

City of Albany
Policy & Procedure

Code of Conduct

(Council Members, Committee Members, Staff & Volunteers)

GENERAL PRINCIPLES & ETHICAL STANDARDS

The City of Albany Code of Conduct requires that Council Members, Committee Members, Volunteers and Staff act in a manner that compliments the values expected from the Community (Albany 2023):

- *Act with reasonable care and diligence*
- *Act with honesty and integrity*
- *Act lawfully*
- *Avoid damage to the reputation of the City of Albany*
- *Be open and accountable to the public*
- *Base decisions on relevant and factually correct information*
- *Treat others with respect and fairness*
- *Not be impaired by mind affecting substances such as drugs and alcohol*
- *Ensure that decision-making takes into account the interests of the City of Albany ratepayers and residents as a whole*

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OUR values...

All Councillors, Staff and Volunteers at the City of Albany will be...

ocused on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

united by working & learning together

This means we will work as a team, sharing knowledge and skills.
We will build strong relationships internally and externally through effective communication.
We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance. We will commit to a culture of continuous improvement.

ccountable for our actions

This means we will be transparent in our decision making. We will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners.

proud of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be committed to serving the diverse needs of the community while recognising we can't be all things to all people.

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1 PREAMBLE

This Code of Conduct (Code) provides City of Albany (City) Council Members, Committee Members, Staff and Volunteers with consistent guidelines for an acceptable standard of professional conduct. This Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

This Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and regulations which incorporates four fundamental aims to result in:

- better decision-making;
- greater community participation in the decisions and affairs of the City;
- greater accountability to the City's communities; and
- a more efficient and effective local government.

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

2 POLICY STATEMENT

Council Members, Committee Members, City Volunteers and Staff will comply with this Code.

3 ROLES

3.1 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 City will be the focus of the Council Member's public life.

The Role of Council Members as set out in s2.10 of the Act follows:

"A Councillor:

- *represents the interests of electors, ratepayers and residents of the district;*
- *provides leadership and guidance to the community in the district;*
- *facilitates communication between the community and the council;*
- *participates in the City's decision-making processes at council and committee meetings; and*
- *performs such other functions as are given to a Councillor by this Act or any other written law."*

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 City'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 the City.

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

3.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in s5.41 of the Act:

"The CEO's functions are to:

- *advise the council in relation to the functions of the City 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 City;*
- *liaise with the mayor or president on the City's affairs and the performance of the City's functions;*
- *speak on behalf of the City if the mayor or president agrees;*
- *be responsible for the employment, management supervision, direction and dismissal of other employees (staff) (subject to s5.37(2) in relation to senior employees(staff);*
- *ensure that records and documents of the City are properly kept for the purposes of this Act and any other written law; and*
- *perform any other function specified or delegated by the City or imposed under this Act or any other written law as a function to be performed by the CEO."*

3.3 Role of Council

The Role of the Council is in accordance with s2.7 of the Act:

“(1) *The council:*

- *directs and controls the City’s affairs; and*
- *is responsible for the performance of the City’s functions.*

(2) *Without limiting subsection (1), the council is to —*

- *oversee the allocation of the City’s finances and resources; and*
- *determine the City’s policies.”*

3.4 Relationships between Council Members and Staff

An effective member of Council will work as part of the Council team with the Chief Executive Officer and staff. That teamwork will only occur if Council Members and staff 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; and
- refrain from publicly criticising fellow councillors and staff in a way that casts aspersions on their professional competence and credibility.

3.5 Role of Volunteers and Contractors assisting the City of Albany

Volunteers assisting the City of Albany, and contractors who work alongside existing staff, are also expected to comply with the principles and where relevant, specific provisions of this Code of Conduct.

While the word staff has been used throughout this document, this should be read as applying to volunteers and contractors who work alongside existing staff as well.

4 CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS, CITY VOLUNTEERS AND STAFF

4.1 Personal Behaviour

Council Members, Committee Members, City Volunteers and Staff will:

- act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- perform their duties impartially and in the best interests of the City uninfluenced by fear or favour;
- act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City and the community;

- 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
- always act in accordance with their obligation of fidelity to the City.

