

City of Kwinana Council Members, Committee Members and Candidates - Code of Conduct



Contents

Contents	1	15. Other provisions about complaints	9
Division 1 – Preliminary provisions.....	0	15A - City additions under Division 3 ...	9
1. Introduction	0	15A.2 Gifts	9
2. Definitions and roles.....	0	15A.2.1 Disclosing the receipt of a gift	10
2.1. Definitions.....	0	15A.2.2 Gifts received during election periods	11
2.2. Roles	2	Division 4 – Rules of conduct.....	12
2.2.1. Roles defined in accordance with the Act.....	2	16. Overview of division.....	12
Role of Council	2	17. Misuse of local government resources	12
Role of Mayor	3	18. Securing personal advantage or disadvantaging others	12
Role of Councillor	3	19. Prohibition against involvement in administration	12
2.2.2. Role of Committee	3	20. Relationship with local government employees	13
Division 2 - General principles.....	4	21. Disclosure of information	14
3. Overview of division.....	4	22. Disclosure of interests	14
4. Personal integrity.....	4	23. Compliance with plan requirements	15
5. Relationship with others	4	Division 5 – Additional local government provisions.....	16
6. Accountability	4	24. Lobbying.....	16
Division 3 - Behaviour	5	24.1 Dealings with other levels of government	16
7. Overview of division.....	5	24.2 Inappropriate lobbying	16
8. Personal integrity.....	5	24.3 Transparency.....	17
9. Relationship with others	5	24.4 Conflicts of interest in lobbying	18
10. Council or committee meetings	6	24.5 Tendering	18
10A Council Member, Committee Member and CEO Communication Agreement.....	6	25. Communication and public relations.....	18
11. Complaint about alleged breach	6	25.1 Mayor to speak on behalf of council	18
12. Dealing with complaint.....	7	25.2 Council member communication	18
13. Dismissal of complaint	8	25.3 Expression of personal views	18
14. Withdrawal of complaint.....	8	25.4 Corporate obligations.....	18
14A. Appointment of monitor	8		
14B. Performance of local government's functions under cl.12 and 13.....	8		

25.5	Public comment during public consultation period	19
25.6	Defamation	19
25.7	Social media guidelines for Council members	19
26.	Record keeping	20
27.	Implementation, review and compliance	21
27.1	Implementation and review	21
27.2	Adherence to the Code of Conduct	21
27.3	Protection of persons reporting unacceptable or illegal behavior	22

Division 1 – Preliminary provisions

Citation

This is the City of Kwinana Code of Conduct for Council Members, Committee Members and Candidates.

1. Introduction

The City of Kwinana (City) Council Members, Committee Members and Candidates Code of Conduct (Code of Conduct) outlines and establishes principles designed to guide the behaviour of council members, committee members and candidates.

The Code of Conduct addresses ethical responsibility, promoting transparency and accountability in all actions. It further encourages adherence to high standards of ethical and professional behaviour, and outlines principles that underpin individual and collective responsibilities within local government.

The Code of Conduct is complementary to the *Local Government Act 1995 (Act)* and meets the requirement of the *Local Government (Model Code of Conduct) Regulations 2021*, the Code of Conduct incorporates four key objectives;

- (1) Improved decision-making processes within local governments.
- (2) Enhanced community participation in local government decisions and activities.
- (3) Greater accountability of local governments to their communities; and
- (4) Promotion of more efficient and effective local government operations.

2. Definitions and roles

2.1. Definitions

- (1) In this Code of Conduct:

Act means the *Local Government Act 1995*.

Activity involving a local government discretion means an activity:

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government.

Administration Regulations means the *Local Government (Administration) Regulations 1996*.

administrative matter, in relation to a council member or committee member, means the following —

- (a) the scheduling of council meetings or committee meetings;
- (b) the council member's or committee member's compliance obligations under the Act, including in relation to disclosure of financial interests and gifts;
- (c) information technology support for the council member or committee member;
- (d) arrangements for the council member or committee member to attend training or a

conference;

- (e) event invitations received by the council member or committee member;
- (f) the council member's or committee member's entitlement to a fee, allowance, reimbursement or superannuation contribution payment under the Act;
- (g) any other matter of an administrative nature;

CEO means the Chief Executive Officer of the City.

Candidate means a candidate for election as an council member.

City means City of Kwinana.

Committee means a committee established by Council under the Act.

committee member means a member of a committee of the City.

Communications Agreement, in relation to the City, means —

- (a) the communications agreement adopted by the City that has effect as the City's communications agreement in accordance with the Act; or
- (b) the default communications agreement that is taken to be the local government's communications agreement under section 5.92B of the Act;

complaint means a complaint made under Division 5 of this Code of Conduct.

