

# Integrity at the City of Perth

Code of Conduct for Council Members, Committee Members and Candidates

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# Using the Code

As the capital city local government authority for Western Australia, the City of Perth is responsible for providing effective and high-quality government for residents, ratepayers and visitors, as mandated in the *Local Government Act 1995* (LG Act) and *City of Perth Act 2016* (City of Perth Act). This Code of Conduct (Code) establishes the standards and principles that outline expected behaviour and relevant legal responsibilities for each appointed and prospective elected member, committee member and candidate. It facilitates the delivery of good governance by Council and the Chief Executive Officer (CEO) by supporting:

- Decision making processes that are responsible, inclusive, participatory and representative and deliver outcomes which are in the best interests of community and our stakeholders.
- Developing and strengthening public trust in the integrity of the City and local government.
- Strong, effective relationships between Councillors, committee members, candidates, the CEO, and employees of the City based on clear roles and responsibilities and shared principles.

This Code focuses on principles and gives general guidance, rather than detailed policies and procedures. It does not describe every requirement of legislation, policies, and procedures, or all rights and obligations that would ordinarily apply under law. It is to be read in conjunction with the LG Act, its subsidiary legislation and the City of Perth Act.

It is your responsibility to seek information if you are unclear on any area of conduct. Misunderstanding or being unaware of laws does not relieve a person from the obligation to comply.

This Code is subsidiary to (and informed by) personal responsibilities and compliance obligations under legislation. The laws that apply to your conduct include, but is not limited to:

- *Local Government Act 1995*
  - *Local Government (Model Code of Conduct) Regulations 2021*
  - *Local Government (Elections) Regulations 1997*
  - *Local Government (Functions and General) Regulations 1996*
  - *Local Government (Administration) Regulations 1996*
- *City of Perth Standing Orders Local Law 2009*
- *Corruption, Crime and Misconduct Act 2003*
- *The Criminal Code*
  - Chapter XII - Corruption and abuse of office
- *Disability Discrimination Act 1992*
- *Environmental Protection Act 1986*
- *Equal Opportunity Act 1984*
- *Fair Work Act 2009*
- *Freedom of Information Act 1992*
- *Occupational Safety and Health Act 1984*
- *Public Interest Disclosure Act 2003*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *State Records Act 2000*

## Key definitions

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 of Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.

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

# Our principles

The *Local Government (Model Code of Conduct) Regulations 2021* prescribe the following general principles to guide your behaviour as a City of Perth council member, committee member or candidate.

## Accountability

As a City of Perth council member or committee member, I should –

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

## Personal integrity

As a City of Perth council member, committee member, or candidate, I should –

- act with reasonable care and diligence.
- act with honesty and integrity.
- act lawfully.
- identify and appropriately manage any conflict of interest.
- avoid damage to the reputation of the City.

As a City of Perth council member or committee member, I should –

- act in accordance with trust placed in council members and committee members.
- attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of my role.
- participate in decision-making in an honest, fair, impartial and timely manner.
- actively seek out and engage in training and development opportunities to improve the performance of my role.

## Relationships with others

As a City of Perth council member, committee member, or candidate, I should –

- treat others with respect, courtesy, honesty and fairness.
- respect and value diversity in the community.

As a City of Perth council member or committee member, I should –

- maintain and contribute to a harmonious, safe and productive work environment.

# Living the Code

## 1. Personal conduct

### General conduct

As a current or prospective representative and leadership figure of the City of Perth, you are a role model and your behaviours shape the culture of what is acceptable and expected at the City. By acting in accordance with our principles, you can foster a positive culture in the City and provide effective leadership to the organisation and community.

Your conduct at meetings is particularly important in effective, democratic, and ethical decision making. It is a statutory obligation of an elected member to vote on every item of business considered at a Council meeting, except where prevented from doing so by the *Local Government Act 1995* due to a conflict of interest.

### Behavioural requirements

The following are enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be dealt with by the City of Perth.