Council Members will represent and promote the interests of the City, whilst recognizing their special duty to facilitate communication between the community and council.

Staff working with City Volunteers should treat volunteers with the same respect and courtesy that they treat fellow staff members.

4.2 Honesty and Integrity

Council Members, Committee Members, City Volunteers and Staff will:

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

4.3 Performance of Duties

While on duty, Staff (including City Volunteers) will give their whole time and attention to the City’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 City.

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.

When City Volunteers are performing their volunteer roles they are acting as public officers and as such are expected to abide by the City’s adopted community values and the City’s Code of Conduct.

Staff who have a role in managing, supervising or supporting volunteers should ensure that volunteers are familiar with the City’s adopted community values and the City’s Code of Conduct, and are supported to comply with it.

4.4 Compliance with Lawful Orders

Council Members, Committee Members, City Volunteers and Staff 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.

Council Members, Committee Members, City Volunteers and Staff will give effect to the lawful policies of the City, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

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

5 CONFLICT AND DISCLOSURE OF INTEREST

5.1 Conflict of Interest

Council Members, Committee Members, City Volunteers and Staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the City, 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.

Council Members, Committee Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the City area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

Council Members, Committee Members and Staff 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.

Staff 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.

5.2 Financial Interest

Council Members, Committee Members, City Volunteers and Staff will adopt the principles of disclosure of financial interest as contained within the Act.

5.3 Disclosure of Interest

Definitions: In this clause, and in accordance with:

- Regulation 34C of the Local Government (Administration) Regulations 1996:
- Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007:

"Impartiality 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".

- A person who is a staff member or **council member** 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:

- in a written notice given to the CEO before the meeting; or
- at the meeting immediately before the matter is discussed.
- A person who is a staff member 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:
 - in a written notice given to the CEO before the meeting; or
 - at the time the advice is given.
- The requirement described under the above points excludes an interest referred to in s5.60 of the Local Government Act 1995.

Exception:

- A staff member **or council member** is excused from a requirement made under the above points to disclose the nature of an interest if:
 - the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
- 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:
 - a **staff member** as soon as possible after becoming aware of the discussion of a matter of that kind.
 - a **council member**: disclosed the interest as soon as possible after the discussion began.

"financial interest" 1 a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or a staff member or **committee** of the local government or **council member** of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person".

"proximity interest" a person has a proximity interest in a matter if the matter concerns :

- a proposed change to a planning scheme affecting land that adjoins the person's land; or
- a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development (as defined in section 5.63(5)) of the Act of land that adjoins the person's land. (refer to s5.60B of the Act for further detail).

Note 1: see section 6.4 Electoral Gift (Donation) & Closely Associated Persons (Cause & Effect)

Action on receipt of an “*interest*” disclosure notice:

Before a meeting:

*If a person who is a staff member or **council member** makes a disclosure in a written notice given to the CEO before a meeting then:*

- before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- 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.*

*A person with a **financial** or **proximity** interest must not participate in the decision making process. This includes making a recommendation, participating in discussion or voting on the matter.*

During a meeting:

The nature of the person’s interest in a matter is to be brought to the attention of the persons present and recorded in the minutes of the meeting.

*A person with a **financial** or **proximity** interest must leave the meeting prior to the discussion and not return till after the vote.*

6 PERSONAL BENEFIT

6.1 Use of Confidential Information

Council Members, Committee Members, City Volunteers and Staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

6.2 Intellectual Property

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

6.3 Improper or Undue Influence

Council Members, City Volunteers and Staff will not take advantage of their position to improperly influence other Council Members or staff 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.

6.4 Gifts & Travel Contributions

Definitions: In this clause, and in accordance with:

- Regulations 34B and 34G of the Local Government (Administration) Regulations 1996:
- Regulations 12 and 15 of the Local Government (Rules of Conduct) Regulations 2007:

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

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

“gift” has the meaning given to that term in s5.82(4) of the Act except that it does not include a gift:

- from a relative as defined in s5.74(1); or
- that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or
- from a statutory authority, government instrumentality or non-profit association for professional training;

“notifiable gift, travel contribution”, in relation to a person who is an:

- **a staff member**, means -
 - a gift worth between **\$50** and **\$300**; or
 - a gift that is one of 2 or more gifts given to a **staff member** by the same person within a period of 6 months that are in total worth between \$50 and \$300;
- **a council member**, means -
 - a gift or contribution to travel **worth over \$200**; or
 - a gift or contribution to travel that is one of 2 or more gifts/travel contributions given to the council member by the same person within a period of 6 months that are in total worth over \$200;

“prohibited gift, travel contribution”, in relation to a person who is an:

- **a staff member**, means - a gift/travel contribution worth **\$300 or more** and
- **council member**, means - a gift/travel contribution that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth **\$300 or more**.