Council means the council members of the City.

council member refers to an individual who occupies the position of Mayor or Councillor within the Council.

employee means a person employed by the City.

gift means a gift as defined by section 5.57 of the *Local Government Act 1995*.

Inspector means the person holding the office of Local Government Inspector established by section 8B.1

interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Publish includes to publish on a social media platform.

Regulations means any regulations made under the Act.

request for information, in relation to the City, means a request for —

- (a) access to information held by the City under section 5.92 of the Act or otherwise; or
- (b) other information.

Social media means websites and applications that enable users to create and share content or to participate in social networking, including but not limited to Facebook, Snapchat, Instagram, and LinkedIn.

Harassment is an action, conduct or behaviour that is viewed as unwelcome, humiliating, intimidating or offensive by the recipient.

Bullying is repeated verbal, physical, social, or psychological abuse by a person or group of people.

- (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.

2.2. Roles

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 local government'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 a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement, and economic prosperity.

2.2.1. Roles defined in accordance with the Act

Role of Council

In accordance with section 2.7 of the Act;

- (1) *The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.*
- (2) *The council's governing role includes the following —*
 - (a) *overseeing the allocation of the local government's finances and resources;*
 - (b) *determining the local government's policies;*
 - (c) *planning strategically for the future of the district;*
 - (d) *determining the services and facilities to be provided by the local government in the district;*
 - (e) *selecting the CEO and reviewing the CEO's performance;*
 - (f) *providing strategic direction to the CEO.*
- (3) *For the purpose of ensuring proper governance of the local government's affairs, the council must have regard to the following principles —*
 - (a) *the council's governing role is separate from the CEO's executive role as described in section 5.41;*
 - (b) *it is important that the council respects that separation.*
- (4) *The council must make its decisions —*
 - (a) *on the basis of evidence, on the merits and in accordance with the law; and*

- (b) taking into account the local government's finances and resources.*
- (5) The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.*
- (6) The council has the other functions given to it under this Act or any other written law.*

Role of Mayor

In accordance with section 2.8(1) the role Mayor is as follows:

- (1) The mayor or president —*
 - (a) provides leadership and guidance to the council and council members, including guidance as to the roles of the council and council members; and*
 - (b) acts as the principal spokesperson for the local government, and carries out civic and ceremonial duties on behalf of the local government, at all times acting consistently with council decisions; and*
 - (c) presides at meetings of the council, ensuring that meetings are orderly and held in accordance with this Act; and*
 - (d) promotes, facilitates and supports positive and constructive working relationships among council members; and*
 - (e) liaises with the CEO on the local government's affairs and the performance of its functions.*

Role of Councillor

In accordance with section 2.10, the role of a Councillor is as follows:

- (1) A councillor —*
 - (a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and*
 - (b) participates in the deliberation and decision-making of the local government at council and committee meetings; and*
 - (c) facilitates communication with the community about council decisions; and*
 - (d) facilitates and maintains good working relationships with other councillors, the mayor or president and the CEO; and*
 - (e) acts consistently with section 2.7(3) to (5); and*
 - (f) maintains and develops the requisite skills to effectively perform their role.*

2.2.2. Role of Committee

Committees are typically tasked with considering issues within the scope of their authority as defined by Council and providing advice or recommendations to Council accordingly. These committees are comprised of committee members, who are generally council members or independent members appointed by Council. Together, the committee as a whole reviews and deliberates on matters within its designated area of responsibility, drawing on the collective expertise and perspectives of its members to ensure thorough consideration and informed recommendations are made to Council.

Division 2 - General principles

3. Overview of division

This Division sets out general principles to guide the behaviour of council member, 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

- (1) A council member, committee member or candidate —
 - (a) must not bully or harass another person in any way;
 - (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government;
 - (c) must not use offensive or derogatory language when referring to another person;
 - (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.

10A Council Member, Committee Member and CEO Communication Agreement

Council members are required to comply with the City of Kwinana Council Member, Committee Member and CEO Communication Agreement (Communication Agreement). Any breaches of the Communication Agreement will be managed in accordance with this Code of Conduct.

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 and 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 5.103(3) of the Act.

- (6) A complaint must also be dealt with under clause 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

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.
- (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)

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.

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).

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.

15A - City additions under Division 3

15A.2 Gifts

Section 5.57 of the Act stipulates that a gift is defined as the provision of a financial benefit, which includes the transfer of property from one individual to another, except where appropriate monetary or equivalent consideration is exchanged by the beneficiary to the donor. This definition also extends to contributions made toward travel expenses.

