



## ***CODE OF CONDUCT***

### ***FOR COMMITTEE MEMBERS***

**We conduct ourselves with integrity and are fair  
and honest in our dealings**

**We do not place ourselves in situations that may  
result in divided loyalties**

**We treat everyone with dignity and respect**

**We use the City's resources responsibly and in the  
best interests of the City**

**We are responsible for our actions and accountable  
for their consequences**

*(Adopted by Council on 16 October 2007)*

## **Application of this Code**

This Code does not apply to a committee member who is an elected member or who is an employee.

## **Why we have a Code of Conduct**

The City of Subiaco, as a public institution, must reflect the high standards expected of public officials by the community.

The City is required by law to prepare or adopt a code of conduct for committee members. See section 5.103(1) of the Local Government Act 1995.

## **What is the basis of our Code of Conduct?**

**Ethical Principles:** Our Code of Conduct, which is based on the highest ethical principles of integrity and fairness, respect for people and service to the community, provides us with guidance for our behaviour when we have to make ethical choices.

**Leadership and Service:** Whilst the Code is extensively underpinned by Law, our commitment to the Code goes beyond this and demonstrates our Leadership and Service to the City. We are guided by the City's values in pursuing its Vision to be ***a unique place where people want to be***.

**Our Values:** This Code helps to clarify what it means to put the City's values into practice. We can apply the Code in any particular situation by asking ourselves "What is the right thing to do?".

## **Making Our Code of Conduct Work**

Each of us has an individual responsibility to make this code work. It does not matter whether the breach is intended or unintended. Breaches of this Code harm our reputation, reduce public trust and disrupt the proper functioning of the City.

## **Handling Breaches**

When we believe that an actual or perceived breach of this Code has occurred we will act promptly to deal with it. In the first instance, if we feel competent to handle the situation, we will discuss the matter with the person involved and seek to resolve the matter informally and directly. If this is unsuccessful, we will report our concerns.

In dealing with breaches we will avoid undue concern to others by presenting factual information, not rumour or suspicion, and will not make unsubstantiated allegations. Nothing in these provisions prevents us from reporting matters directly to the police or appropriate outside authority. In this situation, we will advise the Mayor and/or CEO.

Any actual or perceived breach of this Code by a committee member will be reported to the Mayor. Matters reported will be treated in the strictest confidence until appropriate action has been taken.

Unless they are the subject of the report, the Mayor will handle the matter, with the CEO providing professional support.

If discussions involving the Mayor are unsuccessful, the complainant may refer the matter to the Council for consideration.

## **CITY OF SUBIACO CODE OF CONDUCT FOR COMMITTEE MEMBERS**

### **1. WE CONDUCT OURSELVES WITH INTEGRITY AND ARE FAIR AND HONEST IN OUR DEALINGS**

#### **1.1 Respect the law and observe this Code**

We will ensure that in our City-related duties we always act, and are seen to act, properly and according to the requirements of the Law and this Code of Conduct. We will inform ourselves of the statutory obligations imposed on us because ignorance is not an excuse for breaching the Code. Where we are in doubt we accept our responsibility to make an effort to resolve the doubt. In this way we will maintain and enhance the reputation of our City and demonstrate our commitment to the Council's values.

#### **1.2 Act honestly and with integrity**

We will observe the highest standards of honesty, probity and integrity, and avoid any conduct that might suggest a departure from these standards. We will be loyal and act in good faith (ie honestly, for the proper purpose, and without exceeding our powers) in the interests of the City. We will not tolerate dishonesty.

#### **1.3 Exercise fairness and impartiality**

We will perform all our duties impartially and in the best interests of the City uninfluenced by fear or favour. We will be consistent in decision making whilst treating all matters on their individual merits. We will conduct our business respectfully, courteously and fairly. We will refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment. We will be particularly mindful to avoid interfering in commercial relationships between developers and affected persons or developers competing for the right to develop.

#### **1.4 Use of influence**

We recognise that the improper use of power is always unacceptable. We will not take advantage of our position to improperly influence others in the performance of their duties or functions to gain directly or indirectly any advantage or gain for ourselves or for any other person or body.

## **2. WE DO NOT PLACE OURSELVES IN SITUATIONS WHICH MAY RESULT IN DIVIDED LOYALTIES**

In all these areas of potential divided loyalty it does not matter whether advantage is actually obtained because any appearance that our actions could conflict with an impartial fulfilment of our public duties must be scrupulously avoided.