Understanding your obligations in relations to Gifts & Travel

The table at attachment 1 and flow chart at attachment 2 which sets out what needs to be disclosed or refused and under what circumstances and by whom.

Staff Members:

A person who is a staff member is to refrain from accepting a prohibited gift/travel contribution from a person who:

- is undertaking or seeking to undertake an activity involving the City's discretion; or
- it is reasonable to believe is intending to undertake an activity involving the City's discretion.

A person who is a staff member and who accepts a notifiable gift/travel contribution from a person who:

- is undertaking or seeking to undertake an activity involving the City's discretion; or
- it is reasonable to believe is intending to undertake an activity involving a City's discretion, notify the CEO, in accordance clause 6.4 and within 10 days of accepting the gift/travel contribution, of the acceptance.

The notification of the acceptance of a notifiable gift/travel contribution must be in writing and include:

- the name of the person who gave the gift/travel contribution; and
- the date on which the gift/travel contribution was accepted; and
- a description, and the estimated value, of the gift/travel contribution; and
- the nature of the relationship between the person who is a staff member and the person who gave the gift/travel contribution; and
- if the gift/travel contribution is a notifiable gift under the definition of "notifiable gift/travel contribution" (whether or not it is also a notifiable gift/travel contribution under that definition):
 - a description; and
 - the estimated value; and
 - the date of acceptance, of each other gift/travel contribution accepted within the 6 month period.

Council Members:

A person who is a council member must not accept a prohibited gift/travel contribution from a person:

- who is undertaking or seeking to undertake; or
- who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion.

A person who is a council member and who accepts a notifiable gift/travel contribution from a person:

- who is undertaking or seeking to undertake; or
- who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of

the acceptance in accordance with the *Local Government (Rules of Conduct) Regulations 2007*.

The CEO is to maintain a register of notifiable gift/travel contributions and record in it as prescribed under the Act and regulations.

This clause does not apply to gift/travel contribution received from a relative (as defined in s5.74(1) of the Act or an electoral gift (to which other disclosure provisions apply).

This clause does not prevent the acceptance of a gift on behalf of the City 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 City.

6.5 Electoral Gift (Donation) & Closely Associated Persons Cause & Effect

What happens when my contributor wants a decision from council?

Once an Council Member has accepted any contributions that require disclosure in either the Electoral Gift Register or your Annual Return the contributor(s) become 'closely associated' with the Council Member under section 5.62 of the Act.

That means that any financial interest they have in a matter before council is a financial interest.

Donors of gifts disclosed in the Gift Register under the Rules of Conduct will not be considered 'closely associated', unless the value of their gifts in a particular financial year exceeds the \$200 which requires disclosure in the Council Member's Annual Return.

Therefore, when accepting gifts of any kind, Council Members need to consider the potential impact on their ability to take part in decision making processes, because ultimately, making decisions is an essential part of a Council Member's role.

Result of failure to disclose a Financial Interest

Failure to disclose a financial interest is prescribed as a serious breach under the *Local Government Act 1995*.

Serious breaches are dealt with by the State Administration Tribunal (SAT) upon referral from the Department of Local Government's CEO as designated under section 5.114 of the Act.

If it appears to a local government's Complaints Officer (CEO), that a complaint a person seeks to make under section 5.107 (minor breach) discloses a serious breach, the complaints officer is required to send the complaint to the Department of Local Government's CEO.

The complaint may be sent to the Local Government's Complaints Officer (CEO) or sent directly to the Department of Local Government CEO.

6.6 Corporate Obligations

Standard of Dress

Council Members, Committee Members, City Volunteers and Staff are expected to comply with neat and responsible dress standards at all times.

