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Service Delivery Division

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Local Government Bulletin

Code of Conduct obligations for Councillors

Purpose

With councillors now well into their second year of their four-year terms of office, it is timely and important to remind councillors of their statutory and ethical obligations under their council's code of conduct. It is not only critical that councillors have a detailed understanding and appreciation of these statutory obligations, but that they conduct themselves in a manner which strengthens the public's trust and confidence in the local government and its decision-making processes.

The purpose of this bulletin is to provide an update to councillors of the need for them to be mindful of these statutory and other obligations under their council's code of conduct. Moreover, it provides information on the suite of resources produced by the Department of Infrastructure and Planning, and the other general advice available to councillors and senior local government officers upon request, in how to apply and implement codes of conduct.

Background

Local governments are required under the *Local Government Act 1993* to adopt a code of conduct for councillors which sets out behaviours and ethical responsibilities for councillors.

Local governments may choose to adopt their own code of conduct, provided that it is consistent with the requirements in the Act in s250F and the process set out in s250J and s250K.

Alternatively local governments can adopt the model code of conduct gazetted by the Minister for Local Government as their code of conduct. If a local government has not

adopted a code of conduct within six months of each quadrennial election (s250C), then the model code of conduct applies to councillors of the local government.

As part of the Local Government Reform process, all newly amalgamated councils automatically had the *Model Code of Conduct* apply following the March 2008 local government elections under the *Local Government Reform Implementation Regulation 2008*.

Overview

The Act sets out ethics principles for local government councillors (Schedule 1 of the Act) which are as follows:

- Integrity of local government
- Primacy of the public interest
- Independence of action by councillors
- Appropriate use of information by councillors
- Transparency and scrutiny
- Appropriate use of entitlements

In addition to their statutory obligations, councillors must comply with ethical and behavioural obligations (please see the link to *Model Code of Conduct for Councillors*, below, for a description of each of these obligations).

Breaches of the Code of Conduct

A breach of the code of conduct may be one of the following:

- **Meeting breach:** A breach of a councillor's obligations of a meeting of council or a committee of council.
- **Minor breach:** A breach of ethical obligations (other than a statutory obligation under the Act) of any additional ethical or behavioural obligations that a council includes in its code of conduct.
- **Repeat breach:** The fourth and subsequent meeting and/or minor breach within six months are repeat breaches (under the Model Code).
- **Statutory breach:** A breach of one of the obligations in the Act.

Dealing with alleged breaches of the code of conduct

The action or penalty that may result from a breach of the code of conduct (e.g. written reprimand or meeting suspension) varies according to the severity of the breach. The action which a local government may take is shown in Attachment 2 of the *Guide to the Model Code of Conduct* (please see the link to this document, below). In addition, a statutory breach (where the Act specifies a fine) may be prosecuted in the courts.

In respect of alleged meeting breaches of the code of conduct, councillors need to raise these – through the Chair of their meetings – at the relevant council or committee meeting (these cannot be raised and dealt with retrospectively at subsequent meetings). In respect of alleged minor, repeat and statutory breaches, the complainant needs to submit these in writing to the Chief Executive Officer of their council and there then different pathways by which they are investigated and then referred back to council.

Resources and advice

The Department has produced the following resources to assist councillors in understanding and meeting their statutory obligations:

- [Model Code of Conduct for Councillors](#)
- [Guide to the Model Code of Conduct for Councillors](#)

Additional information in respect of councillors' code of conduct obligations at council meetings can be found in the Departmental publication, *Making the Most of Meetings* (Chapter 7, Meetings – Conduct and Behaviour). Copies of this publication were distributed to every councillor in Queensland and their Chief Executive Officers following the 2008 local government elections. Additional copies of this publication can be obtained upon request.

General advice in relation to the application of the code of conduct can be obtained by contacting the relevant Regional Director for the region in which your council is located. The names and contact details for these Regional Directors are as follows:

Region	Regional Director	Telephone
South-East Region	Bill Gilmore	(07) 3381 7570
South-West Region	Ray Currie	(07) 4616 1980
Central Region	Leisa Dowling	(07) 4971 2337
North Queensland	Jo Stephenson	(07) 4799 7195
Far North Region	Gillian Long	(07) 4039 8550

New legislation

The above provisions of the *Local Government Act 1993* will remain in force until the *Local Government Act 2009* takes effect in December of this year. The Department will issue further advice outlining the provisions of this new legislation later in the year.

Further information

Any further enquiries on this matter should be directed to Tim Dunne, Local Government and Service Delivery Group, Department of Infrastructure and Planning, on telephone number (07) 3006 2460 or via email Tim.Dunne@dlgsr.qld.gov.au or Mark Neylan on telephone number (07) 3225 8942 or via email Mark.Neylan@dlgsr.qld.gov.au. The Department's postal address is PO Box 15031, City East, Queensland, 4002.

All recent Local Government Bulletins issued by the Department are available at www.lgp.qld.gov.au/Default.aspx?ID=3295. You can also subscribe free of charge on the Department's website to receive Bulletins by email.

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