



Code of Conduct - Employees

Note: A Code of Conduct is given effect through induction, ongoing training and operational procedures that evidence that employees have been made aware of, and are accountable for, their obligations under the Code of Conduct and associated policies

Notes to the Employee Code of Conduct:

The Code of Conduct for Employees is based on the WALGA Model and has been amended to suit the Shire of Victoria Plains operational requirements. The requirements by the Public Sector Commission regarding Local Government Codes of Conduct have also been addressed.

This document also requires employees to comply with several Shire policies and CEO directives. The relevant policy titles have been included in applicable clauses. This approach assists employees with their understanding regarding the policies and directives they need to access to better understand their obligations.

Similarly, relevant legislation is quoted within this Code of Conduct and is shown in grey boxes, as in the example below:

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*]

The quoted legislation is included in the Code of Conduct to assist employee understanding of their obligations. However, the quoted legislation does not form part of the Code of Conduct, as formally approved by the CEO (as the legislative requirements cannot be modified by the CEO). As external references, these fields are to be updated as and when the relevant legislation is amended.

Questions and Advice

Questions or advice regarding the Code of Conduct are to be directed to the Shire's HR Specialist or the Shire's Governance Officer.

Document Control

Responsible Areas	All
Responsible Officer	CEO
Affected Staff	All

Relevant management practices/documents

Local Government Amendment Regulations Guidance Note - WALGA

Legislation/local law requirements

Local Government Act 1995

Local Government (Administration) Regulations 1996

Office Use Only				
Relevant delegations	NI			
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CEO's MESSAGE

Local governments are now required to have a separate code of conduct for the elected members and for local government officers. The Code of Conduct for Employees is an important tool within the suite of systems and processes regarding the Shire's governance. The Code of Conduct is designed so that all Employees (officers, contractors/consultants and volunteers) make fair and unbiased decisions in carrying out their duties and in the services that they provide.

The Shire's vision is "A Place to Grow," which reflects not just the communities that you serve, but also in terms of your own capabilities and responsibilities. Personal growth is just as important as encouraging and supporting communities to grow as set out in the Shire's Strategic Community Plan.

I strongly encourage you to be familiar with your accountabilities under the Code of Conduct and make use of it and the other policies and procedures that contribute to the Shire being aware of its risks, as well as a safe and fair workplace.

Glenda Teede
Chief Executive Officer

1 Introduction

The Shire's Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

Governance - Did You Know?

The Governance Institute of Australia defines governance as:

Governance encompasses the system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance.

Source: <https://www.governanceinstitute.com.au/resources/what-is-governance/>

1.1 Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this Code and this other legislation.

1.2 Application

For the purposes of The Code, the term employee includes persons employed by the Shire or engaged by the Shire under a contract for services or in their role as a **volunteer***. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. However, please note, Clause 3.15 of this Code (Gifts), does **not** apply to the CEO.

Shire Note:

In accordance with regulations 19AB and 19AC of the Local Government (Administration) Regulations 1996, this Code does not apply to the CEO in relation to gifts. Instead, the CEO is subject to the requirements of Part 5, Division 6 of the Act in relation to gifts. In particular, sections 5.71A and 5.71B of the Act define the CEO's obligations separately for disclosure and management of conflicts of interest arising from the acceptance of gifts, when providing advice or reports to Council either directly or indirectly.

*The term **volunteer** excludes those persons associated with the Shire's Bush Fire Brigades. These persons are covered by separate requirements and bush fire operating procedures.

2 Values/vision/mission

The Shire's vision is "A Place to Grow." Achieving the community's vision and the Shire's strategic objectives requires employees to follow the Integrated Planning and Reporting process. Essentially, this is a process that supports the development of actions to address each strategy contained within the Shire's Strategic Community Plan. Careful operational planning and prioritisation is required to achieve the objectives and desired outcomes due to the limited resources available. This planning process is formalised by the development of the Corporate Business Plan. The Corporate Business Plan converts the Strategic Community Plan into action through the adoption of an Annual Budget. Employees then put the Budget into practice.

