

## 4.2 CODE OF CONDUCT FOR COUNCIL MEMBERS AND COMMITTEE MEMBERS

### SUSTAINABILITY THEME

Governance

### OBJECTIVES

The primary objective of this Code of Conduct is to set out the standards of behaviour expected of Council Members and Committee Members. The code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in Local Government.

### POLICY STATEMENT

This Code of Conduct applies to Council Members and Committee members of the City of Greater Geraldton.

### PREAMBLE

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 local governments;
- greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

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

*Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007*

#### **3. General principles to guide the behaviour of council members**

- (1) *General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —*
- (a) *act with reasonable care and diligence; and*
  - (b) *act with honesty and integrity; and*
  - (c) *act lawfully; and*
  - (d) *avoid damage to the reputation of the local government; and*
  - (e) *be open and accountable to the public; and*
  - (f) *base decisions on relevant and factually correct information; and*
  - (g) *treat others with respect and fairness; and*
  - (h) *not be impaired by mind affecting substances.*

### RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* .s. 5.103- *Codes of Conduct*, and *Local Government (Rules of Conduct) Regulations 2007*.

## VALUES

These values establish the parameters within which Council Members and Committee members are expected to work in order to build the desired culture within our organization and to which all will be held accountable. The City's values are:

- Service
- Trust
- Accountability
- Respect
- Solidarity



## 1. ROLES

### 1.1. Role of Council Member

The primary role of a Council Member 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 Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995.

*Section 2.10 Local Government Act 1995*

#### **2.10. Role of councillors**

*A councillor —*

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

A Council Member 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, Council 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 Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

## 1.2. Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

*Local Government Act 1995*

**2.7. Role of council**

- (1) *The council —*
- (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
- (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

## 1.3. Relationships between Council Members and Employees

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 Council Members and employees 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, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

- 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 employees in a way that casts aspersions on their professional competence and credibility.

***Local Government ( Rules of Conduct) Regulations 2007***

**10. Relations with local government employees**

- (1) *A person who is a council member must not —*
- (a) *direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or*
  - (b) *attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.*
- (2) *Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*
- (3) *If a person, in his or her capacity as a council member, is attending a council meeting, 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 a local government employee is incompetent or dishonest; or*
  - (b) *use offensive or objectionable expressions in reference to a local government employee.*

## 2. CONFLICTS AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

Council Members and Committee Members will ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their public duties and functions.

In applying this principle:

- Council Members and Committee Members must lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the

district or which may otherwise be in conflict with the City's functions (other than purchasing or leasing their principal place of residence);

- Council Members and Committee Members who exercise a discretionary function must make written disclosure to the Chief Executive Officer before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons during the matter requiring a discretionary function;

## 2.2 Financial Interests

Council Members and Committee Members will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

### **Local Government Act 1995**

*Sections 5.59-5.90 establish the requirements for disclosure by Elected Members, a Committee Members or employees of financial interests (including proximity interests).*

The onus is on members to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists, and whether any statutory exemption applies.

## 2.3 Impartiality Interest

For the purposes of this code the meaning of impartiality interest has the meaning given in Regulation 11(1) of the *Local Government (Rules of Conduct) Regulations 2007*.

### **Local Government ( Rules of Conduct) Regulations 2007**

#### **11. Disclosure of interest**

(1) *In this regulation —*

**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.

An impartiality interest does not apply to an interest referred to in section 5.60 of the Act, a financial interest or a proximity interest.

### 2.3.1 Requirement to Disclose

A Member who has an impartiality interest in any matter to be discussed at a Council or Committee Meeting attended by that person must disclose the nature of the impartiality interest

- In a written notice given to the Chief Executive Officer before the meeting ; or
- At the meeting immediately before the matter is discussed.

### **Local Government ( Rules of Conduct) Regulations 2007**

#### **11. Disclosure of interest**

(2) *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 —*

- in a written notice given to the CEO before the meeting; or*
- at the meeting immediately before the matter is discussed.*

A Member is excused from the requirements to disclose an impartiality interest if the failure to disclose occurs because the person:

- did not know he or she had an impartiality interest in the matter; or
- the person did not know that the matter in which he or she had an impartiality interest would be discussed at the meeting, and the person discloses the interest as soon as possible after becoming aware of the discussion of that matter.

