



Policy No. 2016- 42

Model Code of Conduct

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 1 of 6

Introduction

Under the *Local Government Act 1993* (the Act), provides a local government code of conduct framework for all Tasmanian Councillors. This framework was first introduced in 2016 by the State Government and then reviewed in 2019. It provides a consistent, effective and enforceable means to address Council misconduct.

Under Section 28T of the Act, Code of Conduct the following is applicable –

- (1) Within 3 months after the day on which an order under [section 28R\(1\)](#) takes effect, each council must adopt the model code of conduct, either with or without any variations permitted under [subsection \(3\)](#), as its code of conduct relating to the conduct of its councillors.*
- (2) Within 3 months after the Minister makes available to councils an amendment to the model code of conduct or a substitute model code of conduct, a council must adopt the amendment, or revoke its code of conduct and adopt the substitute model code of conduct as its code of conduct, either with or without variations permitted under [subsection \(3\)](#).*
- (3) In adopting the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct, a council may vary the model code of conduct, amendment or substitute model code of conduct in any manner that is allowed by the model code of conduct, amendment or substitute model code of conduct, is approved by the Minister or is prescribed.*
- (4) A variation of the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct is to be set out in a schedule to the model code of conduct, the model code of conduct as amended or the substitute model code of conduct.*
- (5) Within 14 days after adopting the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct, a council is to provide a copy of it to the Director.*
- (6) The general manager is to make a copy of the council's code of conduct available –
(a) for public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and
(b) for purchase at a reasonable charge.*
- (7) A council is to review its code of conduct within 3 months after each ordinary election.*

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 2 of 6

Model Code of Conduct

PART 1 - Decision Making

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

PART 2 - Conflict of Interest that are not Pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor 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 councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor 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 councillor to remove himself or herself 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.

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 3 of 6

PART 3 - Use of Office

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

PART 4 - Use of Resources

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

PART 5 - Use of Information

1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
2. A councillor 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. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 4 of 6

PART 7 - Relationships with Community, Councillors and Council Employees

1. A councillor –
 - (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. A councillor must listen to, and respect, the views of other councillors 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. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
4. A councillor 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, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor'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. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 5 of 6

PART 9 - Variation of Code of Conduct

1. Any variation of this model code of conduct is to be in accordance with Section 28T of the Act.

This Policy was reviewed and approved at the Ordinary Council Meeting held 6 December 2022 under Item XXX.

Signed -

Kim Hossack
GENERAL MANAGER

DISCLAIMER

This Policy is to be read in conjunction with any or all other Council Policies.

Document:	Start Date: 6 December 2022	Page Reference:
Model Code of Conduct	Review Date: 6 December 2026	Page 6 of 6