

# COUNCILLORS CODE OF CONDUCT

"Life as rich as the landscape"



## FORWARD PLANNING:

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Roads Program

Swimming Pool  
Improvements

Housing

Plant and Equipment

Town Hall Improvements

Caravan Park  
Improvements

Depot Improvements

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## FROM THE CHIEF EXECUTIVE OFFICER

The Code of Conduct outlines the standards of behaviour Council members, are required to follow in relation to their conduct as representatives of this local government organisation.

There are four separate components of the Code, for which individual documents exist:

- A Code for Elected Members (this document)
- A Code for Committee Members
- A Code for Employees; and
- A Code for Contractors.

It is important that each class of person to whom the Code applies is familiar with the Code and the responsibilities outlined within it. The Code of Conduct has application across all facets of Shire of Kellerberrin business and is relevant to all Shire representatives. The principles outlined in the Code of conduct underpin how we, in our capacity as public service providers, will interact with one another as well as with external stakeholders.

A handwritten signature in blue ink, appearing to read 'Raymond Griffiths'.

Regards  
Raymond Griffiths  
Chief Executive Officer



## SCOPE

This Code applies to all Council members of the Shire of Kellerberrin.

The Code of Conduct contains matters as prescribed by the *Local Government Act 1995* and Regulations made under the Act and makes further provision for expectations of council members. It is a statement of guidance for council members supplementary to the enforceable rules in the *Local Government (Rules of Conduct) Regulations 2007*.

Any provision in this Code of Conduct is of effect to the extent that it is not inconsistent with the Act and Regulations (Ref: *Local Government Act 1995* Section 5.103(3)), and any other statutory power.

### Definition:

Council member - Any person who holds the office of Councillor on the Council of the Shire of Kellerberrin, including the President and Deputy President.

A Council member may also be a Committee member.

## OUR VALUES

### Councils Vision:

To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## INTRODUCTION

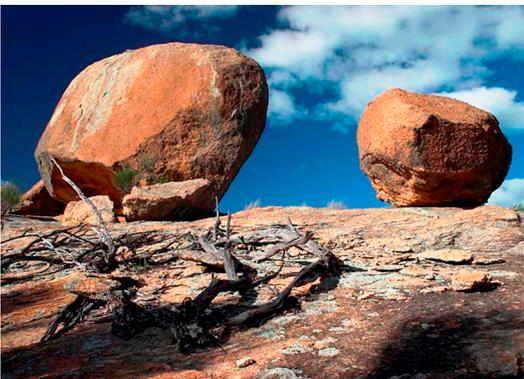
The Shire of Kellerberrin, in accordance with Section 5.103(1) of the *Local Government Act 1995*, is required to prepare, adopt and adhere to a Code of Conduct.

Adoption of the code demonstrates:

- a commitment to observe ethical and professional standards in the performance of duties and functions;
- instills respect between council members, employees and members of the public; and
- strengthens community confidence in the integrity of their Local Government organisation.

## ACHIEVEMENT OF PRIORITIES

The local government framework of the Council, any Committees that the Council has resolved to constitute and the employee organisational structure is established to ensure the Council's corporate goals are achieved, its strategies are implemented and its statutory obligations met. The achievement of these requirements, in accordance with adopted plans and strategies, requires teamwork, cooperation and respect for the unique role of each component of that framework.



## GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

The role of the Council Members as set out in S 2.10 of the Local Government Act 1995 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"*

This Code applies to all Council members of the Shire of Kellerberrin.

(a) In acting in the capacity of a Council member (or when acting as a Committee member) of the Shire of Kellerberrin, all persons shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall: Act with reasonable care and diligence; Act with honesty and integrity; Act lawfully; Avoid damage to the reputation of the local government; Be open and accountable; Base decisions on relevant and factually correct information; Treat others with respect and fairness; and Not be impaired by mind affecting substances.

- (b) Additionally, all Council members shall: Provide relevant and factually correct information to decision-makers; Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of of fidelity to the local government;
  - Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
  - Contribute to the good governance and strategic priorities of the Shire of Kellerberrin in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, Strategic Community Plan, Corporate Business Plan and Annual Budget);
  - Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters (Ref: Local Government Act 1995 Sections 2.7, 2.8, 2.9, 2.10, 5.41, Part 5 division 9 and generally; Local Government (Rules of Conduct) Regulations 2007 and Local Government (Administration) Regulations 1996 regulations 34B and 34C; and Refrain from making allegations which are improper or derogatory; 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.



## CONFLICTS OF INTEREST

An important consideration for any Council Member is to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their statutory or contracted civic or professional duties. This is a very detailed area and the relevant legislation should be read and understood by all persons to whom this Code relates to.

In addition to the statutory requirements referred to above, for the purpose of this Code, the Shire requires the following relating to Applications for Development approval to be observed.

(a) Any Council member intending to undertake a dealing in land within the local government area that involves an application for development or subdivision approval, an application for approval of a structure plan, local development or activity centre plan, or a proposal to rezone or otherwise amend the town planning scheme, or which may otherwise be in conflict with the Shire's functions, shall provide written notice of this intention to the Chief Executive Officer.

