

1.1 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Responsible Directorate	Corporate Services	
Responsible Service Area	Governance	
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Procedure Ref	N/A	

1. PURPOSE

The Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) sets out the standards of ethical and professional behaviour expected of the Shire of Mundaring Council Members, committee members and election candidates.

The Code of Conduct is to be considered in conjunction with the Shire's Strategic Community Plan 2024-2034 which guides Council in its decisions and their engagement with the Community.

Vision: the place for sustainable living

Sustainable living integrates and balances social, economic and environmental goals and aspirations to meet the needs of current and future generations.

Shared Values

Community Focus	Proactive	Respect	Accountability
We prioritise community by listening to and valuing diverse needs and opinions. We respect differing views and aim for consensus in decisions. When that's not possible, we make balanced, well-informed choices for the greater good.	We are proactive and forward-thinking, seeking innovative solutions and driving positive change. We address problems before they arise and respond swiftly to challenges and opportunities for the community's benefit.	We value and respect all people, regardless of differences, showing empathy, kindness, and clear, respectful communication. We care for the environment, heritage, and responsibly manage our people,	We are open, transparent, and accountable for our actions. We set clear expectations, ensure we have the right support to deliver quality work, and make commitments visible to encourage collaboration

		funds, and assets.	and progress.
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2. POLICY

2.1. Code of Conduct

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Mundaring Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

Behavioural breach, breach of a rule of conduct, and serious misconduct have the meanings given in the *Local Government Act 1995* (as amended), the *Local Government (Model Code of Conduct) Regulations 2021*, and any other applicable legislation or statutory guidance. **candidate** means a candidate for election as a council member;

complaint means a complaint made under clause 11(1) of the *Local Government (Model Code of Conduct) Regulations 2021*;

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates. These principles reflect obligations under the *Local Government Act 1995* (as amended) and the *Local Government (Model Code of Conduct) Regulations 2021*.

Compliance with mandatory provisions of this Code is required.

3. Roles of the president

In accordance with Section 2.8 of the *Local Government Act 1995* (as amended by *Local Government Amendment Act 2024*), President must

- (a) Provide leadership to the council and the community, fostering good governance and a positive organisational culture.
- (b) Preside over council meetings and ensure they are conducted efficiently, respectfully, and in accordance with legislation.

- (c) Act as the official spokesperson for the local government, representing the council at civic, ceremonial, and regional functions.
- (d) Advocate for the district's interests at regional, state, and national levels.
- (e) Facilitate collaboration among Council Members and maintain a constructive working relationship with the CEO.
- (f) Promote transparency and integrity in decision-making and model compliance with the Code of Conduct.
- (g) Lead community engagement on strategic priorities and major decisions.
- (h) Ensure focus on strategic direction, avoiding involvement in administrative or operational matters.
- (i) Must not involve themselves in operational or administrative matters except as permitted under the Act.

4. Role of council members

In accordance with Section 2.10 of the *Local Government Act 1995* (as amended by *Local Government Amendment Act 2024*), Council Members must:

- (a) Represent the interests of electors, ratepayers, residents, and others associated with the district;
- (b) Participate in deliberative and decision-making processes at council and committee meetings;
- (c) Communicate effectively and transparently with the community regarding council decisions;
- (d) Foster respectful, collaborative relationships with fellow Council Members, the President, and the CEO;
- (e) Act consistently with the principles in Section 2.7(3)–(5) (separation of powers and local government integrity);
- (f) Maintain and develop the requisite skills to effectively perform their role through ongoing professional development
- (g) Must not involve themselves in operational or administrative matters except as permitted under the Act.
- (h) Council Members must direct all operational requests through the CEO or agreed communication procedures and adopted Council policies.

5. Mandatory training and professional development

- (a) Council Members must comply with Section 5.126 of the *Local Government Act 1995* by completing all mandatory training within the timeframe prescribed by legislation. This obligation ensures members maintain the knowledge and skills necessary to perform their role effectively and uphold principles of good governance.
- (b) The Chief Executive Officer will maintain a register of training completion in accordance with Section 5.127 of the Act. This register will be published annually to ensure transparency and accountability.
- (c) Failure to complete mandatory training within the prescribed timeframe constitutes non-compliance under the Act and may result in::
 - a. referral to the Department CEO;
 - b. public reporting in the annual report;
 - c. possible suspension or other action under Ministerial powers where applicable;
- (d) any other action permitted under legislation. The CEO is authorised to enforce these measures in accordance with the Act and Council policy.

Division 3 – Behaviour

Overview of Division

This Division sets out requirements relating to the behaviour of Council Members, committee members and candidates; and the mechanism for dealing with alleged breaches of those requirements

6. Personal integrity - principles

- (1) A council member, committee member or candidate must—
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) not engage in conduct that if objectively assessed that behaviour would reasonably diminish public confidence..
 - (f) act in a manner that is transparent and capable of withstanding public and regulatory scrutiny.
- (2) A council member or committee member must —
 - (a) act in accordance with the trust placed in Council Members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by Shire of Mundaring in relation to the performance of their role.