Accordingly:

- Council Members, Committee Members and City Volunteers will dress in a manner appropriate to their position, in particular when attending meetings or representing the City in an official capacity.
- Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.
- Management reserves the right to prescribe appropriate Personal Protective Equipment (PPE).

Communication and Public Relations

All aspects of communication by Staff (including verbal, written or personal), involving City's activities should reflect the status and objectives of the City. Communications should be accurate, polite and professional.

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.

Committee Members and City Volunteers accept and acknowledge it is their responsibility to observe any direction the City may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

6.7 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.

7 DEALING WITH COUNCIL PROPERTY

7.1 Use of City Resources

Council Members, Committee Members, City Volunteers and Staff:

- be scrupulously honest in their use of the City's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- use the City resources entrusted to them effectively and economically in the course of their duties; and
- not use the City's resources (including the services of Council staff) 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).

7.2 Travelling and Sustenance Expenses

Council Members, Committee Members, City Volunteers and Staff 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 City in accordance with City policy and the provisions of the Act.

8 ACCESS TO INFORMATION

Staff will ensure that Council Members and Committee Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

Council Members and Committee 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.

9 SCOPE

This policy applies to Council Members, Committee Members, City Volunteers and Staff.

- **Statutory Environment.** The Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s5.103 – 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*.

10 LEGISLATION AND ASSOCIATED DOCUMENTS RELATING TO THIS POLICY

This policy is complemented by the following legislation and documents:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Equal Opportunity Act 1984*
- *Public Interest Disclosure Act 2003*
- City Policy: Employee Code of Conduct

11 REVIEW

This policy will be reviewed after each ordinary election of Council.

Attachments:

- 1 Understanding your obligations in relation to Gifts & Travel

Attachment 1: UNDERSTANDING YOUR OBLIGATIONS IN RELATION TO GIFTS & TRAVEL

There are three separate areas under the *Local Government Act 1995* that deal with gifts, apart from those made by the local government itself:

- All gifts and contributions to travel unless exempted under sections 5.82 and 5.83 of the Act;
- Gifts where the donor is undertaking or seeking to undertake an activity involving local government discretion or it is reasonable to believe the donor intends to do so; and
- Elections gifts.

This table sets out what needs to be disclosed or refused, under what circumstances and by whom.

Recipient	Term used	Value						Section of Act	Regulation	Exclusions
		< = \$50	>\$50 - <\$300	> = \$300	< \$200	\$200	> \$200			
1. No conditions on local government discretion										
Relevant person ¹ : Council Members and Designated Employees (Staff) ²	“gift”				No disclosure required	No disclosure required	³ Annual return/ new register	s. 5.82	Admin r. 25	<ul style="list-style-type: none">• Donor a relative;• through a will;• contribution to travel.
	“contribution to travel”				No disclosure required	No disclosure required	³ Annual return/ ⁴ new register	s. 5.83	Admin r. 26	<ul style="list-style-type: none">• from Commonwealth, State or LG funds;• donor a relative;• ordinary course of occupation unrelated to duties as CM or employee;• from a political party where person a member and travelling for political activity or to represent the party.

¹ Relevant person defined) as council member or designated employee: s. 5.74(1)

² Designated employee defined as CEO, employee with delegated powers or duties (s 5.44), member of committee consisting of council members and employees, and a person nominated as a designated employee by the local government: s. 5.74(1).

³ Two or more gifts that reach threshold in a (return period) year; gifts or contributions to travel from two or more related bodies corporate (defined in Corporations Act 2001) treated as from single corporation: s. 5.74(3).

⁴ From 4 March 2016 must be disclosed within 10 days.

