

Code of Conduct for Employees

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1 Introduction

This Code of Conduct (the Code) outlines the Shire's expectations in respect to the standard of professional conduct expected of you when carrying out your functions and responsibilities.

1.1 Statutory environment

Under section, 5.51A of the Act the CEO is required to prepare and implement an employee code of conduct and this must include the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*, which deal with gifts, conflicts of interest, behavioural expectations, records management and breaches of this Code.

You should ensure that you are aware of your statutory responsibilities under this and other legislation.

1.2 Application

The Code applies to all Shire volunteers and employees, including the CEO, while on the Council's premises or while engaged in Council related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

2 Vision & Values

2.1 Our vision

To be a socially interactive and inclusive community that embraces our rural character and sense of community.

2.2 Our values (TRUST)

Value 1 - Team

One Shire, one community, one team

- Our actions and behaviour are always in line with the Code of Conduct.
- Our behaviour promotes the wellbeing of each other and our community.
- We collaborate & share information with colleagues & community.
- We recognise and celebrate individual, team & community achievements.

Value 2 - Respect

Seek Respect through our actions

- We are always respectful when giving or receiving feedback.
- We have the courage to speak up if we see something that's not quite right
- We embrace diversity & lend a hand when necessary

Value 3 - Understanding others

Care & patience underpin our dealings with colleagues & community

- We are patient and listen with thoughtful attention
- We are responsive, flexible and adaptive to the needs of others
- We actively encourage alternate views.
- We promote a fair go for all.

Value 4 - Safety

Safety doesn't happen by accident

- We demonstrate personal accountability for safety
- We proactively assess tasks, identify and communicate hazards & risks
- We seek clarification when tasks are unclear and stop working if unsafe

Value 5 - Trust

Years to build, seconds to break

- We are accountable for our actions & own our mistakes.
- We act with integrity and consistently do what we know to be right
- We are honest and straightforward with everyone including, ourselves.
- We are loyal and respect the privacy rights of colleagues & community.

3 Code of Conduct

3.1 Role of Employees

Your role in Local Government is determined by the CEO and this is outlined in section 5.41 of the Act.

5.41. Functions of CEO

The CEO's functions are to:

- advise the council in relation to the functions of a local government under this Act and other written laws;*
- ensure that advice and information is available to the council so that informed decisions can be made;*
- cause council decisions to be implemented;*
- manage the day to day operations of the local government;*
- liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- speak on behalf of the local government if the mayor or president agrees;*
- be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government Act 1995

3.2 Principles affecting employment

The principles set out in section 5.40 of the Act apply to the employment of staff by the Shire of Wyalkatchem:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- employees are to be treated fairly and consistently; and*

- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

Local Government Act 1995

3.3 Personal Behaviour

You will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all Council policies;
- (b) perform your duties impartially and in the best interests of the Council, uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding your powers) in the interests of the Council and the community;
- (d) make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) refrain from any form of conduct, in the performance of your duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (f) always act with loyalty and in a manner that supports the Council's objectives.

3.4 Honesty and Integrity

You will:

- (a) observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in your official dealing with other staff and Council members; and
- (c) report any dishonesty or possible dishonesty by any staff member to your Manager or the CEO.

3.5 Performance of Duties

While on duty, you will give your whole time and attention to the Council's business and ensure that your work is carried out efficiently and effectively and that your standard of work reflects favourably both on you and on the Council.

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

- (a) You will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to your Team Leader, Manager or the CEO.
- (b) You will implement and/or comply with the lawful decisions and policies of the Council, whether or not you agree with or approve of them.

3.7 Administrative and Management Practices

You will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.8 Intellectual Property

The title to Intellectual Property in contracts of employment will be assigned to the Council upon its creation unless otherwise agreed by separate contract.

3.9 Record Keeping

You will ensure complete and accurate records are created and maintained in accordance with the Council's Record Keeping Plan.

3.10 Dealing with Other Employees

- (a) You must treat other staff with respect, courtesy and professionalism and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) You must be aware of, and comply with your obligations under relevant law and the Council's policies regarding workplace behaviour and occupational safety and health, including;

Policy No	Policy Title
3.2	Work Health & Safety (WHS) Policy
3.4	Discrimination, Harassment & Bullying Policy
3.7	Fitness for Duty Policy

- (c) Your behaviour should reflect the Council's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Dealing with community

- (a) You will treat all members of the community with respect, courtesy and professionalism.
- (b) All Council services must be delivered in accordance with relevant policies and procedures and any issues resolved promptly, fairly and equitably.

3.12 Professional Communications

- (a) All verbal, written and electronic communication by you regarding the Council's activities should reflect the Council's values and objectives.
- (b) Communications should be accurate, polite and professional.

3.13 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) You must not disclose information, make comments or engage in communication activities about or on behalf of the Council, our Councillors, employees or contractors, which breach this Code.

- (c) Your comments which become public and breach the Code of Conduct, or breach any other operational policy or procedure, is likely to constitute a disciplinary matter and may be determined as misconduct and require notification under the *Corruption, Crime and Misconduct Act 2003*.

3.14 Personal Presentation

You are required to comply with professional, neat and responsible dress standards at all times.

3.15 Gifts

The CEO has the discretion [Admin.r.19AF] to determine the threshold amount for prohibited gifts. Under this Regulation, the CEO has set the threshold amount at \$200.

