

**Distribution:**

- CEO
- Deputy CEO
- Manager,  
Corporate  
Services
- Manager, Finance
- Accountant
- Internal Audit

**Strategic Policy and Legislation****26 May 2008****Ref: 05/08****Local Government Bulletin****Advising of the Gazettal of the Amended Model Code of  
Conduct****Commencement date: 23 May 2008*****Purpose***

The purpose of this bulletin is to advise councils that the Minister for Main Roads and Local Government gazetted an amendment to the model code of conduct on 23 May 2008.

The finalised model code of conduct is attached to this bulletin and is available online at <http://www.localgovernment.qld.gov.au/?id=3219>.

***Background***

On 29 February 2008 the Minister for Local Government gazetted a revised model code of conduct. A minor amendment has since been made to the version of the model code of conduct that was gazetted in February 2008. The amended version, gazetted on Friday 23 May 2008, replaces the model code of conduct that was gazetted in February 2008 and is current from the date of gazettal.

Local governments are required by the *Local Government Act 1993* (the Act) to adopt a code of conduct for councillors which sets out behaviours and responsibilities for councillors.

Local governments may choose to adopt their own code of conduct, provided that it is consistent with the requirements in s250F and the process set out in s250J and s250K of the Act.

Alternatively local governments are able to adopt the model code of conduct gazetted by the Minister for Local Government as their code of conduct. If a local government has not adopted a code of conduct within 6 months of each quadrennial election (s.250C), then the model code of conduct applies to councillors of the local government.

This version of the model code of conduct does not apply to any council unless either a council adopts it via the process set out in section 250J and section 250K, or the council defaults to the model code of conduct under section 250C.

## ***Details of the Amendment***

The version of the model code that was gazetted in February 2008 contained the additional ethical and behavioural obligation:

*Councillors must respect the democratic process and publicly represent council decisions without criticism, regardless of their personal views.*

The Department of Local Government, Sport and Recreation has reviewed the model code and has amended this obligation to clarify that under the model code, councillors are entitled to express their personal views on council decisions, but must make it clear that it is their view, and not the view of council. This obligation has been replaced with the following additional ethical and behavioural obligations:

*Councillor must respect the democratic process and publicly represent council decisions.*

*Councillors must when communicating with the public or media make it clear when they are expressing a personal opinion, and when they are speaking on behalf of council.*

## ***Further information***

Enquiries regarding the new model code of conduct can be addressed to Tim Dunne, by phone number 07 3006 2460 or email, [Tim.Dunne@dlgsr.qld.gov.au](mailto:Tim.Dunne@dlgsr.qld.gov.au).

The Department's postal address is PO Box 15031, City East, Queensland 4002.

All recent Local Government Bulletins issued by the Department are available on its website at: <http://www.lgp.qld.gov.au/?id=3295>. You can also subscribe, free of charge, on the Department's website to receive email notification of each new Bulletin published.

## ***Disclaimer***

This publication has been compiled for your information. It is distributed by the Department of Local Government, Sport and Recreation (DLGSR) as an information source only and should not be treated as an exhaustive statement on the subject. DLGSR always recommends that you seek independent legal advice.

While DLGSR believes that this information will be of assistance to you, it is provided on the basis that you are responsible for making your own assessment of the topics discussed.

DLGSR expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind whatsoever or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on the material contained in this information.

This information is issued on the understanding that DLGSR is not, through the issuance of this information, engaging in rendering to you any legal or other professional service. Recipients are encouraged to seek independent advice if they have any concerns about the material contained in these publications.

**Nancy Spencer**  
**Acting Executive-Director**  
**Strategic Policy and Legislation Division**  
**Department of Local Government, Sport and Recreation**