7. Relationship with others

- (1) A council member, committee member or candidate must —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member must maintain and contribute to a harmonious, safe and productive work environment.

8. Accountability

- (1) A council member or committee member must —
 - (a) base decisions on relevant and factually correct information; and
 - (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
 - (c) read all agenda papers given to them in relation to council or committee meetings; and
 - (d) be open and accountable to, and represent, the community in the district.

9. Personal integrity – behavioural requirements

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) When making public comment (including on social media), a person:
 - i. must not undermine public confidence in the Shire of Mundaring;
 - ii. must not disclose confidential information;
 - iii. must clearly distinguish between personal views and official positions;
 - iv. must not make statements that are misleading, deceptive, or likely to bring the Shire of Mundaring into disrepute.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of Shire of Mundaring.
 - (c) must not engage in administrative activities that constitute interference with the statutory functions of the CEO's office

10. Relationship with others

- (1) A council member, committee member or candidate —
 - (a) must not engage in bullying, harassment or unreasonable behaviour, including repeated unreasonable conduct,

- intimidation, or behaviour that creates a hostile or unsafe environment.; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the Shire of Mundaring; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a Shire of Mundaring employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a Shire of Mundaring employee in connection with the performance of their official duties.

11. Council or committee meetings

- (1) When attending a council or committee meeting, a council member, committee member or candidate —
 - (a) must not act in an abusive or threatening manner towards another person; and
 - (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
 - (c) must not repeatedly disrupt the meeting; and
 - (d) must comply with any requirements of the *Shire of Mundaring Meeting Procedures Local Law 2015*; and
 - (e) must comply with any direction given by the person presiding at the meeting; and
 - (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

12. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (3), alleging a breach of a requirement set out in this Division.
- (2) In accordance with clause (1),
 - (3) A complaint may be subject to preliminary assessment for validity in accordance with the Shire's complaints policy. Complaints alleging behavioural breaches must be made to the Shire. Matters may be referred to the Inspector where required under legislation
 - (4) The Shire of Mundaring may undertake a preliminary assessment to determine whether:
 - (i) it has jurisdiction to deal with the complaint; or

- (ii) the complaint should be referred to the Local Government Inspector.

Nothing in this Code limits a person's ability to lodge a complaint directly with the Local Government Inspector.

- (5) A complaint must be made within 1 month after the alleged breach.
- (6) Complaints must be managed in accordance with principles of procedural fairness, transparency and proportionality, and records must be maintained for governance and reporting purposes.

13. Dealing with complaint

Where a complaint is within its jurisdiction, the Shire of Mundaring may make a finding in relation to a behavioural breach. Matters involving conduct or specified breaches must be referred to the Local Government Inspector or determined by an adjudicator or other authorised body.

The Shire of Mundaring may appoint an independent investigator or external party to assist in the assessment or determination of a complaint where appropriate.

- (1) After considering a complaint, Shire of Mundaring must, unless it dismisses the complaint under clause 14 or the complaint is withdrawn under clause 15(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the Shire of Mundaring must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
 - (a) If the Shire of Mundaring makes a finding that the alleged breach has occurred, Shire of Mundaring may take one or more of the following actions: take no further action;
 - (b) behaviour management plan;
- (4) When preparing a plan under subclause (4)(b), the Shire of Mundaring must consult with the person to whom the complaint relates.
- (5) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action Shire of Mundaring considers appropriate.

- (6) If the Shire of Mundaring makes a finding in relation to the complaint, Shire of Mundaring must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

Both the complainant and respondent must be given a reasonable opportunity to be heard and present evidence

A complainant or respondent must not be present at or participate in any Council or committee meeting relating to the complaint.

Where required under regulation 3A, the complaint must be referred to the Local Government Inspector.

14. Dismissal of complaint

- (1) The Shire of Mundaring must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the Shire of Mundaring that deals with meeting procedures.
- (2) If the Shire of Mundaring dismisses a complaint, the Shire of Mundaring must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.
- (3) A complaint may only be dismissed in accordance with clause 13 of the Model Code of Conduct or it should be dealt with by the Local Government Inspector.

15. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the Shire of Mundaring makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
 - (b) given to a person authorised under clause 14(3).

16. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the Shire of Mundaring unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the Shire of Mundaring to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Under section 5.105(1) of the Act, a council member commits a breach of a rule of conduct if the member contravenes a prescribed rule of conduct. This applies to conduct that occurred while the person was a council member or a candidate.

Breaches of rules of conduct are to be assessed and determined in accordance with the *Local Government Act 1995 (as amended)*, the *Local Government (Model Code of Conduct) Regulations 2021*, and any applicable statutory guidelines.

Such breaches are managed through authorised assessment and determination processes, which may include internal review, independent adjudication, or referral to an appropriate external authority where required.

