

A BOND BETWEEN COUNCILLORS AND OFFICERS

Council believes that acting ethically is central to its successful achievement of its vision and performance of its bond for Councillors and Officers is the Code of Conduct, making and behaviour.

OP GRAND
EXHIBIT No. 249
CLERK

Having said that, the roles of the Mayor and Councillors on the one hand and Officers on the other hand are quite different. In essence, the Council decides policy objectives and the results it wishes achieved and, subject to any specific directions from the Council, the CEO (and employees) has the responsibility to put those policy decisions into practical effect. Therefore, just as there are different obligations under the Local Government Act for the Mayor and Councillors in comparison to Officers, there is a distinction between the way that this Code applies to those parties.

Councillors and Officers are obliged to familiarise themselves with this Code and ensure that its provisions are met.

ETHICS PRINCIPLES

A. RESPECT FOR THE LAW AND THE SYSTEM OF GOVERNMENT

Councillors (where applicable) and Officers shall-

- a) uphold the laws of the Council of the City of Gold Coast, Queensland and Australia; and
- b) carry out Council decisions and policies faithfully and impartially.

Note: Principle A(b) above does not detract from a person's duty to act independently of government if the person's independence is required by legislation or government policy, or is a customary feature of the person's work.

B. RESPECT FOR PERSONS

Councillors and Officers shall

- 1) treat members of the public, and other Councillors and Officers -
 - a) honestly and fairly; and
 - b) with proper regard for their rights and obligations; and
- 2) act responsively in performing official duties.

C. INTEGRITY

In recognition that public office involves a position of trust, Councillors and Officers shall seek-

- a) to maintain and enhance public confidence in the integrity of Council administration; and
- b) to advance the common good of the community that they serve.

Note: Having regard to the principle mentioned above, Councillors and Officers-

- a) should not improperly use their official powers or position, or allow them to be improperly used;
- b) should ensure that any conflict that may arise between personal interests and official duties is resolved in favour of the public interest; and
- c) should disclose fraud, corruption and maladministration of which the person becomes aware.

D. DILIGENCE

In performing their official duties, Councillors and Officers shall-

Behaviour

Councillors have a special responsibility to set a good example for others through their own behaviours especially in relation to implementing the Council's Code. They shall treat other Councillors, Council Officers and clients fairly, equitably and consistently and maintain open and honest communication with other Councillors and Officers.

See Appendix E - Questions & Answers Q08

C. INTEGRITY

In practical terms, this obligation requires that Councillors shall act and be seen to act honestly and impartially, eg. not disclose official information improperly, not abuse the powers or resources available to them as Councillors, and resolve any conflict or possible conflict between private interests and official duties in favour of the public interest. The obligation also requires that Councillors shall avoid conduct which could undermine public confidence in the government of the system of public administration, for example, failure to disclose to a relevant authority known fraudulent or corrupt conduct, or maladministration by another official.

Communication between Councillors and Officers

Communication between Councillors and Officers shall be in accordance with the provisions of the Local Government Act and the guidelines at Appendix D - Communications between Councillors and Officers, which are approved by the Chief Executive Officer under Section 1135 of the Local Government Act.

There are a number of reasons for this. The practice of Councillors seeking information or action from Officers outside of the administrative process for Councillor Requests can interrupt the efficient and effective operations of the Council. Information obtained by Councillors directly from individual Officers (particularly less senior Officers) may be incomplete, not given in its proper context or simply misunderstood. Councillors should also be aware that less senior Officers might sometimes interpret a Councillor's thoughts as a directive. This may have adverse consequences for all concerned.

B. RESPECT FOR PERSONS

In practical terms, this obligation requires that Officers shall, for example, avoid patronage and favouritism in employment matters, act fairly and equitably, seek to ensure that members of the public receive the proper entitlements and know their rights, recognise that Councillors and other staff are also bound to obligations in their role, and respond to requests in a timely way.

- 3) Councillors may request help or advice from an employee only as follows:
 - a) Councillors may request from an employee, help or advice of a nature that the employee gives the public, and under the same conditions. For example, an enquiry as to the status of a development application.
 - b) Employees providing help or advice to a Councillor (outside of (a) above) shall advise the CEO or relevant Director or Manager of such help or advice.
 - c) Councillors shall direct all other oral and written requests for help or advice to the Chief Executive Officer, the relevant Director or Manager. When a request involves action or investigation by an employee, it shall be made in writing (eg. through the Customer Request system) unless determined otherwise by the CEO, Director or Manager responsible.

It is acknowledged however that Councillors may request help or advice from their Personal Assistants consistent with the Responsibilities / Duties in their Position Descriptions, or from an employee at a Council or committee meeting.

- 4) When a request is made for help or advice the employee shall be advised if a related request has been made of another employee.
- 5) The Chief Executive Officer, the relevant Director or Manager may apply conditions to the provision of any help or advice by an employee to a Councillor.
- 6) Specific requests (from a Councillor or through his or her Personal Assistant) for access to Council files, records or documents may be directed to the Information Management Unit (IMU) or the relevant Director or Manager. If directed to the IMU in the first instance, IMU shall gain the approval of the relevant Director or Manager to provide access, irrespective of whether or not the records or documents sought are located in 'active' files or files in storage.

A Director may request advice from the CEO or Director City Governance if they have any concern in relation to a Councillor's entitlement to access documents or records, eg. commercial-in-confidence or personnel material.

- 7) Copies of any written advice provided to one Councillor may be provided to all Councillors and the Chief Executive Officer. Where a Councillor requests oral or written advice, or a discussion or meeting about a matter clearly relating to another division, the officer shall as a courtesy advise the Divisional Councillor at the earliest opportunity.
- 8) Employees acknowledge the right of Council and Committees to accept, accept subject to conditions or reject the recommendations of employees.
- 9) Councillors may report any case of an employee failing to provide help or advice. Reports shall be communicated to the Chief Executive Officer, or Mayor if it was the Chief Executive Officer who failed to provide the help or advice. If still dissatisfied, the Councillor may request the help or advice by way of a question on notice to Council.
- 10) Employees shall report any case of the Mayor or a Councillor directing or attempting to direct him or her in the performance of his or her duties, or any case of a Councillor requesting help or advice in a manner other than in the circumstances discussed above at (3) or (6). Reports shall be communicated to the relevant Manager or Director, or the Chief Executive Officer.
- 11) Employees who experience any difficulties or have any complaints in relation to human resources management issues should address these in accordance with the Council's Grievance and Dispute Avoidance and Settlement Procedure (refer Human Resources Policy No. 4-02).
- 12) Employees may communicate directly with Councillors in their own time on any issue affecting them as a private citizen.