

**ADELAIDE HILLS COUNCIL MEETING
Tuesday 8 October 2013
AGENDA BUSINESS ITEM**

Item: 17.1
Originating from: Mayor Bill Spragg
Responsible Director: Tim Piper, Acting Chief Executive Officer
Subject: Code of Conduct
File No: 09.3.2
SMP Goal: Goal 5: Open, Effective & Efficient Governance
SMP Key Issue: 5.1: Leadership

1. Code of Conduct – Exclusion of the Public

**Moved Cr
S/- Cr**

Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, an order be made that the public, with the exception of appropriate Council staff:

- Acting CEO, Tim Piper**
- Director Engineering & Assets, Tim Hancock**
- Director Strategy & Development, Marc Salver**
- Acting Director Corporate Services, James Sinden**
- Minute Secretary, Kylie Hopkins**

be excluded from attendance at the meeting in order to receive, discuss or consider in confidence any information or matter relating to Section 90(3)(a):

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);**

2. Code of Conduct – Confidential Item

2.1 SUMMARY

The Mayor has received a Code of Conduct complaint against an Elected Member. Under Council's Code of Conduct for Elected Members, the Mayor must report this to the next meeting of Council.

- *Upon receipt of a complaint the Mayor (or Deputy Mayor) must bring the fact of the complaint, but not the detail of the allegations, to the attention of the Council at the next formal meeting of the Council, and it is to be received by the Council in confidence, subject to meeting one or more of the grounds under Section 90(3) of the Local Government Act 1999.*

2.2 GOVERNANCE

➤ **Strategic Management Plan**

Goal 5: Open, Effective & Efficient Governance

➤ **Legislation**

Local Government Act 1999, Section 63.

➤ **Sustainability**

- Economic
- Social
- Environmental
- Governance

➤ **Budget**

Expected cost of investigation – approximately \$250 per hour

➤ **Consultation**

Not applicable

2.3 BACKGROUND

Council's Code of Conduct for Elected Members lists a number of steps that must be taken when a complaint is received:

- The Mayor (or Deputy Mayor) must acknowledge receipt of the complaint within 3 days of receiving the complaint
- The Elected Member about whom the complaint has been made will be notified within 3 days of receipt of the complaint and of its substance
- The complaint will be treated with strict confidentiality until such time as it has been fully investigated and finally determined, subject to satisfying the requirements of Section 90(3) of the Local Government Act 1999. The complainant will also be expected to observe confidentiality.
- Upon receipt of a complaint the Mayor (or Deputy Mayor) must bring the fact of the complaint, but not the detail of the allegations, to the attention of the Council at the next formal meeting of the Council, and it is to be received by the Council in confidence, subject to meeting one or more of the grounds under Section 90(3) of the Local Government Act 1999.
- The Council may, if it considers it appropriate, pass a motion of censure with regard to a breach of the Code of Conduct. Alternatively, the Council may resolve to suspend or remove the subject member from being a Council appointee on a related committee or body, if considered warranted.
- The Mayor (or Deputy Mayor) must investigate the breach with the assistance of a group appointed by Council, or by referring the complaint to the independent Local Government Governance Panel.
- Complaints referred to an independent facilitator/mediator/assessor or the Local Government Governance Panel will specify the grounds of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint. Following assessment of the complaint and after considering the results of any investigation, a report will be provided by the independent facilitator/mediator/assessor or the Local Government Governance Panel to the Mayor (or Deputy Mayor) with recommendations in relation to the matter, for consideration by Council.
- Council acknowledges that effective communication plays a vital role in issue/dispute resolution. Also, of critical importance during these investigations is the need to maintain the Council's high standards of customer service and the Council's good public image.
- The Elected Member about whom the complaint has been made will be kept informed of progress of the investigation and be given the opportunity to respond (via a personal explanation) to the accusation.
- The Mayor (or Deputy Mayor) will report to the Council on the outcomes of the investigation into the alleged breach.

3. DISCUSSION

The Mayor has received a Code of Conduct complaint against an Elected Member. The process described in the Code of Conduct will be followed when investigating this complaint.

This complaint has been referred to the Local Government Governance Panel to undertake an independent review.

2.4 RECOMMENDATION

That Council notes this report.

2.5 APPENDICES

Nil

3 Code of Conduct – Period of Confidentiality

**Moved Cr
S/- Cr**

That having considered this matter in confidence under section 90(2) and 90 (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to this matter, including discussions and considerations, be retained in confidence until the report has been received from the Local Government Governance Panel, but no longer than 12 months, pursuant to section 91(9).

That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer be authorised to release documents at the conclusion of the period of confidentiality.

