



CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
CHERBOURG QLD 4605

Phone: (07) 4168 1866
Fax: (07) 4168 2727

COUNCILLOR CONDUCT POLICY

PURPOSE OF POLICY

This document is aimed at providing working examples of the types of conduct of Local Government Councillors. This document is to be read in conjunction with the Code of Conduct for Queensland Local Governments.

COMPLAINTS ABOUT COUNCILLOR CONDUCT

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are corrupt conduct, misconduct, inappropriate conduct and then unsuitable meeting conduct

UNSUITABLE MEETING CONDUCT

Under section 150H of the Local Government Act 2009 (the Act), any conduct, but not inappropriate, misconduct or corruption, by a Councillor that is contrary to the standards of behaviour in the Code of Conduct that occurs within a meeting of Council, is dealt with as unsuitable meeting conduct. Examples of unsuitable meeting conduct by a Councillor may include:

- a Councillor behaves in a Council meeting, in a way that intimidates, bullies or harasses a member of the community, another Councillor or a Council employee
- a Councillor continually interrupts or disrupts a speaker at a Council meeting
- a Councillor behaves in an offensive or disorderly way in a Council meeting.

INAPPROPRIATE CONDUCT

Under section 150K of the Act, any conduct by a Councillor that is contrary to standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a Council and is not unsuitable meeting conduct (i.e. occurs outside of a meeting of Council), misconduct or corrupt conduct is dealt with as inappropriate conduct. Examples of inappropriate conduct of a Councillor may include:

- a Councillor publicly makes derogatory comments about staff
- a Councillor purports to speak to the media on behalf of Council when not properly authorised under a Council policy
- a Councillor fails to comply with an order made by the Chairperson of a meeting to leave and stay away from the place at which the meeting is being held
- a Councillor has been reprimanded 3 times in 12 months for interrupting other Councillors during meetings.

MISCONDUCT

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in misconduct. Examples of misconduct of a Councillor may include:

- a Councillor knowingly provides false or misleading information during a meeting of the Council in order to affect a decision
- a Mayor fails to carry out the performance evaluation of the Chief Executive Officer in the manner determined by Council



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- a Councillor releases private information about a member of the community acquired as a Councillor
- a Councillor directs a Council employee (other than the Mayor directing the Chief Executive Officer or other senior executive employees) to perform a duty
- a Councillor provides confidential information to the media that came from a closed meeting of Council
- a Councillor has a reasonable suspicion that another Councillor has a material personal interest or conflict of interest but did not disclose it to the presiding officer when the other Councillor failed to disclose it
- a Councillor fails to pay a fine ordered by the Tribunal
- a Councillor sought assistance or advice from an officer that is not in accordance with Council's acceptable request guidelines
- a Councillor uses a Council vehicle for private use that is not authorised by Council's expenses policy

CORRUPT CONDUCT

Corrupt conduct is defined by, and dealt with, under the Crime and Corruption Act 2001 and must be referred to the Crime and Corruption Commission. Examples of corrupt conduct of a Councillor may include:

- a Councillor fails to declare a material personal interest in a Council meeting
- a Councillor intentionally fails to update a register of interests in order to hide an interest that could gain a benefit or a loss to the person
- a Councillor engages in fraud against the Council
- a Councillor uses information acquired by a Councillor to gain a financial benefit for the Councillor or someone else
- a Councillor directs a Local Government employee to gain a benefit or cause a detriment to the Councillor or another person
- a Councillor engages in the act of stealing against the Local Government.

MORE INFORMATION

The Department of Local Government, Racing and Multicultural Affairs' website provides further information and resources for Councillors. The Department also provides and facilitates training for Councillors and Local Government employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities. For more information, please contact your regional office within Local Government and Regional Services in the Department on:

Telephone: 13 QGOV (13 74 68)

Post: PO Box 15009, City East, Queensland 4002

Website: www.dlgrma.qld.gov.au