



**CODE OF CONDUCT FOR
COUNCILLORS
COMMITTEE MEMBERS
STAFF**

SUMMARY/INTRODUCTION

This Code of Conduct provides elected members, committee members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in;

- (a) better decision-making by Local Governments;
- (b) greater community participation in the decisions and affairs of Local Governments;
- (c) greater accountability of Local Governments to their communities; and
- (d) more efficient and effective Local Government.

The Code provides a guide and a basis of expectations for elected members, committee members and staff. It encourages a commitment to ethical and professional behavior and outlines principles on which the responsibilities of each individual and the collective Local Government may be based.

DEFINITIONS

“Elected Member” – any person who holds the office of Councillor on the Council of the Shire of Collie, including the Shire President and the Deputy Shire President.

“Staff” – any person who is employed by the Shire of Collie. For the purposes of the sections of the Code of Conduct in relation to employees' disclosure of interests, this shall include a person who under a contract for services with the local government will provide advice or report on a matter.

“Committee Member” – any member appointed to a committee constituted by Council in accordance with Section 5.8 of the *Local Government Act 1995* by virtue of Section 5.10 of that Act, whether a Council member or not.

“Gift” - any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another, without consideration in money.

"Notifiable gift" (as per Section 34B of the Local Government (administration) Regulations 1996) - a gift worth between \$50 and \$300 or a gift that is one of two or more gifts given to the Councillor, committee member or employee by the same person within a period of six months that are in total worth between \$50 and \$300. (This may vary from time to time according to legislation.)

"Prohibited gift" (as per Section 34B of the Local Government (administration) Regulations 1996) - a gift worth \$300 or more or a gift that is one of two or more gifts given to the Councillor, committee member or employee by the same person within a period of six months that are in total worth \$300 or more.

“Council’s Functions” – matters such as planning and development, building regulations, libraries, recreation centres, parks, etc.

“Hospitality” - the provision of food, beverages, travel, accommodation or entertainment offered to convey goodwill on behalf of the giver. Hospitality is a form of gift and the same notifications and prohibitions apply but, for the purpose of this code of conduct, it is dealt with separately.

ROLE OF ELECTED MEMBERS

An Elected Member’s primary role is to represent the community and ensure the effective translation of the community’s needs and aspirations into a direction and future for Collie.

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf. The community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members’ activities will focus on:

- achieving a balance in the diversity of community views, the result being to develop an overall strategy for the future of the community;
- overseeing sound financial management and ensuring accountability in relation to the Local Government’s finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations and Code of Conduct imposed on Councillors and on Local Governments.

CODE OF CONDUCT FOR ELECTED MEMBERS, COMMITTEE MEMBERS AND STAFF

1 Conflict and Disclosure of Interest

1.1 Conflict of Interest

- (a) Councillors, committee members and staff will ensure there is no actual conflict of interest between their personal interests and the impartial fulfillment of their professional duties. In addition, they are to avoid perception by the public of any conflict of interest.
- (b) Councillors, committee members and staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact or may be obtained. Any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Councillors, committee members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Collie which may result in financial gain as a result of the Council's functions (other than purchasing the principal place of residence).
- (d) Councillors, committee members and staff who exercise Council recruitment, or other discretionary functions, will make disclosure to the Chief Executive Officer before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons.
- (e) Councillors, committee members and staff will, when conducting Council business, refrain from political activities and maintain their neutrality and impartiality.

An individual's right to maintain his or her own political convictions is not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination; this is supported by anti-discrimination legislation.

1.2 Financial Interest

Councillors, committee members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

1.3 *Disclosure of Interest*

- (a) Councillors, committee members and relevant staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.
- (c) *Disclosure of Interest affecting impartiality:*

Councillors, committee members and staff must disclose-

- i) Any interest that they have in any matter to be discussed at a Council or Committee meeting that will be attended by the Councillor, committee member or staff member.
- ii) Any interest that they have in any matter to be discussed at a Council or Committee meeting in respect of which the Councillor, committee member or staff member has given, or will give, advice.
- iii) Disclosure of any interest in accordance with 1.3(c) (i) or 1.3(c) (ii) above is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.

2 Personal Benefit

2.1 *Use of Confidential Information*

Councillors, committee members and staff will not use confidential information to gain improper advantage for themselves or any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 *Intellectual Property*

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 *Improper or Undue Influence*

Councillors, committee members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 *Gifts and Bribery*

- (a) Councillors, committee members and staff will not seek (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit for themselves or for any other person or body, relating to their status with the Shire of Collie or their performance of any duty or work which affects or concerns the Shire of Collie.
- (b) If any gift, reward or benefit is accepted (other than gifts from relatives as defined in section 5.74 (1) of the Act, or gifts as defined in regulation 30A of the Local Government (Elections) Regulations 1997), disclosure will be made in a prompt and full manner and in writing in the appropriate register.
- (c) The Chief Executive Officer of the Council shall keep and maintain a register of notifiable gifts.
- (d) Any Councillor, committee member or staff member who accepts a notifiable gift under circumstances outlined in clause 2.4 (a) above is to record the names of the persons who gave and received the notifiable gift, the date of receipt of the notifiable gift and a description together with the estimated value of the notifiable gift.

