

Heart of the Stirling



SHIRE OF GNOWANGERUP

CODE OF CONDUCT

FOR ELECTED MEMBERS & STAFF

2014 - 2016

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PART 1

INTRODUCTION

This Code of Conduct for the Shire of Gnowangerup is made for the purposes of section 5.103(1) & (3) of the *Local Government Act 1995* (“the Act”). Section 5.103 of the Act requires every council to adopt a Code of Conduct. The *Local Government (Rules of Conduct) Regulations 2007* (“the Regulations”) also prescribe the general principles to guide the behaviour of council members. The Shire of Gnowangerup Code of Conduct does not replace the *Local Government (Rules of Conduct) Regulations 2007* but rather provides more information and clarity for members and staff.

Councillors, members of staff of council, members of council committees and delegates of the council must comply with the applicable provisions of council’s Code of Conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act and Regulations. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council’s code of conduct may give rise to disciplinary action.

Councillors, administrators, members of Council staff, members of council committees and delegates, contractors and all persons appointed by Council to perform the functions required of Council must also adhere to the following Acts, Regulations and Council policies:

1. The Local Government Act 1995 (as amended from time to time)
2. The Local Government (Rules of Conduct) Regulations 2007 (as amended from time to time)
3. The Local Government (Administration) Regulations 1996 (as amended from time to time)
4. The Shire of Gnowangerup Local Laws as they apply to activities and functions
5. The Shire of Gnowangerup Policies (as amended from time to time)
6. The Shire of Gnowangerup Operational Procedures and plans (as amended from time to time).

Such Acts, Regulations, policies and procedures provide guidance on how this Code may be applied and provide clarity on what is expected of the various offices of council.

PART 2

DEFINITIONS

In the Code of Conduct the following definitions apply:

The Act	the Local Government Act 1995
Chief Executive Officer	Chief Executive of the Local Government
Committee	a council committee
Conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
Council committee	a committee established by resolution of council
Council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee
Council official	includes councillors, members of staff of council, council committee members, conduct reviewers and delegates of council
Councillor	a person elected or appointed to civic office and includes a Shire President and Deputy Shire President
Delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Election campaign	includes council, State and Federal election campaigns
Employee	see the definition in Section 5.36 of the Act
Personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
The Regulations	the Local Government (Rules of Conduct) Regulations 2007
The term “you”	used in the Code of Conduct refers to all council officials.

The phrase “this code” used in the Code of Conduct refers also to the procedures for the administration of the Code of Conduct as prescribed under the Local Government (Rules of Conduct) Regulations 2007.

PART 3

PURPOSE OF THE CODE

The Shire of Gnowangerup Code of Conduct sets the minimum requirements of conduct for council officials (including staff) in carrying out their functions. The Code is prescribed by regulation.

The Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 3(1)(a) of the Regulations)
- act in a way that enhances public confidence in the integrity of the local government.

General Conduct

3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community.

3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (Section 3(1) of the Regulations)

3.3 You must treat others with respect and fairness at all times. (Section 3(1) (g) of the Regulations)

Fairness and Equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must take all relevant facts known to you or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and Discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development and Decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding Caucus Votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Shire President or Deputy Shire President or to nominate a person to be a member of a council committee.

PART 4

CONFLICT OF INTEREST & DISCLOSURES

Councillors are required under the *Local Government Act 1995* to disclose any financial or proximity interest they may have in an items being brought to the council for decision. Staff must also make any disclosures of interest when presenting information to council either in a written form (a report and so on) or verbally.

Councillors must disclose certain financial interests; in matters before council and committee meetings; and in primary and annual returns.

This is an important area about which councillors need to inform themselves because there are a number of offences that can be committed. Fines of up to \$10,000 or imprisonment of up to two years can be imposed.

Disclosures at meetings and in primary and annual returns are recorded in a register to which the public has access. This enhances the accountability of councillors to the public. At the same time, protection is given to councillors because it is an offence for a person to publish information from the register unless under specified circumstances.

Disclosures relate to the matter under consideration and the nature of the interest.

The requirements of disclosure not only apply to elected members but they also apply to the closely associated persons of the elected member. These can be classed as, employers, business partners and providers of election-related gifts, spouses, de-facto spouses and children and closely associated persons of the spouses or de-factor spouses.

