

POLICY TITLE: CODE OF CONDUCT FOR MEMBERS

Policy No. 105

POLICY PURPOSE

Members recognize and accept that the purpose of this policy is to assist them in the fulfillment of their obligations to Council, electors, ratepayers and the public at large by fostering a climate of ethical awareness in conduct and decision-making in public life.

POLICY STATEMENT

Members have a duty to uphold the law and to act on all occasions in accordance with the law, the policies of Council and the trust placed in them by the public. They have a duty to act in the best interests of Council and the Municipality of Alice Springs.

Members acknowledge that without detracting in any way from their legislative obligations, they also have a duty to abide by the principles of good personal conduct when carrying out their duties.

Refer to attached document "Code of Conduct" that supports this policy via definitions and specific codes.

ALICE SPRINGS TOWN COUNCIL

CODE OF CONDUCT FOR ELECTED MEMBERS 2011

1. Application of this Code

Nothing in this Code overrides, prevails or amends the provisions of the *Local Government Act 2008* applicable to the roles and duties of the Mayor and Elected Members of the Municipality of Alice Springs.

2. Purpose of this Code

Members recognise and accept that the purpose of this Code of Conduct is to assist them in the fulfilment of their obligations to Council, electors, ratepayers and the public at large by fostering a climate of ethical awareness in conduct and decision-making in public life.

In this respect, Members may find it useful to refer to or consider, either by themselves or in consultation with others such as their fellow Members, the following five questions:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Council policy and procedures, and in line with Council's objectives and this Code of Conduct?
- What will be the outcomes be for the Member, fellow Members, Council, electors, ratepayers and the public at large?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3. Definitions

In this Code of Conduct:

'**CEO**' means the Chief Executive Officer of Council;

'**confidential information**' means information acquired by Council in the course of carrying out its functions;

'**Council**' means both the Alice Springs Town Council as a body corporate and Members acting together as an elected body unless the context requires one or other meaning;

'Employee' means an Officer or Employee of Council however described;

'Member' means the Mayor and each Council member however described; and

'the Act' means the *Local Government Act 2008*.

4. Duties of Office

Members have a duty to uphold the law and to act on all occasions in accordance with the law, the policies of Council and the trust placed in them by the public. They have a general duty to act in the best interests of Council and the Municipality of Alice Springs as a whole.

Members acknowledge that without detracting in any way from their legislative obligations, they also have a general duty to abide by the principles of personal conduct set out in this Code of Conduct when carrying out their duties.

5. Standards of Personal Conduct

Members must observe the following principles of conduct as standards applying to him or to her as a holder of public office in Council –

5.1 Selflessness

Members must make decisions solely in terms of the public interest. They must not act in order to make financial gain or other benefits for themselves, their families or their friends.

5.2 Integrity

Members must not:

- be influenced in the performance of their duties by any financial or other obligation that they might have in a private capacity to individuals or organisations; or
- act for an improper or ulterior purpose or on irrelevant grounds.

5.3 Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make choices based on merit and Council policy.

5.4 Behaviour towards Others Generally

Members should:

- treat members of the public fairly and equitably and with respect, courtesy, compassion and sensitivity;
- not misuse their position to influence others in order to gain an advantage for themselves or others;
- refrain from any form of conduct, in the performance of their public duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or only partial performance of their public duties;
- not act in relation to others in a manner that is unreasonable, unjust, oppressive or discriminatory; and
- at all times conduct themselves in a manner which maintains and strengthens the public's trust and confidence in the integrity of the Alice Springs Town Council and must never undertake any action which will bring the Alice Springs Town Council, Members or Employees into disrepute.

5.5 Relationship with Other Members and Employees

Members should:

- be polite and courteous in all of their dealings with fellow Members and Employees;
- establish working relationships with fellow Members that recognises and respects diversity of opinion and achieves the best possible outcomes for Council and the Alice Springs community;
- show respect for the role of Employees in providing professional opinions and guidance, recognising their different but complementary role in achieving Council objectives;
- only provide, by way of Council resolution, proper and appropriate direction to the CEO in the performance of Council's functions;
- refrain from, in any public or private forum, directing or improperly influencing, or attempting to direct or improperly influence, any Employee in the exercise of his or her functions;
- only contact an Employee in accordance with procedures governing the interaction of Members and Employees that have been authorised by the CEO; and
- not contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, auditors and bankers.

5.6 Accountability

Members:

- are responsible and accountable to the public for:
 - their decisions and actions; and
 - the actions and decisions of Council even when they do not agree with them.
- should always give careful consideration to expenditure in relation to the allocation of resources.

5.7 Openness

Members should be open and clear about all the decisions and actions that they take.

5.8 Conflicts and Disclosures of Interest

Members must be honest in all of their statements and actions and must always be aware of their duty to declare any private interests relating to their public or professional duties.

They must always take steps to resolve any conflicts of interest arising in a way that protects both the interests of the public and Council.