- 1.1. As a council member, committee member or candidate for the City of Perth, when attending a council or committee meeting, I must —
  - a. not act in an abusive or threatening manner towards another person.
  - b. not make a statement that I know, or could reasonably be expected to know, is false or misleading.
  - c. not repeatedly disrupt the meeting.
  - d. comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings.
  - e. comply with any direction given by the person presiding at the meeting.
  - f. immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.
- 1.2. As a council member or committee member for the City of Perth, I must —
  - a. not be impaired by alcohol or drugs in the performance of my official duties.
  - b. comply with all policies, procedures and resolutions of the local government.

### Expectations

- I impartially exercise my responsibilities in the interests of the local community.
- I understand that ethical behaviour is an integral part of responsible, effective and accountable government.
- I endeavour to foster a culture of good governance, risk awareness, health and safety, and equal opportunity within the City and the community.
- I act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person.

### Responsibilities

- Acting in accordance with the letter and intent of legislation such as the *Corruption, Crime and Misconduct Act 2003*, *Public Interest Disclosure Act 2003*, and *Local Government (Model Code of Conduct) Regulations 2021*.
- Understanding the different types of breaches and misconduct findings and sanctions that may be made against me should I fail to comply with applicable legislation and the Code.
- Taking all reasonable steps to become familiar with policies and protocols and participate in any reviews of these documents.

- I do not engage in any fraudulent, corrupt or illegal behaviour, and I report any information about actual or potentially fraudulent, corrupt, or illegal activities to the CEO or, if necessary, the Corruption and Crime Commission where I suspect the conduct may meet the definition of serious misconduct under the *Corruption, Crime and Misconduct Act 2003*.
- I am committed to ensuring that elections conducted by the City are conducted fairly and democratically and in accordance with the highest standards of governance.
- Understanding and complying with the *City of Perth Standing Orders Local Law 2009*, and acting professionally, democratically, and respectfully at all meetings, briefings, forums, workshops, and training sessions.
- Using a good governance and risk management focused approach when making decisions and in all other official duties.

### Diversity and inclusion

The City aims to foster within the community and the workplace an environment of trust, mutual respect and appreciation where everyone is treated fairly, with respect and can realise their full potential.

All individuals have a right to feel confident that the diversity of their experiences will be valued and supported, regardless of their gender, age, language, ethnicity, cultural background, ability, religious belief, identification as gay, lesbian, bisexual, transgender, intersex or queer (LGBTIQ), education, work and life experiences, socio-economic background, opinions, job function, geographical location, marital status and family.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I recognise and embrace the diversity each person brings to the City, and value and consider diversity in decision-making, program and policy development.</li> <li>• I recognise that there is no place for unlawful discrimination, harassment (sexual or otherwise), racial and religious vilification and victimisation of any individual.</li> <li>• I am committed to treating all people with dignity and respect, and have due regard to the opinions, identities, beliefs, rights and experiences of other elected members, City staff and other persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Acting in accordance with the letter and intent of legislation such as the <i>Equal Employment Opportunity Act 1984</i> and other anti-discrimination legislation.</li> <li>• Identifying my own needs and the needs of my colleagues to undertake training or activities to further develop awareness and understanding.</li> <li>• Valuing diversity and considering diversity in decision making, program and policy development.</li> <li>• Recognising the characteristics of the whole person and treating all individuals with fairness and respect.</li> </ul>

## Bullying and harassment

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, gender or gender expression, sexual orientation or some other attribute specified under anti-discrimination legislation. Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety.

There is no place for bullying or harassment at the City, and it will not be tolerated. It is unlawful, breaches our policies, and goes against our values.

### Behavioural requirements

The following are enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be dealt with by the City of Perth.

- 1.3. As a council member, committee member or candidate for the City of Perth, I must –
- a. not bully or harass another person in any way.
  - b. not use offensive or derogatory language when referring to another person.

