



SHIRE OF IRWIN
DONGARA-PORT DENISON

A BRILLIANT BLEND

Shire of Irwin

Committee Member Code of Conduct

August 2020

Document Control

Document No.	Date Originated	Previous Version	
DRAFT_Rev0	4 August 2020		
Revision No.	Date Reviewed	Adopted by Council - Date	Adopted by Council – Minute Ref
Rev0		25 August 2020	080820

Amendments

Details of amendments	Reviewed/Amended Date	Record No.	Council Minute Ref.

Table of Contents

1	Preliminary	4
1.1	Title	4
1.2	Commencement	4
1.3	Definitions	4
1.4	Application	4
1.5	Requirements for this Code	4
1.6	Previous Code	4
2	Obligations of Committee Members	5
2.1	General Principles	5
2.2	Personal behaviour	5
2.3	Honesty and integrity	5
2.4	Performance of role	5
2.5	Compliance with lawful orders and policies	6
2.6	Administrative and management practices	6
2.7	Relationships between Committee Members and employees	6
2.8	Use of the Shire's resources	6
2.9	Securing personal advantage or disadvantaging others	6
2.10	Prohibition against involvement in administration	7
2.11	Relations with local government employees	7
3	Contravention of this Code	7
3.1	Complaining to CEO of contravention	7
3.2	Procedure for making complaint	7
3.3	Procedure for dealing with complaint	7

1 Preliminary

1.1 Title

This is the *Shire of Irwin Committee Member Code of Conduct – August 2020*.

1.2 Commencement

This Code comes into operation on 26 August 2020.

1.3 Definitions

In this Code, unless the contrary intention appears:

“Act” means *Local Government Act 1995*;

“CEO” means the chief executive officer of the Shire;

“Committee” means a committee established by Council under the Act;

“Committee Member” means a member of a committee appointed by the City under the Act;

“Council” means the elected body that consists of the Shire President, Deputy Shire President and Councillors;

“Council” means the Council of the Shire;

“Rules of Conduct Regulations” means *Local Government (Rules of Conduct) Regulations 2007*.

1.4 Application

- 1) Subject to subclause (2), this Code applies to Committee Members.
- 2) This Code does not apply to any Committee Member who is an employee of the Shire or who is a member of the Council.

1.5 Requirements for this Code

This Code is adopted by Council in accordance with the requirements of section 5.103 of the Act.

1.6 Previous Code

This Code replaces the Code of Conduct adopted by Council on 15 December 2015.

2 Obligations of Committee Members

2.1 General Principles

It is a requirement of this Code that Committee Members observe the general principles referred to in Regulation 3(1) of the Rules of Conduct Regulations.

Regulation 3(1) of the Rules of Conduct Regulations provides as follows:

General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should –

- a) act with reasonable care and diligence; and*
- b) act with honesty and integrity; and*
- c) act lawfully; and*
- d) avoid damage to the reputation of the local government; and*
- e) be open and accountable to the public; and*
- f) base decisions on relevant and factually correct information; and*
- g) treat others with respect and fairness; and*
- h) not be impaired by mind affecting substances.*

2.2 Personal behaviour

A Committee Member must:

- a) act, and be seen to act, properly and in accordance with the requirements of the law, Council policies, resolutions and the terms of this Code;
- b) perform their duties impartially and in the best interests of the Shire;
- c) act in good faith and fidelity in the interests of the Shire and the community; and
- d) 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 the Member's role, which may cause any reasonable person unwarranted offence or embarrassment.

2.3 Honesty and integrity

A Committee Member must:

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards; and
- b) bring any dishonesty or possible dishonesty on the part of a Member to the attention of the CEO or the Shire President.

2.4 Performance of role

A Committee Member must:

- a) exercise reasonable care and diligence in the performance of his or her role; and
- b) be consistent in his or her decision making but must treat all matters on individual merits, in an honest and fair manner.

2.5 Compliance with lawful orders and policies

A Committee Member must:

- a) comply with any lawful order given by any person having authority to make or give the order, with any doubts as to the propriety of the order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.
- b) give effect to the lawful policies of the Shire, whether or not the Committee Member agrees with or approves of them.

2.6 Administrative and management practices

A Committee Member must ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

2.7 Relationships between Committee Members and employees

To be effective, a Committee Member must work as part of the committee and with the CEO and other employees. That teamwork will only occur if Committee Members and employees have a mutual respect and co-operate with each other to achieve the City's corporate goals and implement the City's strategies. To achieve that position a Committee Member must:

- a) acknowledge that he or she has no capacity to individually direct members of staff to carry out particular functions; and
- b) refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

2.8 Use of the Shire's resources

A Member must:

- a) be scrupulously honest in their use of the Shire's resources and must not misuse them or knowingly permit their misuse; and
- b) not use the Shire's resources (including the services of the Shire's employees) for private purposes, unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

2.9 Securing personal advantage or disadvantaging others

A Committee Member must not make improper use of the Committee Member's office:

- a) to gain directly or indirectly an advantage for the person or any other person; or
- b) to cause detriment to the Council or any other person.

2.10 Prohibition against involvement in administration

- 1) A person who is a Committee Member must not undertake a task that contributes to the administration of the Council unless authorised by the Council or by the CEO to undertake that task.
- 2) Subclause (1) does not apply to anything that a Committee Member does as part of the deliberations at a committee meeting.

2.11 Relations with local government employees

- 1) A Committee Member must not:
 - a) direct or attempt to direct a person who is an employee of the Council to do or not to do anything in the person's capacity as the Council's employee; or
 - b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is an employee of the Council in the person's capacity as the Council's employee.
- 2) Subclause (1) does not apply to anything that a Committee Member does as part of the deliberations at a committee meeting.
- 3) If a person, in his or her capacity as a Committee Member, is attending a committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means:
 - a) make a statement that an employee of the Council is incompetent or dishonest; or
 - b) use offensive or objectionable expressions in reference to an employee of the Council.

3 Contravention of this Code

3.1 Complaining to CEO of contravention

A person who has reason to believe that a Committee Member has contravened a provision of this Code may complain to the CEO.

3.2 Procedure for making complaint

The procedure to be followed by a person making a complaint is to be determined by the CEO.

3.3 Procedure for dealing with complaint

The procedure to be followed in dealing with a complaint is to be determined by the Council.