It is important to note that actions requiring funding will only be undertaken once approved within the statutory budget and subject to funding availability. Along with achieving the community aspirations and objectives, the Corporate Business Plan draws on information contained within the following strategic documents:



3 Code of Conduct

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

5.41. Functions of CEO

The CEO's functions are to:

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

The principles set out in section 5.40 of the Act apply to the employment of the Shire's employees:

5.40. Principles affecting employment by local governments

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

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *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 (OSH) Act 1984*;* and
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

Local Government Act 1995

***Note:** Western Australia is in the process of implementing the new Workplace Health and Safety Act. The Act will come into effect and replace the OSH Act 1984 once the relevant Regulations that support the new Act are implemented. Further information can be found at: <https://www.commerce.wa.gov.au/worksafe/modernisation-work-health-and-safety-laws-frequently-asked-questions-faq>

3.3 Personal Behaviour

Definitions:

Throughout the Code, reference to **policies** means both Council and CEO/Executive Policies (i.e. Directives) and Procedures.

Employees 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 policies of the Shire;
- (b) perform their duties impartially and in the best interests of the Shire, uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers - including acting within the limits of their delegations and authorisations) in the interests of the Shire 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 their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (f) always act in accordance with their obligation of fidelity (Duty of Loyalty including acting with confidentiality, not misusing information, acting without self interest and conflict of interest) to the Shire.

3.4 Honesty and Integrity

Employees 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 their official dealing with each other; and
- (c) report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager (immediate supervisor or manager) or the CEO in accordance with this Code and the Shire's policies.

3.5 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire.

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

- (a) Employees 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 their Line Manager (immediate supervisor), Manager or the CEO.
- (b) Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.

3.7 Administrative and Management Practices

Employees 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 all duties relating to contracts of employment will be assigned to the Shire upon its creation unless otherwise agreed by separate contract.

3.9 Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan.

3.10 Dealing with Other Employees

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of, and comply with their obligations under relevant law and Shire's policies regarding workplace behaviour and occupational safety and health, including:

Council Policy

- a. Occupational Safety and Health Policy.
- b. Equal Opportunity Employment Policy.
- c. Sexual Harassment Policy.
- d. Fitness For Work Policy.
- e. Responsible service and consumption of alcohol on Shire premises Policy.
- f. Volunteer Policy.

CEO Policy (Executive Direction)

- a. Discrimination, Harassment and Bullying Policy.
 - b. Drug and Alcohol Policy.
 - c. Disciplinary Policy.
 - d. Grievance Policy Procedure.
- (c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Dealing with community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) All Shire 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 aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values and objectives of the Shire.
- (b) Communications should be accurate, polite and professional.

Shire Note:

Refer to the CEO Executive Direction – ICT Use Policy regarding the Shire's ICT facilities which include, but are not limited to, the Shire's network, computer systems, access to the internet and email, corporate systems and corporate hardware.

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) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Council Members, employees, contractors/consultants or volunteers, which breach this Code.
- (c) Employee comments which become public and breach the Code, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Shire Note:

Clause 3.13 includes the further obligations outlined in the Shire's Communications and Social Media Policy and the CEO's Executive Direction – Social Media Policy.

Also refer to CEO Executive Directive – ICT Use Policy regarding the Shire's ICT facilities which include, but are not limited to, the Shire's network, computer systems, access to the internet and email, corporate systems and corporate hardware.

3.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire's relevant policies and procedures.

Shire Note:

Clause 3.14 refers to the Shire's Uniforms, PPE and Personal Presentation Policy.

3.15 Gifts

- (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), or
 - (v) the Local Government Professionals Australia WA (ABN 91 208 607 072), or
 - (vi) 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 one 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 one 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 \$50 but less than \$300; or
- (ii) 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 more than \$50 but less than \$300.

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 \$300 as the threshold amount for prohibited gifts.

- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An employee who accepts a reportable gift from an associated person is 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 using the Employee Gift Disclosure Form 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 the person who is an employee 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 maintained by the **Governance Section** of the Shire.
- (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.
- (j) The Employee Gift Disclosure Form is provided in Appendix One.

Summary of Requirements

Associated Person / Giver of Gift	Reportable Gift	Prohibited Gift
IS or is likely to be undertaking an activity involving a local government discretion	Between \$50 and \$300 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 more than \$50 but less than \$300.	More than \$300
Exclusions from requirement to notify	<ul style="list-style-type: none"> • Relative; • A gift that must be disclosed under the <i>Local Government (Elections) Regulations 1997</i> regulation 30B; • WALGA; • Local Government Professionals – WA; • Local Government Professionals – Australia. 	Nil
Disclosure requirements	To be notified to CEO within 10 days. This will then be entered in an internal Gift Register by the Governance Officer. This does not include the CEO as their gifts are registered on the publicly available register on the Shire’s website	n/a

Shire Note:

It should be noted that this Clause is intended to address the requirements of regulations 19AB, 19AC and 19AF of the Local Government (Administration) Regulations 1996.

