



Behavioural Support Policy

Classification	Policy
Strategic reference	Goal 4: Governance and Organisational Culture
Relevant legislation	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i> <i>Freedom of Information Act 1991</i>
Relevant documents	<i>Local Government Association of SA (2022), Local Government Behavioural Management Framework</i> <i>Behavioural Management Policy</i>
Responsible officer	Chief Executive Officer
Version	1.0
Date adopted	15 November 2023
Date of effect	20 November 2023
Next review date	Within 12 months after the 2026 periodic election

1. STATEMENT

This *Behavioural Support Policy* has been prepared pursuant to section 75F of the *Local Government Act 1999* (the “Local Government Act”).

The policy is intended to support appropriate behaviour by Council Members and forms part of the Behavioural Management Framework that resulted from the *Statutes Amendment (Local Government Review) Act 2021*. The policy sets out the behaviour that members of the Southern Mallee District Council agree to observe in addition to the statutory Behavioural Standards published by the Minister for Local Government (refer SA Government Gazette, 17 November 2022, p. 6658).

A breach of the Behavioural Support Policy will be dealt with in accordance with the Council’s *Behavioural Management Policy* and may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Local Government Act.

2. DEFINITIONS

Behavioural Management Framework – The framework comprises the following four components, the:

1. Legislative framework within which all Council Members must operate
2. Behavioural Standards for Council members, determined by the Minister for Local Government, which apply to all Council members in South Australia
3. Mandatory Behavioural Management Policy relating to the management of the behaviour of Council members pursuant to section 262B of the Local Government Act.
4. Optional Behavioural Support Policy (this document) designed to support appropriate behaviour by Council members pursuant to section 75F of the Local Government Act.

Behavioural Standards for Council Members – established by the Minister for Local Government and published as a notice in the SA Government Gazette specifying the standards of behaviour to be observed by Council Members.

Council meeting – includes Council, a meeting of a Council subsidiary and applies to a Council Member at any other meeting where the person is performing duties as a Council Member.

Frivolous - includes without limitation, a matter of little weight or importance, or lacking in seriousness.

Misbehaviour - is defined in section 262E of the Local Government Act as:

1. A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
2. A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
3. A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

Person responsible for managing the complaint - means, subject to any resolution of the Council to the contrary –

1. the Mayor;
2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
3. if the complaint relates to or involves the Mayor and Deputy Mayor, another Council Member appointed by Council.

Repeated Misbehaviour - is defined in section 262E of the Local Government Act as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5- Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

Serious Misbehaviour - is defined in section 262E of the Local Government Act as a failure by a member of a council to comply with section 75G (Health and safety duties)

Trivial - includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

Vexatious - includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose.

3. PRINCIPLES

Council Members in South Australia have an obligation to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

To serve the community well, Council Members must work together constructively as a Council. This will foster community confidence and trust in the Council and local government more generally.

Council members will make every effort to ensure they have current knowledge of both statutory requirements and the required standards of practice relevant to their position.

Southern Mallee District Council is committed to providing training and education opportunities that will assist Council Members to meet their responsibilities under the Local Government Act.

4. POLICY STATEMENT

We, the Council Members of Southern Mallee District Council, commit to the following statement of values and behaviours:

1. *Value and Respect* – We engage with each other in a respectful manner at all times. We listen to others' views and direct our comments to the issue and not the person/s.
2. *Optimism* – We are positive, constructive and creative in our problem solving. We are open minded and willing to learn from each other and from the advice provided by Council staff.
3. *Integrity* – We are well prepared, read background papers and reports and stay focused on agreed strategic priorities. We uphold the decisions of Council. When a Council decision is not unanimous, we respectfully communicate the decision to others.
4. *Connected* – We ensure we provide a safe and supportive environment where people are listened to and where communication is open, courteous and transparent.
5. *Excellence* - We value leading clear strategic goals and implementing outcomes that benefit the community as a whole.

