



CHARTER FOR COUNCILLOR

DEPARTMENT	Office of the Chief Executive Officer
ADOPTED	20 October 2010

1.0 Scope

This Charter applies to Councillors of Mackay Regional Council.

2.0 Purpose

The objective of this Charter is to provide a framework for the role of Councillor and includes the standards of behaviour expected of Councillors of the Mackay Regional Council. The Mayor is a Councillor, and as such any reference to Councillors in this document includes the Mayor.

3.0 Reference

- Local Government Act 2009

4.0 Background

Council has adopted a portfolio system where each Councillor will assume a particular responsibility for a specific activity/portfolio. This Charter sets out the accountabilities and expectations of a Councillor in their portfolio and provides for the communication process that will operate between the Councillor and the organisation.

The role of Portfolio Councillor is akin to that of a Cabinet Minister with departmental responsibilities and the Mayor's role is akin to that of the leader (Premier/PM). There are clearly differences between Local Government and the State and Federal systems and while the Portfolio system as described above has certain similarities it is recognised that there are also many differences. These differences include the fact that Council is not a Party Political environment and that all Councillors are allocated a Portfolio. Also, as explained below, while the Councillors will work within a consensus decision making model, individual Councillors are under no obligation to follow the general view and are free to debate their own personal view at the table, noting that once a formal position of Council has been adopted Councillors are expected to support the majority decision.

The Councillors should also operate in a manner akin to a Board of Directors with the Mayor as the Chair and the Councillors as Directors, all of whom have been elected (appointed) by the residents (shareholders) to provide strategic leadership and direction to the organisation on their behalf.

The portfolios themselves may be amended from time to time by Council to ensure the best outcomes may be achieved and that particular skills and attributes of Councillors may be best used. Likewise, Council may from time to

time resolve to reallocate portfolios, however wherever possible, changes will be kept to a minimum to ensure that maximum use of developed skills can be utilised and continuity of leadership maintained.

While Council has agreed to adopt this portfolio system, the system does not diminish a Councillor's statutory responsibilities and obligations under the *Local Government Act 2009*, and the requirements are in addition to the roles, responsibilities and obligations of Councillors, as set out in the *Local Government Act 2009*.

5.0 Policy Statement

5.1 Councillor Responsibilities

- 5.1.1 To be thoroughly familiar with the vision for the activities that form the Councillor's portfolio as set out in the Community Plan, as adopted by Council.
- 5.1.2 To be thoroughly familiar with the Corporate Plan, in particular the medium term objectives and strategies for the activities that the Councillor's portfolio is responsible for delivering.
- 5.1.3 To be thoroughly familiar with annual Operational Plan and the higher level (program and sub program) annual Budget for income and expenditure for the activities that form the Councillor's portfolio.
- 5.1.4 To have a good understanding within the portfolio area of the capital projects being undertaken and their relationship to the achievement of the long term objectives and vision. Also, to have a good understanding of the progress of actual annual capital expenditure against annual capital budget.
- 5.1.5 To be the Council's spokesperson for the portfolio area at Council meetings and in the media, explaining Council's adopted position on issues affecting the portfolio. In this context it is not expected that the portfolio Councillor will be technical expert but the portfolio Councillor is expected to understand and be able to explain the strategic context of issues and their impact on the achievement of the Council's adopted plans.
- 5.1.6 To liaise and communicate with the relevant Director, and where appropriate Managers, on a monthly basis to keep themselves abreast of and to give Council perspective with regard to strategic issues including future planning, strategic options, current progress in completing the Operational Plan, major budgetary issues and progress with major strategic projects. By monitoring progress in these areas Councillors will keep themselves and their fellow Councillors abreast of issues in the future. This can be achieved by the attendance by the Portfolio Councillor at the Director's periodic strategic management meetings, with his/her Managers.
- 5.1.7 To represent the Council in high level strategic and community forums that relate to the Councillor's portfolio area.
- 5.1.8 To keep the Mayor abreast of issues within the Councillor's portfolio, including media statements.
- 5.1.9 To liaise with other Portfolio Councillors regarding matters that may affect their portfolio areas.

5.1.10 To participate in discussions and where appropriate provide guidance to other Councillors at the whole of Council level regarding the strategic direction for the Councillor's portfolio area. To articulate that direction to the relevant Director and Managers as required but particularly in the context of the preparation of annual plans and budgets. This responsibility, as with the others listed above, in no way negates or is in conflict with the Management Team's responsibilities and duties to provide strategic advice to Council and then implement Council's wishes and provide organisational leadership. The Councillor's role, as previously outlined, is more akin to that of a Minister in the State or Federal arena.

