

# EMPLOYEE CODE OF CONDUCT

"Life as rich as the landscape"



## FORWARD PLANNING:

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Roads Program

Swimming Pool  
Improvements

Housing

Plant and Equipment

Town Hall Improvements

Caravan Park  
Improvements

Depot Improvements

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## FROM THE CHIEF EXECUTIVE OFFICER

The Code of Conduct outlines the standards of behaviour employees are required to follow in relation to their conduct as representatives of this local government organisation.

There are three separate components of the Code, for which individual documents exist:

- A Code for Elected Members, Committee Members and Candidates
- A Code for Employees (this document); and
- A Code for Contractors.

It is important that each class of person to whom the Code applies is familiar with the Code and the responsibilities outlined within it. The Code of Conduct has application across all facets of Shire of Kellerberrin business and is relevant to all Shire representatives. The principles outlined in the Code of conduct underpin how we, in our capacity as public service providers, will interact with one another as well as with external stakeholders.

A handwritten signature in blue ink, appearing to read 'Raymond Griffiths'.

Regards  
Raymond Griffiths  
Chief Executive Officer



## SCOPE

This Code applies to all employees of the Shire of Kellerberrin.

The Code of Conduct contains matters as prescribed by the Local Government Act and Regulations made under the Act and makes further provision for expectations of employees. The Code of Conduct is a statement of guidance and specific requirements to be observed by employees of the Shire of Kellerberrin including contractors.

Any provision in this Code of Conduct is of effect only to the extent that it is not inconsistent with the Act and Regulations (Ref: Local Government Act 1995 Section 5.103(3)), and any other statutory power.

### Definition

**Employee** - Any person who is employed by the Shire of Kellerberrin. For the purposes of the sections of the Code of Conduct in relation to employees' disclosure of interests, this shall include a person who under a contract for services with the local government will provide advice or a report on a matter.

## OUR VALUES

### Councils Vision:

To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community);
2. Our lifestyle and strong sense of community; and
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny.

## INTRODUCTION

The Shire of Kellerberrin, in accordance with Section 5.103(1) of the *Local Government Act 1995*, is required to prepare, adopt and adhere to a Code of Conduct.

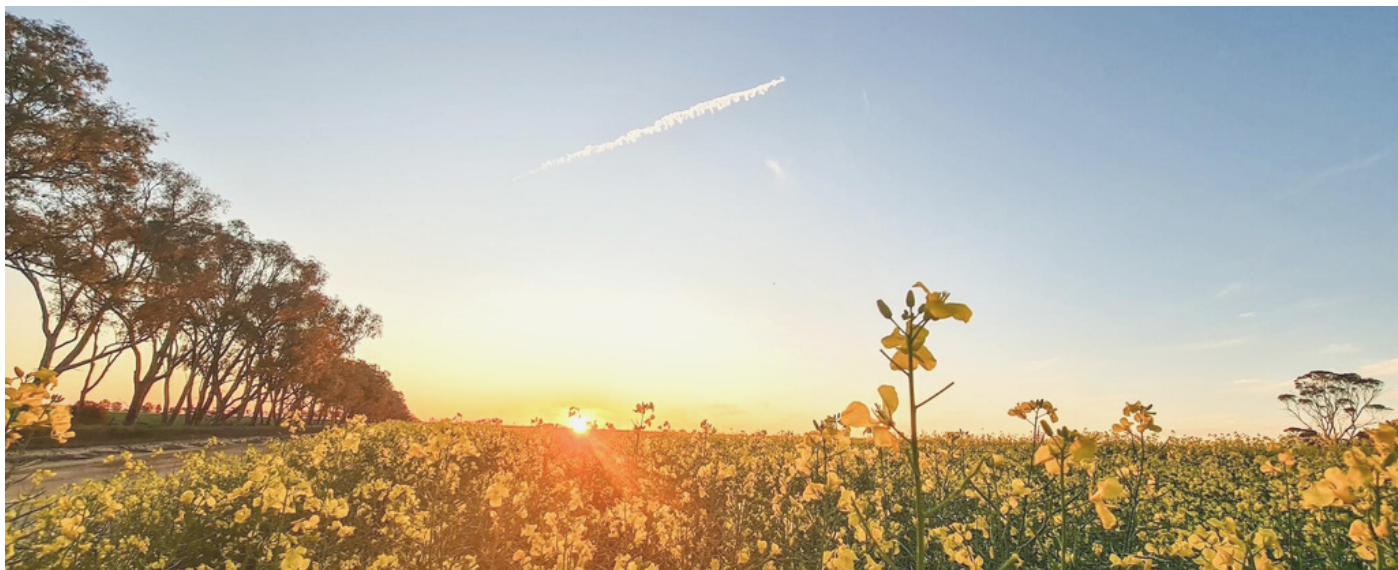
Adoption of the code demonstrates:

- a commitment to observe ethical and professional standards in the performance of duties and functions;
- instills respect between council members, employees and members of the public; and
- strengthens community confidence in the integrity of their Local Government organisation.