### Expectations

- I uphold the City's obligations to support a safe workplace and will not engage in unreasonable behaviour toward another Council member, committee member, the general public, the CEO or any City employee that creates a risk to the health and safety of that person.
- I report harassment and bullying, and do not behave in a manner that may be perceived as intimidating, offensive, or inappropriate.

### Responsibilities

- Taking responsibility for personal health and safety and the health and safety of others and fulfilling my obligations under the *Occupational Health and Safety Act 1984* and *Fair Work Act 2009*.

## 2. Communications and leadership

### Involvement in administration

As an elected member, your prescribed role includes providing leadership and guidance to the community. The *Local Government (Model Code of Conduct) Regulations 2021* prohibit your involvement in the administration of the City. This separation of duties between the representative decision makers (council and committee members) and the administrators responsible for implementing those decisions (local government employees) is a fundamental good governance principle.

#### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

#### Expectations

- I accept that my role is to provide leadership, and not to interfere or involve myself in administrative matters.
- I respect the role that each elected member, committee member and employee plays to achieve the City's objectives and deliver effective service to the community and our stakeholders.
- I do not approach staff directly about matters unless given authority to do so, or make vexatious or inappropriate queries to the administration, as I understand and value the time spent by City employees in responding to requests and questions from elected and committee members.

#### Responsibilities

- Adhering to the Local Government Act 1995 and the City's Communication Protocol, and fulfilling my prescribed role and responsibilities without seeking to involve myself in the responsibilities of others.
- Not undertaking tasks that contribute to the administration of the City.
- Not directing (except as part of an established council or committee meeting process) or attempting to influence a local government employee in their capacity as a local government employee.



## Relations with council members, committee members, the CEO and City administration

Effective working relationships based on clear roles and responsibilities are crucial to the ability of the City to effectively serve the community and its stakeholders.

Given the open nature of local government and the absence of party-based political structures, elected members and committee members must work together to achieve outcomes. It is also critical to good governance to maintain an appropriate relationship between council members, committee members, the CEO and City administration. Working relationships should be characterized by mutual respect and an acknowledgement that, while all parties may not agree on all issues, they are all doing important, and often challenging work, and each have a clear role to play in serving the community.

### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

### Behavioural requirements

The following are enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be dealt with by the City of Perth.

- 2.1. As a council member, committee member or candidate for the City of Perth, I must —
  - a. 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.
  - b. not impute dishonest or unethical motives to another council member, committee member, or candidate or local government employee in connection with the performance of their official duties.
- 2.2. As a council member or committee member for the City of Perth, I must —
  - a. direct to the CEO any request for a query or complaint to be dealt with, or other work or action to be undertaken, by a local government employee.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I communicate with my fellow council and committee members openly, equitably and without bias or favouritism.</li> <li>• I work constructively with my fellow council, committee members, candidates, the CEO and the City’s employees and respect their perspectives and input.</li> <li>• I do not seek to restrict or place undue influence on the ability of employees to give professional advice to Council.</li> <li>• I act according to legal requirements, policies and all other lawful directives regarding communication with my fellow council members, committee members, and candidates, the CEO, employees of the City, media, and community.</li> <li>• I express my disagreements with others in ways that are not personal attacks and do not cause detriment to individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Following all procedures and protocols which set out interaction between council members, committee members, candidates, the CEO and the City administration.</li> <li>• Ensuring I have effective working relationships with other council members, committee members, the CEO, and City employees to succeed individually and collectively.</li> <li>• Treating others with respect and courtesy.</li> <li>• Allowing others to freely express their opinions, and swiftly resolving any conflicts that may rise.</li> </ul>

**Communications**

As an appointed or prospective council or committee member, you are seen to be representing the City of Perth in your interactions with the community and our stakeholders.

These expectations are applicable whenever you are speaking or communicating on behalf of the City, and when using channels such as:

- social media
- websites
- electronic direct mail (EDM)
- publications such as local newspapers (print and electronic)
- advertising (print, electronic and digital)
- media communications and releases
- promotional items
- displays and exhibitions promotional items

**Behavioural requirements**

The following are enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be dealt with by the City of Perth.

