

| Council Policy CP 015 Code of Conduct for Elected Members | | | |
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| Officer | Manager Human Resources | Owner | Director Organisational Performance |
| Review Frequency | Annually | Next Review | 1/7/2013 |
| Council Resolution number and date | | | |
| Mayor | | Chief Executive Officer | |

OBJECTIVE

To provide Elected Members of the City of Greater Geraldton with consistent guidelines for an acceptable standard of professional conduct. The code addresses the broader issues of ethical responsibility and encourages greater transparency and accountability at the City of Greater Geraldton.

The Code of Conduct is complementary to the principles adopted in the Local Government Act 1995 and Local Government regulations. The code incorporates four fundamental aims resulting in:

- a) Better decision making by the City;
- b) Greater community participation in the decisions and affairs of the City;
- c) Greater accountability of Local Governments in their communities; and
- d) More efficient and effective local government.

Council is elected to provide leadership for the good governance of the City and the local community by establishing strategic objectives and monitoring their achievements. This aspect of governance is further reinforced in its obligations to maintain Council's financial viability by ensuring that resources are managed in a responsible and accountable manner.

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

SCOPE

This policy applies to all City employees, contractors and councillors.

DEFINITIONS

Act means the local Government Act 1995.

Activity involving 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;

Breach means breach of the Code of Conduct.

CEO means the Chief Executive Officer of the City of Greater Geraldton

City means the City of Greater Geraldton.

Code means the City of Greater Geraldton Code of Conduct for Elected Members.

Confidential Document – means a document either:

- a) Marked by the CEO or Mayor to clearly show the information in the document is not to be disclosed; or
- b) Provided at a closed meeting; or
- c) Designated confidential by resolution of council or special committee.

Conflict of Interest means a situation in which a person's professional decision making ability could be, or could reasonably be seen to be, influenced by their personal interests.

Corruption and Crime Commission means the Commission established under section 8 of the *Corruption and Crime Commission Act 2004*.

Council means the Council of the City of Greater Geraldton.

Elected Member means a person who holds the office of Mayor or Councillor at the City of Greater Geraldton.

Gift means a term in section 5.82(4) of the Act except when it does not include:

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

Lobbyist means a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

Mayor means a person elected by the electors to hold the office of Mayor.

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 resulting in a benefit.

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

Prohibited Gift - means a gift worth \$300 or more, or a gift that is one of 2 or more gifts by the same person within a period of six (6) months that are in total worth \$300 or more.

Regulations - means Local Government (Rules of Conduct) Regulations 2007.

POLICY PRINCIPLES

1. INTRODUCTION

1.1 Why have a Code of Conduct?

1.1.1 Elected Members of local government are required by law to observe codes of behaviour. These laws include:

- a) Section 5.103(1) of the Act which states that “every local government is to prepare or adopt a Code of Conduct to be observed by Elected Members, Committee Members and Employees.”
- b) The Local Government (Rules of Conduct) Regulations 2007 which provide the general principles to guide the behaviours of elected members.

1.1.2 During the course of carrying out public duties, Elected Members will be required to interact with a broad range of individuals and groups from the general community, government agencies, and commercial organisations. This interaction will result in elected members coming into contact with, and representing a broad range of interests. The action taken and decisions made by Elected Members can affect the wellbeing, rights or entitlements of these interests, and as such, it is important that ethical standards are consistently applied, to ensure the best interests for all people within the City of Greater Geraldton.

1.1.3 This Code of Conduct provides a guide to Elected Members by clarifying those situations where the ethical aspects of public duty may not always be clear.

1.2 Who Does this Code of Conduct Apply to?

1.2.1 This code of conduct applies to all Elected Members who are members of the Council of the City of Greater Geraldton.

1.3 What is expected of Elected Members?

1.3.1 Elected Members:

- a) Serve the people who live and work within the City’s boundaries.
- b) Have an obligation to look after the best interests of these people.
- c) Have been placed in a unique position of trust, and as such, must demonstrate high standards of ethical behaviour at all times.

