



Council Members' Code of Conduct

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Council Members Code of Conduct

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Part 1 - Preliminary

1.1 Title

This is the *City of Wanneroo Code of Conduct for Council Members 2008*.

1.2 Commencement

This Code comes into operation on 11 March 2008.

1.3 Definitions

In this Code, unless the contrary intention appears:

“**Act**” means *Local Government Act 1995*;

“**CEO**” means the chief executive officer of the City;

“**City**” means City of Wanneroo;

“**committee**” means a committee established by the council under the Act;

“**council**” means the council of the City;

“**councillor**” has the meaning given in the Act;

“**elector mayor**” has the meaning given in the Act;

“**member**”, in relation to the council, means –

- (a) an elector mayor of the City; or
- (b) a councillor on the council

“**Rules of Conduct Regulations**” means *Local Government (Rules of Conduct) Regulations 2007*;

1.4 Application

- (1) This Code applies to members.
- (2) This Code does not apply to any employee of the City or to any member of a committee who is not a member.

1.5 Requirement for this Code of Conduct

This Code is adopted by the council as required by section 5.103 of the Act.

1.6 Previous Code

This Code replaces the City of Wanneroo Code of Conduct adopted by the Council on 09 April 2002.

Part 2 - Obligations of members

2.1 General principles

It is a requirement of this Code that members observe the general principles referred to in Regulation 3(1) of the Rules of Conduct Regulations.

Footnote:

Regulation 3(1) of the Rules of Conduct Regulations provides as follows:

General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should –

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) avoid damage to the reputation of the local government; and
- (e) be open and accountable to the public; and
- (f) base decisions on relevant and factually correct information; and
- (g) treat others with respect and fairness; and
- (h) not be impaired by mind affecting substances.

2.2 Land dealings

A member must inform the CEO in writing of an intention to undertake a land dealing within the region or which may otherwise be in conflict with the City's functions (other than the purchase of the member's principal place of residence).

2.3 Personal behaviour

A member must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (b) perform his or her duties impartially and in the best interests of the City;
- (c) act in good faith and fidelity in the interests of the City and the community; and

- (d) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of the member's role, which may cause any reasonable person unwarranted offence or embarrassment.

2.4 Honesty and integrity

A member must:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards; and
- (b) bring any dishonesty or possible dishonesty on the part of a member to the attention of the CEO or the Mayor.

2.5 Performance of role

A member must:

- (a) exercise reasonable care and diligence in the performance of his or her role; and
- (b) be consistent in his or her decision making but must treat all matters on individual merits, in an honest and fair manner.

2.6 Compliance with lawful orders and policies

- (1) A member must comply with any lawful order given by any person having authority to make or give the order, with any doubts as to the propriety of the order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.
- (2) A member must give effect to the lawful policies of the City, whether or not the member agrees with or approves of them.

2.7 Administrative and management practices

A member must ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

2.8 Communication and public relations

As a representative of the community, a member must be not only responsive to community views but must adequately communicate the attitudes and decisions of the council. In doing so, a member must acknowledge that:

- (a) as a member of the council there is respect for the decision making processes of the council which are based on a decision of the majority of the council;

- (b) information of a confidential nature must not be communicated until is no longer treated as confidential;
- (c) information relating to decisions of the council on approvals, permits and so on must only be communicated in an official capacity by a designated officer of the council; and
- (d) information concerning adopted policies, procedures and decisions of the council is conveyed accurately.

2.9 Relationships between members and employees

To be effective, a member must work as part of the council team with the CEO and other employees. That teamwork will only occur if members and employees have a mutual respect and co-operate with each other to achieve the City's corporate goals and implement the City's strategies. To achieve that position a member must:

- (a) accept that his or her behaviour role is a leadership, not a management or administrative one;
- (b) acknowledge that he or she has no capacity to individually direct employees to carry out particular functions; and
- (c) refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

2.10 Appointments

As part of his or her representative role, a member is often asked to represent the council on external organisations. It is important that a member:

- (a) clearly understands the basis of his or her appointment; and
- (b) provides regular reports on the activities of the organisation.

2.11 Use of the City's resources

A member must:

- (a) be scrupulously honest in his or her use of the City's resources and must not misuse them or permit their misuse; and
- (b) not use the City's resources (including the services of the City's employees) for private purposes, unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

2.12 Dealing with Proponents

(1) The provisions of this clause are in addition to, and do not derogate, from the other provisions of this Code.

(2) In this clause:

“Proponent” means a proponent of a Proposal and includes a person who represents the interests of a Proponent;

“Proposal” means:

- (a) a proposed subdivision of land;
- (b) a proposed development of land;
- (c) a proposal involving the exercise of discretion under a planning scheme or under a planning policy or structure plan adopted under a planning scheme;
- (d) a proposed change to a planning scheme including a proposed change to the zoning of land; or
- (e) a proposed change to a planning policy or structure plan adopted under a planning scheme.

(3) This clause 2.12 applies where a Proposal is, or is likely, to be considered by the council.

(4) A member must:

- (a) not make any statements or express any views to a Proponent or a person interested in a Proposal which purports to be on behalf of the council or the City;
- (b) be alert to the motives and interests of a Proponent;
- (c) be aware of which person, organisation or company that the Proponent is representing;
- (d) not give any undertaking to a Proponent or any person interested in the Proposal;
- (e) not do or say anything which could be viewed as giving a Proponent preferential treatment;
- (f) ensure that persons interested in a Proposal are treated fairly and consistently;

- (g) be alert to attempts by Proponents and parties interested in a Proposal to encourage members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration; and
- (h) be careful in dealings with a Proponent or a person interested in a Proposal who is a former member or former employee of the City and make sure that the person is not given or appear to be given favourable or preferential treatment

Part 3 - Matters not dealt with by this Code

3.1 Rules of Conduct Regulations

Members are required by the Rules of Conduct Regulations to observe the rules of conduct prescribed in the Rules of Conduct Regulations and those rules do not form part of this Code.

3.2 The Act

Certain conduct and actions by members constitutes an offence under the Act and is not dealt with by this Code.

Part 4 – Contravention of this Code

4.1 Complaining to CEO of contravention

A person who has reason to believe that a member has contravened a provision of this Code may complain to the CEO.

4.2 Procedure for making complaint

The procedure to be followed by a person making a complaint is to be determined by the CEO.

4.3 Procedure for dealing with complaint

The procedure to be followed in dealing with a complaint is to be determined by the council.