- 2.3. As a council member, committee member or candidate for the City of Perth, I must –
  - a. ensure that my use of social media and other forms of communication complies with this code.
  - b. only publish material that is factually correct.
  - c. deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government.
- 2.4. As a council member or committee member for the City of Perth, I must –
  - a. clearly preface any personal opinions or views I express publicly as my own and not the City’s, including when using social media.
  - b. not make any adverse reflection on council members, committee members, the CEO, employees, or decisions of Council and committees, including when publicly expressing my own personal opinions or views.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I abide by the Communications Protocol.</li> <li>• I understand that the Lord Mayor is the authorised spokesperson for the City, and do not make unauthorised public representations about the City, its activities or its views.</li> <li>• I only make public comment or representation on behalf of the City with appropriate prior approval.</li> <li>• Any comments or representations I make publicly will be factually correct and not cause detriment to my fellow Council members, committee members, candidates, the CEO, the City administration, the City as an entity, or any other person.</li> <li>• When expressing my personal views and opinions, I clearly identify them as my own and not the City's.</li> </ul>	<ul style="list-style-type: none"> <li>• Acting in accordance with the Communications Protocol, and respecting that the Lord Mayor is the authorised spokesperson for the City.</li> <li>• Respecting decisions of Council and committees by not criticising or actively undermining any decisions which have been made.</li> <li>• Not bringing the City into disrepute through any of my words or actions</li> <li>• Not speaking on behalf of the City without prior approval.</li> <li>• Ensuring any personal opinions or views I express publicly are identified as my own and not the City's.</li> <li>• Ensuring any communications I make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.</li> </ul>

### 3. Improper use of office

#### Personal advantage or disadvantaging others

The position of council member or committee member is inherently a position of power. The community rightfully expects you to use your office to fairly and faithfully represent and act in their best interests, and properly dispel your duties. If you improperly use your office to gain a personal advantage for yourself or another person or to cause detriment to the City or any other person, community trust in the City and local government broadly is damaged.

Improperly using your office to gain a personal advantage for yourself or another person, or to cause detriment to the City or another person, may constitute corruption if it meets the definition of serious misconduct under the *Corruption, Crime and Misconduct Act 2003*.

#### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute **a minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

#### Behavioural requirements

The following are enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be dealt with by the City of Perth.

- 3.1. As a council member for the City of Perth, I must —
  - a. only use my Lord Mayor or councillor title when fulfilling the official functions of my elected office.

#### Expectations

- I honour the trust placed in me by the community and our stakeholders to serve fairly and transparently, and do not seek to gain advantage directly or indirectly for myself or any other person.
- I act equitably, without seeking to cause detriment to the City or any other person.
- I do not make improper use of information obtained in the course of my official duties, or use it for direct or indirect, personal or commercial gain, or to do harm to others.
- As a sitting council member, during an election period:
  - o I will abide by the requirements of the applicable legislation and policies.
  - o whether or not I am standing for re-election, I will always act respectfully towards all candidates for the election.

#### Responsibilities

- Not making improper use of my position as a council or committee member to directly or indirectly gain an advantage for myself or any other person.
- Not making improper use of my position as a council or committee member to cause detriment to the City or any other person.

## Use of City resources

You have a responsibility to the community to ensure the City operates efficiently and effectively. This extends to your own behaviours, which means that you are expected to act only in the public interest, and without self-interest, and to use the City's resources carefully and transparently.

### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

### Expectations

- I use City resources, facilities, funds and equipment (including employee time) effectively and economically, and only for official duties.
- I use these resources in the accordance with public interest, and not for personal gain.
- I report any damage or loss of property or equipment immediately to the City.
- I ensure requests by an external party, such as charitable organisations, to use City facilities are referred to the City for approval.
- I ensure the City's resources are to be utilised only for authorised activities.

