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CITY OF PERTH

LOCAL GOVERNMENT ACT 1995

CODE OF CONDUCT LOCAL LAW

LOCAL GOVERNMENT ACT 1995**CITY OF PERTH****CODE OF CONDUCT LOCAL LAW**

Under the powers conferred on it by the *Local Government Act 1995*, the Council of the City of Perth resolved on 12 February 2002 to make and submit for confirmation by the Governor the following local law.

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LOCAL GOVERNMENT ACT 1995**CITY OF PERTH****CODE OF CONDUCT LOCAL LAW****PART 1—PRELIMINARY****Citation**

1.1 This local law may be cited as the “City of Perth Code of Conduct Local Law”.

Application

1.2 This local law applies throughout the district.

Content and intent

1.3 (1) This local law is intended to ensure that, in the best interests of the local community and the public generally—

- (a) members and employees of the City act in accordance with the highest ethical standards; and
- (b) the business of the City is conducted with efficiency, impartiality and integrity.

(2) To achieve this object—

- (a) the Code of Conduct sets out the standards of behaviour expected of the City's members and employees; and
- (b) the City's members and employees are accountable to the community, through an independent review process, for any breaches of the Code of Conduct.

Definitions

1.4 In this local law, unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**CEO**” means the chief executive officer of the City—

“**CEO Investigation Committee**” means the committee established under Part 3;

“**City**” means the City of Perth;

“**Code**” or “**Code of Conduct**” means the Code of Conduct made by the Council under Part 2;

“**committee**” means a committee established under section 5.8 of the Act;

“**Council**” means the Council of the City;

“**Councillor**” means a person who holds the office of Councillor on the Council and includes the Lord Mayor;

“**district**” means the district of the City;

“**employee**” means a person employed by the City under section 5.36 of the Act;

“**Lord Mayor**” means the Lord Mayor of the City;

“**member**” means a person who is a member of a committee, whether or not the person is a Councillor or an employee;

“**Members Investigation Committee**” means the committee established under Part 3; and

“**Regulations**” means the *Local Government (Administration) Regulations 1996*.

Note: The Interpretation Act 1984 is of assistance in construing this local law. For example, words and expressions used in this local law which are not defined in this local law, have the meanings given to them in the Local Government Act 1995.

PART 2—CODE OF CONDUCT**Policy**

2.1 The Code of Conduct is to take the form of a policy in accordance with the procedures set out in this Part.

Note: 1 Under section 5.103 of the Act the City is required to have, and to review periodically, a code of conduct to be observed by Councillors, committee members and employees.

2 The Regulations prescribe the content of, and matters in relation to, a code of conduct.

Procedures

- 2.2 (1) The City is to give local public notice under the Act of its intention to make a Code of Conduct.
- (2) The local public notice referred to in sub-clause (1) is to state—
- (a) that the City intends to make a Code of Conduct, the policy and effect of which is summarised in the notice;
 - (b) where a copy of the draft Code of Conduct may be inspected; and
 - (c) where, in what form and during what period written submissions may be made to the Council.
- (3) If no submissions are received in accordance with clause 2.2(2)(c), the Council is to decide—
- (a) to give local public notice that the proposed Code of Conduct has effect as a policy on and from the date of publication; or
 - (b) to amend the proposed Code of Conduct, in which case sub-clause (5) will apply.
- (4) If submissions are received in accordance with clause 2.2(2)(c), the Council is—
- (a) to consider those submissions; and
 - (b) to decide whether or not to amend the proposed Code of Conduct.
- (5) If the Council decides to amend the proposed Code of Conduct, it is to give local public notice—
- (a) of the effect of the amendments; and
 - (b) that the proposed Code of Conduct has effect as a policy on and from the date of publication.
- (6) If the Council decides not to amend the proposed Code of Conduct, it is to give local public notice that the policy has effect on and from the date of publication.
- (7) A proposed Code of Conduct is to have effect as a policy on and from the date of publication of the local public notice referred to in sub-clauses (3), (5) and (6).