Gifts may therefore be accepted by staff, with the following conditions;

- *Gifts with a value of less than \$25 may be accepted without any need to report.*
- *Gifts with a value of between \$25 & \$200 may be accepted but must be reported.*
- *Gifts with a value of greater than \$200 must not be accepted*

The requirements in the following subclauses 3.14(e) to (i), dealing with the disclosure, recording, storing and use of information relating to gifts are modelled on the requirements for CEOs and Elected Members under Part 5, Subdivision 6 of the Local Government Act 1995.

- (a) Application

This clause does not apply to the CEO.

- (b) Definitions

In this clause –

activity involving a local government discretion has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

associated person has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

associated person means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion

[r.19AA of the *Local Government (Administration) Regulations 1996*]

gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

gift —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

travel includes accommodation incidental to a journey;

travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]

relative, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the *Local Government Act 1995*]

prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

prohibited gift, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

reportable gift means:

- (i) a gift worth more than \$25 but less than \$200; or
- (ii) a gift that is 1 of 2 or more gifts given to you by the same person within a period of 1 year that are in total worth more than \$25 but less than the \$200 threshold.

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

threshold amount, for a prohibited gift, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

(c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined \$200 as the threshold amount for prohibited gifts.

- (d) Employees must not accept a prohibited gift from an associated person.
- (e) If you accept a reportable gift from an associated person you are to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include:
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between you and the person who gave the gift; and
 - (v) if the gift is one of two or more accepted from the same person within a period of one year:
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the one year period.
- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Council's official website.
- (i) As soon as practicable after you cease to be an employee, the CEO will remove from the register all records relating to you. The removed records will be retained for a period of at least 5 years.

3.16 Conflict of Interest

- (a) You will ensure that there is no actual (or perceived) conflict of interest between your personal interests and the impartial fulfilment of your professional duties.
- (b) You will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Council, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) You will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the Wyalkatchem district, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) If you exercise a recruitment or any other discretionary function you will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and you will be disqualified from dealing with those persons.
- (e) You will conduct yourself in an apolitical manner and refrain from political activities which could cast doubt on your neutrality and impartiality in acting in your professional capacity.

The Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.

3.17 Secondary Employment

You must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

3.18 Disclosure of Financial Interests

- (a) You will apply the principles of disclosure of financial interest as contained within the Act.
- (b) If you have been delegated a power or duty, have been nominated as a 'designated employee' or provide advice or reports to Council or Committees, you must be aware of, and comply with, your statutory obligations under the Act.

3.19 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

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.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (b) If you have an interest in any matter scheduled for discussion at a Council or Committee meeting that you attend, you are required to disclose the nature of the interest:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.

- (c) If you have given, or will give, advice in respect of any matter scheduled for discussion at a Council or Committee meeting not attended by you, you are required to disclose the nature of your interest:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) You are excused from a requirement made under (b) or (c) to disclose the nature of an interest because you did not know and could not reasonably be expected to know:
 - (i) that you had an interest in the matter; or
 - (ii) that the matter in which you have an interest would be discussed at the meeting providing you disclose the nature of the interest as soon as possible after the discussion began.
- (f) If you make a disclosure by a written notice given to the CEO before a meeting in compliance with the requirements of (b) or (c), then:
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
 - (i) to comply with a requirement made under item (b), the nature of your interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of your interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3.20 Use and Disclosure of Information

- (a) You must not access, use or disclose information held by the Council except as directly required for, and in the course of, the performance of your duties.
- (b) You are to handle all information obtained, accessed or created in the course of your duties responsibly and in accordance with this Code and the Shire of Wyalkatchem's policies and procedures.
- (c) You must not access, use or disclose information to gain improper advantage for yourself or another person or body, in ways which are inconsistent with your obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire of Wyalkatchem.
- (d) Due discretion must be exercised by you if you have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents you from disclosing information if the disclosure:
 - (i) is authorised by the CEO or the CEO's delegate; or
 - (ii) is permitted or required by law.

3.21 Improper or Undue Influence

- (a) You will not take advantage of your position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or to gain for yourself or for any other person or body.
- (b) You must not take advantage of your position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for yourself or for any other person or body.
- (c) You must not take advantage of your position to improperly disadvantage or cause detriment to the local government or any other person.

3.22 Use of Shire of Wyalkatchem Resources

- (a) In this clause –

Shire of Wyalkatchem resources includes local government property and services provided or paid for by the Shire of Wyalkatchem.

local government property has the meaning given to it in the Act.

local government property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of the local government

[Section 1.4 of the *Local Government Act 1995*]

- (b) You will:
 - (i) be honest in your use of the Council's resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use the Council's resources entrusted to you effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
 - (iii) not use the Council's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

3.23 Use of Shire of Wyalkatchem Finances

- (a) You are expected to act responsibly and exercise sound judgment with respect to matters involving the Council's finances.
- (b) You will use Council finances only within the scope of your authority, as defined in your position description and policies & procedures.
- (c) If you have financial management responsibilities you will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) When exercising purchasing authority you will comply with the Council's Purchasing Policy and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.

- (e) You must act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) You will ensure that any use of Council finances is appropriately documented in accordance with the relevant policy and procedure, including the Council's Recordkeeping Plan.

3.24 Reporting of Suspected Breaches of the Code of Conduct

You may report suspected breaches of the Code to your Manager, Leading Hand or CEO, in accordance with the Council's Grievance, Investigations & Resolution Policy.

3.25 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code including suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be handled as follows;

- (a) Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour should be reported to your Manager or the CEO.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
 - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
 - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (a) You, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) You, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Council's Public Interest Disclosure Policy, published on the Council's website.

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