

## OCEO003 – Elected Members – Breach of Code of Conduct Policy

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### 1. POLICY CERTIFICATION

|                 |                                              |
|-----------------|----------------------------------------------|
| Policy title:   | <b>Breach of Code of Conduct (Members)</b>   |
| Policy number:  | <b>OCEO003</b>                               |
| Category:       | <b>Policy</b>                                |
| Classification: | <b>Office of the Chief Executive Officer</b> |
| Status:         | <b>In Force</b>                              |

### 2. PURPOSE

The Code of Conduct (the Code) for Elected Members is a legislative requirement prescribed at Schedule 1 of the *Local Government (General) Regulations 2021*, accompanied by the *Ministerial Guideline – Code of Conduct Framework* (the Framework) that outline the acceptable behavioural standards, ethical, transparency, and accountability responsibilities for Council's Elected Members,.

The Code arises from a legislative requirement and is the authoritative instrument on Elected Member conduct, prevailing over all other corporate or contractual documents in the event, and to the extent of any inconsistency.

This policy is made in accordance with Section 132B of the *Local Government Act 2019* (the Act) and outlines Council's position on dealing with alleged and actual contraventions of the Code.

### 3. ORGANISATIONAL SCOPE

This policy applies to all Elected Members of Roper Gulf Regional Council (Council).

### 4. POLICY STATEMENT

Council affirms its commitment to maintaining and exercising the highest professional and ethical standards in the service of its constituents, and the public in general. To this end, Council expects its Elected Members to uphold and comply with their prescribed legislative requirements pertaining to conduct as set out in the Code.

The Code is applicable to Elected Members on an individual basis and alleged breaches will be formally dealt with in accordance with the principles on *Natural Justice* and the principles set out at Clause 6 of this policy.

Complaints alleging breaches of the Code by Elected Members shall be forwarded to the Chief Executive Officer formally for assessment and review. If the allegations meet the criteria outlined at Clause 5 of this Policy, they will be formally presented to Council and formally referred to a third party for investigation.

Council affirms its commitment to the principles of *Natural Justice* and recognises that its particular circumstances are such that a third party is better suited to investigating formal complaints against its Elected Members, so as to promote and maintain the integrity and impartiality of the investigation, and the fairness of any outcome.

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Council recognises and acknowledges that the Code of Conduct and associated Framework are comprehensive, and expects all of its Elected Members to meet the requirements prescribed therein.

### 5. DEFINITIONS

|                        |                                                                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Code of Conduct</b> | Standards of behaviour expected of Council's Elected Members as prescribed at Schedule 1 of the <i>Local Government (General) Regulations 2021</i> . |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|

### 6. PRINCIPLES

#### 6.1 Lodgment of Complaints against Elected Members

Complaints alleging a breach of the Code by an Elected Member of Council must be forwarded to the Chief Executive Officer (CEO) in a manner consistent with Chapter 7 of the Act.

#### 6.2 Receipt and processing of Complaints against Elected Members

Formal complaints will be reviewed by the CEO to assess whether or not the complaint is actually alleging a breach of the Code.

The CEO shall notify Council, and both the complainant and the respondent of the receipt of the complaint as required by applicable law.

#### 6.3 Investigation of Complaints against Elected Members

It is Council's express position that Elected Members are entitled to procedural fairness, and that it is in the interests of all parties, as well as the public, for Council not to investigate alleged breaches of the Code into its own members.

In the interests of integrity, fairness, transparency, accountability, and capability, all qualifying Code of Conduct complaints shall be referred to the Secretariat in accordance with Section 132B of the Act, and Clause 13.9 of the Framework.

#### 6.4 Confidentiality

Information pertaining to formal complaints is strictly confidential.

### 7. Applicable Law

|                 |                                                                                        |
|-----------------|----------------------------------------------------------------------------------------|
| Cited Acts      | <i>Local Government Act 2019</i><br><i>Local Government (General) Regulations 2021</i> |
| Applicable Acts | <ul style="list-style-type: none"> <li><i>Information Act 2002</i>;</li> </ul>         |

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|                          |                                                                                                                                                                                                                              |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (not exhaustive)         | <ul style="list-style-type: none"> <li>• <i>Criminal Code Act 1983;</i></li> <li>• <i>Anti-Discrimination Act 1992;</i></li> <li>• <i>Fair Work Act 2009 (Cth); and</i></li> <li>• <i>Privacy Act 1988 (Cth).</i></li> </ul> |
| Other Reference Material | <i>Ministerial Guideline – Code of Conduct Framework</i>                                                                                                                                                                     |

### 8. DOCUMENT CONTROL

|                   |                                      |
|-------------------|--------------------------------------|
| Policy number     | <b>OCEO003</b>                       |
| Policy Owner      | <b>OCEO</b>                          |
| Endorsed by       | <b>Council</b>                       |
| Date approved     | <b>12/4/2022</b>                     |
| Revisions         | <b>February 2022, July 2026</b>      |
| Amendments        | <b>February 2022, 26 August 2026</b> |
| Next revision due | <b>2025</b>                          |

### 9. CONTACT PERSON

|                |                                     |
|----------------|-------------------------------------|
| Position       | <b>Manager Corporate Compliance</b> |
| Contact number | <b>(08) 8972 9005</b>               |