

**Local Government Act 1995**

Part 5 Administration

Division 9 Code of conduct

**s. 5.102AC**

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- (b) the person ceases to hold the office to which the allowance or fee relates before the end of the period to which the advance payment relates.
- (2) Regulations may be made —
  - (a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and
  - (b) providing for a local government to recover any amount repayable if it is not repaid.

*[Section 5.102AB inserted: No. 26 of 2016 s. 14.]*

**5.102AC. Application of this Division to regional local governments**

- (1) This Division applies, and is to be taken to have always applied, in accordance with section 3.66(1) and (5) to and in relation to regional local governments, members and deputy members of the councils of regional local governments and chairmen and deputy chairmen of regional local governments.
- (2) This section does not limit section 3.66.

*[Section 5.102AC inserted: No. 26 of 2016 s. 14.]*

**Division 9 — Code of conduct**

*[Heading inserted: No. 1 of 2007 s. 8; amended: No. 16 of 2019 s. 48; No. 47 of 2024 s. 66.]*

**5.102A. Terms used**

In this Division —

***candidate*** means a candidate for election as a council member;

***model code*** means the model code of conduct prescribed for the purposes of section 5.103(1);

**rule of conduct** means a provision of the model code that is specified in the model code to be a rule of conduct.

*[Section 5.102A inserted: No. 1 of 2007 s. 9; amended: No. 16 of 2019 s. 49; No. 47 of 2024 s. 67.]*

**5.103. Model code of conduct for council members, committee members and candidates**

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include —
  - (a) general principles to guide behaviour; and
  - (b) requirements relating to behaviour; and
  - (c) provisions specified to be rules of conduct.
- (3) The model code of conduct may include provisions about how the following are to be dealt with —
  - (a) alleged breaches of the requirements referred to in subsection (2)(b);
  - (b) alleged breaches of the rules of conduct by committee members.
- (3A) Without limiting subsection (3), the provisions of the model code of conduct may —
  - (a) provide for the Inspector to appoint a monitor for a local government to assist the local government to deal with matters raised by a complaint of a behavioural breach; and
  - (b) confer other functions on the Inspector in relation to a complaint of a behavioural breach.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a conduct breach, also be a specified breach.

- (5) Regulations may amend the model code of conduct.

*[Section 5.103 inserted: No. 16 of 2019 s. 50; amended: No. 47 of 2024 s. 68.]*

**5.104. Adoption of model code of conduct**

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

*\* Absolute majority required.*

- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend\* the adopted code of conduct to incorporate the amendments made to the model code.

*\* Absolute majority required.*

- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —
- (a) can only be expressed to apply to council members or committee members; and
  - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division

or the adopted code of conduct unless the candidate has been elected as a council member.

- (7) The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.

*[Section 5.104 inserted: No. 16 of 2019 s. 50.]*

**5.105. Dealing with complaint alleging behavioural breach**

- (1) A complaint made by a person (the **complainant**) to a local government alleging a behavioural breach under the local government's code of conduct by a person (the **respondent**) must be dealt with under the code of conduct unless —
- (a) regulations made for the purposes of subsection (3) require the complaint to be referred to the Inspector; and
  - (b) the Inspector refers the complaint to be dealt with under Part 8A Division 5.
- (2) A complaint under subsection (1) cannot allege a behavioural breach by a commissioner.
- (3) Regulations may set out circumstances in which a complaint made to a local government alleging a behavioural breach under the local government's code of conduct must be referred by the local government to the Inspector to be dealt with under section 8A.12(1).
- (4) Neither the complainant nor the respondent may —
- (a) preside at any part of a council or committee meeting relating to the complaint; or
  - (b) participate in, or be present during, any discussion or decision-making procedure of a council or committee relating to the complaint.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.



Western Australia

Local Government Act 1995

## **Local Government (Model Code of Conduct) Regulations 2021**

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# Local Government (Model Code of Conduct) Regulations 2021

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## **Local Government (Model Code of Conduct) Regulations 2021**

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Local Government (Model Code of Conduct) Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

## **Part 2 — Model code of conduct**

### **3. Model code of conduct (Act s. 5.103(1))**

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

### **3A. Referral of complaint to Inspector (Act s. 5.105(3))**

For the purposes of section 5.105(3) of the Act, a complaint must be referred to the Inspector if the person who is the subject of the complaint has, on at least 2 previous occasions, been found under a local government's adopted code of conduct (as defined in section 8A.2(1) of the Act) to have committed, on or after 1 January 2026, a behavioural breach.

*[Regulation 3A inserted: SL 2025/208 r. 42.]*

## **Part 3 — Repeal and consequential amendments**

### **Division 1 — Repeal**

4. ***Local Government (Rules of Conduct) Regulations 2007***  
**repealed**

The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

### **Division 2 — Other regulations amended**

5. ***Local Government (Administration) Regulations 1996***  
**amended**

- (1) This regulation amends the *Local Government (Administration) Regulations 1996*.
- (2) After regulation 34C insert:

## **Part 9A — Minor breaches by council members**

**34D. Contravention of local law as to conduct**  
**(Act s. 5.105(1)(b))**

- (1) In this regulation —  
*local law as to conduct* means a local law relating to the conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

**Local Government (Model Code of Conduct) Regulations 2021**

**Part 3** Repeal and consequential amendments

**Division 2** Other regulations amended

**r. 6**

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**6. Local Government (Audit) Regulations 1996 amended**

- (1) This regulation amends the *Local Government (Audit) Regulations 1996*.
- (2) In regulation 13 in the Table:
  - (a) under the heading “**Local Government Act 1995**” delete “s. 5.103” and insert:

s. 5.104

- (b) delete:

<b>Local Government (Rules of Conduct) Regulations 2007</b>		
r. 11		

**7. Local Government (Constitution) Regulations 1998 amended**

- (1) This regulation amends the *Local Government (Constitution) Regulations 1998*.
- (2) In Schedule 1 Form 7 delete “*Local Government (Rules of Conduct) Regulations 2007*.” and insert:

code of conduct adopted by the <sup>3</sup> ..... under section 5.104 of the *Local Government Act 1995*.

