

**Code of Conduct
2018
Council Members and
Committee Members**

PREAMBLE

The Code of Conduct provides Council Members and Committee Members in the City of Bayswater with consistent guidelines for an acceptable standard of professional conduct.

The Code of Conduct addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code of Conduct is complementary to the principles adopted in the *Local Government Act 1995* and Regulations which incorporates four fundamental aims to result in :

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *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.

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of *the Local Government Act 1995* (section 5.103 – Codes of Conduct).

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

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 City of Bayswater, this will be the focus of the Council Member's public life.

The role of Council Members as set out in section 2.10 of the *Local Government Act 1995* is as follows:

"A Councillor:

- (a) represents the interests of electors, ratepayers and residents of the district;*
- (b) provides leadership and guidance to the community in the district;*
- (c) facilitates communication between the community and the council;*
- (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 City of Bayswater'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 the City of Bayswater is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Council

The role of the Council is in accordance with section 2.7 of the *Local Government Act 1995*:

"(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.

1.4 Caretaker period

The caretaker period will commence from the close of nominations, 37 days prior to election day.

In the lead up to an election, during the caretaker period, Council must-

- avoid making major decisions that would bind an incoming Council; and
- prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election.

Where extraordinary circumstances prevail a major policy decision may be submitted to Council.

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- (a) Council Members and Committee Members will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Council Members and Committee Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- (c) Council Members and Committee Members who exercise a discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

2.2 Financial Interest

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

2.3 Impartiality Interest

Council Members will adopt the principles of disclosure of an Impartiality interest as contained within the *Local Government (Rules of Conduct) Regulations 2007*.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members or 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. 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.

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

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

3.2 Improper or Undue Influence

Council 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 and 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 City of Bayswater or any other person.

4. CONDUCT OF COUNCIL MEMBERS AND COMMITTEE MEMBERS

CITY OF BAYSWATER CODE OF CONDUCT COUNCIL MEMBERS AND COMMITTEE MEMBERS

4.1 Personal Behaviour

- (a) Council Members and Committee Members will:
- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code of Conduct;
 - (ii) perform their duties impartially and in the best interests of the City of Bayswater uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City of Bayswater and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the City of Bayswater
- (b) Council Members will represent and promote the interests of the City of Bayswater, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer; and
- (c) be frank and honest in their official dealings with each other.

4.3 Personal Communications and Social Media

- (a) 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.
- (b) 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.

4.4 Performance of Duties

- (a) 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. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.5 Compliance with Lawful Orders

- (a) 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 to be taken up with the Chief Executive Officer.
- (b) Council Members and Committee Members will give effect to the lawful decisions and policies of the City of Bayswater, whether or not they agree with or approve of them.

4.6 Administrative and Management Practices

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

4.7 Corporate Obligations

(a) 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 City of Bayswater in an official capacity.

(b) Communication and Public Relations

- (i) As a representative 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 Council Members should acknowledge that:
 - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (ii) Committee Members accept and acknowledge it is their responsibility to observe any direction the City of Bayswater may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

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. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members will:

- (a) be scrupulously honest in their use of the City of Bayswater's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the City of Bayswater resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the City of Bayswater's resources (including the services of Council employees) for private purposes, unless properly authorised to do so.

5.2 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 City of Bayswater policy and the provisions of the *Local Government Act 1995*.

5.3 Access to Information

- (a) 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.