO PRINCIPLE ORDER:**

*Local Government (Model Code of Conduct) Amendment Order 2018* – Gazetted and effective from 26 December 2018

## ANNEXURE 'A'

### Complaint form Local Government Code of Conduct

#### Instructions for Use

This form is for making a complaint under your council's Local Government Code of Conduct.

This form has been provided to ensure that you include all the information required under the *Local Government Act 1993* in your complaint. You will need to complete all the sections in this form.

To make a valid complaint, you will need to:

- ☐ Complete this form or otherwise put your complaint in writing as described below;
- ☐ Provide a statutory declaration, signed by each person making the complaint, verifying the accuracy of the information contained in the complaint. The approved form for a statutory declaration can be downloaded at:  
[www.justice.tas.gov.au/forms/statutory\\_declarations](http://www.justice.tas.gov.au/forms/statutory_declarations);
- ☐ Lodge the complaint and statutory declaration with the general manager of your council within six months of the councillor or councillors committing the alleged breach; and
- ☐ Pay the fee for lodging a complaint to the relevant council. The current fee is 50 fee units. Fee units are set each financial year, with the current values available at:  
[www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units](http://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units)

You do not have to use this form. If you choose not to use this form, your complaint will need to:

- Be in writing;
- State your name and address and the name and address of any other complainants;
- State the name of each councillor you are making the complaint against;
- State which provision/s of the relevant code of conduct each councillor has allegedly breached;
- Detail the behavior of each councillor that you allege breached the Code;
- Details what efforts you have made to resolve the complaint with the relevant councillor;
- Be accompanied by a statutory declaration, and the required fee, and be lodged with the general manager of your council, as outlined above.

## Complaint form

### Local Government Code of Conduct

CONTACT DETAILS (of person making the complaint)	
Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	Preferred mode of contact:
SUMMARY OF COMPLAINT	
Name of Councillor who you believe has breached the Code of Conduct:	
Provisions of the Code of Conduct that you believe have been breached:	
Date(s) of incident(s):	
Location(s) of incident(s):	

## Complaint form

### Local Government Code of Conduct

#### DETAILS OF THE COMPLAINT (further information may be attached)

#### WITNESSES (include anyone with knowledge of what happened)

#### HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?

YES ☐ NO ☐

If yes, when did you make the complaint?

## Complaint form

### Local Government Code of Conduct

**HAVE YOU MADE ANY EFFORTS TO RESOLVE THE COMPLAINT WITH THE RESPONDENT COUNCILLOR?**

**(NOTE: THIS SECTION IS COMPULSORY. FAILURE TO ADEQUATELY COMPLETE IT MAY RESULT IN THE COMPLAINT BEING RETURNED TO YOU)**

**YES** ☐

Briefly describe the efforts that you have made (NOTE: YOU MUST COMPLETE THIS SECTION):

**NO** ☐

Include a brief statement explaining why you have not made any efforts to resolve the issue with the respondent councillor:

#### DESIRED OUTCOME OF COMPLAINT

Please explain what you would like to happen as a result of lodging this complaint:

#### PLEASE SIGN AND DATE

**SIGNATURE:**

**Date:**