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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 18 MAY 2017

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MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN MEETING ROOM A, CITY ADMINISTRATION SITE, HARRIS ROAD, BUSSELTON, ON 18 MAY 2017 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.28am.

2. ATTENDANCE

Presiding Member:

Cr Coralie Tarbotton Deputy Mayor

Members:

Cr Grant Henley Mayor
Cr Ross Paine
Cr Rob Bennett
Cr Robert Reekie

Officers:

Mr Cliff Frewing, Director, Finance and Corporate Services
Mr Jon Berry, Coordinator, Economic and Business Development (Item 6.2 left the meeting at 9.35am)

Apologies:

Miss Kate Dudley, Administration Officer, Governance

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 20 April 2017

Committee Decision

PL1705/122 Moved Councillor R Bennett, seconded Councillor R Paine

That the Minutes of the Policy and Legislation Committee Meeting held 20 April 2017 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.2 REVIEW OF BUSSELTON JETTY POLICIES (PLACEMENT OF MEMORIAL PLAQUES AND MOBILE VENDORS)

SUBJECT INDEX:	Busselton Jetty
STRATEGIC OBJECTIVE:	Events and unique tourism experiences that attract visitors and investment.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Economic and Business Development
REPORTING OFFICER:	Economic and Business Development Coordinator - Jon Berry
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 004 - Busselton Jetty - Placement of Memorial Plaques ↓
	Attachment B Revised Policy 004 - Busselton Jetty - Placement of Memorial Plaques - Tracked Changes ↓
	Attachment C Revised Policy 006 - Mobile Vendors on Busselton Jetty ↓
	Attachment D Revised Policy 006 - Mobile Vendors on Busselton Jetty - Tracked Changes ↓

PRÉCIS

This report seeks Council adoption of two revised policies relating to the Busselton Jetty:

1. Policy 004 - Placement of Memorial Plaques
2. Policy 006 - Mobile Vendors on the Busselton Jetty

BACKGROUND

Council has previously adopted policies relating to the Busselton Jetty being:

- Placement of Memorial Plaques on the Busselton Jetty (C1202/029) on 22 February 2012. This policy sets out the special circumstances by which a memorial plaque can be considered by the Council to be located on the Busselton Jetty.
- Mobile Vendors on the Busselton Jetty (C1111/361) on 23 November 2011. This policy sets out the process for recruitment and selection of suitable mobile vendors on the Busselton Jetty.

Both policies have been reviewed by City Officers and a draft amended policy was reviewed by the Busselton Jetty Reference group (BJRG) on 28 April 2017.

STATUTORY ENVIRONMENT

The following statutory requirements are relevant in considering this report.

City of Busselton Jetties Local Law 2014

Written consent is required under s2.19 (Miscellaneous Provisions) of the Busselton Jetties Local Law (2014) for the activities addressed in these policies:

- S2.19 1(c) offer for sale or sell goods or services on the Land or from a vessel on the Land, irrespective whether the vessel is moored to or berthed at the jetties;
- S2.19 1(e) place or display any sign, advertisement or fixture of any nature on the Land or on or from the jetties

Land Administration Act 1997

The Jetty is located on Crown land (Reserve 46715), which is vested with the City of Busselton for the purposes of 'Tourism, Recreation and Heritage', with the power to lease for any term not exceeding 49 years, subject to the consent of the Minister for Lands. The Department of Lands has advised permits for non-exclusive use of the Jetty by mobile vendors does not require their written consent.

RELEVANT PLANS AND POLICIES

Council adopted a new policy titled 'Non-exclusive Commercial Use of City Land' (Policy 249) on 9 November 2016. The policy provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive use of City-owned and managed land across the District. This policy is relevant in dealing with mobile traders across the district who operate from particular locations for certain periods of time. The revised policy for Mobile Vendors on Busselton Jetty (006) presented in this report is consistent with Policy 249.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer Recommendation. Council sets Fees and Charges for Mobile Traders within the Annual Budget development process. The Busselton Jetty is considered a Zone 1 site and would attract an annual fee of \$3,000 per annum in accordance with the 2017/18 Fees and Charges Schedule.

Long-term Financial Plan Implications

There are no impacts on the Long Term Financial Plan resulting from the Officer Recommendation.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 4 of the 2017 Community Strategic Community Plan identifies a community desire to foster an innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice. Specifically, events and tourism experiences that attract visitors and investment is supported. The Busselton jetty is the City's most visited built attraction and requires careful management to keep it as a contemporary visitor experience.

RISK ASSESSMENT

There are no residual risks identified as being high or medium as a result of the Officer Recommendation.

CONSULTATION

As part of the policy review process, the City has consulted with the Busselton Jetty Reference Group and sought feedback which has been included in the draft policy attached.

OFFICER COMMENT

The two policies reviewed in this report are over five years old and in summary have been amended as follows:

- Placement of Memorial Plaques on the Busselton Jetty

The amended policy has introduced amendments to the scope of the policy to include maintenance and replacement of plaques and associated procedures. The objective of the amendment is to ensure plaques are kept in good condition and there is limited proliferation of plaques. A time limit of 20 years has also been introduced and annual inspections will incur to ensure plaques are presented well. The proposed new policy (with proposed amendments visible) is in Attachment B.

- Mobile Vendors on the Busselton Jetty

The amended policy identifies the Busselton Jetty as a potential location for mobile vendors to trade on heritage node 4 and section 7 for food and beverages that do not compete directly with Busselton Jetty Inc. Permits may be issued for up to two years and operators will be recruited by expression of interest guidelines commensurate with recruitment of land-based mobile traders across the district. Any permit revenue will also be reinvested into the Busselton Jetty Maintenance Reserve. The proposed new policy (with proposed amendments visible) is in Attachment D.

CONCLUSION

This report seeks Council to adopt two amended policies relating to the Busselton Jetty, which are over five years old.

The two existing policies, Placement of Memorial Plaques (2012) and Mobile Vendors on Busselton Jetty (2011) will be superseded by amended policies that recognise the City of Busselton (rather than the former Shire). They have also been amended to be consistent with recently adopted policies relating to non-exclusive trading in public places, which applies to mobile vendors. Amendments to the memorial plaques policy aim to continue to commemorate significant people who have contributed to the establishment and operation of the Busselton Jetty while ensuring the Jetty is presented well to residents and the visiting public.

OPTIONS

Council may elect to make alternative amendments to the policies not recommended by Officers or the Policy and Legislation Committee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the amended recommendation, the policies will become effective immediately. Recruitment of a mobile vendor service is likely to be advertised as an expression of interest in the second quarter 2017 for operations in peak visitor periods.

OFFICER RECOMMENDATION

That the Council adopts the amended policies relating to the Busselton Jetty as follows:

1. Policy 004 - Placement of Memorial Plaques on the Busselton Jetty as shown in Attachment A.
2. Policy 006 - Mobile Vendors on the Busselton Jetty as shown in Attachment C.

AMENDED OFFICER RECOMMENDATION

Committee Recommendation and Amended Officer Recommendation

PL1705/123 Moved Councillor R Paine, seconded Councillor R Reekie

That Policy 004 - Placement of Memorial Plaques on the Busselton Jetty be deferred for one month.

CARRIED 5/0

Committee Recommendation and Amended Officer Recommendation

PL1705/124 Moved Councillor R Bennett, seconded Councillor G Henley

That the Council adopts the amended Policy 006 - Mobile Vendors on the Busselton Jetty as shown in Attachment C.

CARRIED 5/0

9.35am at this time the Coordinator of Economic and Business Development Left the meeting.

Attachment C

For review by Policy and Legislation Committee (18 May 2017)

006	Mobile Vendors on the Busselton Jetty	V2 DRAFT
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1. PURPOSE

Mobile Vendors in recreational areas and tourist attractions add further dimensions of character and vibrancy to a location. Furthermore, the prosperity achieved by the operators contributes to the overall economic success of the Region and provides a potential source of income for the City of Busselton to re-invest into publicly owned or controlled facilities, including the Busselton Jetty.

2. DEFINITIONS

For the purposes of this policy, the following definitions apply;

‘CEO’ means the Chief Executive Officer or delegated Officer of the City of Busselton;

‘Jetty’ means the Busselton Jetty

‘Commercial Site’ means a pre-determined portion of Sections 4 and 7 on the Busselton Jetty from which a Mobile Vendor is permitted to operate.

‘Mobile Food Premises’ means a business operated from a vehicle, van, stand, cart or similar device that complies with ANZFA Food Safety Standards;

‘Mobile Vendors’ means a business operator operating from a ‘Commercial Site’ and may mean a ‘Mobile Food Premises’;

‘Permit’ means a permit issued under the Busselton Jetties Local Law 2014;

‘City’ means the City of Busselton.

3. SCOPE

The policy covers the;

- a) recruitment and selection of suitable Mobile Vendors to operate from the Busselton Jetty; and
- b) criteria by which City officers will assess applications for the commercial hiring of sites.

4. POLICY CONTENT

The City of Busselton recognises the social, cultural and economic value of Mobile Vendors and has established Policy 249 (Non-exclusive Commercial use of City land) which provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive commercial use of City-owned and managed land across the District.

For review by Policy and Legislation Committee (18 May 2017)

4.1 Promotion of Jetty Vendor Opportunities

The City may publicly advertise the availability of commercial sites on the Busselton Jetty as part of an expression of interest (Eoi) process. If an Eoi is called for commercial sites on the Jetty, selection criteria will be set prior to advertising and included in Eoi guidelines.

4.2 Selection / Approval of Jetty Vendor Sites

The City can approve an application for a permit in accordance with the City of Busselton Jetties Local Law 2014.

4.2.1 Location

Commercial sites on the Jetty will be pre-approved by the City giving due consideration to their practical location and with regard to other activities that take place on the Jetty and in consultation with the Busselton Jetty Reference Group (BJRG).

When assessing suitability of a trading location, consideration will be given to;

- a) the type and regularity of business that could operate from that location;
- b) the impact the business will have on the surrounding amenity, and
- c) the strategic implications and impact the location may have on the local economy.

Consideration will also be given to the nature of fixed businesses, specifically; preference will be given to businesses that are not of an identical nature to a nearby fixed business.

4.2.2 Term

A permit for trading on the Busselton Jetty may be granted by the City for a term of up to two (2) years. Prior to expiry of an existing permit, the site will be readvertised seeking expressions of interest.

4.2.3 Assessment of applications

Applications for a permit may be approved by the CEO or an authorised person and will be considered, in part, according to the appropriateness of the proposed activity in relation to the location and the social, cultural and economic benefits the business may bring to the City, residents and visitors. The proposed activity should not impede Busselton Jetty Inc business operations.

As a minimum, applications for sites on the Jetty will be considered according to;

- the product being offered, bearing in mind that the sale or provision of alcohol will not be approved;
- the cart, stand or similar device used as the premises being an acceptable standard to the City of Busselton, including the dimensions and maximum weight being suitable for positioning on the Jetty;
- the incorporation of biodegradable / eco products where applicable;
- the proposed operating hours or days, and;
- the nature of adjoining commercial activities on the Jetty, specifically, preference will be given to businesses that are not of an identical nature to an existing operator.

For review by Policy and Legislation Committee (18 May 2017)

Applications for licences to sell food and / or beverages must also comply with conditions imposed either regulatory or discretionary, by the City's Environmental Health section.

Additionally, the following decision making criteria will apply;

- a) the applicant/operator must be of good character, demonstrated by:
 - i. two character references
 - ii. a National Police Clearance Certificate;
- b) the business operation will not impede public use of the Jetty;
- c) the business operation will not have a detrimental effect on the Jetty or surrounding area; and,
- d) relevant sections of the Busselton Jetties Local Law (2014) or other Local, State and Federal laws.

The City may refuse an application on any one or more of the following grounds;

- i. the applicant is an undischarged bankrupt or is in liquidation;
- ii. the applicant has entered into any composition or arrangement with creditors; or
- iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;

or such other grounds the City may consider to be relevant in the circumstances of the case.

Detailed guidelines will be issued in publicly advertised expression of interest documentation for food and non-food commercial operators and will be available on the City's website.

Consultation

Prior to final approval of a permit, the City will consult with Busselton Jetty Inc.

4.3 Establishment of Fees

Permit fees are set out in the City of Busselton's Annual Fees and Charges Schedule available on the City's website.

Policy Background

Policy Reference No. - 006

Owner Unit – Commercial Services

Originator – Economic and Business Development Co-ordinator

Policy approved by – Council

Date Approved - TBC

Review Frequency – As required

Related Documents – Jetties Local Law 2014; Property Local Law 2010, Activities in Thoroughfares and Public Places and Trading Local Law 2015; Policy # 249 (Non-exclusive Commercial Use of City Land 2016)

History

Council Resolution	Date	Information
TBC	TBC	Establishment of a policy to provide for a limited number of small, mobile vendor businesses which would enhance the Busselton Jetty experience of visitors and locals Version 2

6.1 REVIEW OF POLICY 237 NAMING OF PARKS, GARDENS, RESERVES, MEMORIALS, SPORTS GROUNDS AND BUILDINGS

SUBJECT INDEX:	Community Services
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Community Development
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Club Development Officer - Pam Glossop Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings ↓ Attachment B Revised Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings - Tracked Changes ↓

PRÉCIS

The Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy is presented for review and updating as part of the ongoing policy review process. The policy has been reviewed by the responsible officer and assessed as requiring only minor changes as outlined in this report. While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required.

BACKGROUND

In 2007, a report was presented to Council to adopt a policy that established clearly defined guidelines and selection criteria for the naming of City owned and managed facilities. The Council resolved (C0702/038) that Policy 237 "Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings" be adopted.

The adopted policy specifically dealt with any proposal for a facility or part thereof to be named after a person. On the 25 July 2012 a recommendation was made to Council to review the policy to include reference to the consideration of geographical and purpose driven names. The Council resolved (C1207/197) to adopt the updated policy.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

This report proposes the minor update of the Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of this policy.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with Key Goal 2 – Place and Spaces Vibrant, attractive, affordable Community Objective 2.2 –Attractive parks and open spaces that create opportunity for people to come together, socialise and enjoy a range of activities– of the City of Busselton Strategic Community Plan 2017.

RISK ASSESSMENT

An assessment of the potential implications has been undertaken using the City's risk assessment framework. Whilst the removal of the advertising period from the Policy poses a possible reputational risk it is considered low and is mitigated by the selection criteria detailed in the Policy.

CONSULTATION

Not required.

OFFICER COMMENT

This report presents the Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy. The policy has provided consistent guidance to the City in naming of city reserves and community assets.

The Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy has been reviewed by the responsible officer and assessed as requiring only a minor change. The main alteration is deleting advertising for public comment for a 30 day period following the receipt of a proposal. These changes are shown as track changes on Attachment A.

CONCLUSION

While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required. It is considered the view of the relevant officer that the policy included in this report has been operating efficiently and effectively since it was adopted by the Policy and Legislation Committee and the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to Council's decision this Policy will be adopted with immediate effect.

Committee Recommendation and Officer Recommendation

PL1705/125

Moved Councillor R Bennett, seconded Councillor R Paine

That the Council adopts the updated Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy as shown in Attachment A.

CARRIED 5/0

6.1 Attachment A Revised Policy 237 - Naming of Parks, Gardens, Reserves,
Memorials, Sports Grounds and Buildings

Last updated 25 July 2012

237	Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings	V2 Current
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PURPOSE

With the development of community assets such as parks, gardens, reserves, memorials, sports grounds and buildings or other significant infrastructure assets also comes the important consideration of naming both the entire facility and certain aspects of it, such as a specific room or court. In considering naming these facilities it is often the desire of Council or sectors of the community to recognise the achievements and/or past community efforts of certain community pioneers, long term residents or significant other events of historical, environmental or cultural significance or a collective community action. This policy and associated procedure will assist Council to appropriately deal with and assess any future proposal to name a City Asset.

SCOPE

Definition

This policy applies in respect of any proposal to name a park, garden, reserve, memorial, sports ground and building or other significant infrastructure asset owned by or under the care, control or management of the City of Busselton (hereinafter referred to as a "City Asset").

Examples

To be used when a significant new community building such as a Performing Arts Centre or Community Centre; or a new park or sports ground is established and ready for use.

POLICY CONTENT

Naming Considerations

When developing and naming a community facility, it is usual for a name that demonstrates both the geographical location and the purpose of the facility to be considered.

In addition, and where appropriate, the Council of the City may consider naming a City asset in honour of persons considered to be pioneers, persons who have made an outstanding humanitarian contribution or who, in the opinion of the Council, are worthy of such an honour. This may also be in acknowledgement of events of historical, environmental or cultural significance or a collective community action.

To facilitate ease of geographic identification and identification of the facility's purpose, where possible a locality name and purpose should be considered to be associated with the naming of a City asset, even when it is determined that an honorary name will be applied.

6.1 Attachment A Revised Policy 237 - Naming of Parks, Gardens, Reserves,
Memorials, Sports Grounds and Buildings

Last updated 25 July 2012

Specific Inclusions

- This policy will also apply to proposals for the naming of defined portions of reserves specifically developed for particular sports.
- Where applicable naming guidelines set down by the State's Geographic Names Committee will be adhered to.
- Where a facility is substantially changed in nature, as a consequence of demolition, re-subdivision or significant enhancement or the like, renaming may be considered.

PROCEDURE

A proposal to name a City Asset can be put forward for Council consideration by a councillor by a notice of motion, an employee via a report to Council, a member of the public or users of a facility without requiring formal public consultation

Any proposal to name a City Asset will include:

- * Details of the proposed park, garden, reserve, memorial, sports ground, building or other infrastructure asset;
- * Proposed new name;
- * Justification for the proposal.

Through its' consideration Council may endorse the name or determine that the matter requires further consultation.

CRITERIA FOR ASSESSMENT FOR PERSONAL RECOGNITION

A request to name a City asset after a person shall be assessed against the following criteria:

1. Whether the person being honoured has been instrumental in the development of the City asset or activities to be undertaken or contributed in a significant way to the City asset.
2. The views of the community with respect to honouring the person or event after which the City asset is proposed to be named.
3. The length of the residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to qualify a person for further consideration.
4. The contribution made by the person to the local community through education, representation on Council, the State Government, voluntary input, association with a local sporting or service club or through business development or the like. A significant contribution could include:
 - (i) Two or more terms of office on the local government council; or
 - (ii) Twenty (20) or more years association with a local community or sporting group; or

6.1 Attachment A Revised Policy 237 - Naming of Parks, Gardens, Reserves,
Memorials, Sports Grounds and Buildings

Last updated 25 July 2012

- (iii) Actions by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community or area; or
- (iv) Evidence of works undertaken being of a pioneering nature for the benefit of the community.

All requests to name a City asset in acknowledgement of events of historical, environmental or cultural significance or a collective community action shall be assessed against the following criteria:

1. Date and details of the event or activities of environmental significance.
2. Historical and/or media records of the event.
3. Evidence of community involvement and/or community significance and spirit, if relevant.

Policy Background

Policy Reference No. - 237
Owner Unit – Community Development
Originator – Manager, Community Development
Policy approved by – Council
Date Approved – 28 February 2007
Review Frequency – As required

History

Council Resolution	Date	Information
C1207/197	25 July, 2012	Incorporation of consideration of geographical and purpose names for facilities Version 2
C0702/038	28 February, 2007	Date of implementation Version 1

6.3 REVIEW OF POLICY 192 VANDALISM - REWARD FOR INFORMATION RELATING TO THE DAMAGE OF COUNCIL PROPERTY AND ASSOCIATED INSTRUMENT OF DELEGATION GV1 - GRAFFITI VANDALISM ACT 2016

SUBJECT INDEX:	Policies, Plans and Procedures
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 192 Vandalism – Reward for information relating to the damage of Council Property ↓ Attachment B Revised Policy 192 Vandalism - Reward for information relating to the damage of Council Property showing proposed tracking changes ↓ Attachment C Proposed New Delegation GV1 - Graffiti Vandalism Act 2016 ↓

PRÉCIS

As part of Council's ongoing policy review process, the Vandalism – Reward for Conviction Policy 192 is presented for review and updating.

In addition this report recommends to Council to delegate to the Chief Executive Officer (CEO) the authority to exercise any of the local government's powers or the discharge of any of its duties under part 3 of the *Graffiti Vandalism Act 2016*. A proposed new delegation is attached (*Refer Attachment C*).

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

The Council's Vandalism – Reward for Conviction Policy 192 was last before the Council in November 2012. At that time a proposal from officers was presented to the Policy and Legislation Committee for revocation of this policy on the basis that a reward could be arranged in the absence of a policy should the need arise. However, the Committee felt that a statement of commitment from the Council regarding its response to acts of vandalism was desired and that the amount should be proportionate to the damage and at the discretion of the CEO. The policy was rewritten to reflect the Committee's views and the amended policy was subsequently adopted by the Council (C1211/324).

Since adoption of this Policy the WA State Parliament has introduced specific legislation that deals with Graffiti. The Graffiti Vandalism Act was passed in 2016 and provides for:

- Graffiti Offenses;
- Local Government Powers; and
- Notices, Objections and Powers of Entry.

Section 16 of the Act provides that a local government may delegate to the CEO the exercise of its powers and duties.

It is proposed that Council delegate to the CEO those powers and duties contained in the Act. Pursuant to Section 5.46(2) of the *Local Government Act 1995* (the Act), delegations are to be reviewed on an annual basis.

The opportunity has also been taken to further review Policy 192 Vandalism – Reward for Conviction.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies.

In accordance with Section 5.42(1)(a) of the Act Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. The Act prescribes that any such delegation requires an Absolute Majority vote of Council.

In accordance with Section 16(1) of the *Graffiti Vandalism Act 2016* Council may exercise its power of delegation to the CEO to exercise any of the local government's powers or the discharge of any of its duties provided for in Part 3 of the Graffiti Vandalism Act 2016.

RELEVANT PLANS AND POLICIES

This report proposes adoption of revised Council Policy 192 Vandalism – Reward for Conviction with minor amendments and adoption of Proposed New Delegation GV1 – Graffiti Vandalism Act 2016.

FINANCIAL IMPLICATIONS

Any reward offered could ultimately be accommodated utilising existing budget provisions that have been established for the care, control and maintenance of Council property. In the event the damage to Council property is to such an extent that a larger amount to be offered was warranted, Council could consider a specific allocation of funds at that time under the recommendation of Council officers.

Long-term Financial Plan Implications

There are no long-term financial plan implications associated with either of these matters.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the Council's Key Goal Area 2 – 'Places and Spaces' and more specifically Community Objective 2.2 – 'Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities'.

RISK ASSESSMENT

The revised policy and proposed new delegation will allow for implementation of a relatively straight forward administrative process and is therefore considered "low risk" with no risks identified as "medium" or "greater".

CONSULTATION

As both these matters are of internal focus, it is considered that no public consultation is required.

OFFICER COMMENT

As a result of this review it is recommended that minor amendments be made within the content area of the policy to better reflect the desired outcome of minimising and reducing future occurrences of vandalism against City property.

A revised Policy is attached showing proposed changes (*Attachment B*).

The *Graffiti Vandalism Act 2016* (which came into effect on 7 October 2016), provides that local government's powers in relation to the treatment of Graffiti may be delegated to the CEO.

The main purpose of the proposed delegation is to assist with improving efficiency, to optimise use of the City's resources and seeks to avoid the requirement for officers to refer a relatively straight-forward administrative function to Council.

A proposed new delegation is attached (*Attachment C*).

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 192 Vandalism – Reward for Conviction. As a result of this review officers are recommending that minor amendments are made to the policy.

Officers are also recommending Council delegate to the Chief Executive Officer (CEO) the authority to exercise any of the local government's powers or the discharge of any of its duties under part 3 of the *Graffiti Vandalism Act 2016*.

OPTIONS

The Council may not agree to endorsement of the revised Policy and may seek to retain the existing policy in its current format.

In addition the Council may not agree to endorsement of the proposed new Council Delegation to the CEO.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy and new delegation would become effective immediately upon adoption of Council.

Council Decision and Officer Recommendation**PL1705/126**

Moved Councillor G Henley, seconded Councillor R Reekie

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- (1) Adopts the revised Policy 192 Vandalism – Reward for information relating to the damage of Council Property as shown in Attachment A;
and
- (2) Adopts the proposed New Delegation GV1 Graffiti Vandalism Act 2016 as shown in Attachment C.

CARRIED 5/0

Note: The committee added the words “or the City obtains a successful outcome on the matter” to the Purpose of Policy 192 which also related to a name change to the Policy; Vandalism – Reward for information relating to the damage of Council Property.

Last updated 9 March 2017

192	Vandalism – Reward for Information relating to the damage of Council Property	V2 Current
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1. PURPOSE

Any person providing information as to the identity of an offender who has vandalised City property can be offered a reward upon successful conviction of the offender or the City obtains a successful outcome on the matter.

2. SCOPE

The policy may be utilised to offer a potential reward for damage that has occurred where the identity of the offender is not known, or to provide a reward to a person who voluntarily provides information on the identity of an offender. A reward will be paid upon successful conviction of the offender.

3. POLICY CONTENT

The City of Busselton actively seeks to reduce and prevent vandalism in its community. The control of vandalism can minimise the cost of repairs and can contribute to minimising insurance premiums.

One such way to minimise vandalism is to identify and prosecute offenders to reduce the likelihood of future occurrence. One way of achieving this is for the City to offer a reward to anyone who provides information leading to the conviction of a person for an act of vandalism against City property.

When an act of vandalism against City property has occurred, the Chief Executive Officer is authorised to set an appropriate reward for information leading to a successful conviction, or to pay a reward to a person who voluntarily provides information as to the identity of an offender which leads to a successful conviction. The amount of the reward is to take into consideration the level of damage that has been caused to City property.

Rewards will not be paid to City employees or members of the WA Police Service.

Policy Background

Policy Reference No. - 192
Owner Unit – Governance Services
Policy approved by Council – 28 November 2012
Review frequency – As required

Related Documents

- Local Government Act, Section 2.7 and 5.42
- Graffiti Vandalism Act 2016

History

Council Resolution	Date	Information
		General Update Version 3
C1211/324	28/11/2012	Version 2



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
GV1	Section 16(1) of the <i>Graffiti Vandalism Act 2016</i>	Chief Executive Officer	Exercise any of the local government's powers or the discharge of any of its duties under Part 3 of the <i>Graffiti Vandalism Act 2016</i>

Delegator

Council.

Power/Duty

To exercise any of the powers and discharge any of the duties of the local government under Part 3 of the *Graffiti Vandalism Act 2016*.

Conditions

This delegation is subject to the conditions and limitations contained in the *Graffiti Vandalism Act 2016*.

Statutory Framework

Council is exercising its power of delegation under Section 16(1) of the *Graffiti Vandalism Act 2016* to delegate to the CEO to exercise its powers and discharge of any of its duties provided for in Part 3 of the *Graffiti Vandalism Act 2016*.

16. Delegation by local government

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.

17. Delegation by CEO of local government

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

18. Notice requiring removal of graffiti

- (1) This section applies to graffiti that is –
- (a) applied to property with the consent of the owner or occupier and;
 - (b) visible from a public place; and
 - (c) considered by the local government to be unsightly or offensive.
- (2) A local government may give a notice in writing to a person who is the owner of property or the occupier of a place on which graffiti described in subsection (1) is applied, requiring the person to ensure that the graffiti is obliterated in a manner acceptable to the local government within a time set out in the notice.

25. Local government graffiti powers on land not local government property

- (1) A local government may obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent to do it.

Verification

Council Resolution
C.... /

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995* (the Act), at least once every financial year.

Related Documents

Graffiti Vandalism Act 2016

Department of Local Government and Communities Circular No. 18-2016 'Graffiti Vandalism Act 2016'

6.4 REVIEW OF POLICY 038 PROMOTING A DIVERSE COUNCIL AND PARTICIPATION

SUBJECT INDEX:	Plans, Policies and Procedures
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 038 Promoting a Diverse Council and Participation ↓

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 038 Promoting a Diverse Council and Participation has been carried out. As a result of this review it is recommended that the policy be revoked as it is no longer relevant.

BACKGROUND

This policy was last before the Council in March 2011 at which time officers recommended that existing Policy 038 Elections – Promotions be replaced with amended Policy 038 Promoting a Diverse Council and Participation which proposed policy changes to provide justification for the additional promotion of election processes and to identify the aim of broad representation and participation. The amended policy was endorsed by Council at that time (C1103/071).

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby individual policies are reviewed with a view to determining their ongoing applicability along with standardisation and reduction. This report presents the review of Policy 038 Promoting a Diverse Council and Participation.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

Local Government Act 1995 (*Part 4 Elections and Other Polls*)

Local Government (Elections) Regulations 1997

Department of Local Government and Communities Operational Guidelines 'Conduct of Local Government Elections'

FINANCIAL IMPLICATIONS

The Council's adopted Budget includes provision for costs associated with local government ordinary elections with all decisions made having due regard to budget availability.

Long-term Financial Plan Implications

The Council's Long Term Financial Plan includes budgetary provision for local government ordinary elections and associated electoral campaigning.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.2** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

Not required for review of this policy.

CONSULTATION

This policy review is not considered to require any public consultation.

OFFICER COMMENT

As a result of review of Policy 038 Promoting a Diverse Council and Participation, officers are recommending the policy be revoked.

It is the considered view of officers that this policy is obsolete and therefore no longer relevant as all the actions contained within the policy are now part of normal business processes to promote elections and is consistent with Department of Local Government and Communities Operational Guidelines.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 038 Promoting a Diverse Council and Participation. Following this review officers are recommending that this policy be revoked.

OPTIONS

The Council may choose not to revoke this Policy, may seek to make changes to the Policy or may seek to retain the existing policy in its current format.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would become effective immediately upon adoption of Council.

Committee Recommendation and Officer Recommendation

PL1705/127 Moved Councillor R Paine, seconded Councillor R Bennett

That the Council revoke Policy 038 Promoting a Diverse Council and Participation.

CARRIED 5/0

6.5 REVIEW OF CODE OF CONDUCT

SUBJECT INDEX:	Financial Operations
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 037 Code of Conduct ↓
	Attachment B Consolidated Code of Conduct ↓
	Attachment C Council Members Code of Conduct ↓
	Attachment D Committee Members Code of Conduct ↓
	Attachment E Employees Code of Conduct ↓
	Attachment F Contractors Code of Conduct ↓

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 037 Code of Conduct has been carried out. As a result of this review it is recommended that the policy be cancelled and that the Code be regarded as part of the City's suite of significant Corporate documents.

BACKGROUND

The Council's Code of Conduct Policy 037 was last before the Council in April 2015. The Policy has been in existence in one form or another since the late 1990's.

The existing Policy relates to all Council Members, Committee Members and employees (and contractors) and as a consequence, the contents are not particularly relevant to members of all the classes of persons to whom the policy applies.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies. It is also common for a Council to adopt significant Corporate documents and make these documents available to those persons to whom the document applies as well as to make them available to members of the public on the website.

In addition, in accordance with Section 5.103(1) of the Local Government Act 1995, a Local Government is required to prepare and adopt a Code of Conduct to be observed by Council members, Committee members and employees (and Contractors). The Code of Conduct is to contain matters as prescribed by Regulations.

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Council Policy 037 - Code of Conduct in its current format. In lieu of the existing policy it is proposed to create five new Codes as follows:

- Consolidated Code of Conduct;
- Council Members Code of Conduct;
- Committee Members Code of Conduct;
- Employees Code of Conduct; and
- Contractors Code of Conduct.

The four individual Codes referred to above are all based on the contents of the existing Policy as is the proposed Consolidated Code of Conduct.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

The Council is required to consider and adopt a Code of Conduct in accordance with the provisions of the Local Government Act. The Code is not required to be a Policy.

The contents of the existing and proposed Code reflect general standards of behaviour expected of all those persons appointed by the City (whether elected members, employees or Professional contractors).

In acting in the capacity of a Council member, Committee member, employee or contractor of the City of Busselton, all persons shall espouse the principles outlined in regulation 3 of the *Local Government* (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

CONSULTATION

As a policy with a largely internal focus, this policy is not considered to require any public consultation.

OFFICER COMMENT

This report presents the review of the Council's Policy 037 – Code of Conduct. As a result of this review it was established that the contents of this policy would be more appropriately contained as a suite of separately published Corporate documents – a consolidated version and its four main component parts to create a Code more relevant to the group of persons to whom the Code relates.

During the ordinary course of reviewing the policy, the contents have been modified by making minor changes (mainly updates) to create a new “Consolidated” Code of Conduct. This Code has then been separated into four distinct documents:

- Council Members Code of Conduct;
- Committee Members Code of Conduct;
- Employees Code of Conduct; and
- Contractors Code of Conduct.

Each of these individual Codes will be made available to the particular class of person to whom the Code relates.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 037 Code of Conduct. Following this review officers are recommending that the policy be cancelled and that a stand-alone suite of Codes be adopted by Council.

OPTIONS

The Council may not agree to re-endorsement of the existing policy and may seek to make alterations to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The existing policy would be cancelled effective immediately upon adoption of Council and the new Codes would become effective.

Committee Recommendation and Officer Recommendation

PL1705/128 Moved Councillor R Paine, seconded Councillor C Tarbotton

That the Council :

1. Cancel Policy 037 – Code of Conduct
2. Adopt the suite of documents that form a new Code of Conduct that incorporates the following:
 - Consolidated Code of Conduct (*Attachment B*);
 - Council Members Code of Conduct (*Attachment C*);
 - Committee Members Code of Conduct (*Attachment D*);
 - Employees Code of Conduct (*Attachment E*); and
 - Contractors Code of Conduct (*Attachment F*).

CARRIED 5/0

Note: The Committee commented that the pictures be changed to differentiate throughout the Codes of Conduct and the shading and colour should be consistent.

City of Busselton Code of Conduct Consolidated Code



Where environment, lifestyle and opportunity meet

02	Message from the CEO	07	3.3 General - Applicable to Council members, Committee members and employees
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		14	Background

Message from the Chief Executive Officer

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

The City of Busselton is one of the fastest growing local government areas in the State of Western Australia. The City has seen significant change and growth over the past 10 years and we expect this to continue in the future. This rapid growth and changing demographic demands a 'go-ahead' approach and the City prides itself on being able to respond and adapt to the needs of its community quickly and professionally.



In this dynamic work environment, the City of Busselton Code of Conduct is a mainstay for personal interaction and good governance. It underpins our corporate values. It guides our behaviour and conduct as we work with the community to realise our shared vision for a vibrant and cohesive City. There are four separate additional components of the Code, for which individual documents exist:

- **A Consolidated Code (this document)**
- A Code for Council Members
- A Code for Committee Members
- A Code for Employees; and
- A Code for Contractors

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

Regards
Mike Archer
CEO City of Busselton.

Our Values

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service



City of Busselton Code of Conduct

1. INTRODUCTION

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

Adoption of the code demonstrates:

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

2. SCOPE

There are five components of the Code of Conduct:

- ▶ **A Consolidated Code;**
- ▶ A Code for Council Members;
- ▶ A Code for Committee Members;
- ▶ A Code for Employees; and
- ▶ A Code for Contractors

This Code is an over-arching document and individual Codes apply to each of the groups identified above.

The Code of Conduct contains matters as prescribed by the Local Government Act and Regulations made under the Act and makes further provision for expectations of council members and employees.

It is a statement of guidance for council members supplementary to the enforceable rules in the Local Government (Rules of Conduct) Regulations 2007. The Code of Conduct is also a statement of guidance and specific requirements to be observed by individuals appointed to a Council committee and employees of the City of Busselton including contractors.

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

2.1 Definitions

Council member - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor.

Committee member - Any member appointed to a Committee constituted by Council in accordance with Section 5.8 of the Local Government Act 1995 by virtue of Section 5.10 of that Act, whether a Council member or not.

Employee - Any person who is employed by the City of Busselton.

Contractor - Includes a person who under a contract for services with the local government will provide advice or a report on a matter. This generally relates to professional persons such as Town Planners, Urban Designers and Economic Advisors who provide advice to Officers and Council in relation to growth, town planning and development options, but is not limited to these professions.

2.2 Obligation to Observe

2.2.1 Council members

The obligation to observe a Code of Conduct for Council members arises from Section 5.103 of the Local Government Act 1995 and a declaration that they have made to observe the Rules of Conduct Regulations, upon election to the Council at a swearing in ceremony before a Justice of the Peace or a person authorised by the Oaths, Affidavits and Statutory Declarations Act 2005 to take statutory declarations.

Further to that, aspects of the Code of Conduct are also linked to the Local Government Act 1995 and associated Rules of Conduct Regulations which are enforceable in their own right.

2.2.2 Committee members

The obligation for Committee members (that are not also Council members) to observe a Code of Conduct arises from the requirement in Section 5.103 of the Local Government Act 1995. Committee members are appointed to their positions by the Council in accordance with Section 5.10 of that Act and can also be removed from the office by the local government in accordance with Section 5.11(2)c of the Act.

2.2.3 Employees

The obligation for employees to observe a Code of Conduct arises from Section 5.103 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 (Ref: Administration Regulations 34B and 34C) and the terms and conditions of their employment with the City of Busselton.

The observance of Council policies and operational practices and procedures is a key responsibility of any contractor and any breach of those responsibilities could incur disciplinary action, including termination of employment.

2.2.4 Contractors

The obligation to certain contractors to observe the Code of Conduct arises from the need to adopt a 'best practice' approach to decision making and increase transparency.

Professional contractors should immediately disclose any conflict of interest or perceived conflict of interest they have when offered an assignment to conduct work on behalf of the City and should make full disclosure in any written material presented to the City.

2.3 Breach of Certain Provisions

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by the City, or by another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.



City of Busselton | Code of Conduct 05



CONTENT

3. GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

3.1 Principles

(a) In acting in the capacity of a Council member, Committee member, employee or contractor of the City of Busselton, all persons shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

(b) Additionally, all Council members, Committee members, employees and contractors shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;

- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, City of Busselton Strategic Community Plan, Corporate Business Plan and Annual Budget);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters (Ref: Local Government Act 1995 Sections 2.7, 2.8, 2.9, 2.10, 5.41, Part 5 division 9 and generally; Local Government (Rules of Conduct) Regulations 2007; Local Government (Administration) Regulations 1996 regulations 34B and 34C; Committee Terms of Reference; Employee Position Descriptions and Delegations Register).
- Refrain from making allegations which are improper or derogatory;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

3.2 Achievement of Priorities

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



3.3 General

(a) It is the responsibility of all Council members, Committee members, employees and contractors to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

(b) Council members, Committee members, employees and contractors will comply with any lawful and reasonable instruction given by any person having authority to make or give such an instruction.

Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.

(c) Council members (noting that the CEO has the statutory authority to implement Council decisions), Committee members, employees and contractors will recognise the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision-making, whether or not they agree with or approve of them.

3.4 Conflicts of interest

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

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

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

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

(b) Where a relative (refer to section 3.9 of this code) of a Council member, Committee member, employee or contractor with that person's knowledge is intending to undertake a dealing in land within the local government area that involves an application for development or subdivision approval, or which may otherwise be in conflict with the City's functions, written notice shall also be provided in accordance with section 3.4 (a).

(c) Where it is the Chief Executive Officer or a relative of the Chief Executive Officer intending to undertake a dealing in land in accordance with this section, the written notification required is to be provided to the Mayor.

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

(e) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer or the Mayor as the case may be, shall consult with the most senior officer within the directorate responsible for planning who is not otherwise the employee dealing in land as to the requirement or otherwise of an assessment of the application by a suitably qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision. The costs of referring applications to an independent person will be borne by the City.

The Chief Executive Officer (or Mayor if the matter involves the CEO) may in some circumstances, determine that it would be appropriate to defer the decision until such time as the application has been assessed internally and/or, where necessary, until consultation has been completed. The purpose of deferring the decision in such circumstances would be to identify properly the extent and nature of discretion involved, and/or the level of community interest in the matter.

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

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



3.5 Council Members

Specific rules for Council members are contained in Part 2 of the Local Government (Rules of Conduct) Regulations 2007.

(a) Council members are to recognise their role as distinguished from that served by employees of the City of Busselton, and the Council (ie in its convened state).

(b) Council members when interacting with employees of the City of Busselton in their capacity as a Council member shall observe the protocol of making requests for information and discussing the business of the Council with the relevant Director and/or the identified responding officer during any organised briefing session for a matter before the Council for consideration. The liaison between individual Council member and individual employee on matters of local government business shall be conducted in a respectful, courteous and honest manner.

(c) A Council member must not disclose confidential information obtained in the performance of their duties to any other person outside of the Council or relevant Local Government employees.

For the purposes of section 3.5 (c) of the Code confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential.

3.6 Committee Members

a) Disclosure of interest

The disclosure of any interest that could, or could reasonably be perceived to, affect the impartiality of a Committee member carrying out their role shall be made, insofar as the provisions can relate to Committee members, in accordance with the requirements for employees in 3.7 of this Code of Conduct.

b) Gifts

If a Committee member is offered a gift of any description in connection with the performance of their role as a Committee member, the member shall seek advice in relation to that offer from the CEO of the City of Busselton, or his nominated representative, before accepting any gift.

The advice provided shall be in accordance with the requirements for Council members and employees.

c) Confidential information

A Committee member must not disclose confidential information obtained in the performance of their duties to any other person outside of the Committee or relevant Local Government employees.

For the purposes of section 3.6 (c) of the Code confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential.

d) Use of local government resources

A Committee member shall make proper use of the local government's resources as allocated to the Committee, including but not limited to assistance from employees, stationary, access to the office and meeting rooms of the local government, and only for the purposes of advancing the work and requirements of the Committee in accordance with its Terms of Reference.



The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.

e) Relationships with the local government

- Committee members shall not direct or attempt to direct any local government employee to do or not to do anything.
- Employees of the local government will be allocated where and as necessary to assist a Committee with its required tasks. It is expected that Committee members and employees with any responsibility in relation to that Committee will work together with a spirit of cooperation and understanding.
- A Committee or Committee member shall not undertake tasks that contribute to the administration of the local government, except those tasks that are the direct responsibility of the Committee in accordance with its Terms of Reference and Council policies relating to Committees. It is noted that Council considers members of its Management and Advisory Committees as working members and thus they are to contribute to the body of work required to be done by the Committee.

3.7 Employees

a) Disclosure of interest

“Interest” - Any 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.

- An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
 - (i) in a written notice to the CEO before the meeting; and/or
 - (ii) at the meeting immediately before the matter is discussed.

- An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
 - (i) in a written notice given to the CEO before the meeting; and/or
 - (ii) at the time the advice is given.
- If in order to comply with the requirements of this clause an employee makes a disclosure in a written notice given to the CEO before a meeting, then:
 - (i) before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present.
- If in order to comply with the requirements of this clause an employee declares an interest in a matter at a meeting; or
 - (i) a disclosure is made at a meeting if it is realised that an employee has an interest in a matter that they had not previously realised was for discussion at that meeting; or
 - (ii) the presiding member brings to the attention of those present at the meeting a written disclosure;then the nature of the interest is to be recorded in the minutes of the meeting.



It is important to note that Section 3.7 of the Code in addition to requirements relating to interests referred to in the Local Government Act 1995 (in that a direct or indirect financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).

An employee is excused from a requirement under 3.7 (a) to disclose the nature of an interest if:

- (i) the employee's failure to disclose occurs because they did not know that he or she had an interest in the matter; or
- (ii) the employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

Any interest that arises for an employee on a matter before the Council or a Committee for determination is required to be disclosed in the manner specified in 3.7 (a). However, in recognition of the requirements discharged by employees during the course of their employment, including but not limited to the exercise of delegated authority, purchasing and tender evaluation, recruitment and selection, inspection and regulation, interests shall also be disclosed in other circumstances. Disclosures are required to be made to the CEO of the City of Busselton in these circumstances.

If during the course of discharging the requirements of their employment, an employee becomes aware of an interest or a potential interest, that interest or potential interest is to be disclosed in a prompt and full manner to the CEO and direction sought on the ability to continue to discharge the requirements of their employment in this case.

- If an employee is intending to engage in private work outside of their employment with the City of Busselton, either with a person or body with an interest in a proposed or current contract with the local government, or if the arrangement could, or could reasonably be perceived to, either immediately or in the future, result in an interest for the employee arising in their employment with the City of Busselton, the intention to engage in this work shall be disclosed in a prompt and full manner to the CEO and direction sought on the appropriateness of the arrangement.

3.8 Contractors

a) Disclosure of interest

The disclosure of any interest that could, or could reasonably be perceived to, affect the impartiality of a contractor carrying out their role shall be made, insofar as the provisions can relate to contractors.

b) Gifts

If a contractor is offered a gift of any description in connection with the performance of their role as a contractor, the member shall seek advice in relation to that offer from the CEO of the City of Busselton, or his nominated representative, before accepting any gift.

c) Confidential information

A contractor must not disclose confidential information obtained in the performance of their duties to any other person outside of the contract or relevant Local Government employees.



3.9 Gifts

Definitions

“Activity involving a local government discretion”

- Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

“Gift” - Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the Local Government Act 1995). This definition excludes:

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

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

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

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

- Employees are required to refrain from accepting a prohibited gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- An employee who accepts a notifiable gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion;is required to notify the CEO of the acceptance within 10 days of accepting the gift.
- The notification of the acceptance of a notifiable gift is required to be in writing and include details of:
 - (i) The name of the person who gave the gift;
 - (ii) The date on which the gift was accepted;
 - (iii) A description and the estimated value of the gift;
 - (iv) The nature of the relationship between the employee and the person who gave the gift.
- If the gift is notifiable as it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:
 - (i) A description;
 - (ii) The estimated value;
 - (iii) The date of acceptance.
- The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given under this section.

3.10 Confidential information

Confidential information must only be disclosed by an employee to another person to the extent that is necessary for the employee to do so in the performance of his or her duties.

For the purposes of section 3.10 confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential, or any other information obtained during the performance of duties that could reasonably be considered to be confidential or of a sensitive nature.

Nothing in this section enables the disclosure of any confidential or sensitive information to any Council member or Committee member if the information does not directly relate to a confidential matter that is on the agenda for a meeting of the Council or the Committee, nor to any employee who is not empowered or required by virtue of their position in the organisation to have that information.

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

3.11 Use of local government resources

An employee shall make proper use of the local government's resources and shall not use them for personal or private purposes, unless the use is otherwise provided for in a contract of employment, or authorised by the CEO by some other means.

It is acknowledged that minor incidental (not primary and not majority) use of certain resources will be provided for in operational requirements.

(An example of this would be to conduct an internet search or check a personal email account on a City computer during a designated break. This type of minor incidental use is provided for in the City's email and internet practice, whereby it is stated these facilities are for almost exclusive business use).

3.12 Relationships with Council members and Committee members

Employees are employed by and responsible to the CEO of the City of Busselton. While their direction, supervision and management is the sole responsibility of the CEO in accordance with Section 5.41(g) of the Local Government Act 1995, it is also recognised that the Chief Executive Officer has a responsibility to the Council of the City of Busselton to ensure employees provide it with relevant and quality advice.

Employees shall therefore be aware of their duty to, via the Chief Executive Officer, provide relevant and quality advice to the Council and Committees. They shall also act courteously and with due respect during their dealings with the Council, any Committee, any Council member or Committee member. It is expected that employees will deal with each other, Council members and Committee members in an honest and respectful manner.

3.13 Administrative practices

As an overarching principle of employment, employees, in attending to their duties for the City of Busselton in their required and normal hours of employment including approved overtime, shall give their full attention to their duties and requirements throughout that time to ensure that their work is carried out efficiently and effectively. Employees shall comply with any lawful and reasonable order given by any person having the authority to make or give such an order, (noting the restrictions on Councillors or Committee members in relation to directing local government employees). They will also give effect to the lawful decisions of the Council in a prompt and effective manner.

Background

Code of Conduct approved by: Council in May 2017
Review Frequency: As required, no statutory timeframe

Related Documents:
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations 1996

HISTORY

Council Resolution	Date	Information
	May, 2017	Policy cancelled; Codes adopted as suite of corporate documents.





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City of Busselton Code of Conduct Council Members



Where environment, lifestyle and opportunity meet

02	Message from the CEO	05	3.1 Principles
03	Our Values	06	3.2 Achievement of Priorities
04	Code of Conduct	06	3.3 General
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Message from the Chief Executive Officer

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

The City of Busselton is one of the fastest growing local government areas in the State of Western Australia. The City has seen significant change and growth over the past 10 years and we expect this to continue in the future. This rapid growth and changing demographic demands a 'go-ahead' approach and the City prides itself on being able to respond and adapt to the needs of its community quickly and professionally.



In this dynamic work environment, the City of Busselton Code of Conduct is a mainstay for personal interaction and good governance. It underpins our corporate values. It guides our behaviour and conduct as we work with the community to realise our shared vision for a vibrant and cohesive City.

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

- A Consolidated Code
- **A Code for Council Members (this document)**
- A Code for Committee Members
- A Code for Employees; and
- A Code for Contractors

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

Regards
Mike Archer
CEO City of Busselton.

Our Values

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service



City of Busselton Code of Conduct

1. INTRODUCTION

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

Adoption of the code demonstrates:

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

2. SCOPE

There are five components of the Code of Conduct:

- ▶ A Consolidated Code;
- ▶ **A Code for Council Members;**
- ▶ A Code for Committee Members;
- ▶ A Code for Employees; and
- ▶ A Code for Contractors

This Code applies to all Council members of the City of Busselton.

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

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

2.1 Definitions

Council member - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor.

A Council member may also be a Committee member.

2.2 Obligation to Observe

Council members

The obligation to observe a Code of Conduct for Council members arises from Section 5.103 of the Local Government Act 1995 and a declaration that they have made to observe the Rules of Conduct Regulations, upon election to the Council at a swearing in ceremony before a Justice of the Peace or a person authorised by the Oaths, Affidavits and Statutory Declarations Act 2005 to take statutory declarations.

Further to that, aspects of the Code of Conduct are also linked to the Local Government Act 1995 and associated Rules of Conduct Regulations which are enforceable in their own right.

2.3 Breach of Certain Provisions

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.



CONTENT

3. GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

3.1 Principles

(a) In acting in the capacity of a Council member (or when acting as a Committee member) of the City of Busselton, all persons shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

(b) Additionally, all Council members shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;

- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, City of Busselton Strategic Community Plan, Corporate Business Plan and Annual Budget);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters (Ref: Local Government Act 1995 Sections 2.7, 2.8, 2.9, 2.10, 5.41, Part 5 division 9 and generally; Local Government (Rules of Conduct) Regulations 2007 and Local Government (Administration) Regulations 1996 regulations 34B and 34C.
- Refrain from making allegations which are improper or derogatory;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

3.2 Achievement of Priorities

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



3.3 General

(a) It is the responsibility of all Council members to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

(b) Council members will comply with any lawful and reasonable instructions given by any person having authority to make or give such an instruction.

Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.

(c) Council members, noting that the CEO has the statutory authority to implement Council decisions, will recognise the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision-making, whether or not they agree with or approve of them.

3.4 Conflicts of interest

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

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

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

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

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

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

(d) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer or the Mayor as the case may be, shall consult with the most senior officer within the directorate responsible for planning who is not otherwise the employee dealing in land as to the requirement or otherwise of an assessment of the application by a suitably qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision. The costs of referring applications to an independent person will be borne by the City.

The Chief Executive Officer or Mayor may, in some circumstances, determine that it would be appropriate to defer the decision until such time as the application has been assessed internally and/or, where necessary, until consultation has been completed. The purpose of deferring the decision in such circumstances would be to identify properly the extent and nature of discretion involved, and/or the level of community interest in the matter.

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

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



The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.

3.5 Council Members

Specific rules for Council members are contained in Part 2 of the Local Government (Rules of Conduct) Regulations 2007.

(a) Further to that, Council members are to recognise their role as distinguished from that served by employees of the City of Busselton, and the Council (ie in its convened state).

(b) Council members when interacting with employees of the City of Busselton in their capacity as a Council member shall observe the protocol of making requests for information and discussing the business of the Council with the relevant Director and/or the identified responding officer during any organised briefing session for a matter before the Council for consideration. The liaison between individual Council member and individual employee on matters of local government business shall be conducted in a respectful, courteous and honest manner.

It is important to note that Section 3.5 of the Code is in addition to requirements relating to interests referred to in the Local Government Act 1995 (in that a direct or indirect financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).



3.6 Gifts

Definitions

“Activity involving a local government discretion”

- Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

“Gift” - Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the Local Government Act 1995). This definition excludes:

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

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

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

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- The notification of the acceptance of a notifiable gift is required to be in writing and include details of:
 - (i) The name of the person who gave the gift;
 - (ii) The date on which the gift was accepted;
 - (iii) A description and the estimated value of the gift;
 - (iv) The nature of the relationship between the employee and the person who gave the gift.
- If the gift is notifiable as it is one of two or more gifts given by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:
 - (i) A description;
 - (ii) The estimated value;
 - (iii) The date of acceptance.
- The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given under this section.

3.7 Confidential information

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

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

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



Background

Code of Conduct approved by: Council in May 2017
Review Frequency: As required, no statutory timeframe

Related Documents:
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HISTORY

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City of Busselton Code of Conduct Committee Members

(who are not Council Members)



Where environment, lifestyle and opportunity meet

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Regards
Mike Archer
CEO City of Busselton.

Our Values

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
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- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
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- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
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City of Busselton Code of Conduct

1. INTRODUCTION

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There are five components of the Code of Conduct:

- ▶ A Consolidated Code;
- ▶ A Code for Council Members;
- ▶ **A Code for Committee Members;**
- ▶ A Code for Employees; and
- ▶ A Code for Contractors

This Code applies to all members of the community appointed to Council Committees of the City of Busselton.

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

The Code of Conduct is also a statement of guidance and specific requirements to be observed by individuals appointed to a Council committee of the City of Busselton.

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

2.1 Definitions

Committee member - Any member appointed to a Committee constituted by Council in accordance with Section 5.8 of the Local Government Act 1995 by virtue of Section 5.10 of that Act, whether a Council member or not.

2.2 Obligation to Observe

The obligation for Committee members (that may also be Council members) to observe a Code of Conduct arises from the requirement in Section 5.103 of the Local Government Act 1995. Committee members are appointed to their positions by the Council in accordance with Section 5.10 of that Act and can also be removed from the office by the local government in accordance with Section 5.11(2)c of the Act.

2.3 Breach of Certain Provisions

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.



CONTENT

3. GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

3.1 Principles

(a) In acting in the capacity of a Committee member appointed to a committee created by the City of Busselton, all persons shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

(b) Additionally, all Committee members shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;
- Not use or attempt to use their positions for personal benefit or the personal benefit

of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;

- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, City of Busselton Strategic Community Plan, Corporate Business Plan, Annual Budget);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters (Ref: Local Government Act 1995 Sections 2.7.
- Refrain from making allegations which are improper or derogatory;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.



3.2 Achievement of Priorities

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



3.3 General

(a) It is the responsibility of all Committee members to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

(b) Committee members will comply with any lawful and reasonable instruction given by any person having authority to make or give such an instruction.

Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.

(c) Committee members (noting the CEO has the statutory authority to implement Council decisions) will recognise the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision-making, whether or not they agree with or approve of them.

3.4 Conflicts of interest

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

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

(a) Any Committee member intending to undertake a dealing in land within the local government area that involves an application for development or subdivision approval, an application for approval of a structure plan, local development or activity centre plan, or a proposal to rezone or otherwise amend the town planning scheme, or which may otherwise be in conflict with the City's functions, shall provide written notice of this intention to the Chief Executive Officer. The notice shall be provided as soon as practicable in all circumstances, but where an application is to be lodged with the local government or another statutory body for approval, then no less than 7 days before the lodgement of that application. This requirement does not extend to the purchase of the principal place of residence.

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

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

(e) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer or the Mayor as the case may be, shall consult with the most senior officer within the directorate responsible for planning who is not otherwise the employee dealing in land as to the requirement or otherwise of an assessment of the application by a suitably qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision. The costs of referring applications to an independent person will be borne by the City.



The Chief Executive Officer or Mayor may, in some circumstances, determine that it would be appropriate to defer the decision until such time as the application has been assessed internally and/or, where necessary, until consultation has been completed. The purpose of deferring the decision in such circumstances would be to identify properly the extent and nature of discretion involved, and/or the level of community interest in the matter.

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

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



The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.

3.5 Committee Members

a) Disclosure of interest

The disclosure of any interest that could, or could reasonably be perceived to, affect the impartiality of a Committee member carrying out their role shall be made, insofar as the provisions can relate to Committee members.

It is important to note that Section 3.7 of the Code in addition to requirements relating to interests referred to in the Local Government Act 1995 (in that a direct or indirect financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).

b) Gifts

If a Committee member is offered a gift of any description in connection with the performance of their role as a Committee member, the member shall seek advice in relation to that offer from the CEO of the City of Busselton, or his nominated representative, before accepting any gift.

The advice provided shall be in accordance with the requirements for Council members and employees.

c) Confidential information

A Committee member must not disclose confidential information obtained in the performance of their duties to any other person outside of the Committee or relevant Local Government employees.

For the purposes of section 3.5 (c) of the Code, confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential.

d) Use of local government resources

A Committee member shall make proper use of the local government's resources as allocated to the Committee, including but not limited to assistance from employees, stationary, access to the office and meeting rooms of the local government, and only for the purposes of advancing the work and requirements of the Committee in accordance with its Terms of Reference.

e) Relationships with the local government

- Committee members shall not direct or attempt to direct any local government employee to do or not to do anything.
- Employees of the local government will be allocated where and as necessary to assist a Committee with its required tasks. It is expected that Committee members and employees with any responsibility in relation to that Committee will work together with a spirit of cooperation and understanding.

- A Committee or Committee member shall not undertake tasks that contribute to the administration of the local government, except those tasks that are the direct responsibility of the Committee in accordance with its Terms of Reference and Council policies relating to Committees. It is noted that Council considers members of its Management and Advisory Committees as working members and thus they are to contribute to the body of work required to be done by the Committee.

3.6 Gifts

Definitions

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

"Gift" - Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the Local Government Act 1995). This definition excludes:

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

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

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

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

- The notification of the acceptance of a notifiable gift is required to be in writing and include details of:
 - (i) The name of the person who gave the gift;
 - (ii) The date on which the gift was accepted;
 - (iii) A description and the estimated value of the gift;
 - (iv) The nature of the relationship between the employee and the person who gave the gift.
- If the gift is notifiable as it is one of two or more gifts given by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:
 - (i) A description;
 - (ii) The estimated value;
 - (iii) The date of acceptance.

- The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given to comply with a requirement under Section 3.6.



3.7 Confidential information

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

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

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

Background

Code of Conduct approved by: Council in May 2017
Review Frequency: As required, no statutory timeframe

Related Documents:
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations 1996

HISTORY

Council Resolution	Date	Information
	May, 2017	Policy cancelled; Codes adopted as suite of corporate documents.





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City of Busselton Code of Conduct Employees



Where environment, lifestyle and opportunity meet

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Message from the Chief Executive Officer

The Code of Conduct outlines the standards of behaviour employees and City of Busselton contractors are required to follow in relation to their conduct as representatives of this local government organisation.

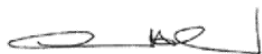
The City of Busselton is one of the fastest growing local government areas in the State of Western Australia. The City has seen significant change and growth over the past 10 years and we expect this to continue in the future. This rapid growth and changing demographic demands a 'go-ahead' approach and the City prides itself on being able to respond and adapt to the needs of its community quickly and professionally.

In this dynamic work environment, the City of Busselton Code of Conduct is a mainstay for personal interaction and good governance. It underpins our corporate values. It guides our behaviour and conduct as we work with the community to realise our shared vision for a vibrant and cohesive City.

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

- A Consolidated Code
- A Code for Council Members
- A Code for Committee Members
- **A Code for Employees; and (this document)**
- A Code for Contractors

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



Regards
Mike Archer
CEO City of Busselton.



Our Values

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service



City of Busselton Code of Conduct

1. INTRODUCTION

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

Adoption of the code demonstrates:

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

2. SCOPE

There are five components of the Code of Conduct:

- ▶ A Consolidated Code;
- ▶ A Code for Council Members;
- ▶ A Code for Committee Members;
- ▶ **A Code for Employees;** and
- ▶ A Code for Contractors

This Code applies to all employees of the City of Busselton.

The Code of Conduct contains matters as prescribed by the Local Government Act and Regulations made under the Act and makes further provision for expectations of employees. The Code of Conduct is a statement of guidance and specific requirements to be observed by employees of the City of Busselton including contractors.

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

2.1 Definitions

Employee - Any person who is employed by the City of Busselton. For the purposes of the sections of the Code of Conduct in relation to employees' disclosure of interests, this shall include a person who under a contract for services with the local government will provide advice or a report on a matter.

2.2 Obligation to Observe

The obligation for employees to observe a Code of Conduct arises from Section 5.103 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 Clauses 34B and 34C and the terms and conditions of their employment with the City of Busselton.

The observance of Council policies and operational practices and procedures is a key responsibility of any contractor and any breach of those responsibilities could incur disciplinary action, including termination of employment.

2.3 Breach of Certain Provisions

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by the City, or another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.



CONTENT

3. GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

3.1 Principles

(a) All employees of the City of Busselton shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

(b) Additionally, all employees shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the

- performance of their duties, or otherwise;
- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, City of Busselton Strategic Community Plan, Corporate Business Plan and Annual Budget);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters; relevant legislative provisions; operational practices and procedures; and contractual documentation.
- Refrain from making allegations which are improper or derogatory;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

3.2 Achievement of Priorities

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



3.3 General

(a) It is the responsibility of all employees to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

(b) Employees will comply with any lawful and reasonable instruction given by any person having authority to make or give such an instruction.

Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.

(c) Employees will give effect to the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision-making, whether or not they agree with or approve of them.

3.4 Conflicts of interest

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

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

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

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

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

(c) Where it is the Chief Executive Officer or a relative of the Chief Executive Officer intending to undertake a dealing in land in accordance with this section, the written notification required is to be provided to the Mayor.

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

(e) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer or the Mayor as the case may be, shall consult with the most senior officer within the directorate responsible for planning who is not otherwise the employee dealing in land as to the requirement or otherwise of an assessment of the application by a suitably qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision. The costs of referring applications to an independent person will be borne by the City.

The Chief Executive Officer or Mayor may, in some circumstances, determine that it would be appropriate to defer the decision until such time as the application has been assessed internally and/or, where necessary, until consultation has been completed. The purpose of deferring the decision in such circumstances would be to identify properly the extent and nature of discretion involved, and/or the level of community interest in the matter.

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

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



The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.

3.5 Relationships with the local government

Employees of the local government will be allocated where and as necessary to assist a Committee with its required tasks. It is expected that employees and Committee members with any responsibility in relation to that Committee will work together with a spirit of cooperation and understanding.

Employees are employed by and responsible to the CEO of the City of Busselton. While their direction, supervision and management is the sole responsibility of the CEO in accordance with Section 5.41(g) of the Local Government Act 1995, it is also recognised that the Chief Executive Officer has a responsibility to the Council of the City of Busselton to ensure employees provide it with relevant and quality advice.

Employees shall therefore be aware of their duty to, via the Chief Executive Officer, provide relevant and quality advice to the Council and Committees. They shall also act courteously and with due respect during their dealings with the Council, any Committee, any Council member or Committee member. It is expected that employees will deal with each other, Council members and Committee members in an honest and respectful manner.

3.6 Employees

a) Disclosure of interest

“Interest” - Any 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.

- An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
 - (i) in a written notice to the CEO before the meeting; and/or
 - (ii) at the meeting immediately before the matter is discussed.

- An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
 - (i) in a written notice given to the CEO before the meeting; and/or
 - (ii) at the time the advice is given.
- If in order to comply with the requirements of this clause an employee makes a disclosure in a written notice given to the CEO before a meeting, then:
 - (i) before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present.
- If in order to comply with the requirements of this clause an employee declares an interest in a matter at a meeting; or
 - (i) a disclosure is made at a meeting if it is realised that an employee has an interest in a matter that they had not previously realised was for discussion at that meeting; or
 - (ii) the presiding member brings to the attention of those present at the meeting a written disclosure;then the nature of the interest is to be recorded in the minutes of the meeting.



It is important to note that Section 3.6 is in addition to requirements relating to interests referred to in Section 5.60 of the Local Government Act 1995 (in that a direct or indirect financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).

An employee is excused from a requirement under 3.6 (a) to disclose the nature of an interest if:

- (i) the employee's failure to disclose occurs because they did not know that he or she had an interest in the matter; or
- (ii) the employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

Any interest that arises for an employee on a matter before the Council or a Committee for determination is required to be disclosed in the manner specified in 3.6 (a). However, in recognition of the requirements discharged by employees during the course of their employment, including but not limited to the exercise of delegated authority, purchasing and tender evaluation, recruitment and selection, inspection and regulation, interests shall also be disclosed in other circumstances. Disclosures are required to be made to the CEO of the City of Busselton in these circumstances.

If during the course of discharging the requirements of their employment, an employee becomes aware of an interest or a potential interest, that interest or potential interest is to be disclosed in a prompt and full manner to the CEO and direction sought on the ability to continue to discharge the requirements of their employment in this case.

- If an employee is intending to engage in private work outside of their employment with the City of Busselton, either with a person or body with an interest in a proposed or current contract with the local government, or if the arrangement could, or could reasonably be perceived to, either immediately or in the future, result in an interest for the employee arising in their employment with the City of Busselton, the intention to engage in this work shall be disclosed in a prompt and full manner to the CEO and direction sought on the appropriateness of the arrangement.

3.7 Gifts

Definitions

"Activity involving a local government discretion"

- Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

"Gift" - Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the Local Government Act 1995). This definition excludes:

- A gift from a relative;
- A gift from a statutory authority, government instrumentality or non-profit organisation for professional training.

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

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

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

- Employees are required to refrain from accepting a prohibited gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- An employee who accepts a notifiable gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion;is required to notify the CEO of the acceptance within 10 days of accepting the gift.
- The notification of the acceptance of a notifiable gift is required to be in writing and include details of:
 - (i) The name of the person who gave the gift;
 - (ii) The date on which the gift was accepted;
 - (iii) A description and the estimated value of the gift;
 - (iv) The nature of the relationship between the employee and the person who gave the gift.

- If the gift is notifiable as it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:
 - (i) A description;
 - (ii) The estimated value;
 - (iii) The date of acceptance.
- The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given under this section.



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3.8 Confidential information

Confidential information must only be disclosed by an employee to another person to the extent that is necessary for the employee to do so in the performance of his or her duties.

For the purposes of section 3.8 confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential, or any other information obtained during the performance of duties that could reasonably be considered to be confidential or of a sensitive nature.

Nothing in this section enables the disclosure of any confidential or sensitive information to any Council member or Committee member if the information does not directly relate to a confidential matter that is on the agenda for a meeting of the Council or the Committee, nor to any employee who is not empowered or required by virtue of their position in the organisation to have that information.

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

3.9 Use of local government resources

An employee shall make proper use of the local government's resources and shall not use them for personal or private purposes, unless the use is otherwise provided for in a contract of employment, or authorised by the CEO by some other means.

It is acknowledged that minor incidental (not primary and not majority) use of certain resources will be provided for in operational requirements.

(An example of this would be to conduct an internet search or check a personal email account on a City computer during a designated break. This type of minor incidental use is provided for in the City's email and internet practice, whereby it is stated these facilities are for almost exclusive business use).

3.10 Administrative practices

As an overarching principle of employment, employees, in attending to their duties for the City of Busselton in their required and normal hours of employment including approved overtime, shall give their full attention to their duties and requirements throughout that time to ensure that their work is carried out efficiently and effectively. Employees shall comply with any lawful and reasonable order given by any person having the authority to make or give such an order, (noting the restrictions on Councillors or Committee members in relation to directing local government employees). They will also give effect to the lawful decisions of the Council in a prompt and effective manner.



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Background

Code of Conduct approved by: Council in May 2017
Review Frequency: As required, no statutory timeframe

Related Documents:
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations 1996

HISTORY

Council Resolution	Date	Information
	May, 2017	Policy cancelled; Codes adopted as suite of corporate documents.





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City of Busselton Code of Conduct Contractors



Where environment, lifestyle and opportunity meet

02	Message from the CEO	05	3.1 Principles
03	Our Values	06	3.2 Achievement of Priorities
04	Code of Conduct	06	3.3 General - Applicable to Council members, Committee members and employees
04	1. Introduction	06	3.4 Conflicts of interest
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Message from the Chief Executive Officer

The Code of Conduct outlines the standards of behaviour City of Busselton contractors are required to follow in relation to their conduct as representatives of this local government organisation.

The City of Busselton is one of the fastest growing local government areas in the State of Western Australia. The City has seen significant change and growth over the past 10 years and we expect this to continue in the future. This rapid growth and changing demographic demands a 'go-ahead' approach and the City prides itself on being able to respond and adapt to the needs of its community quickly and professionally.

In this dynamic work environment, the City of Busselton Code of Conduct is a mainstay for personal interaction and good governance. It underpins our corporate values. It guides our behaviour and conduct as we work with the community to realise our shared vision for a vibrant and cohesive City.



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

- A Consolidated Code
- A Code for Council Members
- A Code for Committee Members
- A Code for Employees; and
- **A Code for Contractors (this document)**

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

Regards
Mike Archer
CEO City of Busselton.

Our Values

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service



City of Busselton Code of Conduct

1. INTRODUCTION

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

Adoption of the code demonstrates:

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

2. SCOPE

There are five components of the Code of Conduct:

- ▶ A Consolidated Code;
- ▶ A Code for Council Members;
- ▶ A Code for Committee Members;
- ▶ A Code for Employees; and
- ▶ **A Code for Contractors**

This Code applies to all contractors of the City of Busselton.

The Code of Conduct for contractors is based on matters prescribed by the Local Government Act and Regulations for expectations of council members and employees.

Any provision in this Code of Conduct is to the extent that it is not inconsistent with the Act and Regulations.

2.1 Definition of Contractor

Contractor - Includes a person who under a contract for services with the local government will provide advice or a report on a matter. This generally relates to professional persons such as Town Planners, Urban Designers and Economic Advisors who provide advice to Officers and Council in relation to growth, town planning and development options, but is not limited to these professions.

2.2 Obligation to Observe

Contractors

The obligation to certain contractors to observe the Code of Conduct arises from the need to adopt a 'best practice' approach to decision making and increase transparency.

Professional contractors should immediately disclose any conflict of interest or perceived conflict of interest they have when offered an assignment to conduct work on behalf of the City and should make full disclosure in any written material presented to the City.

2.3 Breach of Certain Provisions

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by the City or another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.



CONTENT

3. GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

3.1 Principles

(a) In acting in the capacity of a City contractor of the City of Busselton, all persons shall espouse the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

(b) Additionally, all City contractors shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the

improper use of information gained in the performance of their duties, or otherwise;

- Contribute to the good governance and strategic priorities of the City of Busselton in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (Ref: City of Busselton Strategic Community Plan, Corporate Business Plan and Annual Budget et al);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters; relevant legislative provisions; operational practices and procedures; and contractual documentation.
- Refrain from making allegations which are improper or derogatory;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

3.2 Achievement of Priorities

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



3.3 General

(a) It is the responsibility of all City contractors to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

(b) City contractors will comply with any lawful and reasonable instruction given by any person having authority to make or give such an instruction.

Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.



3.4 Conflicts of interest

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

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

(a) Any City contractor at the time of performing work for the City intending to:

- ▶ Undertake a dealing in land within the local government area that involves an application for development or subdivision approval;
- ▶ An application for approval of a structure plan, local development or activity centre plan;
- ▶ A proposal to rezone or otherwise amend the town planning scheme, or which may otherwise be in conflict with the City's functions;
- ▶ Shall provide written notice of this intention to the Chief Executive Officer.

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

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

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

(e) In receiving a written notice on a matter referred to in (a) or (b) above, the Chief Executive Officer shall consult with the most senior officer within the directorate responsible for the engagement of the contractor, regarding the need and/or otherwise to assess the application by a suitably qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision. The costs of referring applications to an independent person will be borne by the City.

The Chief Executive Officer may in some circumstances, determine that it would be appropriate to defer the decision until such time as the application has been assessed internally and/or, where necessary, until consultation has been completed. The purpose of deferring the decision in such circumstances would be to identify properly the extent and nature of discretion involved, and/or the level of community interest in the matter.

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

It is not the intention of this requirement to disadvantage any person due to their position or status. The requirement is to ensure there is minimum potential for perceptions of or actual undue influence, advantage or disadvantage for a City Contractor.





The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.

3.5 Contractors

a) Disclosure of interest

The disclosure of any interest that could, or could reasonably be perceived to, affect the impartiality of a contractor carrying out their role shall be made, insofar as the provisions can relate to contractors.

- A Contractor who has an interest in any matter to be discussed at a Council or Committee meeting is required to disclose the nature of the interest:
 - (i) in a written notice to the CEO before the meeting; and/or
 - (ii) at the meeting immediately before the matter is discussed.
- If in order to comply with the requirements of this clause a contractor makes a disclosure in a written notice given to the CEO before a meeting, then:
 - (i) before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present.

- If in order to comply with the requirements of this clause a contractor declares an interest in a matter at a meeting; or
 - (i) a disclosure is made at a meeting if it is realised that an contractor has an interest in a matter that they had not previously realised was for discussion at that meeting; or
 - (ii) the presiding member brings to the attention of those present at the meeting a written disclosure;then the nature of the interest is to be recorded in the minutes of the meeting.

b) Gifts

If a contractor is offered a gift of any description in connection with the performance of their role as a contractor, the member shall seek advice in relation to that offer from the CEO of the City of Busselton, or his nominated representative, before accepting any gift.

c) Confidential information

A contractor must not disclose confidential information obtained in the performance of their duties to any other person outside of the contract or relevant Local Government employees.

3.6 Gifts

Definitions

“Activity involving a local government discretion”

- Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

“Gift” - Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the Local Government Act 1995). This definition excludes:

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

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

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

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

- Employees are required to refrain from accepting a prohibited gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- An employee who accepts a notifiable gift from a person who:
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion;is required to notify the CEO of the acceptance within 10 days of accepting the gift.



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- The notification of the acceptance of a notifiable gift is required to be in writing and include details of:
 - (i) The name of the person who gave the gift;
 - (ii) The date on which the gift was accepted;
 - (iii) A description and the estimated value of the gift;
 - (iv) The nature of the relationship between the employee and the person who gave the gift.
- If the gift is notifiable as it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:
 - (i) A description;
 - (ii) The estimated value;
 - (iii) The date of acceptance.
- The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given under this section.

3.7 Relationships with Council members and Employees

Contractors are employed by and responsible to the CEO of the City of Busselton. While their direction, supervision and management is the sole responsibility of the CEO.

The Chief Executive Officer has a responsibility to the Council of the City of Busselton to ensure contractors provide it with relevant and quality advice.

Contractors once appointed to their requirement, shall therefore be aware to, via the Chief Executive Officer, provide relevant and quality advice to the City, Council and Committees. They shall also act courteously and with due respect during their dealings with City Officers, the Council, any Committee, any Council member or Committee member. It is expected that contractors will deal with each other, City staff, Council members and Committee members in an honest and respectful manner.



Background

Code of Conduct approved by: Council in May 2017

Review Frequency: As required, no statutory timeframe

Related Documents:

Local Government Act 1995

Local Government (Rules of Conduct) Regulations 2007

Local Government (Administration) Regulations 1996

HISTORY

Council Resolution	Date	Information
	May, 2017	Policy cancelled; Codes adopted as suite of corporate documents.





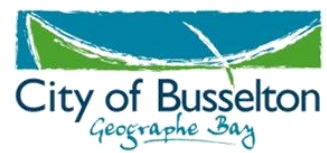
City of Busselton

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7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Thursday, 15 June 2017

9. CLOSURE

The meeting closed at 10.30am.

THESE MINUTES CONSISTING OF PAGES 1 TO 87 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 15 JUNE 2017.

DATE: _____

PRESIDING MEMBER: _____