

Council Member Behavioural Support Policy and Council Member Staff Interaction Policy

Strategic Alignment - Enabling Priorities

Public

Tuesday, 17 October 2023
City Finance and Governance Committee

Program Contact:
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Approving Officer:
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Operating Officer

EXECUTIVE SUMMARY

At its meeting of 22 August 2023, Council endorsed a Draft Council Member Behavioural Support Policy for consultation. A Council Member Behavioural Support Policy may specify directions relating to behaviours, set out guidelines relating to compliance with the Behavioural Standards for Council Members, or include any other matter relating to the behaviour of Council Members considered appropriate (section 75F of the *Local Government Act 1999* (SA) ('the Act')).

Consultation opened on 5 September 2023 and closed on 6 October 2023. Members of the public were notified of the consultation through a public notice in the Advertiser, social media posts, and on the Council's Your Say page, which included the consultation being prompted through the Your Say Newsletter.

This report recommends that Council support the adoption of a Council Member Behavioural Support Policy (the Policy) as contained in **Attachment A**.

In addition to this Policy the Chief Executive Officer has prepared a Council Member Staff Interaction Policy which gives direction on interactions between Council Members and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully. It applies to all interactions between Council Members, Council staff and contractors.

RECOMMENDATION

The following recommendation will be presented to Council on 24 October 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Endorses the Council Member Behavioural Support Policy as contained in Attachment A to Item 7.7 on the agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 2. Notes the Council Member Staff Interaction Policy prepared by the Chief Executive Officer as contained in Attachment B to Item 7.7 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 3. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Council Member Behavioural Support Policy and Council Member Staff Interaction Policy.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	This Policy is part of the conduct management framework set out in the Act alongside the Behavioural Standards, and Council Behavioural Management policy (also being considered at the City Finance and Governance Committee's 17 October 2023 meeting).
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	The Behavioural Standards, City of Adelaide's Behavioural Management Policy, Behavioural Support Policy, and Council Member Complaints Policy form the conduct management framework for Council Members set out in the Act.
Opportunities	Not as a result of this report
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Bdget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The Behavioural Management Framework (the Framework) is a key part of the recent reforms to the *Local Government Act 1999* (SA) (the Act).
2. The Framework commenced on 17 November 2022 and includes:
 - 2.1. The prescribed Behavioural Standards for Council Members, determined by the Minister for Local Government which apply to all council members in South Australia (section 75E of the Act).
 - 2.2. The mandatory Behavioural Management Policy relating to the management of the behaviour of Council Members and adopted pursuant to section 262B of the Act.
 - 2.3. Optional Behavioural Support Policy (or policies), designed to support appropriate behaviour by Council Members and adopted pursuant to section 75F of the Act.
3. At its meeting of 22 August 2023 Council resolved to:

Endorses the Draft Council Member Behavioural Support Policy in Attachment A to Item 4.5 on the Agenda for the meeting of the City Finance and Governance Committee on 15 August 2023 for the purposes of public consultation.
4. Consultation opened on 5 September 2023 and closed on 6 October 2023. Members of the public were notified of the consultation through a public notice in the Advertiser, social media posts, and on the Council's Your Say page, which included the consultation being prompted through the Your Say Newsletter.
5. The consultation sought feedback on four specific questions:
 - 5.1 What do you think of the Council Member's values and supporting values? Is there anything that should be added or deleted?
 - 5.2 What do you think of the Council Member commitments? Is there anything that should be added or deleted?
 - 5.3 What else would you like to see included in the Behavioural Support Policy?
 - 5.4 Please provide your feedback regarding the Behavioural Support Policy.
6. At the close of the consultation period, five submissions had been received.
7. During the consultation period Council's Your Say page received 114 aware visitors, 17 informed visitors and 6 engaged visitors.
8. The table below outlines the feedback received.

Question/ Feedback	Section Reference	Administration Comment	Response to feedback
Q1 - What do you think of the Council Member's values and supporting values? Is there anything that should be added or deleted?			
Respondent 1 I think anything that could improve the work of the Council is important as watching the team Adelaide work in council was very disappointing	Not Applicable	Taken as a general comment	Values and supporting behaviours outline the behaviour that the Council think is acceptable.
Respondent 2 Delete the entire policy.	Pages 2 and 3	Taken as a general comment	While not mandatory the Behavioural Support Policy is an opportunity for Council to set out its values and supporting behaviours and commitments.

