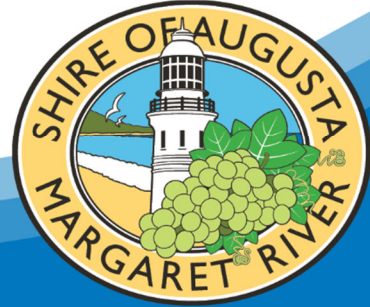


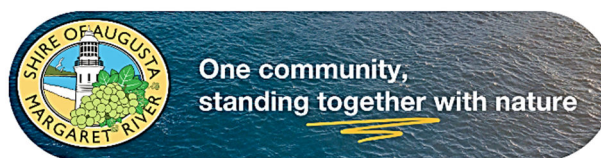


Code of Conduct for Council Members, Committee Members and Candidates

Adopted by Council 23 September 2026

OM2026/116

Alignment to the
**Strategic Community Plan
 2025-35**



Caring for our natural environment	Managing our built environment
E1 Natural landscapes are protected and managed to preserve and restore their biodiversity and cultural values. E2 New development is concentrated within clearly defined areas to avoid impacts on remaining farmland and ecosystems. E3 Waste is minimised with a focus on keeping resources in circulation. E4 The Shire and community are committed to climate action, reducing carbon emissions and achieving net zero. E5 Industry, government, community and visitors understand, respect, and steward the environment. E6 Water resources are protected and well-managed to ensure ecosystems flourish in the region. E7 Strong community partnerships support environmental initiatives and projects.	B1 Townsites develop in a manner that retains their unique identity and encourages community connection, safety and vibrancy. B2 Active lifestyles are supported through a range of facilities, sports and recreation opportunities and public open space. B3 Community halls, libraries and other facilities continue to evolve to meet our community's needs. B4 A well-connected network of paths, cycle trails, roads and transport options allows safe movement through and between townsites. B5 Residents and seasonal workers have access to a diverse range of housing options that meet their needs and budgets. B6 Our built environment is functional, sustainable, accessible, safe, and sympathetic to the surrounds.
Looking after our growing community	How we work
C1 Our healthcare, childcare, aged care and education services are well-resourced and responsive to the needs of a growing and ageing population. C2 Young people feel valued, empowered and engaged, and have good opportunities for building a future here. C3 Our community's wellbeing is supported by a variety of services, programs and community groups that build strength and connection. C4 Farmers and local businesses feel valued and can thrive in a supportive economic and regulatory environment that acknowledges our responsibilities to future generations. C5 We are welcoming and inclusive to all, regardless of background and ability, and our multicultural community is enriched by Wadandi Pibelman culture and knowledge. C6 The health, safety and resilience of our communities is supported through a coordinated approach of risk management, response and recovery. C7 Our vibrant arts and events showcase and celebrate our unique identity, bring public spaces to life, and create meaningful experiences for all.	W1 We act with a community-first mindset, where customer service is the responsibility of all staff. W2 Our communication reflects integrity, care, and a commitment to building enduring relationships with our community. W3 We actively listen, engage and collaborate with our whole community to better understand all perspectives to inform our decision-making. W4 We demonstrate ethical leadership at all levels in our organisation, making decisions in an open, transparent and accountable way. W5 We embrace a courageous mindset to meet the unique challenges of our times, pursuing bold and creative ideas for a sustainable future. W6 We manage our finances responsibly, investing in services and assets that deliver sustainable, long-term value for now and the future. W7 We provide a supportive, empowering and safe environment that encourages Council and staff to deliver to their best potential. W8 We ensure our processes, systems and services are fit-for-purpose and evolve to meet the diverse needs of all who use them.

The Shire of Augusta Margaret River acknowledges we are on Wadandi and Pibelman Boodja, whose ancestors and their descendants are the Cultural Custodians of this Country. We acknowledge the Wadandi and Pibelman have been Custodians since the land was soft (creation times) and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region. The Shire is committed to Aboriginal Australians sharing fairly and equitably in the region's cultural, social, environmental and economic future.

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Division 1 – Preliminary provisions

1. Citation

This is the *Shire of Augusta Margaret River Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

(1) In this code –

LG Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform;

CEO means Chief Executive Officer;

Council member means a Councillor and the Shire President.

(2) Other terms used in this code that are also used in the LG Act have the same meaning as they have in the LG 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 local government.

(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 local government in relation to the performance of their role.

5. Relationships 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; 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; and
 - (c) must not make statements maliciously, or without due regard as to whether they represent the truth.
- (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 the local government.

