



CITY OF GERALDTON-GREENOUGH

CODE OF CONDUCT

JANUARY 2008

This is a controlled document of the City of Geraldton – Greenough

Originated date: 1st July 2007

Review Date: 28th December 2007

Version: 1

Mayor City of Geraldton-Greenough.....

Signature Chief Executive Officer.....

Adopted by Council on

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PREFACE

The model Code of Conduct provides Elected Members ('Members') and Staff of the City of Geraldton-Greenough 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 in individual Local Governments.

The Code of Conduct is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

- Better decision making by the City.
- Greater community participation in the decisions and affairs of the City.
- Greater accountability of local governments in their communities; and
- 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.

Role of Elected Members

A Councillors 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 Councillors 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 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 City finances;
- Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns.
- Having an awareness of statutory obligations imposed on Councillors and on Local Government.

1.0 DISCLOSURE OF INTEREST

1.1 Disclosure of Interest

Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act – Section 5.59. It is not always easy to determine if a conflict is financial or affects impartiality; it may in fact have elements of both. Ignorance of the law requiring disclosures is not a defence.

“**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.

A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests. It's not wrong to have a conflict of interest, what matters is how you deal with it.

1.2 Public Duty

Public Duty is the obligation public officers have when carrying out their official duties to put the public interest first.

Putting the public interest first means:

- Being impartial and unbiased;
- Acting fairly and justly;
- Being accountable and transparent;
- Doing our job effectively and efficiently; and
- Behaving in accordance with the City of Geraldton-Greenough Code of Conduct.

A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the 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.

1.3 Private Interests

Private interests are those interests that can bring benefit or disadvantage to us as individuals or to others whom we may wish to benefit or disadvantage.

1.4 Financial Interest

A financial interest exists when it is reasonable to expect that the matter will, if dealt with by the local government, in any particular way, result in a financial gain, loss, benefit or detriment for the person or a close associate.

Financial interests are not just situations where money changes hands but can also involve anything with a financial value, such as, owning property, business partnership, position in a company, election donations, shares, debts, hospitality and gifts.

1.5 Impartiality Interest

Interests effecting impartiality are interests that would give rise to a reasonable belief that the impartiality of the person having interest would be adversely affected.

Interest affecting impartiality does not have a financial component or value. They involve:

- family relationships;
- friends and enemies;
- religious and cultural obligations;
- memberships in clubs, groups or organizations;
- beliefs, values and attitudes;
- volunteer commitments;
- reputation, power and influence.

Where a councillor, employee or other person has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should, wherever possible, seek expert legal or other appropriate advice and act accordingly.

1.6 The Decision to Disclose

The decision making and management process involves the following:

- Identify – involves assessing the situation and surrounding circumstances, including the private interests of the person affected to determine whether a conflict between a public officers public and private interests exists and that is significantly motivating to require reporting.
- Manage – involves formally reporting or disclosing the potential conflict, recording that disclosure and deciding if additional management strategies are required. Where further management is required, choosing an appropriate strategy, recording the approved plan to resolve/manage the conflict and implement.
- Monitor – implementation is monitored, progress/outcomes are recorded and effectiveness/appropriateness of the management plan is reviewed and re-assessments made as required by changes in circumstances.

The primary goal in managing conflicts of interest is to ensure that decisions are made, and seem to be made, on proper grounds for legitimate reason, in good faith and in the best interests of both the Local government and its customers.

2.0 PERSONAL BENEFIT

2.1 Use of Confidential Information

Members and staff shall not use confidential Council 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 City upon its creation unless otherwise agreed by separated contract.

2.3 Improper or Undue Influence

Members and staff shall 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.

2.4 Gifts

2.4.1 “**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 a statutory authority, government instrumentality or non-profit association for professional training;

“**notifiable gift**” means –

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

“**prohibited gift**” means –

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

2.4.2 A person who is a council or staff 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.

2.4.3 A person who is a council or staff 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 subregulation (4) of the Local Government (Rules of Conduct) Regulations 2007.

2.4.4 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.