Recipient	Term used	Value						Section of Act	Regulation	Exclusions
		< = \$50	>\$50 - <\$300	> = \$300	< \$200	\$200	> \$200			
2A. Codes of Conduct – Donor is undertaking or seeking to undertake an “Activity involving government discretion ⁵ ” or it is reasonable to believe that the person is intending to do so.										
(Any) Employee (Staff)	“gift”	No disclosure required	“Notifiable gift” ^{6 7} unless falls within exclusions → Register of Notifiable Gifts	“Prohibited gift” ⁷ unless falls within exclusions					Admin r. 34B	As for “gift” above except that it also does not include: <ul style="list-style-type: none">a gift that must be disclosed under r. 30B of the <i>Elections Regs</i>; ora gift from a statutory authority, government instrumentality or non-profit association for professional training.
2B. Rules of Conduct – Donor is undertaking or seeking to undertake an “Activity involving government discretion ⁵ ” or it is reasonable to believe that the person is intending to do so.										
Council Member	“gift”	No disclosure required	“Notifiable gift” ^{7 8} unless falls within exclusions → Register of Gifts	“Prohibited gift” ⁷ unless falls within exclusions					Rules of Conduct r. 12	As for “gift” above except that it also does not include: <ul style="list-style-type: none">a gift that must be disclosed under regulation 30B of the <i>Local Government (Elections) Regulations 1997</i>; ora gift from a statutory authority, government instrumentality or non-profit association for professional training.

⁵ Activity involving a local government’s discretion is an activity that cannot be taken without an authorization from the local government; or by way of commercial dealing with the local government: r.34B(1)

⁶ Within 10 days: r 34B

⁷ One of two or more gifts given to the person by the same person within a period of six months.

⁸ Within 10 days: r. 12.

Recipient	Term used	Value						Section of Act	Regulation	Exclusions
		< = \$50	>\$50 - <\$300	> = \$300	< \$200	\$200	> \$200			
3. Election gifts – candidate cannot accept a gift if the name and address of the donor is unknown.										
Candidate	“gift” ⁹				No disclosure required (not relevant)	Disclose to CEO ^{10 11} Form 9A → Electoral Gift Register	Disclose to CEO ^{10 11} Form 9A → Electoral Gift Register	s. 4.59	Election Regs: 30B	<ul style="list-style-type: none"> by will; from a relative; that does not relate to a person’s candidature; volunteer labour.
Donor	“gift” ⁹				No disclosure required (not relevant)	Disclose to CEO ^{10 11} Form 9A → Electoral Gift Register	Disclose to CEO ^{10 11} Form 9A → Electoral Gift Register		Election Regs: 30AC	<ul style="list-style-type: none"> as above

Note 1: A LG cannot give a gift to an elected member (Council Member) unless it is given in prescribed circumstances (retirement) and is less than the prescribed amount (\$100 for each year served, maximum \$1,000): s. 5.100A and Admin Reg 34AC.

Note 2: Disclosure of Interest: A relevant person as defined in s. 5.60 is an elected member (Council Member) or a staff member (including a contract for services) who provides advice or a report on a matter (s. 5.70) or has been delegated a power or duty (s. 5.71) and does NOT need to disclose an interest in a matter if they were able to accept the gift under a Code of Conduct and the Rules of Conduct Regs: s. 5.63(1) and Admin Reg 21.

⁹ Gift means a disposition of property, or the conferral of any financial benefit, made by one person in favour of another. A gift can include a gift of money, a gift which is non-monetary but of value, a gift in kind, the payment of an inadequate financial consideration or the receipt of a discount (where the difference or discount is more than \$200 worth), financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time: Elections r. 30A.

Attachment 2: DEALING WITH GIFTS AND CONTRIBUTIONS TO TRAVEL = A Four Chart Guide for Council Members & Employees