Amendment and revocation

- 2.3 (1) The Council may amend or revoke the Code of Conduct.
- (2) The provisions of clause 2.2 are to apply to an amendment of the Code of Conduct as if the amendment were the proposed Code of Conduct.
- (3) If the Council revokes the Code of Conduct, it is to give local public notice of the revocation and the Code is to cease to have effect on the date of publication.

Transitional

- 2.4 Until the City makes a Code of Conduct under this Part, the Code of Conduct adopted by the City on 23 October 2001 is to be taken as having been made as a policy under this Part.

PART 3—INVESTIGATION COMMITTEES**CEO Investigation Committee**

- 3.1 (1) For the purposes of Part 5 and Schedule 2 of this local law, the Council is to establish a CEO Investigation Committee.
- (2) The CEO Investigation Committee is to have 3 members who are—
- (a) the Chief Executive Officer of the Australian Institute of Management (WA Division) or his or her representative;
 - (b) the President of the Local Government Managers Australia (WA Division) or his or her representative; and
 - (c) the President of the Law Society of Western Australia (Inc) or his or her representative.

Members Investigation Committee

- 3.2 (1) For the purposes of Part 6 and Schedule 3 of this local law, the Council is to establish a Members Investigation Committee.
- (2) The Members Investigation Committee is to have 3 members who are—
- (a) the President of the Western Australian Local Government Association or his or her representative;
 - (b) the President of the Law Society of Western Australia (Inc) or his or her representative; and
 - (c) the President of the Institute of Company Directors (WA Division) or his or her representative.

Payment to members and others

- 3.3 Any payment to—
- (a) a member of the CEO Investigation Committee or the Members Investigation Committee; or
 - (b) a person employed or engaged to assist with the CEO Investigation Committee or the Members Investigation Committee;
- is to be determined and made in accordance with the relevant delegated authority granted by the Council.

PART 4—EMPLOYEES OTHER THAN THE CEO**Complaints**

4.1 (1) Any person who considers that an employee of the City, other than the CEO, has breached the Code of Conduct or this local law, may make a written complaint.

(2) The complaint is to set out the details of the alleged breach and is to be given, in confidence, to the CEO.

(3) The CEO is to give to the employee against whom the complaint was made—

- (a) a copy of the complaint excluding, so far as practicable, the name and other identifying details of the person who made the complaint; and
- (b) notice that the complaint is to be investigated under this local law.

Investigation

4.2 The investigation of the complaint is to be in accordance with the provisions of Schedule 1.

Determination

4.3 (1) In this clause, “**relevant employee**” means the employee against whom the complaint was made.

(2) Where the CEO is satisfied that the complaint has not been substantiated, he or she must—

- (a) dismiss the complaint; and
- (b) give to the relevant employee and to the person who made the complaint written notice that the complaint has been dismissed.

(3) Where the CEO is satisfied that the complaint has been substantiated, he or she must inform the relevant employee—

- (a) that the complaint has been substantiated;
- (b) that the CEO proposes to take one or more of the actions set out in sub-clause (4);
- (c) which of the specific action or actions the CEO proposes to take; and
- (d) that the relevant employee has 7 days to make representations, whether orally or in writing, to the CEO about the proposed action.