The notice shall be provided as soon as practicable in all circumstances, but where an application is to be lodged with the local government or another statutory body for approval, then no less than 7 days before the lodgement of that application. This requirement does not extend to the purchase of the principal place of residence.

(b) Where a relative (refer to section 3.7 of this code) of a Council member with that person's knowledge is intending to undertake a dealing in land within the local government area that involves an application for development or subdivision approval, or which may otherwise be in conflict with the Shire's functions, written notice shall also be provided in accordance with section 3.4 (a).

(c) When an application is made by a Council member or a relative of that person, the Council member has no greater or lesser rights than those of any other member of the public in relation to access to information and access to Shire officers. Council members shall observe the requirements of seeking information through the usual local government process for a member of the public and booking appointments in their own time to meet with officers of the Shire.

(d) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer or the President as the case may be, shall consult with the most senior officer.

Nothing in section 3.4 of the Code negates or replaces the disclosure requirements of any person in accordance with Division 6 of the *Local Government Act 1995* (Disclosure of Financial Interests); Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 (Disclosure of Interest) or any other disclosure requirements in this code.

It is not the intention of this requirement to disadvantage any person due to their election to office or their employment. The requirement is to ensure there is minimum potential for perceptions of or actual undue influence, advantage or disadvantage for a Council member.



## GIFTS

### Definitions:

**“Activity involving a local government discretion”** Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

**“Gift”** 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 (in that specific requirements for contributions to travel are covered in Section 5.83 of the *Local Government Act 1995*).

This definition excludes:

- A gift from a relative;
- A gift that must be disclosed in accordance with regulation 30B of the Local Government (Elections) Regulations 1997;
- A gift from a statutory authority, government instrumentality or non-profit organisation for professional training.

**“Notifiable gift”** A gift worth between \$50 and \$300 or a gift that is one of two or more gifts given by the same person within a period of six months that are in total worth between \$50 and \$300.

**“Prohibited gift”** A gift worth \$300 or more or a gift that is one of two or more gifts given by the same person within a period of six months that are in total worth \$300 or more.

**“Relative”** A parent, grandparent, brother, sister, uncle, aunt, nephew, niece or lineal descendent of the person or of the person’s spouse or de facto partner, the person’s spouse or de facto partner or the spouse or de facto partner of the other specified relatives, whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person’s birth or subsequently, and whether the relationship is a natural relationship or a relationship established by written law.

The notification of the acceptance of a notifiable gift is required to be in writing and include details of:

- (i) The name of the person who gave the gift;
- (ii) The date on which the gift was accepted;
- (iii) A description and the estimated value of the gift;
- (iv) The nature of the relationship between the employee and the person who gave the gift.

If the gift is notifiable as it is one of two or more gifts given by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:

- (i) A description;
- (ii) The estimated value;
- (iii) The date of acceptance.

The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given under this section.



## BACKGROUND

Code of Conduct approved by: Council in October 2019 (TBC)

Review Frequency: As required, no statutory timeframe

Related Documents:

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007

## SHIRE OF KELLERBERRIN OFFICE

110 Massingham Street, Kellerberrin 6410

PO Box 145, Kellerberrin 6410

Phone: 08 9045 4006

Email: [shire@kellerberrin.wa.gov.au](mailto:shire@kellerberrin.wa.gov.au)

Web: [www.kellerberrin.wa.gov.au](http://www.kellerberrin.wa.gov.au)

Chief Executive Officer, Raymond Griffiths  
0417 927 637

Deputy Chief Executive Officer, Kate Dudley  
0429 454 806

Manager for Works and Services, Mick Jones  
0428 454 619

## CONFIDENTIAL INFORMATION

Confidential information must only be disclosed to another person to the extent that is necessary to do so in the performance of duties.

For the purposes of section 3.7 confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the *Local Government Act 1995*, or that is in a document of the local government that is marked confidential, or any other information obtained during the performance of duties that could reasonably be considered to be confidential or of a sensitive nature.

The handling of confidential or sensitive information is a significant responsibility for Council Members with authorised access to such information. Any imparting of such information must be undertaken in strict accordance with the requirements of this code. Where there is any doubt as to the requirement to impart confidential or sensitive information, caution is urged as any unauthorised disclosure of such information is considered a serious breach of responsibilities.

## HARASSMENT AND BULLYING

The Shire of Kellerberrin does not tolerate any form of harassment or bullying. Our values support a culture where people are treated fairly, respectfully and with dignity. “Harassment” is an action, conduct or behaviour that is viewed as unwelcome, humiliating, intimidating or offensive by the recipient. Sexual harassment is any deliberate verbal or physical sexual conduct that is unwelcome and uninvited and that a reasonable person having regard to all the circumstances would regard the behaviour as offensive, humiliating or intimidating. “Bullying” is repeated verbal, physical, social or psychological abuse by a person or group of people at work.

Council Members are expected to be inclusive, collaborative and supportive and are not to engage in any activity that could be considered to be harassment or bullying. It is important that everyone considers the implications of their behaviours and supports colleagues to raise concerns.