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CIVIC LEGAL

This flowchart is one of a series of four

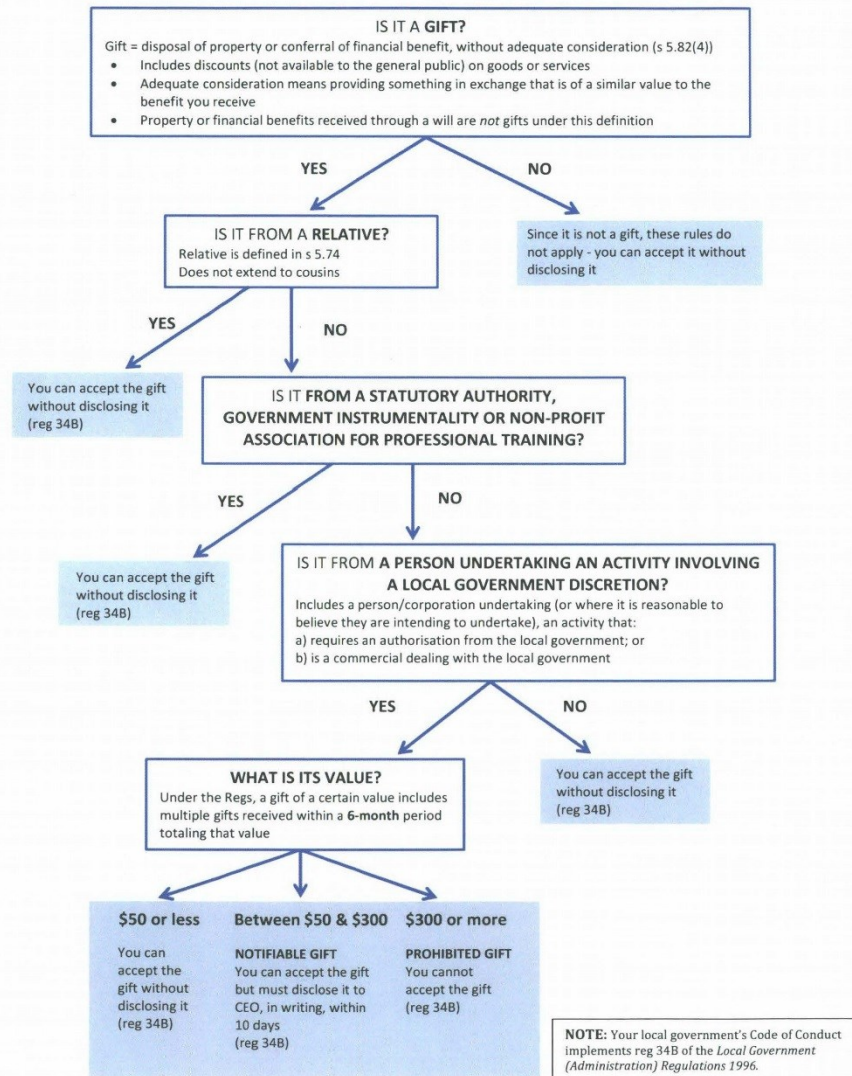
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CIVIC LEGAL

This flowchart is one of a series of four

Commissioned by
CITY OF VINCENT

CHART 4: GIFTS - OTHER EMPLOYEES



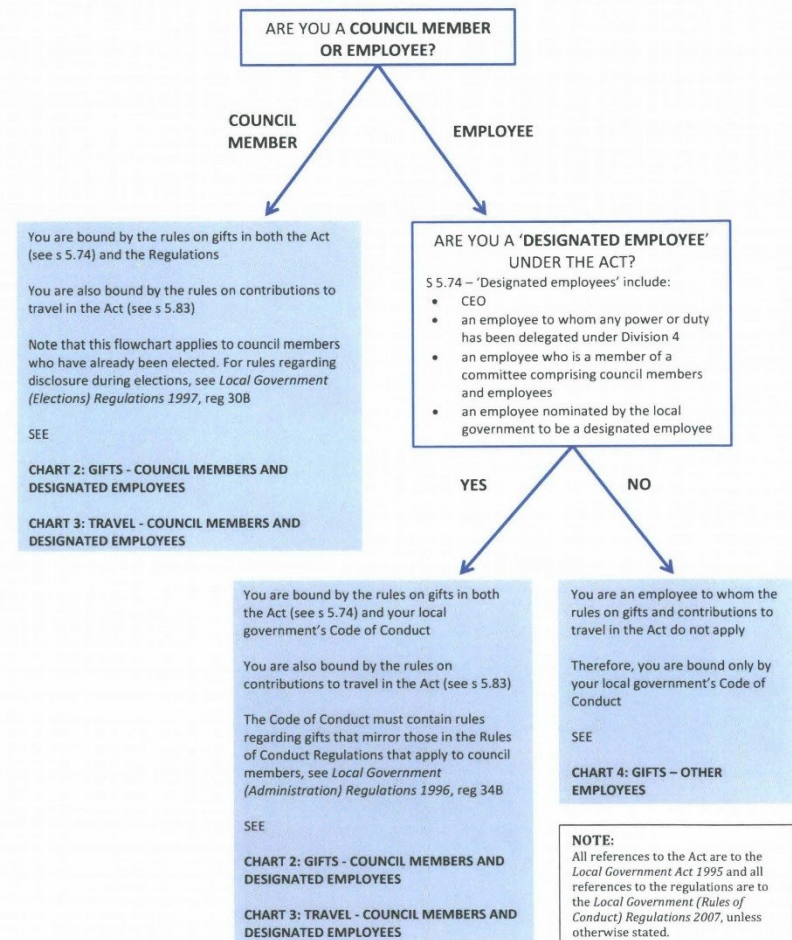
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DEALING WITH GIFTS AND CONTRIBUTIONS TO TRAVEL