1.3.2 Elected members are bound by the standards of ethical behaviour as outlined in this Code of Conduct. The Code of Conduct in conjunction with statutory regulations, should be adhered to at all times

2. BEHAVIOUR

2.1 Appropriate Behaviour

2.1.1 Elected Members should demonstrate the following behaviours at all times:

- a) Behave appropriately towards each other and in the course of carrying out public duties.
- b) Be seen to be actively contributing towards creating and maintaining an informed and supportive community environment.
- c) Be expected at all times to work cooperatively and courteously with their fellow colleagues and members of the community.
- d) To understand that different members of the community will have different ways in which they communicate and work, and as such adjust their behaviour and approach when working with some members of the community.

2.1.2 Examples of appropriate behaviour includes the following:

- a) Being courteous, polite and professional at all times;
- b) Treating colleagues with respect and courtesy;
- c) Allowing colleagues to express their opinions and ideas openly and without condemnation and/or derision;
- d) Adherence to legislative requirements such as Equal Employment Opportunity and Anti-Discrimination legislation; and
- e) Adherence to the City's Organisational Values.

2.2 Inappropriate behaviour

2.2.1 Elected members must observe the requirements of Anti-Discrimination and Equal Opportunity legislation in their dealings with each other, and as members of the community. This means it is unlawful to discriminate against a person on the grounds of sex, marital status, pregnancy, potential pregnancy, sexual orientation, family responsibility, race, religion, political conviction, impairment, age, or transgender.

2.2.2 Elected Members are bound by city policy in relation to Equal Employment Opportunity, Discrimination and Harassment in the workplace.

2.2.3 Examples of inappropriate behaviour include:

- a) Bullying and intimidation;
- b) Offensive language and excessive swearing;
- c) Suggestive comments and jokes;
- d) Habits designed to deliberately annoy;
- e) Making jokes at someone else's expenses; and
- f) Beginning or engaging in the spreading of rumors or gossip calculated to offend or upset.

3. ROLE OF ELECTED MEMBERS

3.1 Role of Elected Members

3.1.1 An Elected Member's primary role is to represent the community, and as such, translate the community's needs and aspirations into a direction and future for the City.

3.1.2 An Elected Member is part of a 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.

3.1.3 In fulfilling their various roles, Elected Members' activities will focus on:

- a) Achieving a balance in diversity of community views to develop an overall strategy for the future of the community.
- b) Achieving sound financial management and accountability in relation to the City's finances.
- c) Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns.
- d) Having an awareness of statutory obligations imposed on Elected Member's and on Local Government.

3.1.4 Elected Members must not:

- a) Individually direct members of staff to carry out particular tasks; or
- b) Publicly criticize employees in a way that may bring their professional reputation into disrepute.

3.2 Engaging with the Community

3.2.1 Elected members should make every effort to be positive, helpful and effective when communicating with the community.

3.2.2 Elected members are the public face of the local government and their dealings with people in the community are numerous. They communicate with them about their issues and act on their behalf at Council Meetings. It is therefore important for Elected Members to ensure:

- a) Confidential information remains confidential unless it is determined by law or otherwise that release of the information is appropriate; and
- b) Decisions, processes and policy information which affect the community are communicated accurately and in a timely manner.

3.3 Contact with Lobbyists

3.3.1 A lobbyist is a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

3.3.2 Lobbying will be considered appropriate by the City when done with transparency, integrity and honesty. Under the Western Australian "Contacts with Lobbyists Code," lobbying will be permitted at the City under the following requirements:

- a) All lobbying activities are to be reported to Council;
- b) The lobbyist must be registered on the Western Australian “lobbyist register,” by both individual and organisational (where appropriate) names;
- c) The Elected Members being lobbied must document every meeting with the lobbyist;
- d) Meetings with lobbyists are conducted on Council premises or other locations deemed suitable for open meetings;
- e) Other elected members are entitled to participate in the meetings;
- f) All communication with the lobbyist is to be in writing; and
- g) Copies of the information provided to the lobbyists is provided to City officers to consider, assess and determine whether the information should be distributed to other Elected Members and/or filed as city records.

