



EMPLOYEES

CODE OF CONDUCT

February 2021



This page left blank intentionally



EMPLOYEE CONFIRMATION

I have received a copy of the Code of Conduct on the / / .
I understand that if I have any queries regarding the Code of Conduct I
can direct the queries to the CEO.

EMPLOYEE'S NAME

SIGNATURE

EMPLOYEES CODE OF CONDUCT

1. PREAMBLE

The Code of Conduct (Code) provides employees with consistent guidelines for an acceptable standard of professional conduct. The Code addresses ethical responsibility and encourages greater transparency and accountability.

Shire employees are subject to the statutory provisions of the *Local Government Act 1995* and associated Regulations and are committed to conducting themselves in a manner that supports both the Code and their statutory obligations.

2. SHIRE OF BROOMEHILL-TAMBELLUP

Employees must commit to the Shire's values when carrying out their respective duties.

RESPECT

We will value and acknowledge everyone's contribution by:

- ❖ working co-operatively with our colleagues, community and stakeholders; and
- ❖ respecting the individual, and their roles, while working and living in the Shire.

EXCELLENCE

We will:

- ❖ commit to providing excellent customer service with a 'can do' approach. It is our 'can do' attitude that is built into our actions and behaviours and allows us to be responsive to our changing environment.

ACCOUNTABILITY

We will take responsibility for our actions and behaviour by:

- ❖ being ethical and acting with integrity;
- ❖ providing open and transparent decision making; and
- ❖ providing good governance that addresses legislative and organisational compliance.

LEADERSHIP

We will provide clear direction and inspire people to reach their full potential by:

- ❖ leading by example, with a professional pride in our Shire;
- ❖ setting the Shire's direction by providing guidance and helping people be the best they can be.

3. ROLES AND RELATIONSHIPS AT THE SHIRE OF BROOMEHILL-TAMBELLUP

The relationship between Council and the employees is unique and it is important that employees understand the roles and relationships that exist within the Shire, in order to achieve good governance.

3.1 Role of Council

The Role of Council is prescribed in the *Local Government Act 1995* and it provides that Council:

- a) directs and controls the local government's affairs;
- b) is responsible for the performance of the Shire's functions;
- c) oversees the allocation of the Shire's finances and resources; and
- d) determines the Shire's policies.

3.2 Role of Councillors

The primary role of a councillor is to represent the interests of the community and the future direction of the Shire.

The *Local Government Act 1995 (Act)* sets out the role of a councillor as:

- a) representing the interests of electors, ratepayers and residents of the Shire;
- b) providing leadership and guidance to the community in the district;
- c) facilitating communication between the community and council; and
- d) participating in the Shire's decision-making processes at council and committee meetings; and
- e) performing such other functions as are given to a councillor by this *Act* or any other written law.

3.3 Role of Employees

The role of employees is determined by the functions of the Chief Executive Officer (CEO) which are prescribed in the *Local Government Act 1995*. The CEO's functions are to:

- a) advise the Council in relation to the functions of a local government under the *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 Shire;
- e) liaise with the President on the Shire's affairs and the performance of its functions;
- f) speak on behalf of the Shire if the President agrees;
- g) be responsible for the employment, management supervision, direction and dismissal of other employees;
- h) ensure that records and documents of the local government are properly kept;

- 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.

3.4 Relationship between Councillors and Employees

The Shire is a corporate entity made up of Councillors and employees working together in the interests of the community they serve. To be effective, Councillors and employees should work as a team where Councillors and employees have a mutual respect for and co-operate with each other to jointly and collaboratively achieve the Shire's goals and vision. To achieve that position, Councillors need to observe their statutory obligations which include, but are not limited to, the following:

- ❖ accept that their role is a leadership, not a management or administrative one;
- ❖ acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- ❖ refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility; and
- ❖ likewise, staff are to respect the Councillors and the role that they have and refrain from criticising in a way that casts aspersions on their competence and credibility.

4. RESPECTING EACH OTHER

The Shire of Broomehill-Tambellup is committed to maintaining a supportive work environment in which all employees are able to carry out their employment in an environment which promotes job satisfaction and allows them to reach their full potential.

To this end, employees are expected to conduct themselves in a manner that promotes a workplace culture that is respectful, free of harassment, intimidation, bias and discrimination of any kind.