A Four-Chart Guide for Council Members and Employees

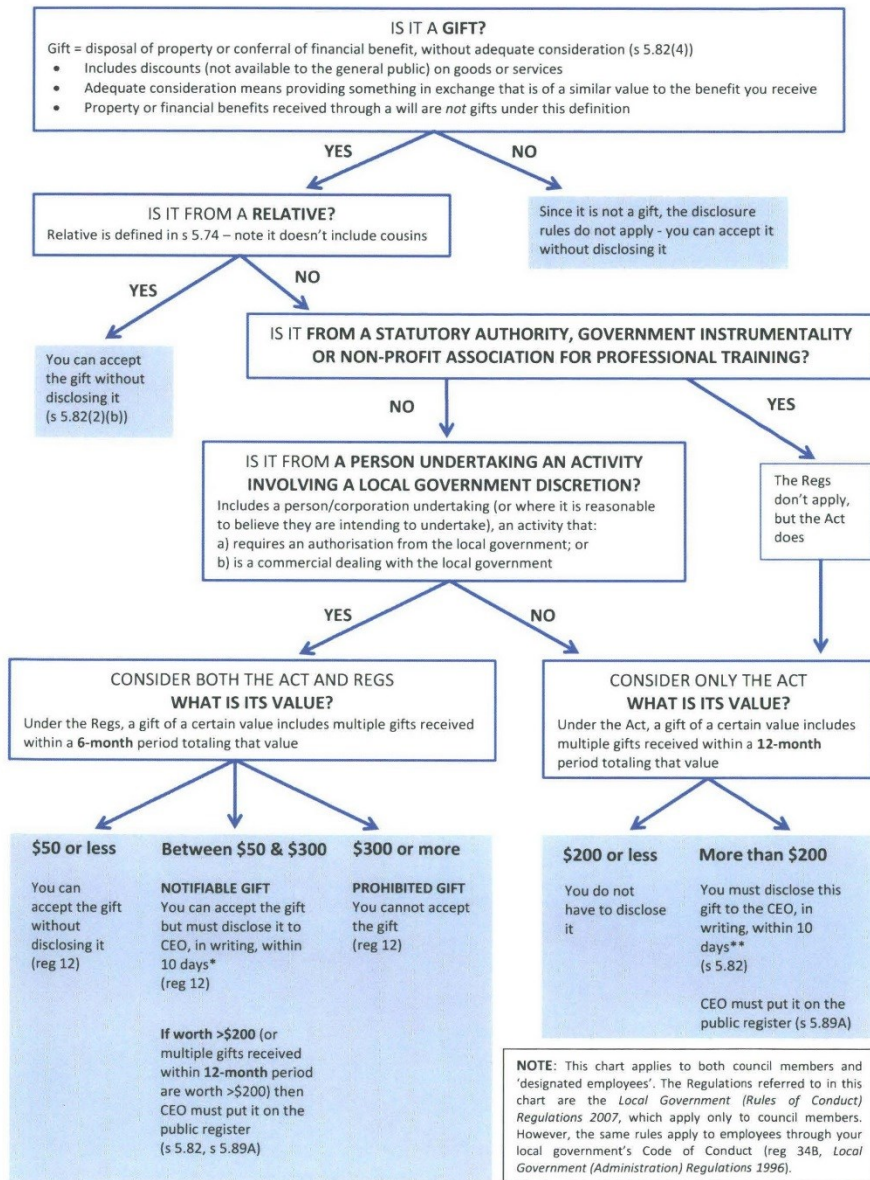
CHART 1: WHICH RULES APPLY TO YOU?



