



# ALDERMANIC CODE OF CONDUCT



Adopted by Council on 8 September 2008





## Standards of Conduct

**Standard #1 – Principles and Values:** You are expected to familiarise yourself with, and comply with both the letter and spirit of the Hobart City Council's principles and values.

**Standard #2 – No Bias in Decision-making:** You must ensure that you bring an impartial and unprejudiced mind to all matters being decided upon by you in the course of your Council duties.

**Standard #3 – Conflict of Interest:** You are responsible to ensure that, when carrying out your public duty, you are not wrongfully influenced by other external interests you have or duties you owe. You must therefore, in all such dealings, put the interests of the community to which the Council is accountable foremost.

**Standard #4 – Proper use of Office:** You must not improperly use your position to gain an advantage or confer a disadvantage for yourself or anyone else. You must not conduct yourself in a manner which could bring the Council or the position of Alderman of the Council into disrepute.

**Standard #5 – Proper use of Resources:** You are expected to ensure that neither you nor others associated with you wrongfully benefit at the expense of the Council and its people, and thus are required to use Council property and resources strictly for the purposes of performing your role.

**Standard #6 – Proper use of Information (& Confidentiality):** You must not disclose, without consent, confidential information or other information which you have acquired as a result of your office at the Council and you must actively protect all confidential and other information of the Council which comes in to your possession or knowledge.

**Standard #7 – Giving and Receiving of Gifts or Benefits:** Consistent with Standards #3 and #4, you are expected not to personally and unjustly benefit from, nor be unduly influenced (or be perceived to be unduly influenced) in making decisions as part of your role with the Council as a result of, financial inducements, gifts or entertainment or other benefits.

**Standard #8 – Relationships with community and others:** You are expected to treat your fellow Aldermen, members of the community and employees of the Council, with courtesy, fairness, dignity and respect in all dealings with them.

**Standard #9 – Representation of Hobart City Council:** You must ensure that when representing the Council you only do so within the ambit of your authority and you must ensure that there is no confusion as to when you are voicing your own opinion and the Council's policy or decisions.

**Further details of the above Standards are contained  
in the balance of this Code of Conduct document.**

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# 1 Principles and Values

**Standard of Conduct #1 – Principles and Values:** You are expected to familiarise yourself with, and comply with both the letter and spirit of the Council's principles and values.

## 1.1 Introduction

The elected members of the Hobart City Council (HCC) are committed to the continuous development of a culture which encourages and supports the incorporation of HCC's values into everyday work practices. Our people, right throughout the Council, are expected to comply with standards of conduct to which they are held accountable. Accordingly, it is just as important for Aldermen (which, to avoid doubt, in this Code of Conduct includes the Lord Mayor and the Deputy Lord Mayor) to lead by example and adopt and comply with their own Code of Conduct. The Aldermen therefore agree to adhere at all times to the letter and the spirit of requirements expressed in this Code of Conduct.

## 1.2 Principles Behind HCC Code of Conduct

This Code of Conduct has been prepared having regard to the Local Government Act 1993, the Australian Standard on Organisational Codes of Conduct (AS8002) and the principles of the Business Excellence Framework. Believing in the importance of encouraging individuals to use sound judgment, however, the HCC has not slavishly adhered to these documents but rather has been guided by them to assist in the continuing development of a strong ethically-based culture. This is contrary to the approach of purely demanding rigid compliance with detailed specified standards of behaviour, in the belief that this latter approach can in fact discourage growth of an ethical culture.

This Code of Conduct is therefore designed to ensure that our Aldermen:

- are aware of, and share, HCC's commitment to the Principles and Values underpinning, and expressed in, this Code of Conduct;
- are individually responsible and accountable for the fulfilment of those expectations;
- regard this Code of Conduct as being in existence solely for the benefit and protection of the community which the Council serves, by providing assurances of the integrity of Council's actions and decisions, and not for the use of Aldermen to further any other political or other interest; and
- are supported and resourced by the HCC to enable them to fulfil those expectations.

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The Aldermen are expected to comply at all times with all applicable laws and to uphold the principles set out in this Code of Conduct and the HCC Values (see Section 1.3 below). This is consistent with the commitment which AS8002 suggests ought to underpin an Organisational Code of Conduct, namely the commitment:

*...to promote a culture of fair and ethical behaviour and to encourage the reporting of corrupt practices, breaches of law and matters detrimental to the entity or its reputation<sup>1</sup>*

There are a range of other related policies, procedures and standards at the HCC which are relevant to the promotion of our ethical culture but the broad standards of conduct expected to apply to the Lord Mayor, Deputy Lord Mayor and Aldermen are reflected (but not exhaustively stated) in this Code of Conduct.