## BREACH OF CERTAIN PROVISIONS

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by the Shire, or another statutory body, including but not limited to the Department of Local Government and Communities and the Corruption and Crime Commission.





## GUIDING STATEMENTS OF RESPONSIBILITY AND CONDUCT

1. All employees of the Shire of Kellerberrin shall support the principles outlined in Regulation 3 of the Local Government (Rules of Conduct) Regulations 2007. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

2. Additionally, all employees shall:

- Provide relevant and factually correct information to decision-makers;
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- Act in accordance with their obligation of fidelity to the local government;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Contribute to the good governance and strategic priorities of the Shire of Kellerberrin in accordance with the adopted vision, values, plans and budget as amended by Council from time to time (ie, Shire of Kellerberrin Strategic Community Plan, Corporate Business Plan and Annual Budget);
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters; relevant legislative provisions; operational practices and procedures; and contractual documentation.
- Refrain from making allegations which are improper or derogatory;
- 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.

## ACHIEVEMENTS OF PRIORITIES

The local government framework of the Council, any Committees that the Council has resolved to constitute and the employee organisational structure is established to ensure the Council's corporate goals are achieved, its strategies are implemented and its statutory obligations met. The achievement of these requirements, in accordance with adopted plans and strategies, requires teamwork, cooperation and respect for the unique role of each component of that framework.



## CONFLICTS OF INTEREST

An important consideration for any employee is to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their statutory or contracted civic or professional duties. There is a very detailed list in Council's Code of Conduct Policy that should be read and understood by all persons to whom this Code relates.

## HARASSMENT AND BULLYING

The Shire of Kellerberrin does not tolerate any form of harassment or bullying. Our values support a culture where people are treated fairly, respectfully and with dignity.

“Harassment” is an action, conduct or behaviour that is viewed as unwelcome, humiliating, intimidating or offensive by the recipient. Sexual harassment is any deliberate verbal or physical sexual conduct that is unwelcome and uninvited and that a reasonable person having regard to all the circumstances would regard the behaviour as offensive, humiliating or intimidating. “Bullying” is repeated verbal, physical, social or psychological abuse by a person or group of people at work.

## GENERAL

It is the responsibility of all employees to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position. Any omission of a specific requirement from this Code of Conduct does not negate a person’s responsibility to observe and comply with provisions that are applicable to their position.

Employees will comply with any lawful and reasonable instruction given by any person having authority to make or give such an instruction. Any doubts as to the propriety of any such instruction shall be taken up with the superior of the person who gave the instruction and, if resolution cannot be achieved, with the Chief Executive Officer.

Employees will give effect to the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision-making, whether or not they agree with, or approve of them.

## RELATIONSHIPS WITHIN LG

Employees are employed by and responsible to the CEO of the Shire of Kellerberrin. While their direction, supervision and management is the sole responsibility of the CEO in accordance with Section 5.41(g) of the Local Government Act 1995, it is also recognised that the CEO has a responsibility to the Council of the Shire of Kellerberrin to ensure employees provide it with relevant and quality advice.

Employees shall therefore be aware of their duty to, via the CEO, provide relevant and quality advice to the Council and Committees. They shall also act courteously and with due respect during their dealings with the Council, any Committee, any Council member or Committee member. It is expected that employees will deal with each other, Council members and Committee members in an honest and respectful manner.





## EMPLOYEES

### Disclosure of interest

*Interest* – Any interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

This section does not apply to interests referred to in Section 5.60 of the Local Government Act 1995 (in that a financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).

An employee is excused from a requirement under (i) or (ii) to disclose the nature of an interest if:

- the employee's failure to disclose occurs because they did not know that he or she had an interest in the matter; or
- the employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

Any interest that arises for an employee on a matter before the Council or a Committee for determination is required to be disclosed in the manner specified in (i) or (ii). However, in recognition of the requirements discharged by employees during the course of their employment, including but not limited to the exercise of delegated authority, purchasing and tender evaluation, recruitment and selection, inspection and regulation, interests shall also be disclosed in other circumstances.

Disclosures are required to be made to the CEO in these circumstances:

1. 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:

- in a written notice to the CEO before the meeting; and/or
- at the meeting immediately before the matter is discussed.

2. 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:

- in a written notice given to the CEO before the meeting; and/or
- at the time the advice is given.