### **2.1 Personal benefit**

We have a duty to ensure that we do not seek or receive actual or perceived personal benefit from our position or status with the City or our performance of any duty related to the City.

Guidance on specific areas where the seeking or receiving of actual or perceived benefit by any of us is unacceptable includes:

**Purchasing offers and inducements:** We will not allow any company or individual with a proprietary or beneficial interest to pay or contribute to any expenses associated with the inspection, evaluation or trial of their goods and services, except where the City requires payment of those expenses as a standard condition for all parties with an interest in providing goods or services to the City.

### **2.2 Conflict of role**

We recognise that each of us has roles apart from our committee roles. When we are interacting with the City on any matter in a capacity other than our official one the following guidance is provided:

- (a) We will deal with elected members, committee members or staff through a third party. Where this is not practicable we will communicate only with the CEO and make it clear that we are not acting in our official capacity.
- (b) The matter will be dealt with by full Council and any delegation to a Committee or officer will not apply.
- (c) Where appropriate, contract resources may be engaged to deal with the matter rather than staff.

### **3. WE TREAT EVERYONE WITH DIGNITY AND RESPECT**

#### **3.1 Our City relationships**

We will all work together courteously and effectively as part of the City team. Our relationships will be based on our mutual respect for each other and our committed co-operation to achieve the City's goals and implement its strategies. In all our official dealings with each other we will be frank and honest and always endeavour to resolve any serious conflict through discussion. If necessary, this can be facilitated by either the Mayor and/or the CEO.

To achieve these relationships, all committee members will:

- (a) Accept that their role is one of community representation, and not a management or administrative role;
- (b) Acknowledge that they have no capacity to individually direct or unduly influence members of staff in carrying out particular functions;
- (c) Refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility;
- (d) Ensure that no restrictions or undue influence is placed on the ability of staff to give their professional advice to the Council.

#### **3.2 Communication and public relations**

To ensure accountability and transparency in our activities we will effectively communicate with and promote participation by all sections of our community. All aspects of our City-related communication, including verbal, written or personal communications, will be accurate, polite and professional. We will not publicly reflect adversely upon any decision of the Council or employees.

Committee members will be responsive to community views and accurately and adequately communicate the adopted policies, procedures and decisions of the City. In doing so Committee members will demonstrate their respect for the Council's majority decision making processes.

Confidential information will not be communicated until we are sure that it is no longer treated as confidential. Information relating to Council decisions on approvals, permits and so on will only be communicated in an official capacity by a designated officer of the City.

### **3.3 Avoid derogatory statements**

We will not make any allegations that are derogatory. We will always act in the best interests of the City and refrain from any type of communication, in our public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment. When we are uncertain about the probable impact of our communications we should seek access to legal advice.

## **4. WE USE THE CITY'S RESOURCES RESPONSIBLY AND IN THE BEST INTERESTS OF THE CITY**

### **4.1 Dealing with City resources**

We have a duty of care to ensure that all resources entrusted to us are used only in a proper manner and for their proper purpose. We will avoid any extravagance and waste. We will be scrupulously honest in our use of City property including funds, equipment, software, intellectual property and information, and not misuse or permit its actual or perceived misuse by any other person or body. We will not use City resources (including staff time, stationery and photocopying) for private purposes, unless properly authorised to do so, and appropriate payments are made.

Guidance on specific areas of concern in the use of City resources includes:

- (a) City funds, employees and equipment:** In undertaking our duties, City facilities, funds, employees, materials, software and equipment if provided will always be used lawfully, efficiently and effectively.
- (b) Intellectual property:** Intellectual property comes in many forms and includes Council records, minutes of meetings, plans and software. The title to all intellectual property in all official City duties vests upon its creation in the City, unless otherwise assigned by separate contract. We will always request authorisation for the use of the City's intellectual property when outside our official City duties. The CEO has discretion to require payment for the use of the City's intellectual property. We will make no unauthorised use of any information or intellectual property produced or registered by employees or external contactors for the City.
- (c) Post-separation use of City information:** Any confidential information we gain as a result of our involvement with the City remains the property of the City. We will not disclose it unless properly authorised or required to do so by law even after ceasing our involvement with the City.

**5. WE ARE RESPONSIBLE FOR OUR ACTIONS AND ACCOUNTABLE FOR THEIR CONSEQUENCES**

We will all work with a positive attitude towards achieving the goals of the City and be accountable for those outcomes over which we have control. We will honestly and fully report the results of our actions and ensure responsible and scrupulous public administration. We will be responsible for taking steps to ensure compliance with this Code.