### Responsibilities

- Understand and comply with the City's provisions for the reimbursement of expenses, including travel and accommodation.
- Ensuring the responsible and efficient expenditure of ratepayer funds.
- Using City resources, which may include equipment, information, email address, premises, staff resources, property of any kind and other assets, which have been provided to me only for the purposes of my duties as a Councillor and not for private purposes unless properly authorised to do so.
- Maintaining adequate security over City property, facilities and resources in my possession or control.
- Ensuring that any claim for expenses that I may make is in accordance with all legislative obligations and Council policies.

## 4. Disclosure and management of information

### Record keeping

All public officers, including council members and committee members, are responsible under the *State Records Act 2000* for creating and managing government records appropriately. Correspondence and documents created or received in the course of official business are official records.

The State Records Commission requires that records of council member communications and transactions which constitute evidence affecting the accountability of the Council and the discharge of its business be created and retained, regardless of the record's format or where it was received. This includes messages sent via text or applications such as WhatsApp, Messenger, or WeChat.

Making and maintaining proper records assists with accountability and transparency by demonstrating the basis for decisions and the process used to make them. Documentation enables decisions to be reviewed, including by an independent person or authority. The *Freedom of Information Act 1992* gives members of the public the right to access the City's documents, subject to some limitations. All documents created by council members and the administration can be subject to a Freedom of Information request.

### Behavioural requirements

The following are enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be dealt with by the City of Perth.

- 4.1. As a council member or committee member for the City of Perth, I must –
- a. where information technology facilities are provided by the City, use those facilities for any matter relating to the business of the City or the performance of the duties or my office or appointment.

Expectations	Responsibilities
<ul style="list-style-type: none"><li>• I follow meeting procedures and disclosure processes to facilitate the accurate recording of decision-making practices (including motions and questions), events, and activities.</li><li>• I ensure information and records within my control are kept in a secure place.</li><li>• I diligently handle City records and secure sensitive documents.</li><li>• I dispose of duplicate copies of records and confidential waste in accordance with record keeping and archive procedures.</li><li>• I do not falsify, destroy, alter or damage any public records or back-date information or remove information from files.</li><li>• I respect and facilitate the rights of the public to gain access to documents and to check personal information in documents.</li><li>• I allow prompt access and ensure personal information held is accurate, complete, up to date and not misleading.</li><li>• I record salient facts in documents.</li><li>• I avoid recording inappropriately disparaging remarks and unsubstantiated personal opinions about individuals on official documents.</li></ul>	<ul style="list-style-type: none"><li>• Complying with the letter and intent of the <i>State Records Act 2000</i>, <i>Freedom of Information Act 1992</i>, and the City's Recordkeeping Plan and practices.</li><li>• Ensuring records are properly organised and securely stored.</li><li>• Understanding and fulfilling my record keeping obligations, including by only using approved City systems to discuss official Council business and decision-making.</li><li>• Ensuring that records I create or receive that relate to official City business be captured in the City's record keeping systems in accordance with the City's Recordkeeping Plan.</li></ul>

## Disclosure of information

Council and committee members are privy to confidential and highly sensitive information such as information relating to commercial matters and legal issues, notably when considering meeting items deemed to be confidential under the *Local Government Act 1995*. The confidentiality of information must be maintained unless determined otherwise.

It is important that you do not inappropriately or unlawfully disclose information acquired in the course of your official duties or for personal, commercial, or political gain for yourself or others, or to the detriment of others. You should be particularly cautious when information to which you are privy could be seen to involve any conflict of interest you may have.

### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 21. Disclosure of information

(1) In this clause —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO, 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.

### Expectations

- I avoid discussing confidential matters in public places where there is a likelihood of being overheard.
- I maintain and respect confidentiality and don't divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given.

### Responsibilities

- I will comply with any legislative provisions and Council policies concerning my access to, use of, or disclosure of Council information, whether confidential or otherwise.

- 
- I don't make improper use of information obtained in the course of my official duties, or use for direct or indirect personal or commercial gain, or to do harm to others.
  - I respect the privacy of individuals, and the security of personal information.
  - I protect intellectual property.
  - I raise concerns of improper communications or use of information with the CEO or relevant authority.
-



## 5. Conflicts and Disclosures

Decisions can arise that an elected member or committee member has an actual or perceived interest in a matter.

