

HOBSONS
BAY CITY
COUNCIL



Model Councillor Code of Conduct

2024 Version 1.2 – November 2024

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

Contents

1. Introduction.....	4
2. Model Councillor Code of Conduct.....	4
3. Definitions	4
4. Standards of Conduct	5
5. Review date.....	7
6. Further information	7
7. Document control.....	8
8. Version history.....	8

1. Introduction

From 26 October 2024, all Councillors must observe the **Hobsons Bay Model Councillor Code of Conduct** (the Code) made under section 139 of the *Local Government Act 2020* (the LG Act) that incorporates the Model Councillor Code of Conduct prescribed in Schedule 1 of the *Local Government (Governance and Integrity) Amendment Regulations 2024*. It includes the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

Section 139 of the LG Act requires a council to review and adopt a Model Councillor Code of Conduct within a period of four months after a general election. Outside of an election, a council may review and amend its Model Councillor Code of Conduct at any time.

The Model Councillor Code of Conduct must include:

1. The standards of conduct prescribed by the regulations
2. Any provisions prescribed by the regulations
3. Provisions addressing any matters prescribed by the regulations
4. Any other matters which the Council considers appropriate

A Model Councillor Code of Conduct must be made or amended by a formal resolution of Council at a meeting by at least two thirds of the total number of Councillors elected to Council. For Hobsons Bay City Council this means that at least five out of seven Councillors must vote in favour of the motion to adopt or amend the Model Councillor Code of Conduct. Failure by a Councillor to comply with the standards of conduct prescribed in this Code constitutes misconduct for the purposes of the LG Act. The LG Act provides for a range of sanctions that an arbiter may impose upon Councillors for misconduct.

Failure to comply with Council's internal arbitration process or to comply with a sanction directed by an arbiter amounts to serious misconduct. Continued or repeated misconduct after an initial finding will also amount to serious misconduct.

2. Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

3. Definitions

In this Schedule—

discrimination means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

4. Standards of Conduct

1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
 - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
 - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by—
 - (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
 - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
 - (c) not engaging in discrimination or vilification; and
 - (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
 - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the Gender Equality Act 2020) to achieve and promote gender equality; and
 - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the Child Wellbeing and Safety Act 2005 to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—

- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
- (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.

(3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;
- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
 - (i) conduct in Council meetings or meetings of delegated committees; and
 - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
 - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

4. Integrity

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
- (a) ensuring that their behaviour does not bring discredit upon the Council; and
 - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
 - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

Note

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

5. The Model Councillor Code of Conduct does not limit robust public debate

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

5. Review date

This policy will be reviewed three years from the date of endorsement by Council, unless it is required to be updated sooner.

6. Further information

For further information concerning this policy please contact Lead Governance and Business Support on Ph: 9932 1000 and/or governance@hobsonsby.vic.gov.au.

7. Document control

Policy Name	Model Councillor Code of Conduct
Object ID	
Agility Document Number	
Responsible Directorate	Corporate Services
Policy Owner	Manager Corporate Integrity and Legal Counsel
Policy Type	Legislation Mandated
Date Adopted by	
Review Date	

8. Version history

Version Number	Date	Authorised by
1.0	22 February 2021	Adopted by Council (A3495044)
1.2	November 2024	<i>Local Government Amendment (Governance and Integrity) Act 2024</i> No. 23 of 2024