City of Joondalup

Code of Conduct **for Council Members, Committee Members and Candidates**

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Introduction

In accordance with section 5.104 of the *Local Government Act 1995* every Western Australian local government is to adopt a code of conduct to be observed by council members, committee members and local government election candidates (candidates). A local government's code of conduct is to reflect the model code of conduct prescribed by section 5.103(1) of the *Local Government Act 1995* which includes:

- general principles to guide behaviour
- requirements relating to behaviour
- provisions specified to be rules of conduct.

This *Code of Conduct for Council Members, Committee Members and Candidates* (the code) has been adopted for this purpose and ensures the roles and responsibilities of council members (being the Mayor and Councillors), committee members and candidates are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

The code sets out principles and standards of behaviour council members, committee members and candidates must observe and is intended to promote accountable and ethical decision-making and conduct.

The *Local Government Act 1995* and other legislation contain other conduct matters that affect council members, committee members and candidates, and this code does not override or affect those provisions or requirements.

Values

The City's *10 Year Strategic Community Pla*n (Joondalup 2032) articulates the City's vision as being *'A global City: bold, creative and prosperous'.*

In alignment with this vision, the City believes the following primary values should be inherent within any well-functioning and community-driven organisation:

- **Transparent** - We facilitate appropriate levels of scrutiny by recording our decisions and making them accessible.
- **Accountable** - We accept responsibility for our actions and decisions that are within our control.
- Honest - We earn and sustain public trust by being honest and open in all our actions and always acting in the public interest.
- **Ethical** - We demonstrate moral behaviour that is free from corruption.
- **Respectful** - We treat people fairly and objectively and without discrimination.
- **Sustainable** - We manage our natural resources and public assets adaptively, ensuring equitable outcomes for future generations.
- **Professional** - We demonstrate strong skills and good judgment and behaviour in delivering our services.

The City's 5-year Corporate Business Plan 2025-2029 has identified the following distinguishing values to guide the direction and operations of the City into the future:

- **Bold** - We will make courageous decisions for the benefit of the community and future generations.
- **Ambitious** - We will lead with strength and conviction to achieve our vision for the City.
- **Innovative** - We will learn and adapt to changing circumstances to ensure we are always one step ahead.
- **Enterprising** - We will undertake ventures that forge new directions for business and the local economy.
- **Prosperous** - We will ensure our City benefits from a thriving economy built on local commercial success.
- **Compassionate** - We will act with empathy and understanding of our community's needs and ambitions.

Council members and committee members are to observe these values to enable the City to achieve its strategic objectives and organisational goals.

Division 1 - Preliminary provisions

1. Citation

This is the City of Joondalup Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code -

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

City means the City of Joondalup, being a local government established as a body corporate under section 2.5 of the Act;

CEO means the Chief Executive Officer of the City;

Council means the Council of the City;

complaint means a complaint made under clause 11(1);

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

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal Integrity

(1) A council member, committee member or candidate should -

(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) avoid damage to the reputation of the City.

(2) A council member or committee member should -

(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 the City in relation to the performance of their role.

5. Relationship with others

(1) A council member, committee member or candidate should -

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should -

(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, Briefing Sessions or Strategy Sessions; and

(d) be open and accountable to, and represent, the community in the district.

Division 3 - Behaviour

7. Overview of Division

This Division sets out -

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

(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) must only publish material that is factually correct.

(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 and procedures of the City; and

(c) must comply with all resolutions of the Council or a Committee (where the Committee has been given delegated authority by the Council under section 5.16 of the Act).

9. Relationship with others

A council member, committee member or candidate -

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the City; 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 City 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 City employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a Council or Committee meeting, Briefing Session or Strategy Session, a council member, committee member or candidate, where applicable -

(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 a local law of the City relating to the procedures and conduct of Council or Committee meetings, or any other procedures adopted by Council in relation to meetings; 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.

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made -

(a) in writing in the form approved by the CEO; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The Council must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

(4) A complaint must be dealt with under clauses 12 to 15 unless –

(a) the complaint is referred to the Inspector in accordance with subclause (5); and

(b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

Note for this subclause: See section 5.105(1) of the Act.

(5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.

(6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

12. Dealing with complaint

(1) After considering a complaint, the Council must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

Note for this subclause: See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

(2) Before the Council makes a finding in relation to the complaint under subclause (12)(1), the Council 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.

(4) If the Council makes a finding that the alleged breach has occurred, the Council may -

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the Council must consult with the person to whom the complaint relates.

(6) 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 the Council considers appropriate.

(7) If the Council makes a finding in relation to the complaint, the Council must give the complainant, and the person to whom the complaint relates, written notice of -

(a) the Council's finding and the reasons for its finding; and

(b) if the Council's finding is that the alleged breach has occurred, its decision under subclause (4).

13. Dismissal of complaint

(1) The Council must dismiss a complaint if it is satisfied that -

(a) the behaviour to which the complaint relates occurred at a Council or Committee meeting, Briefing Session or Strategy Session; 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 City that deals with meeting procedures, or any other procedures adopted by Council in relation to meetings.

(2) If the Council dismisses a complaint, the Council must give the complainant, and the person to whom the complaint relates, written notice of their decision and the reasons for its decision.

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the Council 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 11(3).

14A. Appointment of monitor

(1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.

(2) If the Inspector appoints a monitor –

(a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and

(b) the local government must comply with the direction.

14B. Performance of local government's functions under cl. 12 and 13

(1) The local government's functions under clauses 12 and 13 must be performed by the council.

(2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.

(3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government –

(a) a member of the council of any local government;

(b) a member of the governing body of any regional subsidiary;

(c) an employee of any local government or regional subsidiary;

(d) an employee of WALGA or the Local Government Professionals Australia (WA);

(e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following –

i. local governments;

ii. members of councils;

iii. employees of local governments.

(4) A resolution made under subclause (3) must include the following –

(a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;

(b) an explanation as to why the council is satisfied as referred to in paragraph (a);

(c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

(5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the Council unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the Council to the extent that it is not provided for in this Division.

(3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.

Note for this clause: See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

Division 4 - Rules of conduct

Notes for this Division:

1. Under section 8A. 3(1) of the Act, a council member commits a conduct breach if the council member contravenes a rule of conduct. Section 8A. 3(2) of the Act extends this to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A conduct breach is dealt with under Part 8A Division 5 of the Act.

16. 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.

17. Misuse of City 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 the City includes

(a) City property; and

(b) services provided, or paid for, by the City.

(2) A council member must not, directly or indirectly, use the resources of the City for an electoral purpose or other purpose unless authorised under the Act, or by the Council or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the City 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.

19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the City unless authorised by the Council 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.

20. Relationship with City employees

(1) In this clause -

City employee means a person -

(a) employed by the City under section 5.36(1) of the Act; or

(b) engaged by the City under a contract for services.

(2) A council member or candidate must not -

(a) direct or attempt to direct a City employee to do or not to do anything in their capacity as a City employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a City employee in their capacity as a City employee; or

(c) act in an abusive or threatening manner towards a City 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 City employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a City employee.

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

21. Disclosure of information

(1) In this clause -

closed meeting -

(a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and

(b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;

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.

22. 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.

(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.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

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