2.5 *Discretionary disclosures generally*

A relevant person may, at his or her discretion, disclose in any return any direct or indirect benefits, advantages or liabilities, whether financial or not —

- (a) which are not required to be disclosed by any other provision of this Code of Conduct; and
- (b) which the person considers might appear to raise a conflict between the person's private interests and the person's duty as a council member or a designated employee or which he or she otherwise desires to disclose.

2.6 *Hospitality*

Councillors, committee members and staff will not seek (directly or indirectly) from any person or body, any immediate or future hospitality for themselves or for any other person or body, relating to their status with the Shire of Collie or their performance of any duty or work which affects or concerns the Shire of Collie.

- (a) If any hospitality is provided by a not-for-profit or Government organisation then no restrictions are imposed and there is no requirement to declare the hospitality in the 'Notifiable Gifts Register';
- (b) If any hospitality is provided by a commercial or for-profit organisation then Councillors, committee members and staff can accept the hospitality provided that on each and every occasion each and every Councillor, committee member or staff member partaking of the hospitality exceeding \$50, but not more than \$300, declares the hospitality received in the 'Notifiable Gifts Register';

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- (c) The person (Councillor, committee member or staff member) accepting the hospitality is to declare that acceptance as soon as practicable to the Council should the business/organisation providing the hospitality enter into any commercial, or business, or other negotiations with the Council within a period of 12 months from the time the hospitality was provided.

3 Conduct of Councillors, Committee Members and Staff

3.1 Personal Behaviour

- (a) Councillors, committee members and staff will:
- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Collie and the community;
 - (iv) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Shire of Collie.
- (b) Councillors and committee members will represent and promote the interests of the Council, while recognising their special duty to their own constituents.

3.2 Honesty, Integrity and Confidentiality

Councillors, committee members and staff will

- a) observe the highest standards of honesty, integrity and confidentiality and also avoid conduct which might suggest departure from these standards;
- b) bring to the notice of the Shire President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee, to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

3.3 *Performance of Duties*

- a) While on duty, staff will endeavour to give their whole time and attention to the Shire of Collie's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- b) Councillors and committee members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly, fairly and with respect.

3.4 *Compliance with Lawful Orders*

- (a) Councillors, committee members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the property of such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Councillors, committee members and staff will give effect to the lawful policies of the Shire of Collie, whether or not they agree with or approve of them.

3.5 *Corporate Obligations*

(a) Standard of Dress

Staff, Councillors and committee members are expected to comply with neat and responsible dress standards at all times when representing Council. Management or the Shire President reserve the right to raise the issue of dress with individual staff members, Councillors or committee members.

(b) Communication and Public Relations

- (i) The Shire President and the Chief Executive Officer are the authorised spokespeople for the Council on all media related matters, and they may sometimes authorise other staff members to speak on their behalf. No other staff member, Councillor or committee member may speak to the media about Council matters unless expressly authorised by either the Chief Executive Officer or the Shire President.
- (ii) All aspects of communication by staff, Councillors and committee members (including verbal, written or personal), involving the Council's activities, should reflect the status and objectives of the Council. Communications should be accurate, polite and

professional. (i.e. If a Councillor, committee member or staff member personally disagrees with a decision of Council, that view cannot be expressed publicly).

- (iii) Staff, Councillors and committee members should acknowledge that:
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - any information concerning adopted policies, procedures and decisions of the Council must be conveyed accurately.
- (iv) Councillors, committee members and staff should show respect for the decision making processes of the Council which are based on a decision of the majority of the Council.

3.6 *Relationships Between Councillors, Committee Members and Staff*

An effective Councillor and or committee member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Councillors, committee members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Councillors and committee members need to:

- a) accept their role is a leadership, not a management or administrative one;
- b) acknowledge they have no capacity to individually direct members of staff to carry out particular functions;
- c) refrain from publicly criticising staff or Council decisions.

3.7 *Appointments to Committees*

As part of their representative role Councillors are often asked to represent the Council on external organisations. It is important that Councillors:

- a) Clearly understand the basis of their appointment; and
- b) Provide regular reports on the activities of the organisation.

4 Dealing With Council Property

4.1 Use of Government Resources

Councillors, committee members and staff will:

- a) be scrupulously honest in their use of the Shire of Collie's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use Shire of Collie resources entrusted to them effectively and economically in the course of their duties; and
- c) refrain from using the Shire of Collie's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

4.2 Travelling and Sustenance Expenses

Councillors, committee members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Council in accordance with Council policy and the provisions of the Local Government Act.

4.3 Access to Information

- a) Staff will ensure Councillors and committee members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors and committee members.
- b) Councillors and committee members will ensure information provided will be used properly and to assist in the process of making reasonable and sound decisions on matters before the Council.

5 Induction and Acknowledgement

5.1 Induction

In order to be made fully aware of their responsibilities, all Councillors, committee members and staff are to undergo an induction process upon election or appointment.

5.2 Acknowledgement

I have read and understood the Shire of Collie Code of Conduct

SIGNED: _____

POSITION: _____ DATED: _____