Question/ Feedback	Section Reference	Administration Comment	Response to feedback
Respondent 3 Add in accountability	Page 2, under statement	Policy updated	Accountability has been included as point 6 as one of the commitments Council Members make regarding values and behaviours
Respondent 4 Just be nice and responsible.	Not Applicable	Taken as a general comment	No changes are required captured in the intent of the policy.
Respondent 5 they are ok	Not Applicable	Taken as a general comment	No changes required
Q2 - What do you think of the Council Member commitments? Is there anything that should be added or deleted?			
Respondent 1 No	Not Applicable	Taken as a general comment	Not Applicable
Respondent 2 Point 5: "exercise care" - the most rigorous discussion and outcomes occur when ideas/propositions are challenged maturely, as adults. "Exercising care" sounds like a phrase a primary school teacher would use. Primary School Teacher: "Children, we need to exercise care when using the playground equipment."	Page 3, under Council Member commitments – part 5	Policy updated	The words "exercise care" have been updated to read "be mindful"
Respondent 3 They should also commit to maintaining respectful relationships with their constituents and members of the community	Page 3, under Council Member commitments – part 3		Part 3 has been updated to include the words cooperation and inclusivity with the community.
Respondent 4 Very important to be inclusive.	Page 3, under Council Member commitments – part 3	Policy updated	Part 3 has been updated to include the words cooperation and inclusivity with the community
Respondent 5 No	Not Applicable	Taken as a general comment	Not Applicable

Question/ Feedback	Section Reference	Administration Comment	Response to feedback
Q3 - What else would you like to see included in the behavioural support policy?			
<u>Respondent 1</u> I would be happy to see council members fined for continued poor behaviour as the council should get on with improving the city.	Feedback received	Taken as a general comment	Matters of behavioural standards of council members may be referred to the Behavioural Standards Panel and that Panel may order that a council member is required to reimburse the council a specified amount. Other handling authorities are SA Ombudsman and Office of Public Integrity and Equal Opportunity Commissioner.
<u>Respondent 2</u> The cost of writing these policies to be absorbed by the ACC councillors. Why should the ratepayers pay for a set of playground rules for disobedient adults. Just deduct it out of their pay, like you do with our rates.	Not Applicable	Taken as a general comment	While not mandatory the Behavioural Support Policy is an opportunity for Council to set out its values and supporting behaviours and commitments.
<u>Respondent 3</u> No response received/did not answer	Not Applicable	Not Applicable	Not Applicable
<u>Respondent 4</u> Make sure there are no incentives for greed and theft.	Feedback received	Already included in separate legislative instrument	This feedback is already covered under the Office of Public Integrity (OPI) and any potential issues of corruption, misconduct or maladministration in public administration is made directly to OPI.
<u>Respondent 5</u> Always to act in a polite manner, even if you don't agree, state your opinions politely	Part 4 Council Member Commitments on page 3	Taken as a general comment	Already included under Part 4 of the Council Member Commitments
Q4 - Please provide your feedback regarding the Council Member Behavioural Support Policy			
<u>Respondent 1</u> No response received/did not answer	Not Applicable	Not Applicable	Not Applicable
<u>Respondent 2</u> Just take a moment to reflect on the fact that the Adelaide City Council	Feedback received	Taken as a general comment	While not mandatory the Behavioural Support Policy is an opportunity for Council to set out its values and supporting

Question/ Feedback	Section Reference	Administration Comment	Response to feedback
requires a policy on behaviour.			behaviours and commitments.
Respondent 3 No response received/did not answer	Not Applicable	Not Applicable	Not Applicable
Respondent 4 Just do the right thing polities. Be honest and straightforward.	Feedback received	Already included in separate legislative instrument	Included in overarching Behavioural Standards.
Respondent 5 n/a	Not Applicable	Not Applicable	Not Applicable

9. Following on from the feedback received, the draft policy has been updated with relevant changes and the final draft policy is provided in **Attachment A** for Council consideration.

Council Member Staff Interaction Policy

10. Part 7 of the proposed Council Member Behavioural Support Policy notes:
“When engaging and communicating with council administration we will do so in accordance with the requirements of the CEO and relevant legislation, recognising the separation of powers between Council Members and the CEO and the importance of working together constructively to achieve outcomes for the community.”
11. This Policy provides those requirements of the Chief Executive Officer and gives direction on interactions between Council Members and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully. It applies to all interactions between Council Members, Council staff and contractors.
12. The Council Member Staff Interaction Policy as contained in **Attachment B** provides a supportive framework and outlines processes for Council Members requesting and receiving advice through interactions with staff while exercising their civic functions.
13. The Policy should be read in conjunction with Behavioural Standards, and the Council Member Behavioural Support Policy.
14. Breaches of this policy will be managed according to the City of Adelaide Behavioural Management Policy and employee complaint management processes.

DATA AND SUPPORTING INFORMATION

Behavioural Standards (as gazetted Nov 17 2022) [\[link\]](#)

ATTACHMENTS

Attachment A- Draft Council Member Behavioural Support Policy

Attachment B- Draft Council Member Staff Interaction Policy

- END OF REPORT -