3.3.3 If an elected member wishes to seek further information in relation to lobbyists, the Independent Commission against Corruption has published a guide for Elected Members entitled Lobbying Local Government Councillors.

3.4 Contact with the media

3.4.1 The media includes all traditional forms of media and extends to dealings with reporters from newspaper, television and radio and contributions made to social media sites such as Facebook and Twitter.

3.4.2 The Mayor is the principal spokesperson for the City as outlined in the Local Government Act 1995. Elected Members are not to express a view, attitude or stance on behalf of the Council, at any time, without prior approval from the Mayor.

3.4.3 Unless otherwise authorised to do so, Elected Members who make public statements, must make it clear that the comments they are making are their opinions only, and as such, do not necessarily represent the City’s position.

3.4.4 Elected members who speak publicly against any Council resolution without authorisation to do so could be seen as using the information improperly and run the risk of causing detriment to the City.

4. ETHICAL RESPONSIBILITIES

4.1 Corporate Image and Style

4.1.1 A standard corporate image reflects the City’s professionalism.

4.1.2 The City’s corporate brand must be reflected consistently in all materials published by Elected Members. The corporate style guide contains information about the City’s logo and communications involving large scale media campaigns. To ensure consistency is maintained in all City communications, the City’s formal style guide must be followed when writing and formatting letters, facsimiles, internal reports and agendas. The style guide includes information about how to access standard templates. Elected Members must ensure all corporate documents are prepared using these standard templates The Chief Executive Department should be consulted to ensure that compliance is maintained at all times.

4.2 Dress Standards

4.2.1 Elected Members are expected to be neatly and smartly dressed at all times in attire that meets a professional standard when representing Council. Clothing with offensive words or images is inappropriate.

4.3 Confidentiality

4.3.1 Confidential information should remain confidential unless release is required by law.

4.3.2 Elected Members shall not use confidential Council information to gain improper advantage for themselves, or for any other person or body. Elected Members who access confidential information or confidential documents during the course of their term must not release the information to any other person, except if required by law or otherwise. Serious breaches of confidentiality may result in disciplinary action. The consequences for a breach of confidentiality will vary according to the severity of the breach.

4.4 Security

4.4.1 Security protocols exist to protect Elected Members and the City's assets and information. They must be observed at all times.

4.4.2 The City's computer network has different levels of security set to protect unauthorized access. Elected Members should choose passwords that cannot be easily determined. Passwords should not be disclosed to others. Attempts should not be made to discover the passwords of others.

4.4.3 Elected Members must keep building access cards safe at all times. Cards must not be misused or lent to others. Lost cards should be reported immediately to the manager of Information Management.

4.4.4 Elected Members must ensure City assets in their possession or being used by them are secure at all times. This is particularly relevant for portable and electronic devices such as mobile phones, laptops and I-Pads.

5. Disclosure of Interest

5.1 Elected Members will adopt the principles of disclosure of financial interest as contained within Section 5.59 of the Local Government Act 1995.

a) Public Duty

Public Duty is the obligation public officers have when carrying out their official duties. On these occasions, Elected Members' are expected to ensure that their public interest is deemed to be their first priority. This should be demonstrated by the following:

- (i) Being impartial and unbiased;
- (ii) Acting fairly and justly;
- (iii) Being accountable and transparent;
- (iv) Doing their job effectively and efficiently; and
- (v) Behaving in accordance with this Code of Conduct.

b) **Conflict of Interest**

A conflict of interest is a situation arising from conflict between the performance of public duty and any private or personal interests. It's not wrong to have a conflict of interest; however it is important that conflicts of interest are disclosed as soon as they arise. Declarations of Conflicts of Interest must be made:

- (i) in any matter to be discussed at a council or committee meeting, attended by the Elected Member;
- (ii) in a written notice given to the Mayor before a Council or Committee meeting; or
- (iii) at the Council or Committee meeting immediately before the matter is discussed.

