



# **ELECTED MEMBER**

  

# **CODE OF CONDUCT**

May 2018

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## **1. INTRODUCTION**

- 1.1 This Code of Conduct provides Elected Members at the City of Cockburn with consistent guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability in the affairs of Council.
- 1.2 The Code is complementary to the principals adopted in the Local Government Act 1995 and Regulations which incorporates four fundamental aims to result in:-
- better decision making by Council;
  - greater community participation in the decisions and affairs of Council;
  - greater accountability of Council to the community; and
  - more efficient and effective local government.
- 1.3 The Code is independent from the requirements of the provisions of the Local Government (Rules of Conduct) Amendment Act, 2007 applicable from 2 October 2007 and which contain mandatory behaviour standards to be observed by Elected Members.

## **2. ROLES & OBJECTIVES**

- 2.1 A primary role of the Elected Members when acting as Council is to make decisions in the best interest of the community.
- 2.2 A primary role of all Elected Members shall be the achievement of the Council objectives contained in the Corporate Strategic Plan.
- 2.3 The focus of Elected Members when acting as Council shall be the effective translation of the community's needs and aspirations into an agreed direction and future for the City.
- 2.4 An Elected Member shall always act:-
- as a leader on issues of importance to the community;
  - honestly, impartially and with integrity in its dealings with all elements of the community;
  - responsibly by making decisions that are in the best interests of the wider Cockburn community taking into account professional advice;
  - openly by encouraging the participation of residents in the opinion forming and decision making process of Council;

- tolerantly by acknowledging the right of individuals both on Council and in the community, to hold differing opinions and to express those opinions;
- independently and free of undue influences created by pecuniary interests and other conflicts of interest; and
- in an ethical and procedurally fair manner in all of its dealings.

### **3. CONDUCT**

#### **3.1 Elected Members shall act and be seen to act;**

- properly and in accordance with the requirements of the law and the terms of this Code;
- as facilitators of community participation in Council processes;
- in a non-partisan way by seeking solutions and making decisions that are in the best interests of the broader Cockburn community;
- to represent the whole community first and the interests of pressure groups or individuals only in a context of the greater community good;
- co-operatively with Council staff through appropriately defined communication channels;
- to communicate and confirm Council decisions and policies in a positive and proactive manner in the community, regardless of the level of personal support for Council's collective decisions; and
- to make no allegations which are improper or derogatory and 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 Elected Members shall observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards and be frank and honest in their official dealing with staff.**

## 4. ADMINISTRATIVE COMPLIANCE

- 4.1 Elected Members shall ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.
- 4.2 Elected Members are often asked to represent the Council on external organisations. Such positions should only be accepted within time and other constraints which do not adversely reflect on Council's commitment to that organisation and in doing so, Elected Members should fairly represent the Council's position to the best of their abilities, as it is understood by them at that time.
- 4.3 All aspects of communication by Elected Members (verbal or written) involving Council activities, should reflect the status and objectives of Council and should be accurate, polite and professional.
- 4.4 Elected Members shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, processes or business of the Council in accordance with Council's policies.
- 4.5 Elected Members are expected to comply with neat and responsible dress standards at all times in their representation of Council.
- 4.6 When Elected Members are approached by members of the public to address an issue of individual concern on their behalf, the Elected Members:-
- Should ascertain if they have spoken to the relevant staff member and, if not, encourage the person(s) to do so, in the first instance;
  - Should, prior to meeting with the person(s) or prior to discussing the matter in further detail, obtain comment and any related information from the relevant staff member; and
  - Should provide a brief file note of the meeting (who with, time, date, topic and outcome only) for Council's records, if considered appropriate by the Elected Member.
- 4.7 Elected Members shall direct any inquiries for staff to meet proponents or ratepayers concerning any application, proposal or issue to the CEO or relevant Director. Elected Members shall not advocate on behalf of proponents/ratepayers in meetings where staff are in attendance.
- 4.8 Unless not practicable, Elected Members are only to approach and seek advice from staff by:-
- correspondence;
  - telephone;

- fax;
  - email; or
  - appointment
- 4.9 (a) Any customer requests or enquiries made by Elected Members, must be lodged with the Executive Services Unit for recording.
- (b) Any requests or enquiries received by the Executive Services Unit, shall be forwarded to the relevant service unit for dealing with through the Customer Request System.
- (c) Elected Members shall be advised as soon as possible in writing by the responsible officer, of the progress, outcome or information related to the request or enquiry.
- 4.10 Elected Members shall refrain from contacting or dealing with any staff member on a matter in which they have an obligation to declare an interest, pursuant to the Local Government Act, 1995, or Council's Standing Orders unless approval to participate in the matter has been provided in accordance with sec. 5.69.
- 4.11 Unless not practicable, Elected Members shall only enter the staff work areas of the Administration Building after requesting and receiving approval from the CEO, a Director or relevant senior staff member.
- 4.12 Facilities provided for use by Elected Members within the Administration Building, shall only be available for the pursuit or conduct of Council business or interests.

## **5. MEDIA & EXTERNAL COMMUNICATION**

- 5.1 Unless acting in an authorised capacity as a Council spokesperson pursuant to the local Government Act, 1995:
- (a) Councillors shall not speak, attempt to speak or give the perception of speaking on behalf of the local government;
- (b) Councillors should ensure that statements made to the media are identified as their opinions only and do not necessarily represent the position of Council; and
- (c) Subject to Clauses (a) and (b) above, an Elected Member may choose to make a personal statement publicly on a matter related to Council business. Elected Members approached by the media for a personal statement may request the assistance of the Chief Executive Officer, or authorised delegate, in preparing a response.

- 5.2 (a) Elected Members are responsible for the content they publish in a personal capacity on any form of social media platform and in this regard must understand their legal obligations.

The speed and reach of publishing online means content is available immediately to a wide audience. Anything posted can be difficult to delete and may be replicated, misconstrued and seen by people the author never intended or expected would see it.

Elected Members must recognize the potential damage that may be caused to the City through inappropriate use of social media. Accordingly, Elected Members should comply with this guideline to ensure that the risk of such damage is minimized, including potential action against an Elected Member under the Local Government (Rules of Conduct) Regulations 2007.

As civic leaders, Elected Members must comply with the requirements of the Local Government Act 1995 and the Local Government (Rules of Conduct) Regulations 2007 and such obligations extend to when Elected Members use social media to communicate with the community.

In particular, the Local Government (Rules of Conduct) Regulations 2007 require that Elected Members must not:

- gain directly or indirectly an advantage for themselves or any other person (Regulation 7 (1) (a))
- cause detriment to the City or any other person (Regulation 7(1) (b);
- use directly or indirectly the resources of the City for the purposes of voting in a particular way at an election, referendum or other poll, or for any other purpose, unless authorized under the Act or by the Council or CEO (Regulation 8). (This includes Elected Member photographs, commissioned by the City, which are used for official City of Cockburn purposes only and cannot be used in any personal communications undertaken by the member;
- disclose information derived from a confidential document or acquired from a closed meeting, or otherwise considered confidential in nature. (Regulation 2).

- (b) In view of this, Elected Members when using social media must:

- only disclose and discuss publicly available information;

- ensure that all content published is accurate and not misleading and complies with all relevant City policies and legislative requirements;
- be polite and respectful to all people they interact with;
- avoid making negative comments about the Elected Members or Administration of the City of Cockburn or members of the community;
- avoid making any comment or post any material that might otherwise cause damage to other persons, or bring the City's reputation into question;
- comply with their record keeping responsibilities when using social media for Elected Member activities and Council related matters by providing a copy of the post to the City's Administration;

(c) Elected Members when using social media must not:

- Apart from the Mayor, imply that they are authorised to speak as a representative of the City or the Council, or give the impression that the views expressed are those of the City or the Council;
- make prior public statements expressing their opinion on matters before Council that would indicate a predetermined decision;
- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or otherwise unlawful;
- use City logos or crests;
- use a false identity;
- use or disclose any confidential information obtained in their capacity as an Elected Member of the City, or release information to the public before it has been dealt with by Council or approved for release by the City;
- mention or disclose staff members names or positions publicly or through private means (direct message) via social media

(d) Posting on the City's social media pages specifically

- Elected Members may like, comment or share existing content but may not post new content to the City's pages.
  - Elected Members must not answer questions posed to the City on social media as this is a function of the Administration.
- (e) Posting on other social media pages
- Where requests for service or official feedback have been posted on other social media sites, Elected Members may direct these to [customer@cockburn.wa.gov.au](mailto:customer@cockburn.wa.gov.au) or 9411 3444.
  - Where misinformation or factually incorrect information is posted, Elected Members may refer the original poster to the City for clarification i.e. contact the City's Customer Service (as above);