

THE BAROSSA COUNCIL ELECTED MEMBER BEHAVIOUR SUPPORT POLICY



1 Purpose

- 1.1 The Council is committed to acting as representative, informed and responsible decision makers.
- 1.2 In meeting these requirements, Elected Members are supported to uphold the values of honesty, integrity, inclusivity, accountability and transparency, for the purposes of fostering community trust and confidence in the Council specifically, but also in local government generally.
- 1.3 The obligations for Members under the *Local Government Act 1999* (the **Act**) include to ensure positive and constructive working relationships within the Council and to develop skills relevant to their roles.
- 1.4 Members are also required to represent the interests of residents and ratepayers, by providing community leadership and guidance and facilitating communication between the community and the Council.
- 1.5 This Behavioural Support Policy (**Policy**) has been agreed and adopted by the Council, as a governing body, and sets out the expectations of Members with respect to interactions between themselves, Administration and the community in giving effect to these principles.
- 1.6 The Policy is designed to support appropriate behaviour by Members of the Council in their pivotal role and duties as a community leader and is to be read in conjunction with the Behavioural Standards for Council Members.

2 Scope

- 2.1 All Elected Members must comply with the provisions under this Policy as stipulated by Section 75F(4) of the Act.
- 2.2 This Policy sets out additional conduct standards for Elected Members, elected by the community to undertake their roles under Section 59 of the Act and who otherwise act as community leaders at all reasonable times whilst in the public realm.
- 2.3 For the avoidance of doubt, this Policy applies to an Elected Member's behaviour when conducting Council business, in the exercise of Office, or, otherwise, when generally conducting themselves in public as a community leader and in such circumstances where a Reasonable and Impartial person would expect such conduct standards shall apply.
- 2.4 Any alleged breach of the Policy will be received and dealt with under the Elected Member Behavioural Management Policy.

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3 Policy Statement

3.1 Behavioural Support Statement

We, the Elected Members commit to the following Policy statements which compliment any Gazetted standards of the Minister under Section 75E of the Act:

Elected members, as representatives of Council and community leaders, will:

- 3.1.1 Communicate and engage with the community on Council's key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.
- 3.1.2 Ensure the Office of an Elected Member is enhanced by our conduct.
- 3.1.3 Ensure the Council is not brought into disrepute, or take action, or do such things, that may give rise to reputation damage for the Council.
- 3.1.4 Not utilise our status as an Elected Member to influence a person or outcome improperly or unethically.
- 3.1.5 Treat all people regardless of ethnicity, age, sex or disability with respect and always listen to them and respond in a polite and respectful way, noting this does not mean a matter cannot be debated, argued, or disagreed in a respectful manner.
- 3.1.6 Not threaten, intimidate, or abuse (in writing, actions or verbally) anyone.
- 3.1.7 For clarity, this Policy does not prevent robust debate within Council or with the public realm on any relevant local government matter or public policy. However debate shall be conducted consistent with the Behavioural Standards for Elected Members and the Elected Member Behavioural Management Policy.

3.2 Complaints made under this Policy

- 3.2.1 Any complaint made against any Elected Member under this Policy will be received and treated as if the complaint was made under the Behavioural Standards for Elected Members and dealt with in accordance with the Elected Member Behavioural Management Policy.
- 3.2.2 All processes, reports, outcomes, and actions shall be undertaken in accordance with the Elected Member Behavioural Management Process including any proposed referral to the Behavioural Standards Panel.

4 Supporting Processes and Documents

- 4.1 Elected Member Behavioural Management Process (24/35625*)

5 Related Policies

- 5.1 Elected Member Behavioural Management Policy (24/35624*)

6 Legislation and References

- 6.1 This Policy has been prepared and adopted pursuant to Section 75F of the Act.

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- 6.2 This Policy forms part of the Behavioural Management Framework for Elected Members.
- 6.3 Section 75F(2) of the Act provides that a Behavioural Support Policy may:
- Specify directions related to behaviour that must be observed by members of the council; and
 - Set out guidelines relating to compliance by members with the Behavioural Standards for Council Members and directions under clause a. above; and
 - Include any other matter relation to behaviour of council members consider appropriate by the Council.
- 6.4 Section 75F(3) provides that a Behavioural Support Policy:
- Must not be inconsistent with the behaviour standards; and
 - Must comply with any requirements specified by the behavioural standards.

7 Review

- 7.1 This Policy will be reviewed by the Council in consultation with the community, within twelve (12) months of a general election held under the *Local Government (Elections Act 1999*, or more frequently if legislation or Council's needs change.

8 Further Information

- 8.1 This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy*

9 Definitions

Behavioural Management Framework	Is the legislative framework within which all Elected Members must operate and is comprised of three components for the Council: - The Behavioural Standards for Council Members, as Gazetted by the Minister for Local Government, which apply to all council Members in South Australia; - The mandatory Behavioural Management Policy relating to the receipt and management of complaints made against Council Members and adopted pursuant to section 262B of the Act; and - This discretionary Behavioural Support Policy (or policies) designed to support appropriate behaviour by Elected Members and adopted pursuant to section 75F of the Act.
Bullying	Repeated and intentional use of words or actions against someone, or a group of people, that cause distress and risk to their wellbeing. These actions are usually exhibited by persons who have, or are perceived to have, more influence or power over someone else.

Elected Member	A person that has been duly elected and sworn an Oath of Office under the <i>Local Government (Elections) Act 1999</i> .
Harassment	Harassment involves a pattern of behaviour, or course of conduct, pursued by an individual to intimidate and distress another individual. The behaviour must be genuinely oppressive and vexatious and not amount to a mere irritation or annoyance.
Reasonable and Impartial Person	A reasonable person is a fictional person with an ordinary degree of reason, prudence, care and foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something. An impartial person is someone who is objective and unbiased and treats everyone and every group equally. They make decisions and provide advice based on merit, not on favoritism, prejudice, or self-interest. These are established concepts in common law and shall be applied to this Policy in guiding the expected standards of behaviour to be demonstrated by Elected Members in the community.

10 Document Control

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