Matters involving suspected serious misconduct, corruption, or risks to governance may be referred to the relevant authority, including the Department CEO, Local Government Inspector, or the Corruption and Crime Commission.

17. Overview of Division

- (1) This Division sets out rules of conduct for Council Members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

18. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the Shire of Mundaring or the CEO, to use the resources for that purpose.

19. Securing personal advantage or disadvantaging others

- (1) A council member must not misuse their position, including where the conduct could reasonably be perceived as providing an improper advantage or causing detriment.—
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the Shire of Mundaring or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

20. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the Shire of Mundaring unless authorised by Shire of Mundaring or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

21. Relationship with the Shire of Mundaring employees

- (1) In this clause —
Shire of Mundaring employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a Shire of Mundaring employee to do or not to do anything in their capacity as a Shire of Mundaring employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a Shire of Mundaring employee in their capacity as a Shire of Mundaring employee; or
 - (c) act in an abusive or threatening manner towards a Shire of Mundaring employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a Shire of Mundaring employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a Shire of Mundaring employee.

- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

22. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;
non confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

23. Disclosure of interests

- (1) In this clause —
interest —
- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
 - (c) Interests include financial interests, proximity interests and impartiality interests as defined under the Act.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.
- (8) Council Members must not accept or retain gifts that could reasonably be perceived to influence decision-making.

24. Compliance with plan requirement

If a plan under clause 13(4)(b) in relation to a council member includes a requirement referred to in clause 13(6), the council member must comply with the requirement.

25. Enforcing the Code

(1) General framework

Alleged breaches of this Code of Conduct will be managed in accordance with the *Local Government Act 1995* (as amended), the Local Government (Model Code of Conduct) Regulations 2021, and any applicable statutory guidelines.

Behaviour complaints are to be managed by the Shire of Mundaring through authorised internal processes. Matters involving potential serious misconduct or risks to governance, integrity, or safety may be referred to the appropriate external authority, including the Local Government Inspector, Department CEO, or the Corruption and Crime Commission.

(2) Behaviour complaints

- (a) If there is reason to believe a council member, committee member or candidate has breached the behavioural requirements of this Code

of Conduct, a complaint may be submitted to a person authorised as the Shire's Complaints Officer.

(b) Complaints must be lodged within one month of the alleged breach occurring, unless otherwise permitted under the applicable regulations.

(c) Complaints are to be assessed and determined in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*, this Code, and any procedures adopted by the Shire.

(d) Where a breach is substantiated, the Shire of Mundaring may take appropriate action, including requiring training, issuing directions, or implementing other behavioural management measures consistent with this Code.

(3) Conduct breaches

(a) Failure to comply with prescribed standards of conduct, including requirements under *the Local Government (Model Code of Conduct) Regulations 2021* or relevant local laws, may constitute a breach requiring formal assessment.

(b) Complaints must be submitted in the approved form and include supporting evidence.

(c) Complaints will be assessed and determined by an authorised decision-maker or adjudicator in accordance with applicable legislation and regulations.

(d) Where a matter involves potential misconduct or serious misconduct, it may be referred to the appropriate external authority, including the Department CEO, Local Government Inspector, or other relevant body.

(4) External referrals

The Shire of Mundaring may refer matters to an external authority where:

(a) the alleged conduct involves suspected corruption, serious misconduct, or criminal behaviour; or

(b) there is a significant risk to governance, public confidence, or safety.

26. Commitment to the Code of Conduct

(1) As an elected representative of the community charged with decision making for the Shire of Mundaring, Council Members are committed to undertaking the duties and responsibilities of their office by working together with fellow Council Members in a respectful and constructive manner to achieve the community vision for the Shire.

(2) This Code sets out each Council Members commitment to their fellow Council Members and the community to govern the Shire in a

manner which accords with the expressed behaviours, standards and values.

- (3) This Code will be reviewed in accordance with relevant legislative obligations. Additionally, at least once every two years Council Members will review this Code to ensure that it meets and continues to meet community standards and expectations.
- (4) The Shire of Mundaring must report annually on:
 - a. number and type of complaints received;
 - b. outcomes of behavioural complaints;
 - c. compliance with mandatory training requirements;
 - d. any breaches of this Code.

27. Inspector & monitoring framework

Council Members must comply with any lawful direction or requirement of a Local Government Inspector, authorised person or Panel appointed under the Act. Failure to comply may result in escalation to the Minister and may constitute serious misconduct.

APPENDICES

Nil

RELATED LEGISLATION

Local Government Act 1995, Division 9 – Conduct

Local Government Act 1995 (as amended), the *Local Government (Model Code of Conduct) Regulations 2021*

RELATED DOCUMENTS

Gift Guidelines

Local Government Operational Guidelines – [Disclosure of gifts and disclosure of interests relating to gifts](#)

Code of Conduct Behaviour Complaints Policy