Where an Elected Member has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should immediately declare their conflict of interest and if necessary, seek expert legal or other appropriate advice and act accordingly.

c) **Private Interests**

Private interests are those interests that can bring benefit or disadvantage to an individual or to others to whom it is intended that a benefit or disadvantage will arise.

d) **Financial Interest**

A financial interest exists when it is reasonable to expect that the matter will, if dealt with by the City 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.

e) **Impartiality Interest**

Interests affecting impartiality are interests that would give rise to a reasonable belief that the impartiality of the person having a personal interest would be adversely affected. Interests affecting impartiality may not have a financial component or value and may involve:

- (i) family relationships;
- (ii) friends and enemies;
- (iii) religious and cultural obligations;
- (iv) memberships in clubs, groups or organisations;
- (v) beliefs, values and attitudes;
- (vi) volunteer commitments; or
- (vii) reputation, power and influence.

f) **Recording Disclosure of Interests**

A formal record of disclosure is maintained in the City's Governance and Risk office and is maintained by the Manager of Governance and Risk, and records each declared disclosure of interest, and a record of the resolution that has been identified as addressing each specific disclosure of interest.

5.2 The primary goal in managing disclosure of interests is to ensure that decisions are made, and seen to be made, in a transparent manner, on proper grounds, for legitimate reason, in good faith and in the best interests of both the Local Government and its stakeholders.

5.3 References to Disclosure of Interest can be found within:

- a) Local Government Act 1995 (Disclosure of Financial Interest);
- b) Local Government (Administration) Regulations 1996;
- c) City of Greater Geraldton “Standing Orders Local Law 2007” disclosures of financial interests; and
- d) Department of Local Government Operational Guideline #1 – Disclosure of Interests affecting Impartiality.

6. Improper or Undue Influence

6.1 Elected Members shall not take advantage of their position to improperly influence other members or employees of the City of Greater Geraldton in the performance of their duties, or functions, in order to gain undue or improper (direct or indirect) advantage, or gain benefit for themselves or for any other person or body.

7. Gifts

7.1 Declaring of Gifts

- a) Gifts are to be declared by the Elected Member by completing a recording of token gift form containing the gift recipient, gift giver, description of the gift, the relationship with the gift offered/gift giver, how the gift was dealt with (declined, returned or allocated to a social club), the person completing the form, authorization/approval of gift, date and value of the gift.
- b) It is mandatory for all gifts and acceptance of gifts to be declared. The token gift form is to be completed by the gift recipient and given to the Manager Governance and Risk in the Governance and Risk Branch. The information is then added to the gift register.

7.2 Accepting Prohibited Gifts

A person who is an Elected Member must not accept a prohibited gift from a person who:

- (i) is undertaking or seeking to undertake an activity involving a local government discretion or
- (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion

A decision that will provide a direct or indirect benefit to that person, or an associate of that person.

7.3 **Register of Notifiable Gifts**

The Chief Executive Officer must maintain a register of notifiable gifts and record any details of notifications given to comply with a requirement made under sub regulation 34b (3) of the Local Government (Administration) Regulations 1996.

8. CONDUCT OF ELECTED MEMBERS

8.1 Personal Behaviour

8.1.1 Elected Members shall:

- a) Act, and be seen to act, 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 their communities, uninfluenced by fear or favour; and
- c) Act in good faith (i.e. honesty, for the purpose, and without exceeding their powers) in the interest of the City of Greater Geraldton and the community.

8.1.2 Members shall not:

- a) Make allegations which are improper or derogatory (unless true and in the public interest);
- b) Make verbal allegations without substantiating them in a formal written manner; or
- c) Display any form of conduct in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.

8.2 Expected Behaviours

8.2.1 The following is an outline of the Expected Behaviours that Elected Members are expected to display at all times when representing the City:

- a) Elected members shall not in any way be verbally aggressive, intimidating or derogatory to a City of Greater Geraldton employee, fellow elected members or member of the general public, including offensive language.
- b) Elected members shall not in any way, physically harm, or threaten to physically harm an employee, elected member or member of the general public.
- c) Elected members shall not represent the City while intoxicated or under the influence of prohibited drugs.

