



Shire of Boyup Brook

CODE OF CONDUCT

~~ELECTED MEMBERS AND~~ STAFF

(CURRENTLY UNDER REVIEW)

CODE OF CONDUCT

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1 PREAMBLE

The Code of Conduct provides elected members and staff in the Shire of Boyup Brook 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 Model 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 and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

2 ROLE OF ELECTED MEMBERS

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and 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 to develop an overall strategy for the future of the community;
- achieving sound financial management and 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 imposed on Councillors and on Local Governments.

3 CONFLICT AND DISCLOSURE OF INTEREST

3.1 Conflict of Interest

- (a) Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) 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 obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

3.2 Financial Interest

Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

3.3 Disclosure of Interest

- (a) Members and appropriate 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.

3.4 Disclosure of Interest Affecting Impartiality

As a guide members and staff will disclose an Interest Affecting Impartiality if:

- a) As a result of non disclosure public criticism could be levelled at your association or connection with an individual or organisation.
- b) There could be at a later date a perception by a fair minded person that your non disclosure could cause public anxiety.

4 PERSONAL BENEFIT

4.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for 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.

4.2 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.

4.3 Improper or Undue Influence

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.

4.4 Gifts and Bribery

Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

- (a) “gift” does not include:
- i) a gift from a relative as defined in section 5.74(1);
 - ii) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;

“token gift” means a gift below the value of \$200.

- (b) Members and employees cannot accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business-
- a) that requires the person to obtain any authorisation from the Local Government;
 - b) by way of contract between the person and the Local Government; or
 - c) by way of providing any service to the Local Government
- (c) The CEO is to keep a register of token gifts that are recorded under (d).

- (d) Any member or employee who accepts a token gift from a person referred to in (b) is required to record -
 - a) the names of the persons who gave, and received, the token gift;
 - b) the date of receipt of the token gift; and
 - c) a description, and the estimated value of the token gift.
- (e) Where a member or employee accepts an act of hospitality by way of meals and/or refreshments to a value of less than \$30 and it is deemed to be an acceptable practice or custom and is part of business negotiations this token gift need not be recorded.

4.5 Codes of Conduct (disclosure of Interests Affecting Impartiality) – s.5.103(3)

1. In this regulation –
 - “employee” has the meaning given by section 5.70;
 - “interest” means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.
2. A Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting that will be attended by the member or employee.
3. A Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting in respect of which the member or employee has given, or will give, advice.
4. Any disclosure 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.

5 CONDUCT OF MEMBERS AND STAFF

5.1 Personal Behaviour

(a) 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 (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- (iv) make no allegations which are improper or derogatory (unless true and in public interest) 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 Local Government.

(b) Members will represent and promote the interests of the Shire of Boyup Brook, while recognising their special duty to their own constituents.

5.2 Honesty and Integrity

Members and staff will

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/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.

5.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government'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) 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 and fairly.

5.4 Compliance with Lawful Orders

- (a) 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 propriety of any 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) Members and Staff will give effect to the lawful policies of the Shire of Boyup Brook, whether or not they agree with or approve of them.

5.5 Administrative and Management Practices

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

5.6 Corporate Obligations

(a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

(b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of the Shire of Boyup Brook. Communications should be accurate, polite and professional.
- (ii) As a representative of the community Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:
- 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;
 - 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;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

5.7 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if 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 Members need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

5.8 Appointments to Committees

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

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

6 DEALING WITH COUNCIL PROPERTY

6.1 Use of Local Government Resources

Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties and
- (c) not use the Local Government'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).

6.2 Travelling and Sustenance Expenses

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 Local Government in accordance with Local Government policy and the provision of the Local Government Act.

6.3 Access to Information

- (i) Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
- (ii) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.