When decisions are made and there is the perception of a conflict of interest the community may doubt the integrity of the decision. The validity of decisions made with an actual or perceived conflict can be challenged. To ensure conflicts do not undermine public trust, it is important to transparently disclose them and leave meetings when required.

Sections 5.65 of the *Local Government Act 1995* requires elected members and committee members to disclose financial and proximity interests of themselves and people they are closely associated with. Council members must complete primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the *Local Government Act 1995*

The *Local Government (Model Code of Conduct) Regulations 2021* requires the disclosure of any interest which could, or could reasonably be perceived to, adversely affect the impartiality of the elected member.

### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I carefully identify and appropriately manage potential conflicts and keep my private commercial or political interests separate from my role.</li> <li>• I openly and transparently disclose interests in matters before Council or committee in accordance with the <i>Local Government Act 1995</i>.</li> <li>• I ensure there is no actual or perceived conflict of interest between my personal interests and the impartial fulfilment of my public duties and functions.</li> <li>• I ensure the details and extent of my interests and any conflicts are fully and faithfully recorded in any disclosures I make.</li> <li>• I diligently review meeting agendas and papers to identify and disclose any conflicts prior to meetings.</li> <li>• I understand that conflict and bias can arise from my personal and professional relationships, and this can potentially lead or be seen to lead to decisions I make as a Councillor being made for reasons other than the public interest.</li> </ul>	<ul style="list-style-type: none"> <li>• Disclosing interests in accordance with legislation at meetings and providing a written disclosure of interests to the CEO.</li> <li>• Ensuring I do not participate, even informally, in decisions where I have any interest unless my interest has been disclosed and my participation is authorised.</li> <li>• Wholly completing and lodging primary and annual returns and related party disclosures in a timely fashion and in accordance with legislation.</li> <li>• Familiarising myself with the different types of interests under legislation and the disclosure requirements that apply to them.</li> <li>• Seeking assistance if I am unsure about a possible conflict of interest.</li> </ul>

## 6. Gifts

Elected members may be offered gifts from organisations and individuals as a result of their role. Gifts can include items such as goods, discounts, hospitality, attendance at events or contributions to travel.

The full definition of a gift is included under section 5.57 of the *Local Government Act 1995*.

Whenever an elected member accepts (or in some instances, is offered) a gift, there is a risk of real or perceived influence arising. Even though this might not be your intention, or the intention of the donor, impressions and perceptions are important.

Sections 5.87A and 5.87C of the *Local Government Act 1995* require declaration of any gift received in a **person's capacity as an elected member** where the value of the gift (or the cumulative value of gifts from the same donor in a 12-month period) is over \$300. Gifts must be declared within ten days of receipt to the CEO.

Interests can arise from accepting a gift. This may require a disclosure of interest and affect voting.

### Elections

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

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

Expectations	Responsibilities
<ul style="list-style-type: none"><li>• I strive to build and maintain public trust and understand that accepting gifts can give the impression that decisions could be influenced by the gift.</li><li>• I openly and transparently declare gifts received and meet the requirements of the <i>Local Government Act 1995</i>.</li><li>• I do not expect or seek gifts and benefits.</li><li>• I consider the appropriateness of the gift, including its potential impact on future decision making and community perception before accepting.</li><li>• I consider whether there is a benefit to the City when accepting a gift.</li><li>• I commit to compliance with my statutory obligations in relation to gifts, benefits and hospitality.</li></ul>	<ul style="list-style-type: none"><li>• Refusing offers of gifts that could reasonably be perceived as influencing me or undermining the integrity of the City or myself.</li><li>• Declaring relevant gifts within 10 days of receipt to the Chief Executive Officer via Attain.</li><li>• When relevant gifts under \$300 are received either:<ul style="list-style-type: none"><li>◦ declaring relevant gifts under the threshold when received.</li><li>◦ keeping personal records and declaring when the threshold is reached.</li></ul></li><li>• Complying with the relevant provisions of the <i>Local Government 1995</i>, <i>Local Government (Election) Regulations 1996</i>, <i>The Criminal Code</i>, <i>State Records Act 2000</i> and <i>Corruption, Crime and Misconduct Act 2003</i>.</li></ul>

# Enforcing the Code

## Breaches

You are encouraged to refer any suspected breaches of the Code or rules of conduct – this is your code, and you have a role in upholding it and ensuring others adhere to it.