8.3 Honesty and Integrity

8.3.1 Members will:

- a) Observe the highest of standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) Bring to notice of the Mayor, any dishonesty or possible dishonesty on the part of any Elected Member;
- c) Be frank and honest in their official dealings with each other;

- d) Report immediately any suspicious behaviour to the City's Public Interest Disclosure Officer (PID Officer) or Mayor where they have good reasons to suspect any fraud, corrupt, criminal or unethical conduct.

8.4 **Misconduct**

8.4.1 Misconduct means misconduct as defined in section 4 of the Corruption and Crime Commission Act 2003.

8.4.2 Misconduct occurs if

- a) An Elected Member corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;
- b) An Elected Member corruptly takes advantage of the Elected Member office as an Elected Member to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;
- c) An Elected Member whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- d) An Elected Member engages in conduct that:
 - (i) Adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or Elected Member whether or not the Elected Member was acting in their Elected Member capacity at the time of engaging in the conduct;
 - (ii) Constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
 - (iii) Constitutes or involves a breach of the trust placed in the Elected Member by reason of his or her office or employment as an Elected Member; or
 - (iv) Involves the misuse of information or material that the Elected Member has acquired in connection with his or her functions as an elected member, whether the misuse is for the benefit of the Elected Member or the benefit or detriment of another person, and constitutes or could constitute:
 - i. an offence against the Statutory Corporations (Liability of Directors) Act 1996 or any other written law; or
 - ii. a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the Public Sector Management Act 1994 (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

8.4.3 Examples of Misconduct Include:

- a) Misappropriation of Funds;
- b) Theft of government assets, including information;
- c) Deliberately failing to declare conflicts of interests;
- d) Abuse of position;
- e) Unauthorised access to or disclosure of confidential information; or
- f) Allegations involving improper practices.

8.4.4 Every Elected Member has a responsibility not to engage in misconduct or to act corruptly or fraudulently, to actively prevent or detect these activities and to immediately report them if detected.

8.5 **Allegations of Misconduct**

8.5.1 Performance of Duties

a) Elected Members will at all times exercise reasonable care and diligence in the performance of their duties, be consistent in their decision making and treat all matters on their individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community fairly.

8.5.2 Compliance with Lawful Orders

a) Elected 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 person who gave the order.

b) Elected Members will give effect to the lawful policies of the Local Government, regardless of whether they personally agree with or approve of them.

8.5.3 Administrative and Management Practices

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

8.6 **Workplace information**

8.6.1 As a representative of the community, Elected Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, Elected Members should acknowledge that:

a) 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 Elected Members.

b) Information relating to decisions of the Council on approvals, permits etc. ought only be communicated in an official capacity by designated officers of the Council such as the Mayor;

c) Information concerning adopted policies, procedures and decisions of the Council are to be conveyed accurately.

8.6.2 Elected Members will work as part of the Council team with the Chief Executive Officer and other employees. This teamwork will only occur if Elected Members and Employees have mutual respect and co-operation with each other to achieve the Councils' corporate goals, and implement the Council's strategies.

8.6.3 To achieve that position Elected Members are expected to:

a) Accept that their role is a leadership, not a management or administrative one;

b) Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;

c) Refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility

8.7 **Appointments to Committees**

8.7.1 As part of their representative role elected members are often asked to represent the Council at external organisations. It is important that members clearly understand the basis of their appointment and provide regular reports on the activities of the organisation.

8.8 **Reporting Allegations of Misconduct**

8.8.1 Every Elected Member has a responsibility not to engage in misconduct or to act corruptly or fraudulently, to actively prevent or detect these activities and to immediately report them if detected.

8.8.2 Allegations of misconduct involving Elected Members must be reported as per the Local Government Act 1995.

9. **DEALING WITH COUNCIL PROPERTY**

9.1 **Use of Local Government Resources**

9.1.1 Members 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'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.