This is achieved by abiding by the Shire's policy relating to Equal Employment Opportunity, which has been developed to comply with the *Equal Opportunity Act 1984*.

Relevant Documents

Policy 2.1 - Equal Opportunity in the Workplace

4.1 Drug and alcohol use

Substance abuse is not tolerated at the Shire of Broomehill-Tambellup. Drug and/or alcohol abuse can have a devastating effect on a person's health and safety. Employees who are under the influence of alcohol or drugs while at work can endanger not only themselves, but others.

The Council permits responsible drinking at approved functions and events. However, the Council strictly prohibits the use, possession, purchase, sale or distribution of any illegal drug or controlled substance while performing Council business.

Relevant Documents
Employee Induction Manual

5. CONFLICT OF INTEREST AND DISCLOSURE OF INTEREST

5.1 Conflict of Interests

A conflict of interest arises in a situation where there is an actual (or perceived) private or personal interest in a matter sufficient to influence objectivity when exercising official duties or responsibilities.

Employees should be impartial when performing all aspects of their duties and responsibilities. Employees must ensure that they avoid any conflict or resolve any incompatibility that may arise with their own personal interests. Where any conflict arises between personal interests and the interests of the Shire, such conflict must be resolved in favour of the public interest.

Any employee who has a material personal interest in an issue they are dealing with must promptly advise his/her supervisor in writing of the interest. Any future dealings on the matter, by the employee concerned, shall only be in accordance with their supervisor's direction.

Conflicts affecting financial and impartiality interests are the subject of strict statutory controls and penalties. Certain categories of employees – in particular those delegated authority – are required to lodge annual or primary returns. In addition, the Council has discretion, in the interests of openness and accountability, to require other categories of employees to lodge annual or primary returns.

Employees who are engaged in other paid employment or contract work, in addition to their employment at the Shire of Broomehill-Tambellup, should ensure this work is in no direct or indirect conflict of interest with Shire business. It is also important to consider whether the additional work might negatively affect their work performance at the Shire. If in doubt about any potential conflict of interest, contact your supervisor.

5.2 Disclosure of Interest (affecting impartiality)

Employees are required to disclose any interest where it could, or could reasonably be perceived to, adversely influence their objectivity in exercising official duties for the Shire. An interest could arise from kinship, friendship or membership of an association.

Where an employee has an interest in any matter to be discussed at a council or committee meeting at which they will be present, they must disclose the nature of the interest either in written notice to the CEO before the meeting or immediately before the matter is discussed at the meeting.

Alternatively, if the employee has given, or intends to give, advice in respect of any matter to be discussed at a council meeting or council endorsed committee meeting at which they will not be present, they must disclose the nature of any interest they may have in writing to the CEO before the meeting or at the time the advice is given.

The written notice that is given to the CEO is then passed onto the person presiding over the meeting who, immediately before the matter to which the disclosure relates is discussed, brings the notice and its contents to the attention of the persons present. If an employee fails to disclose an interest because they did not know the matter in which he or she had an interest would be discussed at the meeting, they are to do so as soon as possible after becoming aware of the discussion of the matter at the meeting.

6. USE OF INFORMATION

Openness in the provision and dissemination of information is standard practice at the Shire.

However, certain information may be confidential or sensitive and, therefore, not appropriate for a wider audience. Where confidentiality is necessary to protect the privacy or rights of individuals or organisations, information must not be released to anyone other than the person who is entitled to receive it or needs access to it for the proper discharge of their functions.

If an employee has access to a confidential file, they must ensure that it is properly secured at all times and that it is accessible only to those that have the appropriate authorisation.

Furthermore, employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who may use it in such a way.

7. INTELLECTUAL PROPERTY

Intellectual property deals with the ownership of creative rights such as copyright, design, patents and trademarks. As a general rule, if any particular work is created by an employee in the course of their employment, it is the property of the Shire; that is, the Shire is the owner of the intellectual property concerned.

8. PUBLIC COMMENT

From time to time an employee may be approached by the media for comment about Shire activities. No employee, other than those authorised by the Chief Executive Officer, has approval to respond to any enquiry from the media without directing it, in the first instance, to the CEO.

This includes providing “on” or “off” the record comments to the media on matters pertaining to the Shire and its Council.