4.1 Council Member commitments

To support our shared values and behaviours, we, the Council Members of the Southern Mallee District Council agree:

1. That as the currently elected custodians, entrusted to oversee the affairs of the Southern Mallee District Council, we have a duty to put the interests of the community before our own interests.
2. As most Council Members will serve at least a four-year term together on Council, it is important to spend time building and maintaining positive and constructive relationships and participating in workshops and undertaking training together.
3. To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration and cooperation with other Council Members and Council Employees.
4. As a democratic tier of government in South Australia, we acknowledge our role in representing a diversity of viewpoints within the community. We:
 - a. recognise that it is appropriate and important for a range of views to be expressed at Council meetings.

- b. accept we are likely to disagree at times but we will always show respect in our differences.
 - c. undertake that when we do disagree, we will do so respectfully. In particular, we undertake that when disagreeing with others we will focus on the merits of the arguments and not make personal or derogatory remarks about other Council Members or Council Employees.
- 5. At Council meetings we will engage with each other in a respectful and polite manner, and we will exercise care in expressing views regarding the conduct of other Council Members and Council Employees to ensure any comments are respectful.
- 6. The Mayor has the primary role in maintaining good order at Council meetings. However, all Council members will demonstrate supportive and constructive behaviour in Council decision making.
- 7. If relationships between Council Members become strained, all Council Members will work collegially and constructively to resolve the conflict and restore positive relationships.
- 8. When engaging and communicating with Council Employees, we will do so in accordance with the requirements of the Chief Executive Officer and relevant legislation, recognising the separation of powers between Council Members and the Chief Executive Officer and the importance of working together to achieve positive outcomes for the community.

To support the undertakings made above, the members of the Southern Mallee District Council additionally commit to participating in activities to monitor and review the shared values and behaviours throughout the term of Council.

5. AGREED COUNCIL MEMBER BEHAVIOUR

We, the Council Members of the Southern Mallee District Council, agree that all Council Members will act in accordance with the following specific obligations:

5.1 Media

- 1. The Local Government Act provides that the Mayor is the principal spokesperson for Council unless the Council has appointed another Council Member to act as its principal spokesperson either at all times or on specific issues.
- 2. Subject to this section, Council Members should refrain from making any public comment that is inconsistent with the resolutions of Council.
- 3. Council Members may express their individual personal views through the media. When this occurs, it must be clear that any such comment is a personal view and does not represent the position of Council.
- 4. If Council Members choose to express dissent in the media, they should address the policy issues in relation to their disagreement and not make personal criticism of other Council Members or Council Employees. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.

5. For clarity, this policy does not prevent robust public debate on issues considered by Council but provides guidance on how views should be expressed.

5.2 Social Media

1. Council recognises that social media is an important platform for communication and public engagement and, as such, Council Members may establish and maintain their own social media sites.
2. Southern Mallee District Council's website is the principal source of Council's public information, supported by social media platforms.
3. Council Members may link and disseminate key information from official Council media platforms in messaging to the community but should not change the information.
4. Council Members should refrain from linking or disseminating information that is inconsistent with the resolutions of Council.

5.3 Communication and Engagement

Council is open and transparent in its decision making. Council Members, as representatives of Council, will communicate and engage with the community on Council's key directions, providing factual information on the challenges and opportunities respectfully and in accordance with the resolutions of Council.

6. AVAILABILITY

This Policy is available free of charge on the Council's Website: www.southernmallee.sa.gov.au

A copy of the Policy may also be purchased from the Council Office at Lameroo or Pinnaroo, upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

7. REVIEW

This Policy will be reviewed within 12 months after the conclusion of each periodic election or more frequently if legislation or Council requires.

8. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1.0	20 November 2023	Council	Council adopted Behavioural Support Policy as part of Behavioural Management Framework introduced by <i>Statutes Amendment (Local Government Review) Act 2021</i> .	Ordinary Council -15 November 2023