CEOs have discretion [Admin.r.19AF] to determine the threshold amount for prohibited gifts. This is the value above which a gift from an associated person (see sub-clause 3.15(b) Definition) must not be accepted by an employee.

The CEO must also consider the value above which employees must disclose gifts accepted from associated persons. Sub-clause 3.15(b) uses the term “reportable gift” for gifts that may be accepted but must be disclosed. This term was chosen to distinguish from the category of notifiable gifts under the former provisions. While there are obvious similarities, employees should not assume their responsibilities remain exactly the same.

The requirements in subclauses 3.14(e) to (i), for 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.

3.16 Conflict of Interest

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, 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) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
- (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

Shire Note:

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

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

Shire Note:

The Shire's Application for Secondary Employment form is set out in Appendix Two.

3.18 Disclosure of Financial Interests

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their 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) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is 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) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
 - (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) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:
 - (i) that they had an interest in the matter; or
 - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with 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 an employee's 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 an employee's 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) Employees must not access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.

- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee 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) Employees will not take advantage of their 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 gain for themselves or for any other person or body.
- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.22 Use of Shire Resources

Community Expectations

The community expects public officers (Shire employees are also public officers) to perform their duties efficiently and utilise public resources prudently. Purchases and use of goods and services should only be made in the public interest and be appropriately recorded. All local government members and employees should play their role in protecting the assets (resources) of the local government.

[Based on: Use of Public Resources – Developing a Code of Conduct Guide for Local Government]

- (a) In this clause –

Shire resources includes local government property and services provided or paid for by the Shire. Examples are: employees' time, credit cards, office and computer equipment, mobile telephones, motor vehicles, sport and recreation facilities, tools and machinery, real property (land and buildings), personal protective equipment etc.

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) Employees will:
- (i) be honest in their use of the Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use the Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
 - (iii) not use the Shire'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).

Shire Note:

Refer to the CEO Executive Directive – ICT Use Policy regarding computing and communications equipment.

3.23 Use of Shire Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.
- (b) Employees will use Shire finances only within the scope of their authority, as defined in position descriptions, policies and procedures, administrative practices including purchasing limits set by the CEO.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees exercising purchasing authority will comply with:
 - 1. the Shire's Purchasing Policy, and
 - 2. the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

Shire Note:

It should be noted that the exercise of purchasing authority (i.e. who can issue/approve **Purchase Orders**) does not rely on a delegation of a statutory power or duty. The scope and conditions of employee authority are defined through the administrative systems and procedures for the authorisation of the incurring of liabilities that the CEO is required to establish under r.5(1)(e) of the *Local Government (Financial Management) Regulations 1996*.

At the Shire, the CEO issues to a relevant Employee a purchasing limit in the form of a written authority.

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Line Manager (Supervisor or Manager), or the CEO, in accordance with the CEO Executive Direction: Grievance Policy and Procedure. **Grievances against the CEO must be raised directly with the Shire President.**

3.25 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire policies and procedures, depending on the nature of the suspected breach.

Shire Note:

Breaches Against the Code of Conduct

- CEO Executive Direction - Grievance Policy and Procedure regarding how to lodge a complaint and other associated processes;
- CEO Executive Direction - Disciplinary Policy regarding the principles if the matter is of a disciplinary nature arising from a breach of the Code and other policies and procedures and what to do where the matter is discovered to be a minor breach (Public Sector Commission) or serious breach (Crime and Corruption Commission).

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their Supervisor, Manager, or the CEO in accordance with *CEO Executive Direction - Grievance Policy and Procedure*.
- (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) Employees, 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) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, published on the Shire's website.