9. GIFTS

There may be circumstances when an employee is offered a 'gift' from a person external to the organisation. While an employee should avoid accepting any gift, reward or benefit, if there is a perception that the purpose is to influence them in relation to the performance of their work at the Shire, there are clear provisions in legislation that allow the acceptance of what is referred to as 'notifiable gifts'.

Before accepting any gift, it is important that employees are aware of the following requirements. In understanding the obligations of employees, it is important to differentiate between 'prohibited gifts' and notifiable gifts. For the purpose of understanding the following definitions, a *local government discretion* means anything that cannot be undertaken without an authorisation of the Shire of Broomehill-Tambellup or by way of commercial dealing with the Shire of Broomehill-Tambellup. The following clauses 'Prohibited Gift' and 'Notifiable Gift' apply to any employee.

Prohibited Gift

A 'prohibited gift' is a gift worth \$300 or more, where local government discretion is involved (see immediately below). In addition, where two or more gifts are given to an employee, by the same person within a six month period and their total worth is \$300 or more, this is also classified as a prohibited gift.

Employees are not, under any circumstances, permitted to accept a prohibited gift from a person who:

- ❖ is undertaking or seeking to undertake an activity involving a local government discretion; or
- ❖ it is reasonable to believe is intending to undertake an activity involving a local government discretion.

Notifiable Gift

A 'Notifiable Gift' is a gift worth between \$50 and \$300. In addition, where two or more gifts are given to an employee, by the same person within a six month period and their total worth is between \$50 and \$300, this is also classified as a notifiable gift.

An employee is permitted to accept a 'notifiable gift' from a person who:

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

provided that they notify the CEO within ten (10) days of accepting the gift, of the acceptance. In notifying the CEO in writing, the employee must provide the following information:

- a) the name of the person who gave the gift;
- b) the date on which the gift was accepted;
- c) a description, and estimated value, of the gift;
- d) the nature of the relationship between the person who is an employee and the person who gave the gift; and

- e) if the gift is one of two or more gifts received from the same person within a six month period and within the prescribed amount of \$50 and \$300, then a description, estimated value and date of acceptance of each gift is required.

This information is collated on a 'Register of Notifiable Gifts' which the CEO is to maintain.

If the gift has a value of \$50 or less it is considered to be exempt for the purposes of this section. As a consequence, you do not have to report such a gift.

Exempt gifts may include:

- ❖ trinket gifts of an insignificant nature i.e. pens, key-rings, diaries etc.
- ❖ minor items of apparel i.e. ties, hats, t-shirts etc.
- ❖ minor items of a promotional nature, i.e. mugs etc.
- ❖ provision of food and refreshments;
- ❖ goods and materials obtained at the attendance of courses.

An employee who is defined as a 'Relevant Person'

(a *relevant person* being a designated employee as defined under s.5.74 of the Local Government Act 1995 i.e.; the Chief Executive Officer; employees with delegated power and duties under Part 5, Division 4 of the *Local Government Act 1995*; employees who are members of committees comprising elected members and employees; and other employees as nominated by the local government to be a designated employee).

Relevant persons are required to have *notifiable* gifts with a value of >\$200 and <\$300 also disclosed on their local government's website register (in addition to the local government's 'Register of Notifiable Gifts').

Gifts worth >\$200 to *relevant persons*, where there is no local government discretion or perception of same (non-notifiable), and contributions to travel worth >\$200, are required to be disclosed on the local government's website register as well as on their annual return.

For contributions to travel, the disclosure must include the same information as for gifts as well as a description and date of the travel, and be disclosed to the CEO within 10 days of receipt.

Exclusions include: where the donor is a relative; the gift is via a will; or is a contribution to travel and where, in the instance of a contribution to travel, the gift is: from Commonwealth, State or Local Government funds; the donor is a relative; during the ordinary course of occupation unrelated to duties as an employee; or from a political party where the employee is a member and travelling for political activity or to represent the party.

10. MAINTAINING BOOKS AND RECORDS

Minimum record keeping requirements are prescribed. Accurate and complete record keeping is a core aspect of the Shire's corporate professionalism and is everyone's responsibility.

To meet this standard, it is essential to maintain detailed records to accurately reflect decision-making processes, financial transactions, contractual and other legal commitments.

