



Human Resources

Employee Code of Conduct

March 2022

1.0 CHIEF EXECUTIVE OFFICER'S INTRODUCTION

The Shire of Dandaragan's Employee Code of Conduct has been developed to help those who work with the Shire to clearly understand what is expected of them.

As a Local Government authority, we face increasing expectations from the community to provide greater levels of accountability in how we:

- use public resources
- achieve outcomes
- behave and interact with our customers.

Our modern approach to delivering local government services requires greater customer focus, better risk management, and increased emphasis on individual responsibility. As employees of the Shire we have a collective responsibility to act in the public interest and model acceptable standards of workplace behaviour. Our reputation, by which we build and maintain trust with our community, is our most valuable asset and it is up to us all to be worthy of that trust and not do anything that may bring the Shire's reputation into disrepute.

The Code of Conduct 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.

The Code of Conduct provides common guiding principles and standards of conduct and behaviour for all staff. Without exception, all staff are required to understand and adhere to the standards of conduct and behaviour outlined in the code. Doing so will ensure we serve our residents, ratepayers and community effectively and with the integrity required to maintain public confidence.

Brent Bailey
Chief Executive Officer

2.0 WHO DOES THE CODE OF CONDUCT APPLY TO?

For the purposes of this Code of Conduct, the term employees includes persons employed by the Shire of Dandaragan or engaged by the Shire of Dandaragan in a volunteer capacity under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities.

Clause 3.15 of this Code (Gifts), does not apply to the CEO as the CEO is subject to the specific requirements of Part 5, Division 6 of the Act in relation to gifts.

3.0 CORE PRINCIPLES

The Shire's Management Team has established core principles which guide our commitment to outstanding customer service, professionalism and our integrity. These are outlined below.



4.0 PERSONAL BEHAVIOUR

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 of Dandaragan.
- b) perform their duties impartially and in the best interests of the Shire of Dandaragan, uninfluenced by fear or favour;
- c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Dandaragan 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 to the Shire of Dandaragan.

5.0 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 Manager or the CEO in accordance with this Code and the Shire of Dandaragan's policies.

6.0 PERFORMANCE OF DUTIES

While on duty, employees will focus their time and attention to the Shire of Dandaragan's business activities 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 of Dandaragan.

7.0 EMPLOYMENT PRINCIPLES

The following principles apply to all local governments 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 Shire 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 Work Health and Safety Health Act 2020.

8.0 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 Manager, Executive Manager or the CEO.
- b) Employees will give effect to the lawful decisions and policies of the Shire of Dandaragan, whether or not they agree with or approve of them.

9.0 ADMINISTRATIVE AND MANAGEMENT PRACTICES

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

10.0 INTELLECTUAL PROPERTY

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Dandaragan upon its creation unless otherwise agreed by separate contract.

11.0 RECORD KEEPING

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

12.0 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 the Shire of Dandaragan's policies regarding workplace behaviour and occupational safety and health, including:
 - Internal Human Resources Policy – Discrimination, harassment and bullying.
 - Council Policy – Disability Access and Inclusion
 - Council Policy – Occupational Safety and Health

- Council Policy – Equal Employment Opportunity
- c) Employee behaviour should contribute towards creating and maintaining a safe and supportive workplace.

13.0 DEALING WITH THE COMMUNITY

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

The Shire of Dandaragan has prepared a Customer Service Charter to providing guiding principles for the standards of customer service expected from employees.

14.0 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 of Dandaragan, its Council Members, employees or contractors, which breach this Code.
- c) Employee comments which become public and breach the Code of Conduct, 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*.

15.0 GIFTS

- (a) Application
This clause applies to all employees with the exception of the CEO whom is specifically covered by separate clauses of the Local Government Act 1995 with respect to gifts.
- (b) Definitions
In this clause –

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 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, 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 \$[20] 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 \$[40] but less than [threshold amount determined by CEO or \$300].

threshold amount, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF and outlined in subclause (c).

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

- (c) Regulation 19AF Determination
In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996*, the CEO has chosen not to determine a lesser amount.
- (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 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 published on the Shire of Dandaragan's official website.
- (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.

16.0 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 of Dandaragan, 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 of Dandaragan, 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.

17.0 SECONDARY EMPLOYMENT

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

The Shire has developed an internal Human Resources Policy specific to Secondary Employment which provides guidance on this subject.

18.0 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.

19.0 DISCLOSURE OF INTERESTS RELATING TO IMPARTIALITY

- (a) In this clause,

interest—

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

[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 to disclose described under (b) and (c) does not extend to an interest relating to impartiality associated with a closely associated person of the employee.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now 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.

20.0 USE AND DISCLOSURE OF INFORMATION

- a) Employees must not access, use or disclose information held by the Shire of Dandaragan 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 of Dandaragan'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 of Dandaragan.
- 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:
 - f) is authorised by the CEO or the CEO's delegate; or
 - g) is permitted or required by law.

21.0 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.

22.0 USE OF SHIRE OF DANDARAGAN RESOURCES

- (a) In this clause –

Shire of Dandaragan resources includes local government property and services provided or paid for by the Shire of Dandaragan;

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 of Dandaragan 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 of Dandaragan 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 of Dandaragan'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).

23.0 USE OF SHIRE OF DANDARAGAN FINANCES

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Dandaragan's finances.
- (b) Employees will use the Shire of Dandaragan's finances only within the scope of their authority, as defined in their associated position descriptions, policies and procedures, administrative procedures.
- (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 the Shire of Dandaragan'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) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of Shire of Dandaragan finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire of Dandaragan's Recordkeeping Plan.

24.0 REPORTING SUSPECTED BREACHES OF THE CODE OF CONDUCT

Employees may report suspected breaches of the Code to their Manager, any Executive Manager or the CEO, in accordance with the Shire of Dandaragan's Policy - C-1PID09 – Public Interest Disclosure (Whistle-blower).

25.0 DEALING WITH SUSPECTED BREACHES OF THE CODE OF CONDUCT

There are consequences for breaching your conduct obligations. Local government is subject to extensive regulation through legislation and a breach of any law will be a serious breach of the terms of your employment. Breaches of this Code, policy and/or procedure may also be considered serious and you may be subject to a disciplinary process in accordance with the Shire of Dandaragan's policies and procedures, depending on the nature of the suspected breach.

Penalties for a breach may range from a reprimand through to the termination of your employment. Some unacceptable behaviours are also criminal offences and you may face prosecution if your behaviour is unlawful.

This means you must:

- Read, understand and comply with the Code and the policies, laws and regulations that apply to your job.
- Speak up when you see possible violations of the Code, policies and legal and regulatory requirements.
- Be truthful and cooperate fully in any investigation. Do not conceal or destroy information.
- Complete training on the Code, and attest that you understand and commit to complying with the Code.

Failing to read and attest to the Code does not excuse you from these obligations.

26.0 REPORTING SUSPECTED UNETHICAL, FRAUDULENT, DISHONEST, ILLEGAL OR CORRUPT BEHAVIOUR

- a. Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their, Manager, Executive Manager or the CEO in accordance with Shire of Dandaragan's Policy - C-1PID09 – Public Interest Disclosure (Whistle-blower).
- 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.
- c. 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 of Dandaragan's Public Interest Disclosure Procedures, published on the Shire of Dandaragan's website.

27.0 DEALING WITH 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 of Dandaragan policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

28.0 REVIEW

Feedback or comments in relation to the Code should be directed to the Chief Executive Officer. The Code will be reviewed every three years or as circumstances and needs dictate.