### Breaches of the behavioural requirements

If you or any other person has reason to believe a council member, committee member or candidate has breached the behavioural requirements of this Code, you may make a complaint to a person authorised to receive these complaints. The complaint needs to be made within one month of the alleged breach occurring.

Complaints of this nature are to be dealt with by the City in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* (the “Model Code Regulations”), this Code of Conduct, and any relevant policies and procedures adopted by Council.

If you are the subject of a complaint and an alleged breach is found to have occurred, the City may prepare and implement a plan to address your behaviour under clause 12(4)(b) of Schedule 1 of the Model Code Regulations.

This plan may require you to engage in mediation, undertake counselling, undertake training, or any other action the City considers appropriate, in accordance with 12(6) of Schedule 1 of the Model Code Regulations.

### Rules of conduct

The following rule of conduct is prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*. Failure to act accordingly may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

#### 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.

### Breaches of the rules of conduct

Failure to act in accordance with the *City of Perth Standing Orders Local Law 2009* or the prescribed rules of conduct under the *Local Government (Model Code of Conduct) Regulations 2021* may constitute a minor breach under the *Local Government Act 1995*.

If you or any other person has reason to believe a minor breach has occurred, the matter may be referred to the CEO by completing a minor breach form with all supporting evidence. Complaints of this nature may be forwarded to the Local Government Standards Panel (Standards Panel) for determination.

# Commitment to the Code

I, as an elected representative of the community charged with decision making for the City of Perth, am committed to undertaking the duties and responsibilities of my office by working together with my fellow Councillors in a respectful and constructive manner to achieve the goals and vision for our city.

I recognise the importance of acting in the highest standards of governance, and that it is essential to honest, accountable and effective government. My behaviour towards my colleagues, the community and the City's administration is critical to the teamwork required to be a successful and highly functioning public authority.

I acknowledge that I have been elected by the community to a position of significant responsibility with the expectation that I will act in accordance with accepted values of our society.

I also acknowledge that Council is committed to our principles of accountability, personal integrity, and effective relationships with others. These principles and associated obligations are set out in this Code. The Code is supported by specified protocols, policies and procedures which underpin the values and provide guidance for the implementation and management of elected member conduct.

As an elected representative of the City of Perth, I agree to:

- act in accordance with the principles of good governance and respectful conduct and associated obligations set out in the Code and legislation;
- provide civic leadership and contribute effectively to the interests and advancement of Council and its community;
- contribute to the strategic vision for Council;
- uphold the public trust in the office of Councillor by refraining from any action or behaviour that would bring Council into disrepute; and
- act in accordance with all my obligations to the best of my skill and judgment.

This Code sets out my commitment to my fellow elected members and the community to govern the City in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations. Additionally, at least once every two years elected members will review this Code to ensure that it meets and continues to meet community standards and expectations.

By signing below, I declare to my fellow elected members and to the community that I have read, understood and will abide by this Code of Conduct.