5.2 Values and Ethics - Integrity of Local Government

It is vital that the public has confidence in a local government's ability to ensure the good rule and government of its area.

Councillors must:

1. ensure their personal conduct does not reflect adversely on the reputation of the local government.
2. exhibit high standards of personal behaviour and demonstrate respect for others.
3. respect the democratic process that publicly represent Council decisions without criticism, regardless of their personal views.
4. when communicating with the public, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council.
5. when communicating with the media, do so in accordance with Council's Media Policy, including making it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council.
6. be open, honest and transparent in dealings with fellow Councillors, including information sharing, which will result in a "no surprises" environment.
7. work within the portfolio system, for example other than an acknowledgement of receipt do not respond to communication from a constituent regarding a matter not within their portfolio, but refer the matter to the appropriate Portfolio Councillor.
8. act as a member of the Council team, including support for all decisions made by the Council.
9. work within a consensus based decision making model while recognising the individual's rights and obligations. This clause does not reduce or minimise a Councillor's right to hold a different opinion and to state this in the debate but means they will do whatever possible to achieve an outcome that is acceptable to all.
10. publicly support decisions of Council. Where a Councillor has spoken against a particular motion they may, if questioned by the media at the

post Council meeting interviews, state their personal view on the matter in a non-inflammatory manner.

11. abide by any staff communication guidelines that have been approved by the Council's Chief Executive Officer (for example, guidelines issued pursuant to section 170(4) of the *Local Government Act 2009*).
12. follow the letter and the spirit of council, administrative policies, procedures and the law.
13. demonstrate respect for others and refrain from harassing, bullying or intimidating others.

5.3 Primacy of the Public Interest

Councillors are elected to act in the public interest and make decisions solely in terms of the public interest.

Councillors must:

1. take steps to avoid, resolve or disclose conflicts of interest.
2. make all decisions in the best interests of the community as a whole and not any discrete group or individual.
3. not place themselves under any financial or any other obligation that may influence them in discharging their duties and responsibilities as Councillors.

5.4 Appropriate use of Information by Councillors

Councillors must:

1. not release any information that is not freely available to the general public, any such information shall be deemed as Confidential for the purposes of Sec 171 of the Local Government Act 2009.
2. not in any way misuse information they become aware of as a Councillor, particularly for personal gain.
3. adhere to legislative requirements, for example the Information Privacy Act 2009.

5.5 Public Transparency and Scrutiny

It is vital that the public has confidence in the integrity of a local government's decision making process. To ensure transparency and public scrutiny of, and public confidence in, those processes Councillors must:

1. ensure that debate about a matter before the Council occurs at the official Council meeting and that in the event of differing views these are voiced.
2. disclose their financial interests, by completion of the appropriate registers.
3. declare any conflict or potential perceived conflict of interests.

5.6 Appropriate Use of Entitlements

Councillors must:

1. comply with the requirements about using entitlements provided for under the local government's policies.
2. use Council resources or equipment with prior approval.

5.7 Accountabilities and Consequences

Councillors are accountable for their actions as laid out in

1. Legislation, including but not limited to the Local Government Act 2009
2. Council adopted Policies and Procedures
3. This Charter.

Failure to comply with this Charter, Council Policies and Procedures or legislation, where no penalties are provided for, will be inappropriate conduct (as defined in section 176(4)(a) of the *Local Government Act 2009*) and render a Councillor liable to disciplinary action prescribed by section 181(1) of that Act. In the case of the Mayor or Deputy Mayor complaints of inappropriate conduct are to be referred to the Department's chief executive as prescribed in section 177(5)a of that Act.

Section 176 (4) provides: -

- (4) ***Inappropriate conduct*** is conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—
 - (a) a councillor failing to comply with the local government's procedures; or
 - (b) a councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

Section 177 (5) provides: -

- (5) *If the chief executive officer assesses that the complaint is about inappropriate conduct, the chief executive officer must—*
 - (a) *if the complaint is about conduct of the mayor or deputy mayor—refer the complaint to the department's chief executive; or*
 - (b) *if the complaint is about conduct of another councillor—refer the complaint to the mayor.*

Section 181(1) provides: -

- (1) *If the Chief Executive Officer refers a complaint to the Mayor, the Mayor may make either or both of the following orders that the Mayor considers appropriate in the circumstances—*

- (a) *an order reprimanding the Councillor for the inappropriate conduct;*
- (b) *an order that any repeat of the inappropriate conduct be referred to the department's chief executive as misconduct.*

6.0 Review

This Charter will be reviewed when any of the following occur:

1. The related documents are amended or replaced;
2. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this Charter is to be reviewed at intervals of no more than two years.