



COUNCILLOR CODE OF CONDUCT

27 June 2016

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OUR COMMITMENT TO WHITEHORSE

As Councillors, we commit to providing the City with good government by:

- a) Engaging with the community;
- b) Reflecting community values and aspirations;
- c) Making decisions in a transparent manner;
- d) Making decisions in an efficient and timely manner;
- e) Advocating and representing with integrity, the interests of the community to other levels of government and to public and private agencies;
- f) Reporting regularly to the community on its plans, actions and performance; and
- g) Encouraging social economic and environmental sustainability.

As Councillors, we commit to being:











- a) Innovative;
- b) Inclusive;
- c) Caring;
- d) Open and responsive;
- e) Honest and
- f) Visionary.

As a Council, we promote high standards of performance, accountability and a culture based on strong values of excellence, respect, integrity and courage.

This Councillor Code of Conduct and Councillor's Commitment to Whitehorse were adopted by Whitehorse City Council on 27 June 2016

DECLARATION

By signing below, we declare that we will abide by this Councillor Code of Conduct

Name	Signature	Witnessed by CEO	Date
Cr Philip Daw		pelme WA	11/7/16
Cr Ben Stennett		pelme WA	11/7/16
Cr Andrew Munroe		pelme WA	11/7/16
Cr Denise Massoud		pelme WA	11/7/16
Cr Sharon Ellis		pelme WA	11/7/16
Cr Andrew Davenport		pelme WA	11/7/16
Cr Robert Chong AM		pelme WA	11/7/16
Cr Helen Harris OAM		pelme WA	11/7/16
Cr Raylene Carr		pelme WA	11/7/16
Cr Bill Bennett		pelme WA	11/7/16

1. COUNCILLOR CONDUCT PRINCIPLES

In performing the functions and exercising the powers conferred by or under the *Local Government Act 1989* (the Act) or any other Act for the peace, order and good government of the municipal district of Whitehorse City Council, Councillors will adhere to the following Councillor conduct principles in compliance with sections 76B and 76BA of the Act -

1.1 Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- Act with integrity; and
- Impartially exercise his or her responsibilities in the interests of the Whitehorse community; and
- Not improperly seek to confer an advantage or disadvantage on any person.

1.2 General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified above, in performing the role of a Councillor, a Councillor must—

- Avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- Act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- Exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- Endeavour to ensure that public resources are used prudently and solely in the public interest;
- Act lawfully and in accordance with the trust placed in him or her as an elected representative; and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

2. INTERNAL RESOLUTION PROCEDURE

2.1 Informal discussion

Before commencing the formal internal resolution procedure specified below, the Councillors who are parties to an alleged contravention of this Code will endeavour to resolve the matter informally in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

2.2 Facilitation by Mayor

If the alleged contravention cannot be informally resolved, the Mayor will facilitate discussion between the parties.

2.3 Arbiter involvement

If the matter is not satisfactorily resolved after Mayoral facilitation, the Mayor, with the assistance of the Principal Conduct Officer (appointed by the Chief Executive Officer under S81s of the Act), will commence the formal internal resolution procedure by appointing a suitably independent arbiter who is able to carry out the role of the arbiter fairly.

If the Mayor is involved in the alleged contravention of the Code, a Councillor appointed by the Council shall assume the role of the Mayor in the facilitation process and the appointment of any arbiter.

If an arbiter is appointed, the parties:

- a) Shall provide reasonable assistance to the arbiter if requested; and
- b) Must participate in good faith in the arbitration.

The role of the arbiter is to:

- a) Consider the alleged contravention of the Code;
- b) Ensure that the parties involved are given an opportunity to be heard by the arbiter;
- c) Explore if the alleged contravention can be resolved between the parties without making any findings; and
- d) Failing resolution between the parties make any findings in relation to the matter which the arbiter must give, together with written reasons for any findings, to Council and to each party to the matter.

2.4 Natural justice

The principles of natural justice must be observed during the arbitration of an alleged contravention of this Code. There is a right to a fair hearing before an arbiter who is impartial. The Councillor who is the subject of an alleged contravention must be given all relevant information in regard to the allegation and an opportunity to respond and be supported if he or she desires.

Any Councillor who alleges a contravention of the Code must not be disadvantaged because of such action.

All deliberations regarding alleged contraventions of the Code should be conducted in confidence.

2.5 Application of the Code

The Code does not override, prevail over, or amend legislation applicable to the roles, responsibilities, and duties of Councillors.

2.6 Advice

Councillors are individually responsible for seeking relevant advice from the Chief Executive Officer or Manager of Civic Services as to the application of the Code.

3. INCORPORATED DOCUMENTS

The following documents are incorporated by reference into this Code –

- a) **Guide for Councillors; and**
- b) **Election Period Policy.**