

1) INTRODUCTION

This Code of Conduct sets out the standards of behaviour expected of Councillors of the Hinchinbrook Shire Council.

The requirements of this Code are in addition to the roles, responsibilities and obligations of Councillors, as set out in the *Local Government Act 2009*.

This Code has been adopted by resolution of Council. Council accordingly considers this Code to be a "procedure", as that term is used in section 176(4) of the *Local Government Act 2009* (see below).

2) KEY ETHICAL AND BEHAVIOURAL OBLIGATIONS

Councillors must:-

- ensure their personal conduct does not reflect adversely on the reputation of the Council;
- demonstrate respect for fellow Councillors, Council staff and other members of the public;
- refrain from harassing, bullying or intimidating fellow Councillors, Council staff or other members of the public;
- not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that communication;
- when communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council; and
- when communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council.

3) CONSEQUENCES OF FAILING TO COMPLY WITH THIS CODE

Section 176(4) of the *Local Government Act 2009* provides:-

(4) Inappropriate conduct is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—

- (a) a Councillor failing to comply with the local government's procedures; or*
- (b) a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.*

A failure to comply with this Code by a Councillor (other than by the Mayor or Deputy Mayor) will be inappropriate conduct (as defined in section 176(4)(a) of the *Local Government Act 2009*) and render a Councillor liable to disciplinary action prescribed by section 181(1) of that Act. Section 181(1) provides: -

(1) If the Chief Executive Officer refers a complaint to the Mayor, the Mayor may make either or both of the following orders that the Mayor considers appropriate in the circumstances—

- (a) an order reprimanding the Councillor for the inappropriate conduct;*
- (b) an order that any repeat of the inappropriate conduct be referred to the Department's Chief Executive as misconduct.*

A failure to comply with this Code by the Mayor or Deputy Mayor will be referred to the Chief Executive of the Department of Infrastructure and Planning (see section 177(5)(a) of the *Local Government Act 2009*).

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