## 6. USE OF INFORMATION

A person who is a committee member must not disclose:

- (a) Information that the committee member derived from a confidential document; or
- (b) Information that the committee member acquired at a closed meeting other than information derived from a non-confidential document.

This Section does not prevent a person who is a committee member from disclosing information:

- (a) At a closed meeting; or
- (b) To the extent specified by the council and subject to such other conditions as the council determines; or
- (c) That is already in the public domain; or
- (d) To an officer of the Department; or
- (e) To the Minister; or
- (f) To a legal practitioner for the purpose of obtaining legal advice; or
- (g) If the disclosure is required or permitted by law.

In this Section:

**“closed meeting”** means a committee meeting, or a part of a committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**“confidential document”** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

**“non-confidential document”** means a document that is not a confidential document.

## **7. SECURING PERSONAL ADVANTAGE OR DISADVANTAGING OTHERS**

A person who is a committee member must not make improper use of the person's office as a committee member:

- (a) To gain directly or indirectly an advantage for the person or any other person; or
- (b) To cause detriment to the City or any other person.

## **8. MISUSE OF LOCAL GOVERNMENT RESOURCES**

A person who is a committee member must not either directly or indirectly use the resources of the City:

(a) For the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*; or

(b) For any other purpose,

unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.

**9. PROHIBITION AGAINST INVOLVEMENT IN ADMINISTRATION**

A person who is a committee member must not undertake a task that contributes to the administration of the City.

## **10. RELATIONS WITH LOCAL GOVERNMENT EMPLOYEES**

A person who is a committee member must not:

- (a) Direct or attempt to direct a person who is an employee of the City to do or not to do anything in the person's capacity as the City's employee; or
- (b) Attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is an employee of the City in the person's capacity as the City's employee.

If a person, in his or her capacity as a committee member, is attending a committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means:

- (a) Make a statement that an employee of the City is incompetent or dishonest; or
- (b) Use offensive or objectionable expressions in reference to an employee of the City.

## 11. DISCLOSURE OF INTEREST

A person who is a committee member and who has an interest in any matter to be discussed at a committee meeting attended by the committee member must disclose the nature of the interest:

- (a) In a written notice given to the CEO before the meeting; or
- (b) At the meeting immediately before the matter is discussed.

This Section does not apply if:

- (a) Person who is a committee member fails to disclose an interest because the person did not know he or she had an interest in the matter; or
- (b) A person who is a committee member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

If, under this Section, a person who is a committee member discloses and interest in a written notice given to the CEO before a meeting then:

- (a) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

If:

- (a) a person's interest in a matter is disclosed at a meeting; or
- (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minute of the meeting.

In this Section:

**“interest”** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

## 12. GIFTS

A person who is a committee member must not accept a prohibited gift from a person:

- (a) who is undertaking or seeking to undertake; or
  - (b) who it is reasonable to believe is intending to undertake,
- an activity involving a local government discretion.

A person who is a committee member and who accepts a notifiable gift from a person:

- (a) who is undertaking or seeking to undertake; or
- (b) who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with this Section.

Notification of the acceptance of a notifiable gift is to be in writing and is to include:

- (a) the name of the person who gave the gift; and
  - (b) the date on which the gift was accepted; and
  - (c) a description, and the estimated value, of the gift; and
  - (d) the nature of the relationship between the person who is a council member and the person who gave the gift; and
  - (e) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition):
    - (i) a description; and
    - (ii) the estimated value; and
    - (iii) the date of acceptance,
- of each other gift accepted within the 6 month period.

In this Section:

**“activity involving a local government discretion”** means an activity:

- (a) that cannot be undertaken without an authorisation from the City; or
- (b) by way of a commercial dealing with the City;

**“gift”** has the meaning given to that term in section 5.82(4) of the Act except that it does not include:

- (a) a gift from a relative as defined in section 5.74(1) of the Act; or
- (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from statutory authority, government instrumentality or non-profit association for professional training;

**“notifiable gift”**, in relation to a person who is a committee member, means:

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the committee member by the same person within a period of 6 months that are in total worth between \$50 and \$300;

**“prohibited gift”**, in relation to a person who is a committee member, means:

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the committee member by the same person within a period of 6 months that are in total worth \$300 or more.