Section 73(1) of the Act deems a conflict of interest to arise where a Member has a personal or financial interest in how a question arising before Council or a Committee is decided. There are limited exceptions to this general rule and these are found in section 73(2).

As soon as practical after a member becomes aware of a conflict of interest in a question that has arisen or is about to arise, they must disclose the personal or financial interest that gives rise to the conflict both at the meeting and to the CEO: see section 74(1).

Unless the Minister of Local Government has given approval, a Member having a conflict of interest must not be present at a meeting of Council or a Committee where the question is under consideration or otherwise participate in any decision on the question: section 74(3).

A Member is guilty of an offence under the Act if they fail to disclose an interest or participate in a meeting where a question giving rise to the interest is under consideration. The maximum penalty is 100 penalty units or imprisonment for 6 months.

5.9 Expenses of Office

Members must be honest and fair with respect to reimbursement of expenses of office and must only claim them in accordance with Council policy.

5.10 Use of Council's Resources

Members must use Council resources ethically, effectively and efficiently in the course of their public and employed duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and proper payment is made where appropriate; and must not convert to their own use any property of Council.

Members must also be scrupulous in their use of Council resources, services and facilities and must not permit their misuse by any other person or body.

They must avoid any action or situation which could create the impression that such use was for their own or any other person or body's private benefit or gain.

5.11 Gifts, Personal Benefits and Hospitality

Members must:

- avoid situations in which the acceptance of a gift or personal benefit would be or could give the appearance of the acceptance of an inducement or bribe;
- only accept gifts or moderate acts of hospitality which is a normal courtesy or of a token nature the refusal of which would be rude and that does not create any sense of obligation;
- not seek or accept a bribe or other improper inducement or otherwise demand solicit or request gifts or other personal benefit in respect of services performed in the course of their public or professional duties, whether (in the case of Employees) to be performed during working hours or not; and
- not take advantage of their public or professional position to improperly influence others to secure a private benefit for them or for some other person.

Generally speaking, token gifts and moderate acts of hospitality might include:

- gifts of single bottles of reasonably priced alcohol to individual Members at end of year functions, public occasions or in recognition of work done (such as guest speaker at a service club or giving a training session);
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of Council business;
- free meals, of a modest nature, and/or beverages provided to Members who formally represent Council at work related events such as training and education sessions, or workshops;

- refreshments, of a modest nature, provided at conferences where a Member is a speaker;
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages;
- invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as, sporting and community organisations

Gifts and benefits that have more than a nominal or token value include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.

Members must never accept an offer of money, regardless of the amount.

5.12 Use of Information

It is important that the Alice Springs community has confidence that information acquired by Council in the course of carrying out its functions is only used for Council purposes.

To maintain such confidence, Members must maintain the confidentiality of that information and:

- protect confidential information;
- only access confidential information when needed for Council work;
- not use confidential information for any purpose not connected with Council work; and
- only release confidential information when:
 - authorised to do so and only then in accordance with any relevant policy adopted by Council and for the purpose for which it was released; or
 - as required by law.

Members should be aware of Section 75 of the Act which provides that a person who discloses confidential information acquires as a Member is guilty of an offence punishable by up to 400 penalty units or imprisonment for 6 months.

Furthermore, section 76 of the Act makes it unlawful to make improper use of information acquires as a Member. A person makes improper use of information if they use it to gain some private benefit or to inflict harm on another: section 76(2). Again, this offence is punishable by up to 400 penalty units or imprisonment for 6 months.

5.13 Communication and the Media

Members must, when dealing with the media and its representatives, act in conformity with Council's Media Policy.

5.14 Decision Making by Members

Members should:

- be punctual in their attendance at all Council and Committee Meetings or otherwise apologise or obtain leave of absence in advance;
- read their agenda papers before every meeting and take all reasonable steps to be sufficiently informed and to understand the issues under consideration in order that they may make a positive and efficient contribution to the debate;
- during debate, focus on the issue and not on individuals;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained; and
- whenever they are in possession of information which is relevant to a matter under debate, disclose that information to other Members as a means of ensuring that the decision made is based upon the most factually correct and relevant information available.

5.15 Council Elections and Members

Members must observe high ethical standards during an election campaign and must not make use of any Council resources or otherwise use their position to gain electoral advantage.

5.16 Leadership

Members must promote and support these principles by leadership and example.

6. Breaches of this Code by Members

If a Member is found to have breached this Code, one or more of the following sanctions may be applied or invoked, depending on the nature of the breach:

- A censure motion may be passed by Council;
- Council may publicly disclose the Member's conduct
- Council may request an apology from the Member;

- Council may reprimand the Member;
- The Member may be counselled; or
- The Member may be prosecuted for an offence under the *Local Government Act* 2008 or any other relevant Act.

7. Availability of this Code

The availability of this Code of Conduct will be promoted to the local community and it will be displayed in a prominent position at the offices of the Alice Springs Town Council.

8. Adoption of this Code

This Code of Conduct for Elected Members was adopted by the Alice Springs Town Council at its Ordinary meeting on 28 March 2011.