3.0 CONDUCT OF MEMBERS AND STAFF

3.1 Personal Behaviour

- (a) Members and staff shall:-
 - Act, and be seen to act, in accordance with the requirements of the law and the terms of this Code;

- Perform their duties impartially and in the best interests of their communities, uninfluenced by fear of favour.
- Act in good faith (i.e. Honesty, for the purpose, and without exceeding their powers) in the interest of the City of Geraldton-Greenough 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 obligations of fidelity to the City of Geraldton-Greenough.

- (b) Members will represent and promote the interests of the City of Geraldton-Greenough, while recognising their special duty to their own constituents.
- (c) The Code of Conduct has been prepared to provide all staff employed by Council with consistent guidelines for acceptable standard of professional conduct and mutual respect within the office.

Any member of Staff who does not abide by the guidelines of the Code of Conduct will be disciplined as per the City's performance counseling process. In summary, Staff will receive one casual comment, followed by one verbal warning, followed by one written warning (three reprimands) and then dismissal. Dismissal will occur if the code of conduct guidelines and expected performance / conduct is continued to be disregarded once it has been brought to the Staff members attention on three occasions (depending on the severity).

Guidelines are as follows:

1. No staff member shall in any way be verbally aggressive, intimidating or derogatory to another staff member, including swearing.
2. Any staff member who requires discipline for work related issues should only be addressed by their appropriate Line Supervisor in privacy, and all matters relating to this should be treated in a confidential matter.
3. Any Staff member who needs to discuss work related problems with other staff members will do so in a courteous and non aggressive manner.
4. Differences of opinions should be discussed only between the parties involved and should not be discussed with other staff Members, with the exception of the Supervisor, grievance Officer or Union Representative, should a mediator be required.

5. Any Line Supervisor witnessing verbal harassment will deal with the situation immediately and appropriately.

3.2 Particular Obligations of Staff

An employee must:

- while on duty give the whole of his or her time and attention to the business of the City and ensure that his or her work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions; and
- Give effect to the lawful policies, decisions and practices of the City, whether or not the employee agrees with or approves of them.

3.3 Honesty and Integrity

Members and Staff will-

- (a) Observe the highest of standards of honesty and integrity, and avoid conduct which might suggest any departure for these standards.
- (b) Bring to notice of the Mayor any dishonesty or possible dishonesty on the part of any member or Chief Executive Officer, and in the case of other employees, to the Chief Executive Officer.
- (c) Be frank and honest in their official dealings with each other.
- (d) A Councillor, employee or other person who knows or has good reasons to suspect any fraud, corrupt, criminal or unethical conduct must report it immediately to the City's Public Interest Disclosure Officer (PID Officer) or Chief Executive Officer.

3.4 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the City of Geraldton-Greenough 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 City.
- (b) Members will at all time exercise reasonable care and diligence in the performance of their duties, being consistent in their decisions 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 and fairly.

3.5 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 Supervisor 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 Local Government, whether or not they agree with or approve of them.

3.6 Administrative and Management Practices

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

3.7 Corporate Obligations

- (a) Standard of Dress

Staffs are expected to comply with the City's dress guidelines at all times. Management reserves the right to raise the issue of dress with individual staff.

- (b) Communications and Public Relations
 - (i) All aspects of communication by Staff (including verbal written or personal), involving the City's activities should reflect the status and objectives of the City. 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 relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by designated officers of the Council;
 - Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

3.8 Relationship between Members and Staff

As effective Councillors will work as part of the Council team with the Chief Executive Officer and other members of staff. The teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Councils' 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 publicity criticising staff in a way that casts aspersions on their professional competence and credibility.

3.9 Appointments of 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 appointments; and
- Provide regular reports on the activities of the organisation.

4.0 DEALING WITH COUNCIL PROPERTY

4.1 Use of Local Government Resources

Members and staff will:

- (a) be scrupulously honest in their use of the City resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the City resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the City resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorized to do so, and appropriate payments are made (as determined by the Chief Executive Officer)

Note: A councillor, employee or other person should at all times be scrupulously honest in the use of the City's resources of all kinds, both physical and human. Use of such resources, whether for official or authorized private purposes, should be in accordance with the City's policy concerning payment of expenses, provision of facilities and any other relevant policy. A councillor, employee or other person should not use his or her position to obtain any benefit that would not otherwise be available.

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

4.3 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 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.

5.0 REFERENCES

Local Government (Official Conduct) Amendment Act 2007