**Local Government ( Rules of Conduct) Regulations 2007:**

4) Subregulation (2) does not apply if —

- (a) a person who is a council 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 council 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.

The disclosure of an impartiality interest does not affect the ability of the member to discuss or vote on the matter.

### 2.3.2 Notice of Recording

Where an impartiality interest is disclosed in a written notice given to the Chief Executive Officer:

- before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- 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.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting the nature of the interest is to be recorded in the minutes of the meeting.

## 2.4 Disclosure of Financial Interests in Returns

Council Members must lodge with the Chief Executive Officer a primary return in the prescribed form within three months of their start date, and an annual return in the prescribed form by the 31 August of each year, in accordance with the requirements of section 5.75 and 5.76, of the *Local Government Act 1995*.

*Local Government Act 1995.*

**5.75. Primary returns**

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
- (3) This section does not apply to a person who
  - (a) has lodged a return within the previous year; or
  - (b) has, within 3 months of the start day, ceased to be a relevant person.

*Penalty: \$10 000 or imprisonment for 2 years.*

**5.76. Annual returns**

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

*Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.*

## 3. PERSONAL BENEFIT

### 3.1 Use of Confidential Information

Council Members and Committee Members shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent

with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Council Members and Committee Members must not disclose to another person, unless it is required for the performance of their duties at the City, written or oral information that is provided to them, or obtained by them, in confidence or, in the case of a document, is marked by the Chief Executive Officer to be confidential.

Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

*Local Government (Rules of Conduct) Regulations 2007 prohibit a Council Member from disclosing confidential information, or information acquired at a closed meeting.*

**6. Use of information**

(1) *In this regulation —*

**closed meeting** means a council or committee meeting, or a part of a council or 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.

(2) *A person who is a council member must not disclose —*

(a) *information that the council member derived from a confidential document; or*

(b) *information that the council member acquired at a closed meeting other than information derived from a non-confidential document.*

Nothing in this section prevents a Council member from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

*Local Government Rules of Conduct ( Regulations) 2007*

**6. Use of information**

(3) *Subregulation (2) does not prevent a person who is a council 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.*

### 3.2 Improper Use of Information

Council Members must not make improper use of any information acquired in the performance by the person of any of his or her functions under the Local Government Act 1995 or any other written law.

*Local Government Act 1995*

**5.93. Improper use of information**

*A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —*

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

*Penalty: \$10 000 or imprisonment for 2 years.*

### 3.3 Improper or Undue Influence

Council Members and Committee Members will not take advantage of their position to improperly influence other Council Members or employees 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.

Council Members or Committee Members shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.

Similarly, Council members and committee members shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

*Regulation 7 of the Local Government (Rules of Conduct) Regulations 2007*

**7. Securing personal advantage or disadvantaging others**

*(1) A person who is a council member must not make improper use of the person's office as a council member —*

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

## 4. GIFTS

*Definitions:*

*In this section and in accordance with Regulation 12 of the Local Government (Rules of Conduct) Regulations 2007-*

**12. Gifts**

*(1) In this regulation —*

**activity involving a local government discretion** means an activity —

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

**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; or*
- (d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072);*

**notifiable gift**, in relation to a person who is a council 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 council 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 council member, 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.

In general, Council and Committee Members must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the City.

Despite the general presumption against seeking or accepting gifts or acts of hospitality, Council members may accept some types of gifts which are excluded from this Code's coverage.

For the purposes of this Code, a gift has the extended meaning set out in section 5.82(4) of the *Local Government Act 1995*:

Local Government Act 1995

**5.82 (4) gift** means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

#### 4.1 Prohibited Gifts

A person who is a Council or Committee Member must not accept a prohibited gift from a person —

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

#### 4.2 Notifiable Gifts

A person who is a Council Member or Committee Member may accept a notifiable gift. However if the notifiable gift is from a person —

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

The Member must, within 10 days of accepting the gift, notify the CEO of the acceptance of the gift.