### **1.3 Hobart City Council Values**

At the HCC it is required that in striving to achieve HCC's vision, all staff must abide by the Council's values. It is in the context of these values that the Aldermen of the HCC are expected to fulfil the expectations set out in this Code of Conduct as a fundamental and integral part of their duties at the HCC.

HCC's values are:

- Leadership
- Equity
- Community Involvement
- Responsiveness
- Quality

***Recognising that our Council is made up of, and its actions affect, many people from across a vast range of 'communities of interest', Aldermen are expected and encouraged to adhere to the letter and the spirit of this Code of Conduct in the interests of consistency and fairness in all of the HCC's dealings.***

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<sup>1</sup> Section 2.2.4, AS8002 Australian Standard on *Organisational Codes of Conduct*

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## 2 No Bias in Decision-making

**Standard of Conduct #2 – No Bias in Decision-making:** You must ensure that you bring an impartial and unprejudiced mind to all matters being decided upon by you in the course of your Council duties.

### 2.1 Key Concepts:

The rules of procedural fairness require that a decision-maker in public office should be able to decide the issues free from any bias or pre-judgment. The test for determining whether a person is disqualified by reason of the appearance of bias is whether a fair-minded, lay observer might reasonably apprehend that the decision-maker might not bring an impartial and unprejudiced mind to the resolution of the question which must be decided (Johnson v Johnson [2000] HCA 48 at paragraph 11). You must therefore ensure that you bring an impartial and unprejudiced mind to all matters being decided upon by you in the course of your duties.

Moreover, the HCC regards this as an ethical, and not merely legal, expectation.

It is within this area that Aldermen must be aware of the importance of perceptions of conflict of interest. Where actual conflicts of interest arise, Standard #3 will also apply. However, where a mere perception of such a conflict of interest arises, even if a misguided perception, this may form sufficient foundation for a person to conclude that an 'interest' of an Alderman may have influenced him or her in the exercise of a duty. In this regard, **perceptions** of a conflict of interest can be as important as **actual** conflicts of interest.

### 2.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that:

- a) in all of your dealings, related to your Council duties, including in making decisions, you strive to do so free from any bias or pre-judgment;
- b) You make decisions solely on merit and in accordance with your statutory obligations when carrying out public business, including the awarding of contracts or recommending individuals for rewards or benefits; and
- c) In making merit-based decisions you must:
  - take all relevant facts known to you, or that you should be reasonably aware of, into consideration;
  - have regard to the particular merits of each case independent of any personalities involved; and
  - not take other irrelevant matters or circumstances into consideration when making decisions.

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### 2.3 Supporting example:

As examples only:

- if you make a public pronouncement about support of, or opposition to, an application prior to a decision of Council or suggest prior to a forthcoming Council or Council Committee meeting that you have already come to a decision, it is likely to give members of the public the view that you have already pre-judged the matter before a decision is made (whether that view is right or wrong does not matter).
- You ought not sign a public petition to Council or be party to a legal claim against Council which demonstrates that in your capacity to influence a decision of Council, you will be likely to bring a partial and/or prejudiced view.

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## 3 Conflicts of Interest

**Standard of Conduct #3 – Conflict of Interest:** You are responsible to ensure that, when carrying out your public duty, you are not wrongfully influenced by other external interests that you have, or duties that you owe. You must therefore, in all such dealings, put the interests of the community to which the HCC is accountable foremost

### 3.1 Key Concepts:

An **actual** conflict of interest exists if:

- you have a specific duty relating to your Council role (eg. to participate in the making of a specific decision); and
- you have an interest or owe a duty external to your Council duties which could reasonably be expected to conflict with the specific duty in question relating to your Council role.

By contrast, a **potential** conflict of interest exists when you have or owe an external interest or duty which does not presently conflict with, but which in view of the types of decisions in which you participate might be expected to give rise to a conflict with, your duties in the normal course of your office with Council.

An actual, potential or perceived conflict of interest can further be divided into two types:

#### ***Pecuniary Interest***

Where a member of Council has a direct or indirect financial interest in a matter to be considered by Council (i.e. one in which there is a reasonable likelihood or expectation of an appreciable financial loss or gain).

