

Adelaide Hills Council

Proposed Behavioural Standards for Council Members

Proposed Behavioural Standard	Comment
General Behaviour	
a) Show commitment and discharge duties conscientiously.	Supported
b) Act in a way that generates community trust and confidence in the Council.	Supported
c) Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.	Supported
d) Act in a reasonable, just, respectful and non-discriminatory way.	Supported
e) When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.	<p>Supported with amendment</p> <p>Where the Members views and the council's views are aligned the use of the statement (as per the Standard) '..are not those of Council' is likely to mislead thereby breaching a different Standard by misleading the community.</p> <p>If the intent of this Standard is to be clear that a Member is not speaking on behalf of the Council then it should read '...clearly indicate that their views are personal and they are not the spokesperson for the council on that matter'. For completeness, if they are the spokesperson for the council (i.e. principal member), their comments are no longer 'personal' they are 'official' and therefore this Standard would not apply.</p>

Proposed Behavioural Standard	Comment
Responsibilities as a member of Council	
a) Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.	Supported
b) Take all reasonable steps to provide accurate information to the community and the Council.	<p>Supported with amendment</p> <p>These Standards are meant to be about the Member's own conduct. However this Standard places the (arguably unreasonable) obligation on the Member to cause only accurate information to be provided seemingly irrespective of who is providing the information.</p> <p>Suggest a rewording to reinforce own conduct as following 'Take all reasonable steps to ensure that they provide accurate information to the community and Council.'</p>
c) Take all reasonable steps to ensure that the community and the Council are not knowingly misled.	<p>Supported with amendment</p> <p>The use of the wording 'knowingly' draws an unnecessary distinction between knowing and not knowing that the public is misled. Further the Member should only be responsible for their conduct.</p> <p>Suggest a rewording to the following 'Take all reasonable steps to ensure that they do not mislead the community and the Council'.</p> <p>As currently drafted, this will be an interesting provision in terms of interpretation and enforcement (i.e. should the Member have reasonably known that they were misleading the community. Surely knowingly misleading the community is a breach of the integrity provisions of s62(1) & (2).</p> <p>As opposed to part (d) below there doesn't appear to be an obligation to correct the public record if the misleading statement was intentional.</p>

Proposed Behavioural Standard	Comment
d) Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.	<p>Supported with amendment</p> <p>Again the distinction between ‘intentionally’ and ‘unintentionally’ is unnecessary.</p> <p>Suggest a rewording to remove the word unintentionally.</p>
e) Act in a manner consistent with their roles, as defined in section 59 of the Act.	Supported
Relationship with fellow Council Members	
a) Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.	Supported
b) Not bully other Council members.	Supported
c) Not sexually harass other Council members.	Supported
Relationship with Council employees	
a) Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.	Supported
b) Not bully Council employees.	Supported
c) Not sexually harass Council employees.	Supported