Notification is to be in writing and is to include —

- the name of the person who gave the gift; and
- the date on which the gift was accepted; and
- a description, and the estimated value, of the gift; and
- the nature of the relationship between the person who is a council member and the person who gave the gift; and



- 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.

This clause does not apply to gifts received from a relative (as defined in S.5.74(1) of the Local Government Act 1995 .

The CEO must maintain a register of gifts in which notification are recorded.

#### **4.3 Gifts received on behalf of the City**

Nothing in this Code prevents a gift from being received on behalf of the City in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the Chief Executive Officer and used or retained exclusively for the benefit of the City.

If it is considered inappropriate to reject a gift worth \$300 or more (such as in the case of a foreign dignitary) the gift may be received on behalf of the City and provided to the Chief Executive Officer at the earliest possible opportunity.

#### **4.4 Disclosure of Election Campaign Contributions**

All electoral candidates must comply with the Local Government Act 1995 and the Local Government (Elections) Regulations 1997 in disclosing electoral donations or ‘gifts’. A candidate must disclose to the Chief Executive Officer information about any electoral or related gift with a value of \$200 or more that is promised or received within 6 months before the relevant election Day.

*Requirements relating to the disclosure of electoral gifts are set out in the Local Government (Elections) Regulations 1997, particularly Part 5A.*

#### **4.5 Disclosure of Gifts and Contributions to Travel**

Council Members and Committee Members who receive gifts or contribution to travel must disclose under the provisions of section 5.82 and 5.83 of the Local Government Act 1995.

*The Local Government Act 1995 makes provisions for disclosure of gifts and contributions to travel under the Act.*

*Section 5.82 Gifts – Prescribed amount for disclosure \$200 Local Government (Administration) Regulations 1996 r.25*

*Section 5.83 Contributions to travel.— Prescribed amount for disclosure \$200 Local Government (Administration) Regulations 1996 r.26*

*Section 5.89B Offence to fail to disclose under 5.82 and 5.83*

### **5. CONDUCT OF MEMBERS**

#### **5.1 Objectives**

As members, high standards of professional conduct ensure that a positive image of the City is conveyed when the City interacts with its stakeholders and the general public. The conduct displayed should encourage fair, equitable and lawful management and operation of the City.

## 5.2 Personal Behaviour

### 5.2.1 Council Members and Committee Members 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 City uninfluenced by fear or favour;
- act in good faith in the interests of the City and the community;
- make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment; and
- always act in accordance with their obligations to the City and in line with relevant policies and procedures.

### 5.2.2 Council Members must represent and promote the interests of the City, while recognising their special duty to their own constituents.

*Regulation 10(3) of the Local Government (Rules of Conduct) Regulations 2007 prohibit an Council Member from:*

- a) *making a statement that a local government employee is incompetent or dishonest; or*
- b) *using offensive or objectionable expressions in reference to a local government employee*

## 5.3 Honesty and Integrity

Council Members and Committee Members will:

- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any member .
- be frank and honest in their official dealings with each other.

## 5.4 Personal Communications and Social Media

**5.4.1** Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.

**5.4.2** Council Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.

## 5.5 Performance of Duties

Council Members 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.

Members will be as informed as possible about the functions of the Council and will treat all members of the community honestly and fairly.

## 5.6 Compliance with Lawful Orders

Council Members and Committee 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 can not be achieved, with the Chief Executive Officer.

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Council Members and Committee Members will give effect to the lawful decisions and policies of the Local Government, whether or not they agree with or approve of them.

## **5.7 Administrative and Management Practices**

Council Members and Committee Members must comply with the proper and reasonable administrative practices and conduct, and professional and reasonable management practice.