#### ***Non-pecuniary Interest***

Where a Councillor has some other conflicting private or personal interest (or duty) in a matter that does not amount to a pecuniary interest.

Part 5 of the *Local Government Act 1993* deals with situations where a pecuniary interest exists. In such cases the onus is on Aldermen to identify where a pecuniary interest, to which no statutory exemption applies, exists; declare that interest; and to leave the meeting whilst that item is discussed and decided.

This Standard of Conduct #3 therefore applies predominantly to actual or potential conflicts of interest which are **non-pecuniary interests**, in respect of which conflicts it is open to Council to determine the rules which apply to their management.

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It also be noted that, given the nature of public office for elected officials, the management of mere **perceptions** of conflict of interest are also important for the sake of the integrity of the Council and its Aldermen and employees. However, unless a perceived conflict of interest relates to what is in reality, or becomes, a potential or an actual conflict of interest, then it will largely be a matter of managing those perceptions and possibly may instead be a contributor to allegations of bias (see Standard #2).

Finally, the onus is on you to identify a conflict of interest, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.

### 3.2 What is expected of you?

As an Alderman of the HCC, you are responsible to ensure that, when carrying out your public duty, you are not wrongfully influenced by other external interests you have or duties you owe. You must therefore, in all such dealings, strive to openly and honestly put the interests of the community to which the HCC is accountable foremost. This requires that you observe the following principles:

- a) you should exercise reasonable judgment to decide if circumstances have arisen which may place you in a potential or actual conflict of interest situation;
- b) you should seek to remove yourself from positions of conflict of interest as far as reasonably possible and so should resolve in favour of the responsibilities of your public office all conflicts between your Council duties and responsibilities and any other private or personal (including business) duties or interests you have elsewhere, including clubs, memberships or affiliations;
- c) you should adhere to principles of transparency and honesty and therefore always declare actual or potential conflicts of interest at any meeting of Council and at any working group or any meeting of an outside body to which you are appointed or nominated by the Council, and abide by the rules, policies and law to adequately and appropriately deal with any conflicts;
- d) you should act in good faith and exercise reasonable judgment, to determine whether the actual or potential conflict of interest is so material that it demands one or more of the following actions in addition to the expectations set out in paragraphs (a) – (c) above, namely that:
  - (i) you state your views on the matter for discussion or decision but abstain from participating in any Council discussion on the relevant matter;
  - (ii) in addition you refrain from participating in any Council decision on the relevant matter; or
  - (iii) you remove yourself physically from any Council discussion and remain out of the room during the decision on the relevant matter;

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- e) if in doubt as to whether circumstances might amount or lead to an actual or potential conflict of interest or whether the conflict is material, you should contact the General Manager to help resolve your course of action and to resolve any conflict or incompatibility between your private or personal interests and the impartial performance of your public or professional duties; and
- f) Aldermen are expected to act in good faith in the interests of advancing and preserving the good standing and reputation of the Council and its Aldermen, and the preservation of the resources of Hobart City Council, by attempting to resolve all disputes relating to allegations of conflict of interest, through:
- (i) Attempting to resolve the dispute first with the assistance of the Lord Mayor, or, if the allegations involve the Lord Mayor, then with the assistance of the Deputy Lord Mayor or another suitable Alderman, as the case may require; or
  - (ii) If such resolution of the dispute fails, then through entering in to a formal mediation with the assistance of a recognised mediator; and
  - (iii) resort to the Code of Conduct Panel or the Local Government Association of Tasmania Standards Panel to be regarded strictly as a last resort.

### 3.3 Supporting example:

Remember, as a key question, when asking yourself whether you have a conflict of interest, you should ask yourself whether you are, or may be, wrongfully influenced by other external interests you have or duties you owe in making the relevant Council decision. As examples only, consider this question in the following contexts:

- if you have the authority, on behalf of the HCC, to select a contractor and place the contract with, say, a supplier of goods or services to the HCC, it would be an unacceptable conflict of interest for you to place the contract with, say, a family member of yours or business contact without declaring this connection, and either removing yourself from the process for selection or, if you are required to continue to participate in the process, then strictly following the applicable the HCC tendering or other relevant procedures for the selection of the contractor.
- If a decision is before Council in which you have a personal (non-pecuniary) interest because it will assist a not-for-profit organisation of which you, or a family member, are a member (but **not** a director), then it is required that you clearly declare the nature of your interest but it is unlikely to be so material as to exclude you from discussion or decision.

