

October 2020



# CITY OF HOBART

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# ELECTED MEMBER CODE OF CONDUCT



City of **HOBART**

Section 28T of the *Local Government Act 1993* (“the Act”) requires each council to adopt the model code of conduct, which is contained as Schedule 1 to the *Local Government (Model Code of Conduct) Order 2016*, with or without variations as permitted by the Act, as its code of conduct relating to the conduct of its elected members.

The role of an elected member is defined in Section 28 of the *Local Government Act 1993* which provides the functions of individual elected members and elected members collectively.

The model Code of Conduct was last adopted by the City of Hobart, without variation, at its meeting held on 18 February 2019.

# CODE OF CONDUCT

For the purposes of section 28R(1) of the Act, the Code of Conduct set out in Schedule 1 is the Model Code of Conduct relating to the conduct of elected members.

## INTERPRETATION

- (1) In this order Act means the *Local Government Act 1993*
- (2) *The Acts Interpretation Act 1931* applies to the interpretation of this order as if the order were by-laws.

## PART 1 - DECISION MAKING

1. An elected member must bring an open and unprejudiced mind to all matters being decided upon in the course of their duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. An elected member must make decisions free from personal bias or prejudgement.
3. In making decisions, an elected member must give genuine and impartial consideration to all relevant information known to them, or of which they should have reasonably been aware.
4. An elected member must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

## PART 2 - CONFLICT OF INTERESTS THAT ARE NOT PECUNIARY

1. When carrying out their public duty, an elected member must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that they may have.
2. An elected member must act openly and honestly in the public interest.
3. An elected member must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the elected member is appointed or nominated by the Council.
4. An elected member must act in good faith and exercise reasonable judgement to determine whether they have an actual, potential or perceived conflict of interest.
5. An elected member must avoid, and remove themselves from, positions of conflict of interest as far as reasonably possible.
6. An elected member who has an actual, potential or perceived conflict of interest in a matter before the Council must –
  - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and

- (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the elected member to remove themselves physically from any Council discussion and remain out of the room until the matter is decided by the Council.

7. This Part does not apply in relation to a pecuniary interest.

### **PART 3 - USE OF OFFICE**

1. The actions of an elected member must not bring the Council or the office of elected member into disrepute.
2. An elected member must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.
3. In their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), an elected member must not expect nor request, expressly or implicitly, preferential treatment for themselves or any other person or body.

### **PART 4 - USE OF RESOURCES**

1. An elected member must use Council resources appropriately in the course of their public duties.
2. An elected member must not use Council resources for private purposes except as provided by Council policies and procedures.
3. An elected member must not allow the misuse of Council resources by any other person or body.

### **PART 5 - USE OF INFORMATION**

1. An elected member must only access or use Council information needed to perform their role and not for personal reasons or non-official purposes.
2. An elected member must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

### **PART 6 - GIFTS AND BENEFITS**

1. An elected member may accept an offer of a gift or benefit if it directly relates to the carrying out of the elected member's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. An elected member must avoid situations in which a reasonable person would consider that any person or body, through the provision of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the elected member or the Council.

## **PART 7 - RELATIONSHIPS WITH COMMUNITY, ELECTED MEMBERS AND COUNCIL EMPLOYEES**

1. An elected member–
  - (a) must treat all persons fairly; and
  - (b) must not cause any reasonable person offence or embarrassment; and
  - (c) must not bully or harass any person.
2. An elected member must listen to, and respect, the views of other elected members in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. An elected member must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
4. An elected member must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

## **PART 8 - REPRESENTATION**

1. When giving information to the community, an elected member must accurately represent the policies and decisions of the Council.
2. An elected member must not knowingly misrepresent information that they have obtained in the course of their duties.
3. An elected member must not speak on behalf of the Council unless specifically authorised or delegated by the Lord Mayor.
4. An elected member must clearly indicate when they are putting forward their personal views.
5. An elected member's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. An elected member must show respect when expressing personal views publicly.
7. The personal conduct of an elected member must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, an elected member must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

## **PART 9 - VARIATION OF CODE OF CONDUCT**

Any Variation of this Model Code of Conduct is to be in accordance with section 28T of the Act.

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