8A. Technical information and decisions

- (1) A council member or committee member may not make a quasi-judicial decision based on information other than information that has been provided to all council members prior to the meeting or through deputations at the meeting.

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 local government; 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 local government 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 local government employee in connection with the performance of their official duties; and
- (f) must direct any complaint relating to the competency or professionalism of a local government employee to the CEO, or if the complaint relates to the CEO to the President, and such complaint shall not be communicated to any other local government employee or member of the public.

9A. Dealing with proponents

(1) In this clause:

“party interested in a proposal” means any person with a significant interest in a proposal and includes: applicants, objectors, and owners of proposal land and land adjoining proposal land

“proposal” means:

- (a) a proposed subdivision of land;
- (b) a proposed development of land;
- (c) a proposal involving the exercise of discretion under a planning scheme or under a planning policy or structure plan adopted under a planning scheme;
- (d) a proposed change to a planning scheme including a proposed change to the zoning of land; or
- (e) a proposed change to a planning policy or structure plan adopted under a planning scheme.

(2) This clause 9A applies where a proposal is, or is likely, to be considered by Council or a committee of Council.

(3) A council member or committee member:

- (a) must indicate to the party interested in a proposal that the application will be considered on its merits without fear or favour based on relevant statutory planning considerations;
- (b) must not make any statements or express any views to a party interested in a proposal which purports to be on behalf of Council or the local government;
- (c) must avoid one on one meetings and site visits with a party interested in a proposal in favour of local government employee organised deputations to all council members and employee organised site visits;
- (d) must not give any undertaking to a party interested in a proposal;
- (e) must ensure that a party interested in a proposal is treated fairly and consistently;

- (f) must be alert to attempts by a party interested in a proposal to encourage members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration.

10. Council or committee meetings and representations on external bodies

- (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 a local law of the local government relating to the procedures and conduct of council or committee 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; and
 - (g) must attend meetings, including any briefings arranged by the CEO punctually or advise the Chairperson if unable to attend.
- (2) Where the local government has been invited to provide representation on any external body or organisation or the local government has nominated a person to attend any external body or organisation on behalf of the local government, a council member –
 - (a) must not participate in any such external body or organisation unless nominated by Council to do so; and
 - (b) must clearly understand the basis of their appointment; and
 - (c) only express opinion or influence which is consistent with the resolutions, policies and practices of the local government when attending or voting; and
 - (d) provide regular reports on the activities of the external body or organisation to other council members; and
 - (e) conduct themselves with the highest degree of integrity, propriety and behaviour, consistent with the expectations of this Code of Conduct; and
- (3) Notwithstanding subclause (2)(a) of this clause, may attend meetings on any external body or group as an observer with no participation in discussion or voting.
- (4) Clause 10 (2) does not apply to a member appointed to the Regional Development Assessment Panel established under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

- (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government 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 LG Act.

Note for this subclause: See section 5.105(1) of the LG 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 LG 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 local government 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.
- (2) Before making a finding in relation to the complaint, the local government 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 local government makes a finding that the alleged breach has occurred, the local government 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 local government 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 local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government 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).

13. Dismissal of complaint

(1) The local government 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 local government that deals with meeting procedures.

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

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government 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 a 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 local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government 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 LG 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 LG Act, a council member commits a conduct breach if the council member contravenes a rule of conduct.
Section 8A.3(2) of the LG 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 LG 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.

17. 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 LG 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 LG Act, or by the local government 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 local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the LG 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 local government unless authorised by the local government 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 local government employees

(1) In this clause –

local government employee means a person –

- (a) employed by a local government under section 5.36(1) of the LG 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 local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government 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 local government employee is incompetent or dishonest; or
- (b) use an offensive or objectionable expression when referring to a local government 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 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), (3) or (4) of the LG Act;
- (b) includes a council or committee meeting held before 1 January 2026, or a part of council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the LG 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 LG 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.

Document and version control table

Strategic outcome	W4	
Responsible directorate	Corporate and Customer Services	
Authority of original issue	Council	
Date of original issue	28 April 2021	
Contact Officer	Senior Governance and Risk Officer	
Date of next review	2029	
Document number	0384780	
Version	Date issued	Brief description
1.0	28/04/2021	Code of Conduct developed in accordance with LG (Model Code of Conduct) Regulations 2021
2.0	25/03/2026	Code updated to reflect amendments to the Local Government (Model Code of Conduct) Regulations 2021 OM2026/36
3.0	23/09/2026	Major review. Amendments to clauses 8A, 9, 9A, 10 OM2026/116