## **5.8 Corporate Obligations Communication and Public Relations**

### **5.8.1 Communications and Public Relations**

As representatives of the community Council 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 must acknowledge that:

- as a member of the Council or a Committee, there must be respect for the decision making processes which are based on a decision of the majority of the Council;
- information of a confidential nature must not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council, approvals, permits and so on must be communicated in an official capacity only by the Mayor (or his/her representative); or with the agreement of the Mayor, by the Chief Executive Officer (or CEO's representative).
- information concerning adopted policies, procedures and decisions of the Council must be conveyed accurately.

Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

### **5.8.2 Standard of Dress**

Council Members and Committee Members are expected to comply with neat and responsible dress standards at all times. Accordingly Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

### **5.8.3 Appointments to External Organisations**

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

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

### **5.8.4 Defamation Actions**

Council members do not have the protection of absolute privilege from actions for defamation for what is said at meetings of council or committee meetings.

Council Members fulfil a public duty in a council meeting and are therefore given limited 'qualified' protection from legal actions of defamation.

Councillors must ensure that statements at Council Meetings are made in good faith as statements made with malice or made recklessly are not protected by qualified privilege.

Councillors should also note that statements made outside of council meetings are unlikely to attract qualified privilege.

## 6. DEALING WITH THE CITY'S PROPERTY

### 6.1 Use of Resources

Council Members will:

- be scrupulously honest in their use of the City's resources and shall not misuse them or permit their misuse ( or the appearance of misuse) by any other person or body;
- use City's resources entrusted to them effectively and economically in the course of their duties; and
- not use the City's resources (including the services of Council employees) 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).

#### ***Local Government (Rules of Conduct) Regulations 2007***

*Regulation 8 prohibits an Elected Member from using the resources of a local government for electoral purposes, or for any other purpose, unless authorised under the Local Government Act 1995 or by the Council or the Chief Executive Officer.*

### 6.2 Travelling and Sustenance Expenses

Council Members and Committee 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 Local Government in accordance with Local Government policy, awards and the provisions of the Local Government Act.

### 6.3 Reimbursement of Expenses

Members may claim for reimbursement of expenses only in accordance with the relevant policy.

### 6.4 Access to Information

Council 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.

## 7. BREACHES AND MISCONDUCT

### 7.1 Breaches

A Council Member commits a minor breach if he or she contravenes the Local Government (Rules of Conduct) Regulations 2007, or a Local Law under the Local Government Act 1995.

A person who has reason to believe that a Council Member has committed a minor breach may complain to the complaints officer (The Chief Executive Officer). The complaint must be made in writing on the prescribed form.

*Local Government Act 1995*

*Part 5 Division 9 deals with minor and serious breaches by Council Members*

If it appears that a complaint a person seeks to make under the *Local Government Act 1995* discloses a serious breach, the complaints officer is required to send the complaint to the Departmental Chief Executive Officer.

### 7.2 Misconduct

The Chief Executive Officer has a statutory obligation under the Corruption Crime and Misconduct Act 2003 to report to the Corruption and Crime Commission:

- any allegation of misconduct;

- any situation that otherwise comes to his or her attention involving misconduct, where the Chief Executive Officer considers on reasonable grounds that misconduct may have occurred.

*Corruption, Crime and Misconduct Act 2003*  
*Section 3, 4 and 28 deal with Misconduct and misconduct notification.*

## **ROLES AND RESPONSIBILITIES**

The Director Corporate and Commercial Services is responsible for implementing this policy.

## **WORKPLACE INFORMATION**

*Local Government Act 1995*

*Local Government (Official Conduct) Amendment Act 2007*

*Local Government (Rules of Conduct) Regulations 2007*

*Corruption Crime and Misconduct Act 2003*

*City of Greater Geraldton Local Laws*

*City of Greater Geraldton Council Policy Register*

## **POLICY ADMINISTRATION**

Directorate		Officer	Review Cycle	Next Due
Corporate and Commercial Services		Manager Corporate Services	Biennial	2019
Version	Decision Reference	Synopsis		
1.	CCS231 – 24 January 2017	CP015 EXISTING POLICY transferred to new template		
2.	CCS256 – 23 May 2017	Biennial review		
3.	CCSXXX – XX XX XXXX	Biennial Review		