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

STATUTORY CONTEXT

Local Government Act 1995:

- S.51A – Code of Conduct for Employees
- s.5.94(a) – Public inspection of any Code of Conduct

Local Government (Administration) Regulations 1996:

Part 4A – Codes of Conduct for Local Government Employees:

Division 1 — Terms used

19AA. Terms used

Division 2 — Content of codes of conduct

19AB. Prohibited gifts

19AC. Recording, storing, disclosure and use of information relating to gifts

19AD. Conflicts of interest

19AE. Other matters codes of conduct must deal with

19AF. Threshold amount determined by CEO

Document Control Box							
Document Responsibilities:							
Owner:	CEO	Owner Business Unit:	Governance				
Reviewer:	Governance Officer	Decision Maker:	CEO				
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996						
Other:							
Organisational:	Policies as set out in the Code of Conduct						
Document Management:							
Risk Rating:	high	Review Frequency:	biennial	Next Due:	2023	Records Ref:	?
Version #	Decision Reference:	Synopsis:					
1.	1 October 2021	Initial implementation by CEO					

Appendix One – Employee Gift Disclosure Form

	<h1>Employee Disclosure of Gifts Declaration Form</h1>
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Person making disclosure:	
Description of gift:	
Person who provided the gift:	
Address of person who provided the gift:	
Date received:	
Estimated value at time gift received:	
Nature of relationship with the person who made the gift:	
Does the Recipient (You) of the gift have any Discretionary Authority in relation to the gift provider? (Associated Person)	
Description of travel: (Where applicable)	
Date of travel: (Where applicable)	

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted. The information provided will be retained in the Employee Gift Register.

Signed: _____	Date: ____/____/____
Once signed please lodge with the Shire: Attention Governance Officer	

Summary of Requirements Under Employee Code of Conduct

Associated Person/Giver of Gift	Reportable Gift	Prohibited Gift
IS or is likely to be undertaking an activity involving a local government discretion	Between \$50 and \$300 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 more than \$50 but less than \$300.	More than \$300
Exclusions from requirement to notify	<ul style="list-style-type: none"> • Relative; • A gift that must be disclosed under the Local Government (Elections) Regulations 1997 regulation 30B; • WALGA; • Local Government Professionals – WA; • Local Government Professionals – Australia. 	Nil
Disclosure requirements	To be notified to CEO within 10 days. This will then be entered in an internal Gift Register by the Governance Officer. This does not include the CEO as their gifts are registered on the publicly available register on the Shire's website	n/a



Employee Disclosure of Gifts Declaration Form

Key Requirements in Full

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 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 —

- (a) has the meaning given in section 3.57 [of the *Local Government Act 1995*]; but

(b) does not include —

- (i) a gift from a relative as defined in section 3.74(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), or
- (v) the Local Government Professionals Australia WA (ABN 91 208 607 072), or
- (vi) the LG Professionals Australia (ABN 83 004 221 818).

[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 one 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 3.57 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 3.74(1) of the *Local Government Act 1995*]

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 \$50 but less than \$300; or
- (ii) 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 more than \$50 but less than \$300.

Appendix Two – Request to Undertake Secondary Employment



Application for Secondary Employment

SECONDARY EMPLOYMENT APPLICATION

To be completed and submitted before commencement of secondary employment

Name:

Position with the Local Government:

Name of organisation employee is seeking secondary employment with:

Main business activity of organisation employee is seeking secondary employment with:

Title of secondary employment position:

Nature of engagement of secondary employment position (e.g. voluntary/full-time/part-time/casual):

Estimated time required for secondary position (days, duration, hours):

Proposed start date of secondary employment:

End date of secondary employment:

Please answer the following questions by circling YES / NO.

1. Does the proposed work carried out in the course of secondary employment have or potentially have, any business connection or other arrangement with the Local Government?

YES / NO

2. Is there likely to be any need to make changes to your work arrangements at the Local Government to undertake the proposed secondary employment?

YES / NO

3. Is there likely to be any use of, or perception of use of, Local Government resources, materials, or equipment, or information that is obtained through your work with the Local Government in the proposed secondary employment?

YES / NO

4. Is there likely to be any other conflict or perceived conflict of interest between the proposed secondary employment and your Local Government duties and/or Local Government business?

YES / NO

5. **For part-time employees only:** What is your primary employment (i.e. major income source)?

EMPLOYEE DECLARATION

I, _____, have read and fully understood the Local Government's Secondary Employment Policy and the Code of Conduct.

I declare that if my secondary employment creates a conflict of interest or adversely impacts upon my employment at the Local Government, I will either cease the secondary employment or advise the CEO and comply with any directions I am given. I understand that if I breach this policy I may be subject to disciplinary action including, but not limited to, termination of employment.

Signature: _____ Date: ____/____/____

FOR CEO OR AUTHORISING OFFICER

Application rejected or approved: _____

Reasons for rejection:

Conditions of approval:

Name: _____

Position: _____

Signature: _____ Date: ____/____/____