- 4.1 A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interest. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interest must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Interests (disclosures) can be of a number of types:

Financial A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with in a particular way by the local government, or an employee or committee of the local government, or member of the council of the local government, result in financial gain, loss, benefit or detriment for the person. Under this there can be either a direct or indirect interest. A direct interest is one where a member or a closely associated person will specifically gain or lose financially. An indirect interest is one where another person requires a local government decision on a matter that will result in a financial gain or loss to that person and the member or a closely associated person has a financial relationship with this other person.

Proximity A person has a proximity interest if the matter concerns a proposed change to a planning scheme, zoning, development or use affecting land that adjoins the person's land. Adjoins means having a common boundary, or being directly across from, or being part of a thoroughfare, with the person's land. A person's land is any land that the person either owns or has an interest in. This interest is treated in the same way as a financial interest and the member must declare and leave the room.

This Code of Conduct and the requirements of the Act and Regulations require that elected members and staff disclose an interest when there may be a perception that there is an interest that could affect the impartiality of the member or employee. Such an interest is one that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Details of the nature of the disclosure must be recorded in the minutes of the Council meeting. Elected members must make the disclosure immediately before the matter to which the interest applies is discussed. Staff must make the disclosure at the time of giving the advice, whether the advice is given verbally or in writing. Staff members who are preparing reports for council must declare in the report any interest and the type.

More details about pecuniary interests is contained within *the Local Government (Administration) Regulations* specifically section 34C.

It is also the responsibility of all Councillors and individuals to seek their own independent advice in relation to interest matters.

What are Non-Pecuniary Interest?

- 4.5 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act and Regulations. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.6 The political views of a councillor do not constitute a private interest.

Other Business of Employment

- 4.7 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the Chief Executive Officer in writing.
- 4.8 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council

Personal Dealings with Council

- 4.9 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5

PERSONAL BENEFITS

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election legislation.

Section 12 (1) of the *Local Government (Rules of Conduct) Regulations 2007* describes gifts and benefits.

Gifts and Benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token Gifts and Benefits

- 5.3 Generally speaking, token gifts and benefits include:
 - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and Benefits and Value

5.4 Notwithstanding clause 12 (1) of the *Local Government (Rules of Conduct) Regulations 2007*, gifts and benefits that have more than a token value (sometimes referred to as a notifiable gift) include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL, Tennis), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Note: The *Local Government (Rules of Conduct) Regulations 2007* clearly define the meaning of notifiable gift and prohibited gift. The regulations clearly define the financial amount of a prohibited gift as a “gift worth \$300 or more” (section 12(a))

How are offers of Gifts and Benefits to be dealt with?

5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value or where it is could be considered to be a prohibited gift due to its financial value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Shire President or the Chief Executive Officer. The recipient, supervisor, Shire President or Chief Executive Officer must ensure that any gifts or benefits of more than token value that are received are recorded in the Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6

RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors

- 6.1 Each council is a body politic. The councillors are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors must not:
- a) direct council staff other than by giving appropriate direction to the Chief Executive Officer in the performance of council's functions by way of council or committee resolution
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the Chief Executive Officer
 - d) contact or issue instructions to any of council's contractors or tenderers. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Councillors must, in addition to the other obligations referred to in this Code:

- a) Maintain ethical and professional standards and exercise reasonable care and diligence in their duties
- b) Always act with impartiality and in the best interests of the community as a whole
- c) Adopt a positive attitude to teamwork, including treating fellow councillors with respect, even when disagreeing with their views or decisions and respect the final decisions made by the local government
- d) Maintain proper standards of dress and decorum, along with a high standard of public propriety
- e) Act in ways that do not damage Council (and its reputation) or its ability to exercise good governance

Obligations of Staff

- 6.3 The Chief Executive Officer is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Meeting Procedures Local Law or any local laws in place that provides for the conduct of council committee and or council meetings and the Local Government Act 1995 and Regulations (as amended from time to time) during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors being overbearing or threatening to council staff.
 - f) Councillors making personal attacks on council staff in a public forum.
 - g) Councillors directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals unless otherwise approved by the Chief Executive Officer.
- j) Councillors attending on-site inspection meetings with consultants engaged by council associated with any current or proposed proceedings unless permitted to do so by council's Chief Executive Officer or, in the case of the Shire President, exercising their power under Council resolution.