(4) After taking into account any representations made by the relevant employee under sub-clause (3), the CEO is to determine that one or more of the following is to apply—

- (a) that no further action be taken against the relevant employee;
- (b) that the relevant employee be reprimanded in terms which may constitute a formal warning under the disciplinary procedures applying to employees;
- (c) that the relevant employee undertake a specified course of education, or complete a specified number of hours in a course of professional or personal development, as determined by the CEO;
- (d) that a report be submitted to the relevant employee's professional body informing it of the breach of the Code of Conduct and that the professional body be asked to consider investigating the complaint under its own Code of Conduct of its members;
- (e) that one or more of the privileges provided to the relevant employee, as determined by the CEO, be withdrawn for a specified period of time;
- (f) that action be taken against the relevant employee for a suspected breach of the Act;
- (g) that the matter be referred to the Commissioner of Police to determine whether criminal charges should be laid;
- (h) in a case where the relevant employee is not a senior employee under section 5.37 of the Act, that the relevant employee be dismissed; and
- (i) in a case where the relevant employee is a senior employee under section 5.37 of the Act, that a recommendation be made to the Council that the relevant employee be dismissed.

(5) Within 7 days of his or her determination under sub-clause (4), the CEO is to give to the relevant employee and to the person who made the complaint written notice—

- (a) that the complaint has been substantiated; and
- (b) of the action to be taken against the relevant employee.

Objection and Appeal Rights

4.4 For the purposes of Division 1 of Part 9 of the Act—

- (a) the decision of the CEO under Clause 4.3 is a decision to which the Division applies; and
- (b) the relevant employee under Clause 4.3 is an affected person for the purposes of the Division.

PART 5—CEO**Complaint**

5.1 (1) Any person who considers that the CEO has breached the Code of Conduct or this local law may make a written complaint.

(2) The complaint is to set out the details of the alleged breach and is to be given, in confidence, to the Lord Mayor.

(3) Within 3 days of receiving the complaint, the Lord Mayor is to send it to each of the members of the CEO Investigation Committee.

(4) Within 5 days of receiving the complaint from the Lord Mayor, the CEO Investigation Committee is to give to the CEO—

- (a) a copy of the complaint excluding, so far as practicable, the name and other identifying details of the person who made the complaint; and
- (b) notice that the complaint has been referred to the CEO Investigation Committee.

Investigation

5.2 (1) In this clause, “**specified**” means specified by the Council.

(2) The investigation of the complaint is to be in accordance with the provisions of Schedule 2.

(3) If after considering the complaint, the CEO Investigation Committee considers that the complaint has not been substantiated, it must—

- (a) dismiss the complaint; and
- (b) give to the CEO and to the person who made the complaint written notice that the complaint has been dismissed.

(4) Where the CEO Investigation Committee is satisfied that a complaint against the CEO has been substantiated, it must recommend to the Council that one or more of the following determinations be made—

- (a) that no further action be taken against the CEO;
- (b) that the CEO be reprimanded;
- (c) that the CEO undertake a specified course of education, or complete a specified number of hours in such a course of professional or personal development, as determined by the Council;
- (d) that a report be submitted to the CEO's professional body informing it of the breach of the Code of Conduct and that the professional body be asked to consider investigating the complaint under its own Code of Conduct for its members;
- (e) that one or more of the privileges provided to the CEO, as determined by the Council, be withdrawn for a specified period of time;
- (f) that action be taken against the CEO for a suspected breach of the Act;
- (g) that the matter be referred to the Commissioner of Police to determine whether criminal charges should be laid;
- (h) that the CEO's employment be terminated in accordance with the provisions of his or her employment contract.

Determination

5.3 (1) After being given the CEO Investigation Committee's report, the Council must arrange a special meeting for the purpose of considering the report and its recommendations.

(2) At least 14 days before the date of the meeting, the Council must—

- (a) advise the CEO in writing of the date and time of the meeting;
- (b) give to the CEO a copy of the CEO Investigation Committee's report; and
- (c) invite the CEO to make a submission on the recommendations in the report.

(3) A member of the CEO Investigation Committee must formally present its findings and recommendations to the Council and is to answer any questions or clarify any facts.

(4) After considering the report and recommendations of the CEO Investigation Committee, the Council must either—

- (a) accept or reject the recommendation; or
- (b) where related proceedings have been instituted against the CEO, reserve its decision for up to 28 days after those proceedings have been concluded.