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Lord Mayor Basil Zempilas

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Deputy Lord Mayor Sandy Anghie

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Councillor Di Bain

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Councillor Clyde Bevan

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Councillor Brent Fleeton

---

Councillor Liam Gobbert

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Councillor Rebecca Gordon

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Councillor Viktor Ko

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Councillor Catherine Lezer

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**Witnessed by:**

Chief Executive Officer Michelle Reynolds

# Code of Conduct for Council Members, Committee Members and Candidates – Addendum

## Tools and resources

Living the Code section	Relevant tools and resources
1. Personal conduct	<p><u>City of Perth publications and local laws</u></p> <ul style="list-style-type: none"><li>• <a href="#">City of Perth Standing Orders Local Law 2009</a></li><li>• Corporate Governance Framework</li><li>• <a href="#">Reconciliation Action Plan</a></li><li>• <a href="#">Cultural Development Plan 2019 - 2029</a></li><li>• <a href="#">Disability Access and Inclusion Plan 2016 - 2020</a></li></ul> <p><u>Department of Local Government, Sports and Cultural Industries publications</u></p> <ul style="list-style-type: none"><li>• <a href="#">The role of a council member</a></li><li>• <a href="#">Council members responsibilities and rights</a></li><li>• <a href="#">Rights and obligations in campaigning</a></li><li>• Local government operational guidelines:<ul style="list-style-type: none"><li>○ <a href="#">Clarity in council motions</a></li><li>○ <a href="#">Council forums</a></li></ul></li></ul> <p><u>Other external tools and resources</u></p> <ul style="list-style-type: none"><li>• <a href="#">Equal Opportunity Commission fact sheets and other resources</a></li><li>• <a href="#">Fair Work Guide – Anti-bullying</a></li><li>• <a href="#">Australian Human Rights Commission – Rights and freedoms: right by right</a></li><li>• <a href="#">Racism. It Stops With Me</a></li><li>• <a href="#">Reconciliation Australia</a></li><li>• <a href="#">Corruption and Crime Commission resources</a></li><li>• <a href="#">Public Sector Commission</a><ul style="list-style-type: none"><li>○ <a href="#">Don't be afraid to speak up: Guide for disclosers</a></li></ul></li></ul>
2. Communications and leadership	<p><u>City of Perth publications</u></p> <ul style="list-style-type: none"><li>• <a href="#">Communications Protocol</a></li><li>• Corporate Governance Framework</li></ul> <p><u>Department of Local Government, Sports and Cultural Industries publications</u></p> <ul style="list-style-type: none"><li>• <a href="#">The role of a council member</a></li><li>• <a href="#">Running an election campaign</a></li></ul>
3. Improper use of resources	<p><u>Australian Public Service Commission</u></p> <ul style="list-style-type: none"><li>• <a href="#">APS Values and Code of Conduct in practice, Section 7: Using Commonwealth resources</a></li></ul>

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#### 4. Disclosure and management of information

##### City of Perth publications

- [Recordkeeping Plan](#)
- [Information Statement](#)

##### Department of Local Government, Sport and Cultural Industries publications

- [Council members responsibilities and rights](#)

##### State Records Office publications

- [Local Government Elected Members' Records: Which records to capture?](#)
  - [Local Government Elected Members' Records](#)
  - [Office of the Information Commissioner](#)
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#### 5. Conflicts and disclosures

##### City of Perth publications and resources

- [Disclosure of Interest Form](#)
- [Disclosure of Interest Protocol](#)

##### Department of Local Government, Sports and Cultural Industries publications

- [Electoral gifts and crowdfunding](#)
  - [Council members responsibilities and rights](#)
  - [Rights and obligations in campaigning](#)
  - Local government operational guidelines:
    - [Disclosure of financial interests in meetings](#)
    - [Disclosure of gifts and disclosure of interests relating to gifts](#)
    - [Disclosure of interests affecting impartiality](#)
    - [Primary and annual returns](#)
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#### 6. Gifts

##### City of Perth publications and resources

- [Attain](#)
- [Declaring Gifts Protocol for elected members](#)

##### Department of Local Government, Sports and Cultural Industries publications

- [Electoral gifts and crowdfunding](#)
- [Rights and obligations in campaigning](#)
- Local government operational guidelines:
  - [Disclosure of gifts and disclosure of interests relating to gifts](#)

##### Other external publications

- [The Integrity Coordinating Group's Gifts, benefits and hospitality: A guide to good practice](#)
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