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- In the previous scenario, it becomes even less likely that you have a conflict of interest, for instance, the longer it is since you had formal involvement with the other organisation, although it is entirely a matter of looking at all of the surrounding circumstances; e.g. after leaving it, were you then made a life member and a patron and continue to be consulted by those in control of the organisation? If so, the likelihood of this giving rise to a conflict of interest is increased.
- Further, if Council's decision is, in such a case, likely to assure the survival of that not-for-profit organisation, and you are not only still a member but also one of the founders, and it might otherwise be expected that without Council's decision the organisation will be wound up, then your conflict of interest is much more material and you ought to consider at least abstaining from the vote if not the discussion.

### **3.4 Supporting material:**

*Local Government Act 1993 - Part 5*

*Local Government (General) Regulations 2005 - section 22A(a)*

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## 4 Proper Use of Office

**Standard of Conduct #4 – Proper use of Office:** You must not improperly use your position to gain an advantage or confer a disadvantage for yourself or anyone else. You must not conduct yourself in a manner which could bring the HCC or the position of Alderman of the HCC into disrepute.

### 4.1 Key Concepts:

Aldermen hold positions of trust within the community. They are:

- (a) expected to act in the public interest and not make improper use of their positions to gain (directly or indirectly) any advantage or detriment for themselves or any other person or body; and
- (b) expected to act in such as manner so as not to bring elected or Council offices into disrepute.

### 4.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that:

- (a) you do not take advantage (nor seek to take advantage) of your position or status to improperly influence others in the performance of their duties or functions, in order to gain an undue, improper, unauthorised or unfair benefit or detriment for yourself or any other person; and
- (b) in your personal dealings with the HCC (e.g. as a ratepayer, recipient of a Council service or applicant for consent granted by Council), you do not expect nor request, expressly or impliedly, preferential treatment for yourself or any other person or body.

### 4.3 Supporting example:

As examples only:

- if you telephone Council employees as a private citizen, you ought to make clear the capacity in which you are calling and must not apply explicit or implied influence as an Alderman to obtain preferential treatment for yourself or your family.
- you must avoid any action that could lead members of the public to believe that you are using your role in the HCC improperly and seeking preferential treatment.

### 4.4 Supporting material:

*Local Government Act 1993 - section 339A*

*Local Government (General) Regulations - section 22A(b)*

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## 5 Proper use of Resources

**Standards of Conduct #5 – Proper use of Resources:** You are expected to ensure that neither you nor others associated with you wrongfully benefit at the expense of the HCC and its people, and thus are required to use the HCC property and resources strictly for the purposes of performing your role.

### 5.1 Key Concepts:

Aldermen hold positions of trust within the community. They are:

- (a) expected to act in the public interest and not make improper use of the Council resources to gain (directly or indirectly) any advantage or detriment for themselves or any other person or body; and
- (b) expected to act in such a manner so as not to bring elected or other Council offices into disrepute.

### 5.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that:

- (a) you use Council resources ethically, effectively, efficiently and carefully in the course of your public duties;
- (b) specifically, you do not use Council resources for private purposes except strictly as permitted by the Council for reasonable and limited personal use and, where required as part of such permission, proper payment for the use is made;
- (b) you do not convert any property of the HCC to your own use unless properly authorised;
- (c) you are scrupulous in your use of the HCC property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body; and
- (d) you avoid any action or situation which could create the impression that the HCC property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

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### 5.3 Supporting example:

As examples only:

- if the HCC provides you with computer equipment for undertaking your public duties, then you are to use that equipment only for the purposes of doing your duty, and not to use it, or lend it to others, for the purposes of your own private or other work outside the HCC, except strictly in accordance with personal use guidelines or as otherwise expressly permitted by the HCC.
- The interest of an Alderman in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. The HCC letterhead, HCC crests and other information that could give the impression it is official Council material must not be used for these purposes.

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## 6 Proper use of Information

**Standard of Conduct #6 – Proper use of Information (& Confidentiality):** You must not disclose, without consent, confidential information or other information which you have acquired as a result of your office at the HCC and you must actively protect all confidential and other information of the HCC which comes in to your possession or knowledge.

### 6.1 Key Concepts:

In order to minimise risks of damage to the HCC's integrity and the interests and that of HCC's community, it is essential that Aldermen of the HCC :

- use information gained in the course of their Council duties solely in the interests of the HCC and the community to which the HCC is accountable; and
- actively protect all commercially sensitive and other confidential information of the HCC which comes in to their possession or knowledge.

