



CODE OF CONDUCT FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

Adopted by the House on 28 August 2003, V. & P., p. 776.

Code of Conduct

Preamble

Members of the Legislative Assembly recognise that they are in a unique position of being responsible to the electorate. The electorate is the final arbiter of the conduct of members of the Legislative Assembly and has the right to dismiss them from office at regular elections.

Members of the Legislative Assembly accordingly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of Western Australia.

The Code

(1) Purpose of this Code

The purpose of the Code of Conduct is to assist members of the Legislative Assembly in the discharge of their obligations to the Legislative Assembly, their constituents and the public at large.

(2) Conduct

Members shall accept that their prime responsibilities are to –

(a) perform their public duty in an objective manner and without consideration of personal or financial interests, including a duty to declare any relevant private interests; and

(b) represent the interests of their own electorate and their constituents.

(3) Disclosure of conflict of interest

(a) A conflict of interest exists where a member participates in or makes a decision in the execution of their office knowing that it will improperly and dishonestly further the Member's private interest or another person's private interest directly or indirectly.

(b) A conflict of interest also exists where the member executes, or fails to execute, any function or duty knowing that it will improperly and dishonestly benefit their or another person's private interests directly or indirectly.

(c) Members are individually responsible for preventing conflicts of interest and must carry out their official functions and duties and arrange their private affairs to the best of their endeavours to prevent such conflicts of interest arising.

(d) Members of the Legislative Assembly must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.

(e) This may be done through declaring their interests under the *Members of Parliament (Financial Interests) Act 1992* or any rule or order of the House that may so require through declaring their interest when speaking on the matter in the Legislative Assembly or a Committee, or in any other public and appropriate manner.

(f) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

(4) Bribery

Members must not promote any matter, vote on any bill or resolution, or ask any question in the Legislative Assembly or its Committees, in return for payment or any other personal financial benefit.

(5) Gifts

(a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.

(b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.

(c) Members may accept political contributions in accordance with Part VI of the *Electoral Act 1907*.

(6) Use of public resources

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

(7) Use of confidential information

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

(8) Proper relations with Ministers and the public service

(a) Members should not approach Ministers, public servants or public bodies on a matter connected with a private interest without appropriate disclosure.

(b) Members shall not use improperly their influence in order to obtain appointment, promotion, advancement, transfer or any other advantage within the public sector on behalf of themselves or another or to affect the proper outcome of any procedure established under the legislation for the management of the public sector.

(9) Freedom of Speech

Members must be mindful of the privileges conferred when speaking in the Legislative Assembly and should consciously avoid causing undeserved harm to any individual who does not enjoy the same privileges.

(10) Misleading the Parliament or the Public

Members must not knowingly mislead the Parliament or the public in statements they make and are obliged to correct the Parliamentary record as soon as possible when incorrect statements are made unintentionally.

(11) Participation in Political Parties

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

(12) Parliamentary Behaviour and Tolerance

(a) It is recognised that a balanced and diversity-respecting Parliament benefits the society it reflects and represents. A sense of tolerance and respect of different political positions should direct the working environment in the Parliament.

(b) Members must apply high standards of behaviour and consciously avoid personal abuse and denigration of Parliamentary colleagues.

Procedure for breaches of the Code

Alleged breaches of the Code of Conduct should, at the earliest opportunity be dealt with under the procedures prescribed for raising a matter of privilege under the Standing Orders.