

BEHAVIOURAL MANAGEMENT POLICY –S41 INDEPENDENT COMMITTEE MEMBERS



COUNCIL POLICY – Behavioural Management Policy– S41 Independent Committee Members	
Reference Number	685233
Responsible Business Unit	Office of the CEO
Responsible Officer	Chief Executive Officer
Legislation	Local Government Act 1999
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	<ul style="list-style-type: none"> • Good Public Administration Framework - 741628 • Risk Management Framework - 765895 • Fraud and Corruption Prevention Policy - 741624 • Public Interest Disclosure Guideline • ICAC Directions and Guidelines
Link to Strategic Plan	Our Performance
Date Adopted	11 April 2023, item 103.5 – renamed Behaviour Management Policy
Review Date	Every Council term
Previous Revisions	21/11/22 – item 13.2 200/2 – 19/11/18 85.4 – 9/5/16 15.3 – 14/4/14 Elected Member Code of Conduct (<i>non legislated applied to S41 Committee Members</i>) 10-22/10/10 1020.1.3-9/11/09 654.1.4-10/11/08 81.1.3013/3/07 699.5-26/6/06 379.1.2-23/5/05

SCOPE

This Behavioural Management Policy is to be observed by all independent Members of Council's Section 41 Committees.

Independent Committee members appointed to Council Committees must comply with the provisions of this Policy in carrying out their duties. Independent Committees members will be provided with appropriate training and are to ensure that they are familiar with, and comply with this Policy at all times.

OVERARCHING STATEMENT

Independent Committee members will work together constructively with the Council and uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government processes.

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As representatives assisting Council in promoting open, responsive and accountable government, Independent Committee members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Independent Committee members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Independent Committee members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. Council will provide training and education opportunities that will assist independent members to meet their responsibilities under the Local Government Act 1999.

Independent Committee members will comply with all legislative requirements of their role and abide by this Behavioural Management policy.

GENERAL BEHAVIOURS

The following behaviour is considered essential to upholding the principles of good governance in Councils.

Independent members must:

1. Show commitment and discharge duties conscientiously.
2. Act in a way that generates community trust and confidence in the Committee and Council
3. Act in a manner that is consistent with the Committee's term of reference
4. Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
5. Show respect to others if making comments publicly.
6. Acknowledge the Mayor is the Principal Spokesperson of the Council.
7. Ensure that person comments to the media or other public comments, on Committee and Council decision and other matters, clearly indicate that it is a private view, and not that of Council.
8. Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
9. Deal with information received in their capacity as Independent Committee members in a responsible matter.
10. Take all reasonable steps to provide accurate information to Committee Members and Council
11. Take all reasonable steps to ensure that the Committee and the Council are not knowingly misled.
12. Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Committee and Council members.
13. Not bully other Committee members.
14. Not sexually harass other Committee members.
15. Establish and maintain relationships of respect, trust, collaboration, and cooperation with Council employees assisting the Committee
16. Not bully Council employees.
17. Not sexually harass Council employees.
18. Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.¹
19. Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.²

¹ The CEO has nominated the respective General Manager supporting the Committee as his delegate

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20. Independent Committee members must not in relation to their position on Council's Committee
 - 20.1 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their Independent Committee duty
 - 20.2 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council or Independent Committee.
 - 20.3 Independent Committee members may accept hospitality provided in the context of performing their Committee role, including:
 - 20.3.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 20.3.2 Committee or Council work related events such as training, education sessions workshops and conferences;
 - 20.3.3 Committee or Council functions or events;
 - 20.3.4 Social functions organised by groups such as Committee, Council and community organisations.
 - 20.3.5 Invitations to, and attendance at, local social, cultural or sporting events.

Conflict of interest

21. Independent Committee members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

22. Independent Committee members using Council resources must do so effectively and prudently.
23. Independent Committee members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
24. Independent Committee members must not use public funds or resources in a manner that is irregular or unauthorised.

COMPLAINTS

- 25 Any person may make a complaint about an Independent Committee member under this policy.
- 26 Complaints about behaviour alleged to have breached the Behavioural Management Policy should be brought to the attention of the Chief Executive Officer of the Council, or nominated delegate/s.
- 27 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part.
- 28 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 29 A failure of an Independent Committee member to cooperate with the Council's process for handling alleged breaches of this Part may be referred to Council for determination
- 30 A failure of an Independent Committee to comply with a finding of an investigation under this Part, adopted by the Council, may be referred to Council for determination.
- 31 Repeated or sustained breaches of this Part by the same Independent Committee member may be referred to the Council for consideration of the Members appointment.

COMPLAINT HANDLING

1. Where an alleged breach occurs the complainant should report the allegation, in writing and may be asked to lodge it to the Council addressed to the Chief Executive Officer or if the complaints relates to the Chief Executive Officer to the Principal Member.

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The allegation should:

- Be specific
- Provide as much supporting evidence as possible to assist an investigation
- Provide the name of the Independent Committee Member who has allegedly breached the Code.

2. The Chief Executive Officer will be responsible for receiving and managing the referral of a complaint and seek assistance from the Chair of the Independent Committee and responsible General Manager.

It is noted that Robust debate within Committee which is conducted in a respectful manner is not a breach of this policy.

Having regard to the seriousness of the allegation and information provided, the Chief Executive Officer; may

- Dismiss the complaint as trivial and vexatious
- Seek to resolve the matter internally,
- Refer the matter to Council for determination in relation to an outcome.

If the complaint relates to the Independent Chair the Chief Executive Officer will involve Council's Principal Member who will convene discussions between the two parties in an attempt to resolve the issue.

Within three days of receipt of an application the Independent Committee Member who is the subject of the complaint will be advised by the Chief Executive Officer of the complaint and its substance. The complainant and the Independent Committee Member will also be advised of the manner in which the Chief Executive Officer intends to deal with the complaint.

Findings

If, following investigation under the complaints handling process, a breach of the Behavioural Code by an Independent Committee member is found, the Council may, by resolution:

- Take no action;
- Request an apology, whether written or verbal;
- Request the Independent Committee member attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Independent member from a position on the Independent Committee);