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CHART 2: GIFTS - COUNCIL MEMBERS AND DESIGNATED EMPLOYEES



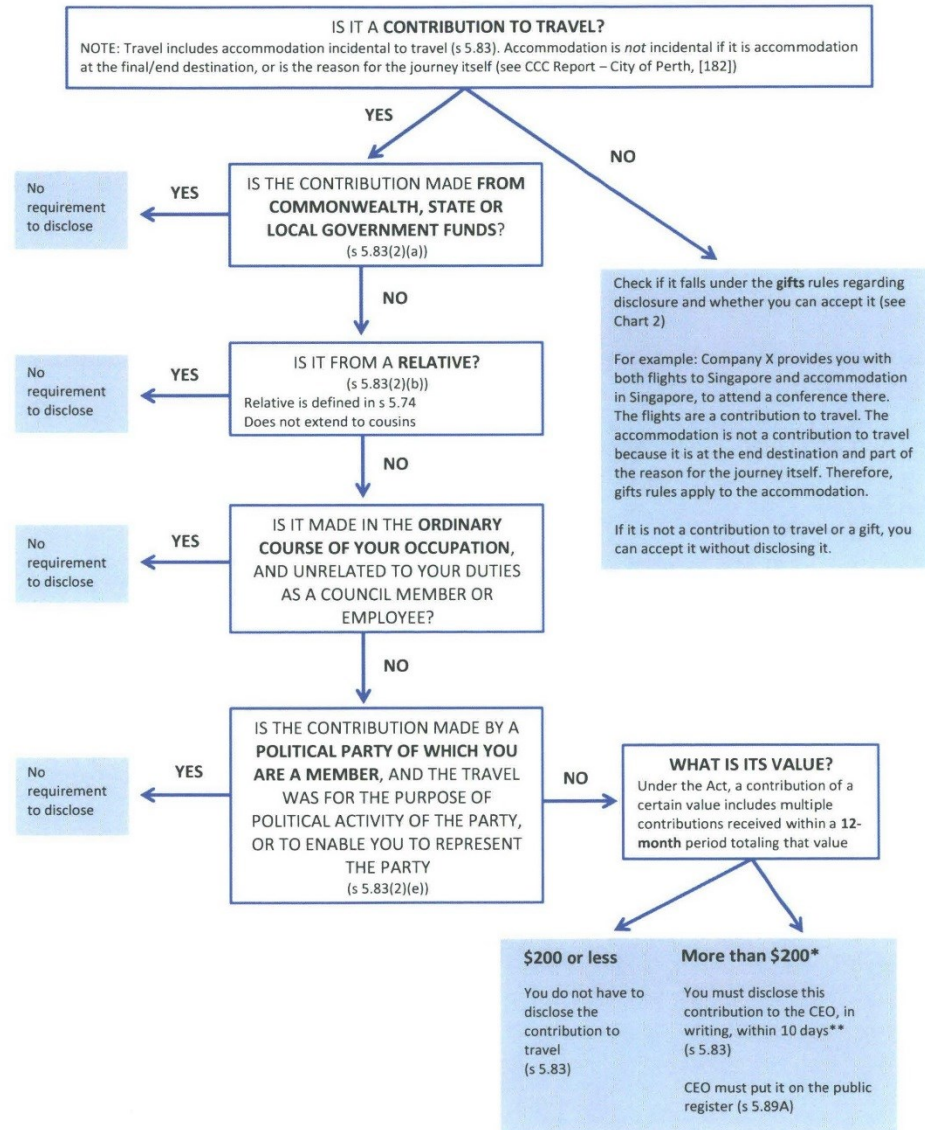
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* See reg 12 for specific disclosure requirements

** See s 5.82(1) for specific disclosure requirements

CHART 3: TRAVEL - COUNCIL MEMBERS AND DESIGNATED EMPLOYEES



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* Disclosure limits are set by reg 26, *Local Government (Administration) Regulations 1996*

** See s 5.83 for specific disclosure requirements