## Schedule 1 — Model code of conduct

[r. 3]

### Division 1 — Preliminary provisions

**1. Citation**

This is the *[insert name of local government] Code of Conduct for Council Members, Committee Members and Candidates*.

**2. Terms used**

(1) In this code —

*Act* means the *Local Government Act 1995*;

*candidate* means a candidate for election as a council member;

*complaint* means a complaint made under clause 11(1);

*publish* includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — General principles

**3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

**4. Personal integrity**

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
  - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
  - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
  - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

**5. Relationship with others**

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

**6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

### **Division 3 — Behaviour**

#### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

#### **8. Personal integrity**

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

#### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local

government employee in connection with the performance of their official duties.

**10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

**11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
- (4) A complaint must be dealt with under clauses 12 to 15 unless —
  - (a) the complaint is referred to the Inspector in accordance with subclause (5); and

- (b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

Note for this subclause:

See section 5.105(1) of the Act.

- (5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.
- (6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

[Clause 11 amended: SL 2025/208 r. 43.]

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

Note for this subclause:

See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
- (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

**Local Government (Model Code of Conduct) Regulations 2021**

**Schedule 1** Model code of conduct

**Division 3** Behaviour

**cl. 12**

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- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
- (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

*[Clause 12 amended: SL 2025/208 r. 44.]*

**13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

**14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

**14A. Appointment of monitor**

- (1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.
- (2) If the Inspector appoints a monitor —
  - (a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and
  - (b) the local government must comply with the direction.

*[Clause 14A inserted: SL 2025/208 r. 45.]*

**14B. Performance of local government's functions under cl. 12 and 13**

- (1) The local government's functions under clauses 12 and 13 must be performed by the council.
- (2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.
- (3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —
  - (a) a member of the council of any local government;
  - (b) a member of the governing body of any regional subsidiary;
  - (c) an employee of any local government or regional subsidiary;
  - (d) an employee of WALGA or the Local Government Professionals Australia (WA);
  - (e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —
    - (i) local governments;
    - (ii) members of councils;
    - (iii) employees of local governments.
- (4) A resolution made under subclause (3) must include the following —
  - (a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;
  - (b) an explanation as to why the council is satisfied as referred to in paragraph (a);
  - (c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

- (5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

*[Clause 14B inserted: SL 2025/208 r. 45.]*

**15. Other provisions about complaints**

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.
- (3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.

Note for this clause:

See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

*[Clause 15 amended: SL 2025/208 r. 46.]*

**Division 4 — Rules of conduct**

Notes for this Division:

1. Under section 8A.3(1) of the Act, a council member commits a conduct breach if the council member contravenes a rule of conduct. Section 8A.3(2) of the Act extends this to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A conduct breach is dealt with under Part 8A Division 5 of the Act.

*[Notes inserted: SL 2025/208 r. 47.]*

**16. Overview of Division**

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

**17. Misuse of local government resources**

(1) In this clause —

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

*resources of a local government* includes —

- (a) local government property; and
- (b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

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

(1) A council member must not make improper use of their office —

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

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

**19. Prohibition against involvement in administration**

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**20. Relationship with local government employees**

(1) In this clause —

*local government employee* means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their 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 local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**21. Disclosure of information**

- (1) In this clause —
- closed meeting*** —
- (a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and
  - (b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting

held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;

**confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

**document** includes a part of a document;

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

- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent 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.

*[Clause 21 amended: SL 2025/208 r. 48.]*

**22. Disclosure of interests**

- (1) In this clause —
- interest** —
- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

- (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council 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.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

**23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



## Notes

This is a compilation of the *Local Government (Model Code of Conduct) Regulations 2021* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Local Government (Model Code of Conduct) Regulations 2021</i>	SL 2021/15 2 Feb 2021	Pt. 1: 2 Feb 2021 (see r. 2(a)); Regulations other than Pt. 1: 3 Feb 2021 (see r. 2(b) and SL 2021/13 cl. 2)
<i>Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 Pt. 6</i>	SL 2025/208 17 Dec 2025	1 Jan 2026 (see r. 2(c))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Act.....	Sch. 1 cl. 2(1)
candidate .....	Sch. 1 cl. 2(1)
closed meeting .....	Sch. 1 cl. 21(1)
complaint .....	Sch. 1 cl. 2(1)
confidential document.....	Sch. 1 cl. 21(1)
document.....	Sch. 1 cl. 21(1)
electoral purpose .....	Sch. 1 cl. 17(1)
interest.....	Sch. 1 cl. 22(1)
local government employee .....	Sch. 1 cl. 20(1)
non-confidential document .....	Sch. 1 cl. 21(1)
publish.....	Sch. 1 cl. 2(1)
resources of a local government.....	Sch. 1 cl. 17(1)

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