



**14.3 COUNCILLOR CODE OF CONDUCT - ADOPTION**

**EXECUTIVE MEMBER: KYLIE BENNETTS, GENERAL MANAGER, CITY GROWTH AND ORGANISATIONAL CAPABILITY**

**PREPARED BY: RACHEL RUSSELL, MANAGER GOVERNANCE AND ORGANISATIONAL PERFORMANCE**

**1. PURPOSE**

1.1 To seek Council endorsement of a revised Councillor Code of Conduct 2020 (the Code) as required under the Local Government Act 2020 (the Act).

**2. EXECUTIVE SUMMARY**

2.1 Council is required to ensure the Code meets the requirements of the Act and the Local Government (Governance and Integrity) Regulations 2020 by 24 February 2021. The Code must include new mandatory standards of conduct and a new 'internal' arbitration process.

**3. RECOMMENDATION**

That Council:

- 3.1 Rescinds the Councillor Code of Conduct adopted during the previous Council term.
- 3.2 Adopts the Councillor Code of Conduct as outlined in **Attachment 1**.
- 3.3 Authorises the Chief Executive Officer to make minor editorial amendments to the Code that do not materially alter its content.

**4. KEY POINTS/ISSUES**

- 4.1 Council is legislatively required to ensure the Code meets the requirements of the Act by 24 February 2021.
- 4.2 The Code must include standards of conduct, a new 'internal' arbitration process and may include other matters the Council considers appropriate.
- 4.3 The standards of conduct that must be included are treatment of others, performing the role of Councillor, compliance with good governance measures and that a Councillor must not discredit or mislead Council or the public. Importantly these standards do not seek to limit robust political debate.
- 4.4 The role and obligations of the Mayor and Councillors are outlined in the Act and include: -
  - 4.4.1 Mayor – promoting behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
  - 4.4.2 Councillors – acknowledge and support the role of the Mayor, act lawfully and in accordance with the oath or affirmation of office, act in accordance with the standards of conduct and comply with Council procedures required for good governance.
- 4.5 The Act has mandated an 'internal' resolution process. This 'internal' resolution process involves referring the matter to a Principal Councillor Conduct Registrar (appointed by the State Government who is independent of Council) who may appoint



an independent arbiter to help resolve the matter who can impose sanctions. In the Code this has been referred to as the formal process.

- 4.6 To support effective ways of working the Code also outlines an informal internal process, where if all parties agree the matter can be managed internally within the Council. This process is not mandatory, and a Councillor may elect not to participate or discontinue participation at any time. In the Code this process has been referred to as the informal process.

## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 Consultation occurred with Councillors and the independent members of the Audit & Risk Committee.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 Council's legal advisor reviewed the Code to ensure compliance with the Act.

## **7. FINANCIAL IMPACT**

- 7.1 Not as a result of this report. If informal or formal resolution processes are required, at some point in the future, this will have a financial impact to Council, which has not been budgeted for.

## **8. ENVIRONMENTAL IMPACT**

- 8.1 Not as a result of this report.

## **9. COMMUNITY IMPACT**

- 9.1 The Code outlines Councillors commitments to the community.

## **10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 Strategic Direction 6 – Our Commitment to You.

## **11. IMPLEMENTATION STRATEGY**

### **11.1 TIMELINE**

- 11.1.1 The Code takes effect from the passing of this resolution.

### **11.2 COMMUNICATION**

- 11.2.1 A copy of the Code will be provided to Councillors and made available on the Council's website.

## **12. OFFICER DIRECT OR INDIRECT INTEREST**

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

**TRIM FILE NO:** F21/1

**ATTACHMENTS** 1. Councillor Code of Conduct - Draft