PART 7

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Local government is subject to the *Freedom of Information (FOI) Act 1992* which gives the public a legally enforceable right to access any document held by a local government unless it has been exempted for a limited number of reasons.

Personal information can be exempted from release. Both FOI legislation and the access provisions in the *Local Government Act 1995* are aimed at encouraging public participation in government and maximising the accountability of local governments to their community.

Councillors Access to Information

- 7.1 The Chief Executive Officer and public officer are responsible for ensuring that members of the public, and councillors can gain access to the documents available under the *Freedom of Information (FOI) Act 1992*.
- 7.2 The Chief Executive Officer must provide councillors with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and Administrators to Properly Examine and Consider Information

- 7.6 Councillors must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with the principles of the Act.

Refusal of Access to Documents

- 7.7 Where the Chief Executive Officer and public officer determine to refuse access to a document sought by a councillor they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor to perform their civic duty (see clause 7.2). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of Certain Council Information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - c) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use of Security of Confidential Information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information
 - d) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal Information

- 7.11 When dealing with personal information you must comply with:
- a) the State Records Act 2000 (WA)
 - b) the Freedom of Information Act 1992 (WA)
 - c) the Privacy Act 1988 (Cth)
 - d) the Telecommunications Act 1997 (Cth) & the Telecommunications (Interception) Western Australia Act 1996 (WA)
 - d) Other Western Australian legislation that may apply such as: the Health Services (Conciliation & Review) Act 1995, the Spent Convictions Act 1988, and the Surveillance Devices Act 1998.
 - e) Other Commonwealth legislation that may apply such as; the Crimes Act 1914, the Healthcare Identifiers Act 2010, and the National Health Act 1953.
 - f) Council Policies from time to time.

Use of Council Resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor Access to Council Buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, Shire President's office (subject to availability), and public areas of council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the Chief Executive Officer.
- 7.21 Councillors must not enter staff-only areas of council buildings without the approval of the Chief Executive Officer (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8

MAINTAINING THE INTEGRITY OF THIS CODE

Complaints Made for an Improper Purpose

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.
- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another council official's reputation c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under this code
 - g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
 - h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
 - i) to prevent or disrupt the effective administration of this code.

Detrimental Action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with Requirements under this Code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Department of Local Government and Communities.
- 8.10 Where you are a councillor or the Chief Executive Officer, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of Information about the Consideration of a Matter under this Code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code and in accordance with the *Local Government (Rules of Conduct) Regulations 2007*
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in any other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints Alleging a Breach of this Part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the Chief Executive Officer or an administrator are to be made to the Department of Local Government and Communities and to the Local Government Standards Panel.

The Local Government Standards Panel was established in 2007 with the announcement of the *Local Government (Official Conduct Act) Amendment Act 2007* to fulfil two key objectives:

To administer justice and resolve complaints relatively quickly, and

To provide the local government sector with guidance and benchmarks on what are acceptable standards of behaviour.

The Standards Panel has the authority to make binding decisions to resolve allegations of minor misconduct submitted by a local government.

In practice this means the Standards Panel deals with complaints about council members who it is alleged have committed a breach of one or more of the provisions of the Rules of Conduct Regulations.

The Panel also has the jurisdiction to deal with misconduct allegations that relate to conduct at meetings under the provisions of a local government's Standing Orders Local Law.

The Standards Panel has no jurisdiction to deal with complaints made against local government employees.

If the Panel finds that a breach has occurred, it may deal with the complaint by dismissing it or ordering that the council member:

publically apologise;

be publically censured;

or undertake training.

The Panel may issue an Order which imposes two or more of these sanctions.

- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the Chief Executive Officer.

PART 9

OTHER MATTERS RELATING TO THIS CODE

- 10.1 You must ensure that you are aware of the following guidelines, policies, procedures and legislation that pertain to your conduct and actions (please note that this list is not exhaustive and it is your responsibility to ensure that you are aware or make the information known to yourself);
1. Department of Local Government & Communities – Guideline number 12: April 2006 – *Elected Members’ Relationship with Developers*
 2. Department of Local Government & Communities – Guideline number: 20: July 2011 – *Disclosure of Financial Interest at Meetings.*
 3. Shire of Gnowangerup Local Laws
 4. Shire of Gnowangerup Policies and Procedures (as amended from time to time)
- 10.2 You must ensure that you are sufficiently informed not make a complaint or cause a complaint to be made under this code for an improper purpose.