There are two principal considerations in relation to gifts: firstly, the requirement for disclosure upon receipt or refusal; and secondly, the obligation to declare an interest.

15A.2.1 Disclosing the receipt of a gift

In accordance with section 5.87A of the Act, council members are required to disclose any gift/s received in their official capacity as a council member where:

- the gift is valued over \$300; or
- the cumulative value of gifts received from the same donor within a 12-month period exceeds \$300 (for the purpose of this requirement, gifts from related corporations as defined by section 50 of the *Corporations Act 2001* (Cth) are considered to originate from the same donor).

All such disclosures must be submitted to the CEO within **ten days** of receiving the gift. This can be accomplished using the City's gift declaration process via Attain.

The disclosure must provide the details prescribed by section 5.87C of the Act, including:

- a description of the gift;
- name and address of the donor;
- date the gift was received;
- estimated value at the time receipt;
- nature of relationship between donor and recipient;
- description and date of travel (if applicable).

In accordance with section 5.89A, council member gift declarations including all required information as prescribed by r. 28A of the Local Government (Administration) Regulations 1996 will be publicly advertised on the City's official website.

Although it is not required under the Act, the City regards it as best practice to promote transparency, accountability, and good governance. Therefore, Council Members are encouraged not only to comply with the Act's requirements in relation to declaration of the receipt of a gift but also to formally declare the refusal of any gifts.

Please note: The City's Council member and Chief Executive Officer Attendance at Events Policy **does not** exempt council members from the gift declaration requirements.

Council members and committee members should be aware that receiving a gift establishes an interest, by creating a "closely associated person" relationship as defined by section 5.62 of the Act, regardless of whether the gift was accepted in an official capacity or not.

Consequently, requiring a disclosure of interest in matters affecting local government decisions in accordance with section 5.60 of the Act and section 22 of this Code of Conduct.

Pursuant to section 5.62(1B), certain gifts are expressly excluded from the conflict of interest provisions.

Failure to comply with these requirements constitutes an offence and may attract significant statutory penalties.

15A.2.2 Gifts received during election periods

Candidates for election to Council must comply with the gift disclosure requirements prescribed the *Local Government (Elections) Regulations 1997*.

During the election disclosure period, candidates are required to comply with the gift disclosure requirement set out in Part 5A of the *Local Government (Elections) Regulations 1997*. The disclosure period commences six months prior to election day and concludes three days after election day for unsuccessful candidates, or on the start day for financial interest returns under section 5.74 of the Act for successful candidates.

A candidate must disclose any gift promised or received during this period by completing Form 9A and lodging it with the CEO within three days of receipt or promise (once nominations have been made), or within three days of nomination for gifts received earlier in the disclosure period.

The disclosure must include;

- a description of the gift;
- the date it was received or promised,
- its value, and the name and
- address of each donor.

If disclosure cannot be made within the prescribed timeframe due to circumstances beyond the candidate's control, it must be lodged as soon as practicable together with a statutory declaration explaining the delay. Electoral gifts are recorded in a separate Electoral Gift Register maintained and published by the CEO and are not required to be disclosed again under section 5.87A of the Act; however, such gifts may create a financial interest in a matter before Council following the election.

Failure to comply with these requirements constitutes an offence and may attract significant statutory penalties.

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.

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 an 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, threatening or demeaning manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of —

- (a) the deliberations at a council or committee meeting; or
- (b) making a request for information or a request for assistance regarding an administrative matter in accordance with the City of Kwinana Council Members, Committee Members and CEO Communication Agreement

(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.

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 requirements

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.

Division 5 – Additional local government provisions

Notes for this Division:

Division 5 sets out additional behavioural expectations and guidance adopted by the City to support transparency, integrity and public confidence. These provisions do not constitute rules of conduct under the Local Government Act 1995 and are not enforceable as conduct breaches under Part 8A of the Act.

24. Lobbying

24.1 Dealings with other levels of government

For the purpose of the Code of Conduct, lobbying includes communications or representations made by Council members to:

- State or Commonwealth Ministers and their officers.
- Government departments or agencies.
- Statutory authorities or regulators; and
- Any third party acting on behalf of such bodies.

This applies regardless of whether the contact is:

- Formal or informal;
- Written, verbal or electronic; or
- Made directly or through an intermediary.

Nothing in this section prevents lawful advocacy undertaken within the role of a council member under the Act.

24.2 Inappropriate lobbying

It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision making. Lobbying is a two-way process between council members and lobbyists.

Council members should take care that their duty to consider issues fairly and properly is not compromised by participating in lobbying practices that are outside the bounds of appropriate or lawful behaviour.

It is not possible to define every type of activity that could constitute inappropriate or unlawful lobbying. Generally, however, inappropriate or unlawful conduct on the part of someone lobbying a council member usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of the matter.

Examples of conduct that may undermine public confidence in decision-making include, but do not of themselves constitute a conduct breach:

- (i) accepting undisclosed payments or benefits while making a decision that affects the gift giver's interests.
- (ii) accepting a political donation in return for the favourable exercise of discretion during decision making.

- (iii) granting access to a particular individual or group while unreasonably denying similar access requested by another party.
- (iv) fettering discretion by giving undertakings to an interested party prior to considering all the information relevant to a decision.
- (v) acting in a manner that exceeds the role of a council member as defined in section 2.8, 2.9 or 2.10 of the Act.
- (vi) disclosing confidential information while being lobbied; and
- (vii) being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.
- (viii) seeking to influence decisions of a State or Commonwealth agency, including the Department of Home Affairs, where the Council member has a financial, proximity or personal interest;
- (ix) representing private individuals, businesses or related parties in dealings with government agencies using their position as a council member; and
- (x) implying authority to speak or negotiate on behalf of the City where no such authority exists.

24.3 Transparency

Council members should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a Council decision or an external government decision that relates to City interest.

Suspensions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in Council decision-making and adversely affect a council member's reputation.

To support transparency, Council members should, where appropriate:

- documenting meetings, discussions and correspondence with proponents or government representatives.
- conducting meetings in official locations, such as City premises.
- having other people present during meetings.
- Invite proponents seeking to influence significant decisions to make submissions through formal City processes.
- provide copies of information received to the CEO or relevant City employee for assessment, distribution and record-keeping.
- Request that lobbying representations be provided in writing; and
- Declare at a Council meeting, or through an approved internal process, any lobbying activity undertaken outside formal Council processes where the matter relates to a Council decision or may result in a benefit to a person or entity.

24.4 Conflicts of interest in lobbying

A council member should exercise caution and avoid engaging in lobbying activities, including with Commonwealth agencies, where the matter gives rise to a financial, proximity or personal interest.

Where a council member has engaged in lobbying on a matter that later comes before Council, the interest must be disclosed and managed in accordance with the Act, and the council member must not participate in the decision unless permitted by the Act.

24.5 Tendering

Council members must not engage in, encourage, or respond to lobbying by tenderers or their representatives regarding the outcome of a tender process.

The prohibition applies regardless of whether the lobbying occurs directly, through third parties, or via other levels of government.

25. Communication and public relations

25.1 Mayor to speak on behalf of council

The Mayor (or CEO acting with the authorisation of the Mayor or Council) shall serve as the official spokesperson for the City in all formal communications. When the Mayor conveys personal opinions, it should be expressly clear that these remarks are individual views and do not represent the official position of Council.

25.2 Council member communication

Council members should respond to written, electronic and verbal enquiries regarding Council business in a timely manner, subject to their availability, workload, approved leave, and the appropriateness of referring matters to City officers

All communication relating to City matters, regardless of whether they are verbal, written, or made in person, should accurately reflect the Council's current status and strategic objectives, demonstrate professional and courtesy, and be informed by advice from Council officers to ensure compliance with all relevant policies and procedures.

25.3 Expression of personal views

Council members may express their own personal perspectives, provided it is made clear that such opinions do not represent the official position of the Council. Council members should express dissenting views respectfully and constructively, without undermining the integrity of Council decisions or the collective decision-making process.

25.4 Corporate obligations

It is expected that council members respect the majority based decision making process of Council. All official communications regarding Council decisions, including approvals permits, and other determinations, must be circulated exclusively by authorised City employees. When conveying adopted policies, procedures, and resolutions, council members must ensure accuracy. The confidentiality of sensitive information must be maintained until formal release.

25.5 Public comment during public consultation period

Council members are obliged to refrain from expressing personal opinions publicly or giving any indication of pre-empting Council deliberations on matters that are under public consultation or pending a final decision. If remarks are made, it is essential to preface them with a clear indication that they are personal perspectives and not those of the Council. Council members are also encouraged to direct members of the public to provide feedback directly to the City. The Mayor retains the authority to issue formal statements to correct public misinformation.

25.6 Defamation

Council members and committee members must exercise care to avoid making statements that are defamatory, misleading, or that may unjustifiably harm the reputation of another person or organisation.

Council members and committee members should ensure that all statements made in the course of their role, including at council or committee meetings, briefings, public forums, interviews, written correspondence, and on social media, are relevant to council business, made in good faith, and based on accurate and verifiable information.