### 6.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that you:

- (a) protect confidential information in your possession or knowledge;
- (b) only access information needed for you to perform your role;
- (c) do not use confidential information for any non-official purpose;
- (d) only release confidential information if you have authority to do so;
- (e) only use confidential information for the purpose it is intended to be used;
- (f) only release other information in accordance with established HCC policies and procedures and in compliance with relevant legislation/laws;
- (g) do not use HCC information for personal purposes; and
- (h) do not disclose any information discussed during a confidential session of a HCC meeting.

### 6.3 Supporting example:

As examples only:

- if you receive information about an organisation on a closed Council or Council Committee agenda, then you must not disclose any part of that information to persons outside the Council, nor even outside your role within the Council;
- information used for your public duties should not be copied or taken away from the workplace except strictly as necessary for HCC purposes and in accordance with any relevant guidelines laid down within the HCC.

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## **6.4 Supporting material:**

### *Local Government Act 1993*

- *section 28C – Confidential undertaking*
- *section 28D – Documents relating to agendas*
- *section 338A – Disclosure of information*
- *section 339 – Improper use of information*

### *Local Government (General) Regulations 2005*

- *section 22A(d)*

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## 7 Giving and Receiving of Gifts and Benefits

**Standard #7 – Giving and Receiving of Gifts or Benefits:** Consistent with Standards #3 and #4, you are expected not to personally and unjustly benefit from, nor be unduly influenced (or be perceived to be unduly influenced) in making decisions as part of your role with Council as a result of, financial inducements, gifts or entertainment or other benefits.

### 7.1 Key concepts:

Aldermen hold positions of trust within the community. They are expected to exercise their powers and carry out their duties without being influenced by personal gifts or benefits which they might otherwise enjoy and so must adhere to the highest standards of transparency and accountability in relation to the receipt of gifts and benefits.

### 7.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that as part of your Aldermanic duties, you:

- (a) never accept an offer of money, regardless of the amount;
- (b) do not accept gifts and benefits that have more than a nominal or token value (including tickets to sporting or theatrical events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions) without ensuring that it is disclosed and recorded in the Gifts Register in keeping with the Council policies and procedures; and
- (c) strive to avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing (or attempting to influence or secure) a favour from you or the HCC.

### 7.3 Supporting example:

As examples only:

- if you are involved in the allocation of tenders for any work supplied to the HCC, you must not accept any benefits (whether monetary or otherwise) from a tenderer as this might be expected or perceived to influence your decision;
- if you are provided with tickets to the theatre or any form of corporate entertaining, whether it is pursuant to a Council sponsorship arrangement or otherwise, which is provided to you due to your public office, then you are responsible to ensure that this is declared in the HCC Gift Register in keeping with guidelines and policies relating to gifts and entertainment.

### 7.4 Supporting material:

*Local Government Act 1993 - section 339A – Misuse of office*

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## 8 Relationships with community and others

**Standard of Conduct #8 – Relationships with community and others:** You are expected to be familiar with, and adhere to, laws relating to treatment of people with dignity and respect (e.g. anti-discrimination laws) but also generally to treat your fellow Aldermen, members of the community and employees of the HCC, with courtesy, fairness, dignity and respect in all dealings with them.

### 8.1 Key Concepts:

In all dealings Aldermen are expected to treat others with courtesy, fairness, dignity and respect.

### 8.2 What is expected of you?

As an Alderman, you are expected to ensure that you:

- (a) refrain from directing HCC staff, other than by giving appropriate direction to the General Manager in the performance of the HCC's functions by way of Council or committee resolution, or by the Lord Mayor exercising his or her functions under section 27C of the Act;
- (b) refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the HCC or a delegate of the HCC, in the exercise of the functions of the member or delegate;
- (c) refrain from contacting an employee of the HCC unless in accordance with procedures governing the interaction of Aldermen and HCC employees that have been authorised by the General Manager;
- (d) not contact or issue instructions to any of the HCC's contractors or tenderers, including the HCC's legal advisers;
- (e) listen to and respect each other's views in Council and committee meetings and any other proceedings of the HCC, and ensure that issues, not personalities, are the focus of debate; and

As an Aldermen of the HCC, you are expected to ensure that:

- (f) when giving information to the community you accurately represent the policies and decisions of the HCC; and
- (g) treat all persons with courtesy, fairness, dignity and respect.