9.1.2 An Elected Member, should at all times be scrupulously honest in the use of the City's resources of all kinds. Use of resources, whether for official or authorised private purposes, should be in accordance with the City's policy concerning payment of expenses, provision of facilities and any other relevant policy.

9.2.1 An Elected Member should not use his or her position to obtain any benefit that would not otherwise be available.

9.2 **Travelling and Sustenance expenses**

9.2.1 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 City in accordance with City operational and council policy, or within the provisions of the Local Government Act.

9.3 **Email Usage**

9.3.1 Information obtained from the internet and via email in relation to City matter whilst in the role of Elected Member must be used appropriately, with due care and consideration and in accordance with all confidentiality requirements.

- 9.3.2 Elected Members are expected to familiarize themselves with the City's Electronic Mail and Internet Usage Policy.
- 9.3.3 The email address assigned to Elected Members must be used for City business.
- 9.3.4 Correspondence generated from email addresses remains the property of the City.
- 9.3.5 Careful thought should be given to the tone and content used in email communications. Incorrect use could offend or be misinterpreted.

9.4 **Internet Access**

- 9.4.1 Use of the internet by Elected Members is restricted to what is considered acceptable. Acceptable use includes:
 - a) Using the internet for business activities necessary to carry out Elected Member functions;
 - b) Communicating with fellow Elected Members, relevant City employees and members of the public; or
 - c) Reviewing web sites for research purposes.

9.5 **Access to Information**

- 9.5.1 Employees will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with responsibilities as Members.
- 9.5.2 Elected 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

10. **PENALTIES FOR BREACHES BY ELECTED MEMBERS**

10.1 **Minor Breach**

Ordering that:

- a) The person against whom the complaint was made to be publicly censured
- b) The person against whom the complaint was made to apologise publicly; or
- c) The person against whom the complaint was made to undertake training.

10.3 **Recurring or Serious Breach**

- a) Order against whom the allegation was made to be publicly censured as specified in the order;
- b) apologise publicly as specified;
- c) undertake training as specified;

- d) suspended for a period of not more than 6 months;
- e) disqualified for not more than 5 years from holding office as a member of council; or
- f) penalty of \$24,000 or imprisonment of 2 years under the Public Interested Disclosure.

REFERENCES

- Equal Opportunity Act 1984
- Local Government Act 1995 (Disclosure of Financial Interest)
- Local Government (Official Conduct) Amendment Act 2007
- Local Government (Administration) Regulations 1996
- Local Government (Rules of Conduct) Regulations 2007
- Local Government Act 1995 Division 9 “Conduct of certain officials” section 5.103 & 5.104 and 5.105.
- Public Interest Disclosure Act 2003
- Defamation Act 2005

APPENDIX A – Lodging a Formal Complaint

STEP 1

Elected Members wishing to lodge a formal complaint must first put the complaint in writing and include the following information:

- a) The name of the elected member of whom the complaint is being made against;
- b) The name of the person making the complaint; and
- c) Details of the complaint including the date, times and days that the alleged breach of the Code of Conduct has occurred.

STEP 2

The complaint must then be lodged with the City’s Complaints Officer.

STEP 3

The complaint must then be registered by the Complaints Officer who will then:

- a) Appoint an investigation officer who will investigate the complaint and make recommendations.

- b) If the investigative officer deems that the alleged breach is serious, the investigation officer will advise the complaints officer that a serious breach has occurred or a minor breach re-occurred, and outline the detail of the alleged serious breach.

STEP 4

The Complaints Officer will then advise the Minister for Local Government in writing that:

- a) an alleged serious breach of the Code of Conduct has occurred, and
- b) a detailed explanation as to what the alleged breach is.

STEP 5

The Minister for Local Government will then appoint a "Standards Panel" that will consist of:

- a) One person who is an officer of the Department;
- b) One person who has experience as a member of a council; and
- c) One person is to have relevant legal knowledge.

If the standards panel then investigates and deems that the alleged breach is serious, they will then refer the matter to the Crimes and Corruption Commission via the Public Interest Disclosure Act 2003
Conduct can include: