



Code of Conduct for Council Members, Committee Members and Employees		
RESPONSIBLE DIRECTORATE	Governance	
COUNCIL ADOPTION	Date: 27/01/2015	Resolution No: 10776
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
LEGISLATION	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Rules of Conduct) Regulations 2007</i>	

OBJECTIVES:

To provide guidance for Council Members, Committee Members and employees in the Shire of Wyndham East Kimberley on acceptable standards of professional conduct.

POLICY STATEMENT/S:

This Code of Conduct is adapted from the Western Australian Local Government Association 'Model Code of Conduct', February 2013.

The Code of Conduct provides Council Members, Committee Members and employees in the Shire of Wyndham East Kimberley with consistent guidelines for an acceptable standard of professional conduct.

The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in the Shire of Wyndham East Kimberley.

The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in :-

- (a) better decision-making by local governments;
- (b) greater community participation in the decisions and affairs of local governments;
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

Of particular note for Councillors is that some parts of this Code are also Rules of Conduct, which are enforceable at law (a suspected breach of a Rule of Conduct may be subject of a complaint that will be heard and determined by a Standards Panel). For ease of identification, the Rules of Conduct throughout this Code have been denoted in this reverse font style and tagged with the notation "Rule of Conduct".

VALUES

1. Respect and support each other and each other's roles
2. Integrity and commitment to actions and teamwork
3. Uphold the integrity of Team SWEK
4. Value our human capital (value, safety, development)
5. Contribute to the wellbeing of the organisation
6. Interact and communicate with honesty and humour
7. Enhance and develop the organisational culture

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES

1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire of Wyndham East Kimberley will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows :

"A Councillor —

(a) Represents the interests of electors, ratepayers and residents of the district;

(b) provides leadership and guidance to the community in the district;

(c) facilitates communication between the community and the council;

(d) participates in the local government's decision-making processes at council and committee meetings; and

(e) performs such other functions as are given to a Councillor by this Act or any other written law."

Councillors are the decision makers responsible for:

- The development of Council policy;
- The direction and control of the Shire;
- Making decisions on project priorities and the plans to achieve them; and
- The periodical review of the Council's programs and performance.

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Shire of Wyndham East Kimberley's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

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

1.2 Role of President

In addition to performing the role of a Councillor, the Shire President

- Presides at meetings in accordance with the Act;
- Provides leadership and guidance to the community in the district;
- Carries out civic and ceremonial duties on behalf of the Shire;
- Speaks on behalf of the Shire;
- Performs such other functions as are given to the President by the Act or any other written law; and
- Liaises with the CEO on the Shire's affairs and the performance of its functions.

1.3 Role of CEO and Employees

The role of employees is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995 : -

"The CEO's functions are to —

- advise the council in relation to the functions of a local government under this Act and other written laws;*
- ensure that advice and information is available to the council so that informed decisions can be made;*
- cause council decisions to be implemented;*
- manage the day to day operations of the local government;*
- liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- speak on behalf of the local government if the mayor or president agrees;*
- be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."*

1.4 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995 –

"(1) The council —

- governs the local government's affairs; and*

- (b) is responsible for the performance of the local government's functions.*
- (2) Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.”*

1.5 Principles affecting the employment of employees by the Shire

The following principles, set out in section 5.40 of the Act, apply to the employment of the Shire's officers:

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;*
- (c) employees are to be treated fairly and consistently;*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984.*

1.6 Relationships between Council Members and Employees

An effective Councillor works as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising officers in a way that casts aspersions on their professional competence and credibility

Rules of
Conduct
Reg 9, 10

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- (a) Council Members, Committee Members and employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Wyndham East Kimberley, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Council Members, Committee Members and employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the

Shire of Wyndham East Kimberley's area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- (d) Council Members, Committee Members and employees who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and employees will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest - Impartiality

Definition :
In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -
"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Rules of
Conduct
Reg. 11

- (a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- (b) A person who is an employee and 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 person is required to disclose the nature of any interest the person has in the matter -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then -

- (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (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.
- (f) If -
- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,
the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council members, committee members and employees shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially in the public interest; or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Rules of
Conduct
Reg 6.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the council members and/or employees of the Shire (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a council member or employee from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Wyndham East Kimberley upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and employees will not take advantage of their position to improperly influence other Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Rules of
Conduct
Reg. 7

Council members, committee members and employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, council members, committee members and employees shall not take

advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.4 Gifts – Councillors

(1). *Definitions :*
In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -
“activity involving a local government discretion” means an activity -
(a) that cannot be undertaken without an authorisation from the local government; or
(b) by way of a commercial dealing with the local government;
“gift” has the meaning given to that term in S 5.82(4) except that it does not include -
(a) a gift from a relative as defined in S 5.74(1); or
(b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or
(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;
“notifiable gift”, in relation to a person who is an employee, means -
(a) a gift worth between \$50 and \$300; or
(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;
“prohibited gift”, in relation to a person who is an employee, means -
(a) a gift worth \$300 or more; or
(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

Rules of
Conduct
Reg. 12

- (2) A person who is a council member must not accept a prohibited gift from a person-
- (a) who is undertaking or seeking to undertake; or
 - (b) who it is reasonable to believe is intending to undertake,
- an activity involving a local government discretion.
- (3) A person who is a council member and who accepts a notifiable gift from a person-
- a) who is undertaking or seeking to undertake; or
 - (b) who it is reasonable to believe is intending to undertake,
- an activity involving a local government discretion, must, within 10 days of accepting a gift, notify the CEO of the acceptance in accordance with sub-regulation (4).
- (4) Notification of the acceptance of a notifiable gift is to be in writing and is to include-
- (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is a council member and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition –
 - (i) a description; and
 - (ii) the estimated value; and
 - (iii) the date of acceptance,of each gift accepted within the 6 month period.
- (5) The CEO is to maintain a register of gifts in which details of notices received under sub-regulation (4) are recorded.

3.5 Gifts – Employees

Definitions :

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -

“activity involving a local government discretion” means an activity -

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

“gift” has the meaning given to that term in S 5.82(4) except that it does not include -

- (a) a gift from a relative as defined in S 5.74(1); or*
- (b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

“notifiable gift”, in relation to a person who is an employee, means -

- (a) a gift worth between \$50 and \$300; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

“prohibited gift”, in relation to a person who is an employee, means -

- (a) a gift worth \$300 or more; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

(a) A person who is an employee is 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.

(b) A person who is an employee and 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,

notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.

(c) The notification of the acceptance of a notifiable gift must be in writing and include -

- (i) the name of the person who gave the gift; and
- (ii) the date on which the gift was accepted; and
- (iii) a description, and the estimated value, of the gift; and
- (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
- (v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,

of each other gift accepted within the 6 month period.

(d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).

(e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).

(f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

4.1 Personal Behaviour

(a) Council Members, Committee Members and employees will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Shire of Wyndham East Kimberley uninfluenced by fear or favour;
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Wyndham East Kimberley and the community and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop;
- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Shire of Wyndham East Kimberley.

(b) Council Members will represent and promote the interests of the Shire of Wyndham East Kimberley, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

- (a) While on duty, employees will give their whole time and attention to the Shire of Wyndham East Kimberley's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and employees will give effect to the lawful policies of the Shire of Wyndham East Kimberley, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

(a) Standard of Dress

Council Members, Committee Members and employees are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Shire of Wyndham East Kimberley in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

(b) Communication and Public Relations

- (i) All aspects of communication by employees (including verbal, written or personal), involving the Shire of Wyndham East Kimberley's activities should reflect the status and objectives of the Shire. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

- (iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Shire of Wyndham East Kimberley may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.
- (iv) Statements to the press on behalf of the Shire will only be made by the President or the CEO.

(c) *Communications with Developers and Interest Groups*

Councillors and committee members should be mindful that meetings with developers could compromise their impartiality in the decision making process and should at all times have a council officer present if such a meeting is considered necessary. To further protect councillors from any suggestion of inappropriate behaviour, especially when dealing with matters of a controversial nature, written advice on Attachment 2 should be recorded, ideally within 48 hours, with the President and CEO giving details of such meetings.

NB: *The Local Government Operational Guideline No. 12 titled 'Elected members Relationship with Developers' provides further guidance on this matter.*

(d) *Communication between Councillors and Employees*

Councillors shall ensure that no restrictions or undue influence is placed on the ability of employees to give professional advice to the Council.

At the same time, employees should recognise that Councillor's views and opinions often reflect valid community viewpoints that should be considered in conjunction with professional opinion. Employees should therefore make every effort to assist Councillors in the performance of their role, and to achieve the satisfactory resolution of issues they may raise in performing their official role.

It shall be incumbent on employees when referring a member of the community to their local Councillor over issues that the officer cannot resolve due to current Council Policy, that the employee notify the ward Councillors of the referral and any information that may assist in resolving the issue.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members :

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and employees will:

- (a) be scrupulously honest in their use of the Shire of Wyndham East Kimberley's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Shire of Wyndham East Kimberley's resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Shire of Wyndham East Kimberley's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

Rules of
Conduct
Reg. 8

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Shire of Wyndham East Kimberley in accordance with Local Government policy, awards and the provisions of the Local Government Act.

5.3 Access to Information

- (a) Employees will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

- (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

Rules of
Conduct
Reg. 6

6. STATUTORY FRAMEWORK FOR DEALING WITH MISCONDUCT

Any person may make a complaint about misconduct which may reasonably be suspected of breaching these statutes. In addition, the CEO must report to the Corruption and Crime Commission on any matter which he or she reasonably suspects concerns misconduct. In addition, officers employed by the Shire, are appointed by the CEO under the provisions of the *Local Government Act 1995* and are bound by the provisions of their individual contracts of employment and any relevant law which may apply.

Complaints made under this code are to be considered confidential and must not be disclosed to others unless provided by the code itself, a written law or by a court.

7. ENFORCEMENT OF THE CODE

Any person who has reason to believe that a council member, committee member or an employee has committed a breach of the Code of Conduct may complain about the breach to the Shire's designated complaints officer as determined in accordance with the *Local Government (Rules of Conduct) Regulations 2007*.

If the designated complaints officer is the CEO, and the complaint under this code is against the CEO, the complaint is to be directed to the Deputy CEO or a senior employee. If the designated complaints officer is a senior employee other than the CEO, the complaint against the complaints officer is to be directed to the CEO.

The complaint is to be made in writing, giving details of:

- a) who is making the complaint;
- b) who is alleged to have committed the breach;
- c) the contravention that is alleged to have resulted in the breach; and
- d) any other relevant information

Within 14 days of receiving the complaint, the complaints officer must:

- a) give the person making the complaint a written acknowledgement that the complaint has been received; and
- b) give the person whom the complaint is being made a copy of the complaint.

As soon as practicable from acknowledging the complaint, the complaints officer is to carry out a thorough investigation, having regard to procedural fairness and natural justice. While undertaking the thorough investigation, the complaints officer may engage the services of appropriate persons.

At the completion of the investigation, the complaints officer shall advise the outcomes of the investigation to:

- a) CEO, if the investigating officer is not the CEO; and
- b) person subject of the complaint, and
- c) person who made the complaint.

If the complaint is about a council member, the report is to be presented to the Council.

Any actions taken as a result of a proven breach of the Code of Conduct will be made in accordance with the provisions of any applicable legislation or common law provisions that governs the operations of the Shire, its council members, committee members and its employees.

APPLICATION/S:

This policy applies to Council Members, Committee Members and Employees.

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