(5) Within 7 days of its decision under sub-clause (4), the Council is to give to the CEO and to the person who made the complaint written notice of its decision.

Objection and Appeal Rights

5.4 For the purposes of Division 1 of Part 9 of the Act—

- (a) the decision of the Council under Clause 5.3 (4) is a decision to which the Division applies; and
- (b) the CEO is an affected person for the purposes of the Division.

PART 6—MEMBERS

Complaint

6.1 (1) Any person who considers that a member has breached the Code of Conduct or this local law may make a written complaint.

(2) The complaint is to set out the details of the alleged breach and is to be given, in confidence, to the CEO.

- (3) The CEO is to give to the member against whom the complaint was made—
- (a) a copy of the complaint; and
 - (b) notice that the complaint has been referred to the Members Investigation Committee.
- (4) The copy of the complaint to be given to the member against whom the complaint was made, including the name and other identifying details of the person who made the complaint.

Investigation

6.2 (1) In this clause “**specified**” means specified by the Council.

- (2) The investigation of the complaint is to be in accordance with the provisions of Schedule 3.
- (3) If, after considering the complaint, the Members Investigation Committee considers that the complaint has not been substantiated, it must—
- (a) dismiss the complaint; and
 - (b) give to the member and the person who made the complaint written notice that the complaint has been dismissed.
- (4) Where the Members Investigation Committee is satisfied that a complaint against the member has been substantiated, it must recommend to the Council that one or more of the following determinations be made—
- (a) that no further action be taken against the member;
 - (b) that the member be censured;
 - (c) in the case of a Councillor, that one or more of the following privileges provided to the Councillor, as determined by the Council, be withdrawn for a specified period of time, or in part, as appropriate—
 - (i) use of the dining room;
 - (ii) use of the Council's equipment or other resources;
 - (iii) payment of any allowance; and
 - (iv) reimbursement of expenses;
 - (d) that a penalty not exceeding a sum of \$5,000 be imposed;
 - (e) in the case of a Councillor, that he or she be prohibited from taking part in the debate (other than by recording his or her vote) in any specified meeting or meetings of the Council or a committee;
 - (f) in the case of a member who is not a Councillor, that he or she be prohibited from taking part in the debate (other than by recording his or her vote) in any specified meeting or meetings of a committee of which he or she is a member;
 - (g) that action be taken against the member for a suspected breach of the Act;
 - (h) that the matter be referred to the Commissioner of Police to determine whether criminal charges should be laid; and
 - (i) that, in the case of a member who is not a Councillor, that the Council remove the member from the committee or committees of which he or she is a member.

Determination

- 6.3 (1) After being given the Members Investigation Committee's report, the Council must arrange a special meeting for the purpose of considering the report and its recommendations.
- (2) At least 14 days before the date of the meeting, the Council must—
- (a) advise the member in writing of the date and time of the meeting;
 - (b) give to the member a copy of the Members Investigation Committee's report; and
 - (c) invite the member to make a submission on the recommendations in the report.
- (3) A member of the Members Investigation Committee must formally present the findings and recommendations to the Council and is to answer any questions or clarify any facts.
- (4) After considering the report and recommendations of the Members Investigation Committee, the Council must either—
- (a) accept or reject the recommendations; or
 - (b) where related proceedings have been instituted against the member, reserve its decision for up to 28 days after those proceedings have been concluded.
- (5) Within 7 days of its decision under sub-clause (4), the Council is to give to the member and to the person who made the complaint written notice of its decision.

Objection and Appeal Rights

6.4 For the purposes of Division 1 of Part 9 of the Act—

- (a) the decision of the Council under Clause 6.3 (4) is a decision to which the Division applies; and
- (b) the member referred to in Clause 6.3 is an affected person for the purposes of the Division.

PART 7—GENERAL**Notices**

7.1 Any notice or other document required or permitted to be served or given under this local law must be in writing and may be served or given—

- (a) by delivering it personally to the person to whom it is addressed; or
- (b) by sending it by registered post, addressed to that person at that person's last known place of residence or business as appearing in the records of the City.

Protection from liability

7.2 A person who—

- (a) is a member of the CEO Investigation Committee or the Members Investigation Committee; or
- (b) is engaged or appointed by the City or the CEO Investigation Committee or the Members Investigation Committee for the purposes of this local law,

is a protected person to whom the provisions of section 9.56 of the Act apply.

Costs

7.3 (1) In this clause—

- (a) **“relevant person”** means a person against whom a complaint has been made and investigated under Part 5 or Part 6; and
- (b) **“relevant Committee”** means the CEO Investigation Committee or the Members Investigation Committee which investigated the complaint against the relevant person.

(2) The Council may by resolution order the relevant person to pay all or part of the costs and expenses of the relevant Committee relating to the investigation and determination of the complaint.

(3) Sub-clause (2) does not apply unless the relevant person has been found by the relevant Committee to have breached the Code of Conduct or this local law.

(4) The Council may by resolution, in exceptional circumstances, pay from the funds of the City to the relevant person against whom there has been no adverse finding the costs or part of the costs incurred by the relevant person in responding to the complaint.

(5) Any costs or expenses ordered to be paid under sub-clause (2) are recoverable in any Court of competent jurisdiction as a debt due to the City.

Disclosure of information

7.4 (1) In this clause—

- (a) **“investigation”** means an investigation into a particular complaint under Part 4, 5 or 6 of this local law; and
- (b) **“investigator”** means the person, or one of the persons, carrying out an investigation.

(2) An investigator or any other person who acquires any information solely as a result of his or her investigation, or involvement in the investigation, of a complaint under this local law must not make a record of, or divulge or communicate that information to any other person except for the purposes of the performance of his or her functions under this local law.

Offences and penalties

7.5 (1) A person who—

- (a) fails to do anything required or directed to be done under this local law; or
- (b) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) A person who commits an offence under sub-clause (1) is liable, upon conviction—

- (a) to a maximum penalty of \$5,000; and
- (b) if the offence is of a continuing nature, to an additional maximum penalty of \$500 for each day or part of a day during which the offence has continued.

SCHEDULE 1**INVESTIGATION OF COMPLAINTS AGAINST EMPLOYEES OTHER THAN THE CEO**

[Clause 4.2]

Definition

1. In this Schedule—

- (a) **“investigation”** means the investigation into a particular complaint under Part 4 of this local law;
- (b) **“investigator”** means the person, or one of the persons, carrying out an investigation; and
- (c) **“relevant employee”** means the employee against whom the complaint is made.

Conduct of an investigation

2. (1) Unless otherwise provided in this Schedule, the investigation of a complaint is to be carried out in accordance with the City's disciplinary procedures for employees.

(2) The City may engage whatever assistance it requires to conduct an investigation.

Procedural fairness

3. (1) The conduct of an investigation is to be carried out in accordance with the principles of procedural fairness.
- (2) A person is not to be an investigator of a complaint if he or she has an actual or apparent conflict of interest in a matter relevant to the determination of that complaint.

Proceedings

4. (1) Where a complaint is being investigated by more than one investigator, proceedings into that complaint are not to commence or continue unless each investigator is present.
- (2) The investigator is to ensure that—
- (a) all proceedings are conducted in private in a way that best protects their confidentiality;
 - (b) minutes are kept of all proceedings; and
 - (c) the relevant employee and any other person required to attend before the investigator is given at least 3 working days' notice of the required dates and times.
- (3) An employee, or any other person, must—
- (a) appear before the investigator when he or she has been given notice to do so; and
 - (b) comply with any reasonable request or direction given by an investigator.
- (4) If the relevant employee does not attend as required, the matter may be heard in his or her absence.

Investigator's report

5. At the conclusion of the investigation, the investigator is to give to the CEO a written report that is to include—
- (a) a summary of the investigation;
 - (b) the names of, and information given by, any person who was interviewed or who provided information;
 - (c) the major relevant documents;
 - (d) the findings on material questions of fact and the recommendations made;
 - (e) the reasons for those findings and recommendations; and
 - (f) the material and other information on which those findings and recommendations were based.

SCHEDULE 2**INVESTIGATION OF COMPLAINTS AGAINST THE CEO****CEO Investigation Committee**

1. (1) At its first meeting after reviewing the complaint, the CEO Investigation Committee must appoint one of its members to be the presiding member for the purposes of that complaint.
- (2) Each member of the CEO Investigation Committee is to be present during all proceedings and all deliberations relating to the complaint.
- (3) A decision of the CEO Investigation Committee will be made by a majority of its members.

Procedural fairness

2. (1) The conduct of an investigation is to be carried out in accordance with the principles of procedural fairness.
- (2) A person is not to be a member of the CEO Investigation Committee in relation to a particular complaint if he or she has an actual or perceived conflict of interest in a matter relevant to the determination of that complaint.

Preliminary review of a complaint

3. (1) The CEO Investigation Committee is to conduct a preliminary review of the complaint to determine whether the complaint should be investigated further.
- (2) The preliminary inquiry may take whatever form the CEO Investigation Committee considers to be appropriate.
- (3) If the CEO Investigation Committee determines that the complaint is frivolous, vexatious or lacking in substance, it is—
- (a) to dismiss the complaint; and
 - (b) to give to the CEO and to the person who made the complaint written notice that the complaint has been dismissed.

Investigation

4. (1) If the CEO Investigation Committee determines that the complaint is not frivolous, vexatious or lacking in substance, it is to proceed with the investigation.
- (2) The CEO Investigation Committee may—
- (a) appoint or engage a person or persons to assist it with the investigation; and
 - (b) obtain written statements, documentary material or other information that it considers may be relevant to the investigation.

Notice to the CEO

5. The CEO Investigation Committee must, at least 3 working days before the date on which it proposes to hear from or question the CEO—

- (a) notify the CEO of the proposed time and date;
- (b) notify the CEO of the substance of any allegations that are not apparent from the complaint itself; and
- (c) give to the CEO copies of documents, or access to information, which it is necessary for the CEO to have in order to respond to the complaint.

Proceedings

6. (1) All proceedings of the CEO Investigation Committee are to be conducted in private in a way that best protects their confidentiality.

(2) No one is entitled to be present during any part of the proceedings of the CEO Investigation Committee, except with the permission of, and in accordance with any direction given by, the CEO Investigation Committee.

(3) The CEO Investigation Committee is to ensure that minutes are kept of all its proceedings.

(4) The CEO Investigation Committee may—

- (a) permit the CEO, or any other person, to be legally represented;
- (b) adjourn its proceedings at any time;
- (c) permit the CEO, or any other person—
 - (i) to provide an oral or written statement;
 - (ii) to question another person giving information to the CEO Investigation Committee; or
 - (ii) to arrange for another person to provide an oral or written statement to the CEO Investigation Committee.

(5) The CEO Investigation Committee is not bound by the rules of evidence and, in conducting its proceedings—

- (a) must act according to equity, good conscience and the substantial merits of the case without regard to legal formalities; and
- (b) may adopt whatever procedures it thinks appropriate.

(6) The CEO Investigation Committee may obtain any information from any source and by whatever lawful means that it considers appropriate, but it is not to use that information as the basis of an adverse finding against the CEO without giving the CEO an opportunity to be heard in relation to that information.

(7) The CEO, and any other person, must—

- (a) attend a hearing of which he or she has been given notice; and
- (b) comply with any reasonable request or direction given by the CEO Investigation Committee.

(8) If the CEO does not attend a hearing, the matter may be heard and determined in his or her absence.

Communications with the City

7. All communications from the CEO Investigation Committee to the City must be through the Director, Corporate Services.

SCHEDULE 3**INVESTIGATION OF COMPLAINTS AGAINST A MEMBER****Members Investigation Committee**

1. (1) At its first meeting after reviewing the complaint, the Members Investigation Committee must appoint one of its members to be the presiding member for the purposes of that complaint.

(2) Each member of the Members Investigation Committee is to be present during all proceedings and all deliberations relating to the complaint.

(3) A decision of the Members Investigation Committee will be made by a majority of its members.

Procedural fairness

2. (1) The conduct of an investigation is to be carried out in accordance with the principles of procedural fairness.

(2) A person is not to be a member of the Members Investigation Committee in relation to a particular complaint if he or she has an actual or perceived conflict of interest in a matter relevant to the determination of that complaint.

Preliminary review of a complaint

3. (1) The Members Investigation Committee is to conduct a preliminary review of the complaint to determine whether the complaint should be investigated further.

(2) The preliminary inquiry may take whatever form the Members Investigation Committee considers to be appropriate.

(3) If the Members Investigation Committee determines that the complaint is frivolous, vexatious or lacking in substance, it is—

- (a) to dismiss the complaint; and
- (b) to give to the member and to the person who made the complaint written notice that the complaint has been dismissed.

Investigation

4. (1) If the Members Investigation Committee determines that the complaint is not frivolous, vexatious or lacking in substance, it is to proceed with the investigation.

(2) The Members Investigation Committee may—

- (a) appoint or engage a person or persons to assist it with the investigation; and
- (b) obtain written statements, documentary material or other information that it considers may be relevant to the investigation.

Notice to the member

5. The Members Investigation Committee must, at least 3 working days before the date on which it proposes to hear from or question the member—

- (a) notify the member of the proposed time and date;
- (b) notify the member of the substance of any allegations that are not apparent from the complaint itself; and
- (c) give to the member copies of documents, or access to information, which it is necessary for the member to have in order to respond to the complaint.

Proceedings

6. (1) All proceedings of the Members Investigation Committee are to be conducted in private in the way that best protects their confidentiality.

(2) No one is entitled to be present during any part of the proceedings of the Members Investigation Committee, except with the permission of, and in accordance with any direction given by, the Members Investigation Committee.

(3) The Members Investigation Committee is to ensure that minutes are kept of all its proceedings.

(4) The Members Investigation Committee may—

- (a) permit the member, or any other person, to be legally represented;
- (b) adjourn its proceedings at any time;
- (c) permit the member, or any other person—
 - (i) to provide an oral or written statement;
 - (ii) to question another person giving information to the Members Investigation Committee; or
 - (iii) to arrange for another person to provide an oral or written statement to the Members Investigation Committee.

(5) The Members Investigation Committee is not bound by the rules of evidence and, in conducting its proceedings—

- (a) must act according to equity, good conscience and the substantial merits of the case without regard to legal formalities; and
- (b) may adopt whatever procedures it thinks appropriate.

(6) The Members Investigation Committee may obtain any information from any source and by whatever lawful means that it considers appropriate, but it is not to use that information as the basis of an adverse finding against the member without giving the member an opportunity to be heard in relation to that information.

(7) The member, and any other person, must—

- (a) attend a hearing of which he or she has been given notice; and
- (b) comply with any reasonable request or direction given by the Members Investigation Committee.

(8) If the member does not attend a hearing, the matter may be heard and determined in his or her absence.

Communications with the City

7. All communications from the Members Investigation Committee to the City must be through the Director, Corporate Services.

Dated this 12th day of February 2002.

The Common Seal of the City of Perth was affixed by authority of a resolution of its Council in the presence of—

Dr. P. NATTRASS, Lord Mayor.
Mr. G. HUNT, Chief Executive Officer.