While certain legal protections may apply in limited circumstances, members must not assume that statements made in meetings, publications, recordings, live streams, or online platforms are protected from defamation or other legal action. Members remain personally responsible for the content of their statements and should seek appropriate advice if uncertain.

Nothing in this clause limits or replaces the behavioural requirements set out in Division 3 of this Code of Conduct.

25.7 Social media guidelines for Council members

The language and approach used on-line is to be consistent with what the community would expect from a council member.

Council members should:

- remember the Mayor (when authorised the CEO) is the official spokespersons for the City as per the Act; any statements on behalf of the City should only be made with specific authority.
- any other statement must be explicitly identified as their own personal views and not those of the City or Council.
- ensure content is accurate, relevant and complies with current policies.
- avoid engaging with or amplifying content containing offensive, defamatory, intimidating, and provocative language, and avoid commenting on or liking posts that contain this type of language.
- avoid making personal comments about other council members, staff or members of the community.
- maintain a positive and respectful tone.
- adhere to copyright, privacy, defamation, discrimination, harassment and other applicable laws.
- observe confidentiality.

- remember Council decision making is by majority, and while there may be decisions that are disagreed with, alternative points of view should be made respectfully and constructively.
- where requests for service or official feedback has been posted, comments should encourage direct contact with the City to enable the matter to be dealt with;
- where misinformation or factually incorrect information is posted, encourage the original poster to make contact with the relevant contact at the City for clarification.
- consider the appropriateness of liking, sharing or reacting to another person's/organisation post on Social Media, as it is taken to be an endorsement of that material.
- not to make public statements expressing their opinion on matters before the Council that would indicate a predetermined voting position.

These guidelines are designed to protect council members and ensure that their conduct on online and social media platforms consistently reflects the official stance of the City and their professional status within the community.

26. Record keeping

Council members must ensure that records of communications and transactions relating to their official duties are created, maintained and stored in accordance with the *State Records Act 2000*, the State Records Commission's and City policies for council member records.

"...communications and transactions of council members which constitute evidence affecting the accountability of the Council and the discharge of its business."

Failure to comply with record-keeping obligations may have implications under records legislation but does not of itself constitute a conduct breach under this Code.

Reference: State Records Office of Western Australia – Local Government Elected Members Records.

27. Implementation, review and compliance

27.1 Implementation and review

- (a) The original Code of Conduct was first adopted by the City on 28 November 1990 and is reviewed and amended as required by the *Act*.
- (b) Council reviews the Council Members, Committee Members and Candidates Code of Conduct following each ordinary election or whenever legislative changes require amendment. Any amendments to the Council members, Committee Members and Candidates Code of Conduct will thereafter be communicated to relevant stakeholders and made available to community via the City's website.

27.2 Adherence to the Code of Conduct

- (a) Declaration of Compliance

In accordance with the Model Code of Conduct, a council member must make a declaration to observe the Code of Conduct when completing their prescribed declaration of office.

- (b) Complaints and Alleged Breaches

Alleged breaches of the Model Code of Conduct by a council member, committee member or candidate must be dealt with in accordance with the procedures prescribed under the *Act* and the *Local Government (Model Code of Conduct) Regulations 2021*.

Where a person believes that a council member, committee member or candidate has breached the Code of Conduct, a complaint must be made in the manner prescribed by legislation and submitted to the appropriate authority, including the Local Government Inspector where required.

This Code of Conduct does not replace or override statutory complaint mechanisms.

- (c) Confidentiality

All complaints and investigations will be managed in accordance with legislative confidentiality requirements. Information will only be disclosed where authorised or required by law.

- (d) Outcomes and Sanctions

Any finding of a breach and does not include any action beyond that permitted under the *Act*, associated Regulations, and any applicable determinations made by the authorised decision-maker.

- (e) Serious Misconduct or Repeated Breaches

Where matters constitute serious misconduct or fall within the jurisdiction of the Local Government Inspector or another prescribed authority, the matter must be referred in accordance with legislative requirements.

27.3 Protection of persons reporting unacceptable or illegal behaviour

The CEO is to take reasonable steps, within the scope of their statutory authority, to ensure that council members, committee members, candidates and employees who report unacceptable or illegal behaviour are not disadvantaged or victimised as a result of making a report.

OFFICER USE ONLY

Officers may amend this section without council approval.

Responsible Team	Governance and Legal	
Initial Council adoption	Date: February 2021	Ref#: 368
Reviewed/amended	Date: August 2025 Date: March 2026	Ref#: 692 Ref#: 70
Next Review Date	Date: October 2027	
Policy Document Number	D25/27936[v4]	