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### **8.3 Supporting example:**

As examples only:

- Aldermen should show respect towards all other Aldermen, even if the political or other and views of other Aldermen differs from their own;
- Aldermen should respect the impartiality and integrity of the Council staff and to behave towards them in a way that engenders mutual respect;
- Aldermen should treat all employees with courtesy and respect and observe any guidelines that the General Manager puts in place regarding contact with employees.

### **8.4 Supporting material:**

*Local Government Act 1993*

- *section 27 – Functions of mayors and deputy mayors*

- *section 28 – Functions of councillors*

*Anti-Discrimination Act 1998*

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## 9 Representation of Council

**Standard of Conduct #9 – Representation of HCC:** You must ensure that when representing the HCC you only do so within the ambit of your authority and you must ensure that there is no confusion as to when you are voicing your own opinion and the HCC's policy or decisions.

### 9.1 Key Concepts

The office of Alderman ought to be used carefully so as not to mislead people in to believing that stated views or actions of individuals are endorsed by the Council if they are private or personal views (political or otherwise) of the person stating those views.

### 9.2 What is expected of you?

As an Alderman of the HCC, you are expected to ensure that:

- (a) when giving information to the community, you accurately represent the policies and decisions of the HCC;
- (b) you do not speak on behalf of the HCC unless you have been specifically authorised by the Council or as authorised delegate of the Lord Mayor;
- (c) you clearly indicate when you are putting forward you personal views;
- (d) you do not knowingly misrepresent information you have obtained in the course of your duties;
- (e) when representing the HCC on external bodies, you make efforts to clearly understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such appointment.

### 9.3 Supporting example:

As examples only:

- the Lord Mayor is the spokesperson of HCC. This does not mean that Aldermen cannot express a particular view. However, Aldermen must report on Council's policies and decisions accurately and clearly distinguish between their personal views and the official position of HCC.
- When performing the functions of Alderman you must not represent policies or views of your own, or of any particular political party, as being those of Council if they are not completely consistent with Council decisions.

### 9.4 Supporting material:

*Local Government Act 1993 - section 28(4)*

1. Principles and Values
2. Bias
3. Conflicts of Interest
4. Proper use of the Office
5. Proper use of Resources

6. Proper Use of Information
7. Giving and Receiving of Gifts or Benefits
8. Relationships with community and others
9. Representation of Council
10. **Complaints**

## **10 Complaints**

### **10.1 Failure to adhere to Standard of Conduct:**

Failure by an Alderman to adhere to a Standard of Conduct under this Code of Conduct can result in a complaint being made against the relevant Alderman.

### **10.2 What is expected of you?**

A complaint regarding an alleged breach of the Code of Conduct must:

- (a) be lodged in writing with the Lord Mayor or, if the complaint relates to the Lord Mayor, the Deputy Lord Mayor, within 90 days after the alleged failure;
- (b) contain particulars of that alleged breach;
- (c) identify the person or persons making the complaint; and
- (d) be accompanied by the appropriate fee (if any).

More generally:

- (e) No Alderman or other person who lodges a complaint should be victimised.
- (f) Making a complaint is a serious matter and therefore a potential complainant should be very sure of the facts before lodging a complaint.
- (g) No Alderman should lodge a frivolous or vexatious complaint against another Alderman.
- (h) Aldermen are expected to act in good faith in the interests of advancing and preserving the good standing and reputation of the Council and its Aldermen, and the preservation of the resources of Hobart City Council by attempting to resolve all disputes relating to allegations of a breach of this Code of Conduct, through:
  - i. Attempting to resolve the dispute with the assistance of the Lord Mayor, or, if the allegations involve the Lord Mayor, then with the assistance of the Deputy Lord Mayor or another suitable Alderman, as the case may require; or
  - ii. If such resolution of the dispute fails, then through entering in to a formal mediation with the assistance of a recognised mediator; and
  - iii. Resort to the Code of Conduct Panel or the Local Government of Tasmania Standards Panel to resolve the dispute to be regarded strictly as a last resort.

The HCC will establish a Code of Conduct Panel in accordance with section 28G of the Act.

1. Principles and Values
2. Bias
3. Conflicts of Interest
4. Proper use of the Office
5. Proper use of Resources

6. Proper Use of Information
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9. Representation of Council
10. **Complaints**

You should report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment in accordance with the *Public Interest Disclosures Act 2002*.

### **10.3 Supporting material:**

*Local Government Act 1993*

- *section 28G – Establishment of Code of Conduct Panel*

*Local Government (General) Regulations 2005*

- *Part 2A – Division 1 – Code of conduct and complaints*