11. PROTECTING THE SHIRE'S ASSETS

It is in everyone's best interests to ensure that the Shire of Broomehill-Tambellup's resources are used effectively and economically.

When using Shire's assets, employees will:

- ❖ be scrupulously honest in their use and shall not misuse them or permit their misuse by another person;
- ❖ use them effectively and economically in the course of their duties; and
- ❖ not use them for private purposes (other than as part of a contract of employment), unless properly authorised and approved.

11.1 Computer and other communications resources

Generally, the use of the Shire's computer or communications resources by employees is restricted to employment related purposes. However, limited personal use of these facilities is also permitted, provided it does not interfere with the performance of the employee's duties and responsibilities and does not involve illegal or unethical behaviour.

Employees must take all due care to maintain the security and privacy of these resources.

Relevant Documents

Policy 2.7 – Electronic Mail

11.2 Contractual and other commitments

Signing a contract or entering into a commitment on behalf of the Shire, is a serious matter. Employees should not enter into any agreement or commitment unless you are authorised to do so.

A full understanding of the nature and extent of the commitment should be made in all arrangements or transactions which have legal consequences.

11.3 Tendering and contracts

The Council is committed to 'best value for money' when procuring goods and services through any competitive process involving the calling of expressions of interest, public tenders and quotations. Employees engaged in procurement should ensure they obtain value for money and are accountable for their actions.

The Local Government (Functions and General) Regulations 1996 and Shire policy provide strict guidelines in this regard. Similarly, the *Local Government Act 1995* provides a clear statement of requirements concerning the sale of Shire assets and procedures to be followed.

12. PERFORMANCE OF DUTIES AND COMPLIANCE WITH LAWFUL ORDERS

Employees have a responsibility to ensure that they carry out their work efficiently, economically and effectively, and to a standard that reflects favourably both on the Council and its staff.

Employees must comply with any lawful order given to them by a fellow employee who has the authority to make or give such an order. Should an employee have any doubts as to the propriety of any such order being given, the matter should be taken up with their Supervisor/Manager or the person who gave the order. If resolution cannot be reached then the employee shall follow the grievance procedures outlined in the Council's Employee Induction Manual.

Likewise, employees will ensure compliance with the Council's lawful policies and procedures.

13. USING THE CODE

All employees must abide by the Council's Code of Conduct and display professional conduct at all times.

Many of the matters covered by this Code are also the subject of Council policy statements or legislation. Relevant policies and legislation have been identified in specific sections of this Code for ease of reference. Policies can be found in the Council's Policy Manual. In the course of undertaking their duties at the Shire of Broomehill-Tambellup, employees should make themselves aware of all relevant policies and legislation.

In some cases, breaches of the Code have disciplinary consequences – some of which are serious and warrant dismissal. Such breaches of the Code will be managed in accordance with the *Workplace Relations Act 1996*, Shire of Broomehill-Tambellup Workplace Agreement and other relevant legislation, including the *Corruption and Crime Commission Act 2003*, where appropriate. In addition, provisions of an employee's contract of employment (whether expressed in a written contract, an industrial award or another document) are relevant.

If an employee knows of a situation or incident that they feel may violate this Code, they are obliged to report it in accordance with the following procedures. These matters will always be treated in an objective, professional and confidential manner.

14. MAKING A COMPLAINT

The Shire takes any alleged breaches of the Code seriously and would encourage any person who has reason to believe that an employee of the Shire has committed a breach of this Code to make a complaint in accordance with Council procedures.

14.1 Corruption and Crime Commission Act 2003

The Corruption and Crime Commission Act 2003 provides that matters of misconduct and/or corruption may be reported to the Corruption and Crime Commission.

Employees should be aware that where a breach is considered 'misconduct' in accordance with s.4 of the *Corruption and Crime Commission Act 2003*, the CEO is required to notify the Corruption and Crime Commission, which has powers to act on misconduct allegations.

14.2 Public Interest Disclosure Act 2003

Employees should be aware of the *Public Interest Disclosure Act 2003*, which provides people who make disclosures of public interest information with certain immunities, protections and remedies and imposes certain responsibilities.

Anyone making a disclosure under the *Public Interest Disclosure Act 2003* will not incur any civil or criminal liability for doing so and will not be liable for any disciplinary action under a written law.

15. FURTHER INFORMATION

Employees with any queries regarding the Code should direct their queries to the CEO.