

## GOVERNANCE

### G 1.3 Code of Conduct – Elected Members & Committee Members

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.2440
<i>Resolution Date</i>	20/05/2015
<i>Next Scheduled Review</i>	2017
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<p><i>Local Government Act 1995-s5.82 (Gifts) &amp; 5.103 Codes of Conduct</i></p> <p><i>Local Government (Rules of Conduct) Regulations 2007 – Reg 12(1):</i>  <i>Notifiable Gift – between \$50 - \$300</i>  <i>Prohibited Gift – \$300 or more</i></p>

#### OBJECTIVE

To promote an acceptable standards of conduct from Elected Members and Members representing the community on Council Committees.

#### SCOPE

Applies to All Elected Members.

#### POLICY

##### Preamble

The Code of Conduct provides elected members of the Shire of Northam with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability.

The Code is complimentary to the principles adopted in the Local Government Act 1995 and Local Government (Rules of Conduct Regulations 2007) which incorporates four fundamental aims to result in: -

- a) Better decision making;
- b) Greater community participation in the decisions and affairs of the Council;

- c) Greater accountability of the Council to its community; and
- d) More efficient and effective local government

The Code provides a guide and a basis of expectations for elected members. It encourages commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

### **Statutory Environment**

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (s5.103 – Codes of Conduct) and Local Government (Rules of Conduct) Regulations 2007

### **Rules of Conduct**

Council members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinized in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007

### **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 Shire of Northam 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 Council'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 the Shire of Northam.

## **1. Conflict and Disclosure of Interest**

### **1.1 Conflict of Interest**

- (a) Members 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) Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Northam or which may otherwise conflict with the Council's functions (other than purchasing the principal place of residence);
- (c) Members who exercise a function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (d) 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.
- (e) A Council Member is to disclose any interest he or she has in the matter to be discussed at a Council or Committee Meeting that will be attended by the member. Any disclosure to be made at the meeting immediately before the matter is discussed and is to be recorded in the minutes of the relevant meeting.

### **1.2 Pecuniary Interest**

Members will adopt the principles of disclosure of pecuniary interests as contained within the Local Government Act 1995.

### **1.3 Disclosure of Interest**

- (a) Members 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.

## **2. Personal Benefit**

### **2.1 Use of Confidential Information**

Members 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.

## **2.2 Improper or Undue Influence**

Members 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.

## **2.3 Gifts and Bribery**

Refer to Local Government (Rules of Conduct) Regulations 2007 – Reg 12

# **3. Conduct of Members**

## **3.1 Personal Behaviour**

(a) Members will:

- (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 their duties impartially and in the best interests of the Shire of Northam uninfluenced by fear or favour;
  - (c) Act in good faith (i.e. honestly, for the proper purpose and without exceeding their powers) in the interests of the Shire of Northam and the community;
  - (d) Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any conduct, in the performance of their official duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - (e) Always act in accordance with their obligation of fidelity to the Shire of Northam.
- (b) Members will represent and promote the interests of the Shire of Northam, while recognising their special duty to their own constituents.

## **3.2 Honesty and Integrity**

Members will:

- (a) Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- (b) Bring to notice of the 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**

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 functions of the Council, and treat all members of the community honestly and fairly.

### **3.4 Compliance with Lawful Orders**

- (a) Members 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 cannot be achieved, with the Chief Executive Officer.
- (b) Members will give effect to the lawful policies of the Shire of Northam, whether or not they agree with or approve of them.

### **3.5 Administrative and Management Practices**

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

### **3.6 Corporate Obligations**

- (a) Communication and Public Relations

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.

### **1.7 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 cooperate 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 any way that casts aspersions on their professional competence and credibility.

### **3.8 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.

## **4. Dealing With Council Property**

### **4.1 Use of Local Government Resources**

Members will:

- Be scrupulously honest in their use of the Shire of Northam's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- Use the Shire of Northam resources entrusted to them effectively and economically in the course of their duties; and

- Not use the Shire of Northam'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**

Members 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 Shire of Northam in accordance with Shire of Northam policy and the provisions of the Local Government Act 1995.

#### **4.3 Access to Information**

- (a) 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;
- (b) 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.