

SHIRE
OF

CUBALLING

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

Adopted: 16th November 2017

Foreword

A Message from the Shire President

The Council first adopted a Code of Conduct for Councillors, Committee Members and Staff of the Shire of Cuballing in May 1997. This was subsequently reviewed in 2000, 2004, 2005 and 2008.

A Code of Conduct is a requirement of Section 5.103 of the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

This Code has been prepared using the requirements of the Act and also the Western Australian Local Government Association's Model Code of Conduct as a guide.

Our aim is to ensure that Councillors and Employees understand the minimum acceptable standards of conduct in the carrying out of their duties.

I believe that this Code of Conduct will assist Councillors, Committee Members and Employees ensure that our core values of Transparency, Honesty, Respect, Dedication, Proactivity and Cohesiveness are achieved.

It is intended that the Code of Conduct be an effective system of self-regulation to carry out all local government functions with appropriate governance within the Shire of Cuballing.

I therefore commend the Code of Conduct to all Councillors, Committee Members and Employees in our organisation's quest to maintain the highest possible standards of professional conduct.

Mark Conley
SHIRE PRESIDENT

16th November 2017

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PREAMBLE

This Code of Conduct provides Councillors, committee members and staff in the Shire of Cuballing with consistent guidelines for a minimum standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in our Local Government.

The Code encourages a commitment to ethical and professional behaviour.

The Code complements the “General “Principles” guiding the behaviour of Councillors as prescribed in the Local Government (Rules of Conduct) Regulations 2007 being:

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

Councillors also acknowledge that they will abide by the “Rules of Conduct” as prescribed in the Local Government (Rules of Conduct) Regulations 2007.

Role of the Council

In addition to those roles prescribed by the Local Government Act 1995, the Council will adopt the principle of working under a “Board of Directors” style of management. This means Council will focus on:

- Policy setting and review;
- Strategic direction & priority setting;
- Allocation of resources; and
- Establishing and monitoring financial and performance indicators.

Council will not involve itself in the day-to-day management of the Shire’s operations.

Role of Councillors

The role of a Councillor is as follows:

- (a) Represent the interests of all electors, ratepayers and residents of the District.
- (b) Provide leadership and guidance to the community in the District.
- (c) Facilitate communication between the community and the Council.
- (d) Participate in the Local Government’s decision-making processes at Council and Committee Meetings.
- (e) Perform such other functions as are given to a Councillor by the Local Government Act 1995 or any other written law.

This means that 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 Cuballing.

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, Councillors' 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.

1. CONFLICT AND DISCLOSURE OF INTEREST

1.1 Conflict of Interest

- (a) Councillors, committee 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 Shire of Cuballing, 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) Councillors and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Cuballing or which may be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Councillors and Staff who exercise 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 during working hours or which relate directly to their role in the Shire of Cuballing, 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.

1.2 Financial and Proximity Interest

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

1.3 Disclosure of Interest

- (a) Councillors, committee 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.

1.4 Impartiality Interest

Councillors, committee members and staff will adopt the principles of disclosure of an interest that may affect impartiality as contained within the Local Government (Administration) Regulations. In this regard Councillors, committee Councillors and staff are to disclose any interest that he or she has in any matter to be discussed at a Council or Committee meeting:

- (a) That they will be attending;
- (b) That they have given or will give advice; and
- (c) Immediately before the matter is discussed or at the time advice is given and be recorded in the Minutes of the meeting.

and this disclosure is to be recorded in the minutes of that 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 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 Intellectual Property

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

2.3 Improper or Undue Influence

Councillors, committee members and staff will not take advantage of their position to improperly influence other Councillors 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 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 who is undertaking, or likely to undertake, business:

- that requires the person to obtain any authorisation from the local government;
- by way of contract between the person and the local government; or

- by way of providing any service to the local government.
- (b) If any gift, reward or benefit is offered or gifts of a token kind accepted, disclosure will be made promptly (within 10 days) and fully in writing to the Chief Executive Officer who will record such gifts in the Gift Register.
 - (c) For the purpose of paragraph (a), a token gift or moderate act of hospitality for Councillors shall have a minimum value of \$50 and a maximum value of \$300, provided that multiple token gifts and hospitality from one person or body in the same calendar year shall not exceed these amounts in aggregate.
 - (d) For the purpose of paragraph (a), a token gift or moderate act of hospitality for staff shall have a minimum value of \$0 and a maximum value of \$50 for gifts and \$100 for moderate acts of hospitality, provided that multiple token gifts and hospitality from one person or body in the same calendar year shall not exceed these amounts in aggregate.
 - (e) Acceptance of gifts valued (individually or collectively) for more than \$300 are strictly prohibited for Councillors, committee Councillors or staff.

3. CONDUCT OF COUNCILLORS AND STAFF

3.1 Personal Behaviour

- (a) Councillors and staff will:
 - act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - perform their duties impartially and in the best interests of the Shire of Cuballing uninfluenced by fear or favour;
 - act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Cuballing and the community;
 - 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
 - always act in accordance with their obligation of fidelity to the Shire of Cuballing.
- (b) Councillors will represent and promote the interests of the Shire of Cuballing, while recognising their special duty to their own constituents.

3.2 Honesty and Integrity

Councillors, committee 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 President any dishonesty or possible dishonesty on the part of any other member or the Chief Executive Officer, and in the case of an employee to the Chief Executive Officer.

- (c) be frank, honest and tactful in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Shire of Cuballing'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 Shire of Cuballing.
- (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. Councillors will be as informed as possible about the functions of the Council, and treat all Councillors of the community honestly and fairly.

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 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) Councillors, committee members and Staff will give effect to the lawful decisions of Council, Committee Meetings and policies of the Shire of Cuballing, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

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

3.6 Corporate Obligations

- (a) Standard of Dress

Councillors and Staff are expected to comply with neat and respectable dress standards at all times.

Management reserves the right to the right to adopt policies relating to corporate dress and raise the issue of dress with individual staff.

- (b) Communication and Public Relations
 - (i) The Shire President and the Chief Executive Officer (or their delegated nominees) are the only people authorised to represent the views of the Council or the Shire to the media.
 - (ii) All aspects of communication by staff (including verbal, written or person), involving the Shire's activities should reflect the status and objectives of the Shire of Cuballing. Communications should be accurate, polite and professional.
 - (iii) As a representative of the community Councillors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council.

In doing so Councillors 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 and Councillors will publicly support Council's decisions even if they are contrary to their own personal views;
- 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.

3.7 Relationships between Councillors and Staff

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

(a) Councillors need to:

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

(b) Staff need to:

- accept that their role is a management, operational or administrative one;
- acknowledge that they will not show bias towards individual Councillors or act in any manner that may suggest an absence of impartiality;
- refrain from publicly criticising Councillors or decisions of Council in a way that casts aspersions on their competence and credibility.

3.8 Appointments to External Committees

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

- 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

Councillors and staff will:

- (a) be scrupulously honest in their use of the Shire of Cuballing'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 resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Shire of Cuballing's resources or equipment (including the services of Council staff) for private purposes other than when supplied as part of a contract of employment or when hired for the relevant fee as a member of the public in accordance with Council Policy.

4.2 Travelling and Sustenance Expenses

Councillors 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 Shire of Cuballing in accordance with Council policy and the provisions of the Local Government Act.

4.3 Access to Information

- (a) Staff will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.
- (b) Councillors 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.