3. If, in order to comply with the requirements of (i) or (ii) an employee makes a disclosure in a written notice given to the CEO before a meeting, then:

- before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
- immediately before a matter to which the disclosure relates is discussed at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present.

4. If, in order to comply with the requirements of the section:

- the nature of an employee's interest in a matter is disclosed at a meeting; or
- a disclosure is made at a meeting if it is realised that an employee has an interest in a matter that they had not previously realised was for discussion at that meeting; or
- the presiding member brings to the attention of those present at the meeting a written disclosure; then the nature of the interest is to be recorded in the minutes of the meeting.

5. If, during the course of discharging the requirements of their employment, an employee becomes aware of an interest or a potential interest, that interest or potential interest is to be disclosed in a prompt and full manner to the CEO and direction sought on the ability to continue to discharge the requirements of their employment in this case.

6. If an employee is intending to engage in private work outside of their employment with the Shire, either with a person or body with an interest in a proposed or current contract with the local government, or if the arrangement could, or could reasonably be perceived to, either immediately or in the future, result in an interest for the employee arising in their employment with the Shire, the intention to engage in this work shall be disclosed in a prompt and full manner to the CEO and direction sought on the appropriateness of the arrangement.



# GIFTS

## Definitions:

### “Activity involving a local government discretion”

Any activity that cannot be undertaken without an authorisation from the local government or by way of a commercial dealing with the local government.

**“Gift”** Any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money’s worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the *Local Government Act 1995*).

This definition excludes:

- A gift from a relative;
- A gift that must be disclosed in accordance with regulation 30B of the Local Government (Elections) Regulations 1997;
- A gift from a statutory authority, government instrumentality or non-profit organisation for professional training.

**“Notifiable gift”** A gift worth between \$50 and \$300 or a gift that is one of two or more gifts given by the same person within a period of six months that are in total worth between \$50 and \$300.

**“Prohibited gift”** A gift worth \$300 or more or a gift that is one of two or more gifts given by the same person within a period of six months that are in total worth \$300 or more.

**“Relative”** A parent, grandparent, brother, sister, uncle, aunt, nephew, niece or lineal descendent of the person or of the person’s spouse or de facto partner, the person’s spouse or de facto partner or the spouse or de facto partner of the other specified relatives,

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 written law.

The notification of the acceptance of a notifiable gift is required to be in writing and include details of:

- The name of the person who gave the gift;
- The date on which the gift was accepted;
- A description and the estimated value of the gift;
- The nature of the relationship between the employee and the person who gave the gift.

Donor / Giver of gift	token gift	notifiable gift	prohibited gift
IS or is likely to be undertaking an activity involving a local government discretion	Less than \$50	Between \$50 and \$300	More than \$300
Is NOT undertaking an activity involving a local government discretion	Less than \$200	Between \$200 and \$300	
Exclusions from requirement to notify	n/a	<ul style="list-style-type: none"> <li>donor is a relative;</li> <li>through a will;</li> <li>contribution to travel;</li> <li>from Commonwealth, State or LG funds;</li> <li>ordinary course of occupation unrelated to duties as elected member or employee;</li> <li>from a political party where person a member and travelling for political activity or to represent the party;</li> <li>a gift that must be disclosed under</li> </ul>	
Disclosure requirements	None	To be notified to CEO within 10 days, and Declared in	N/a

If the gift is notifiable being one of 2 or more gifts given to the employee by the same person within a period of 6 months that have a cumulative value above the notifiable threshold, then regardless of the value of each individual gifts, the notification is required to include, in relation to all gifts accepted within the 6 month period from that person:

- A description;
- The estimated value;
- The date of acceptance.

The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given to comply with a requirement under this section.

The CEO is to record details of the gift on the Shire’s website.



## USE OF LOCAL GOVERNMENT RESOURCES

An employee shall make proper use of the local government's resources and shall not use them for personal or private purposes, unless the use is otherwise provided for in a contract of employment, or authorised by the CEO by some other means.

It is acknowledged that minor incidental (not primary and not majority) use of certain resources will be provided for in operational requirements.

## ADMINISTRATIVE PRACTICES & RECORD KEEPING

As an overarching principle of employment, employees, in attending to their duties for the Shire of Kellerberrin in their required and normal hours of employment including approved overtime, shall give their full attention to their duties and requirements throughout that time to ensure that their work is carried out efficiently and effectively. Employees shall comply with any lawful and reasonable order given by any person having the authority to make or give such an order. They will also give effect to the lawful decisions of the Council in a prompt and effective manner.

Employees will ensure complete and accurate records that comply with the Local Government's adopted Record Keeping Plan. Policies and Procedures adopted and amended from time to time.

## FRAUD AND CORRUPTION

All Employees have an obligation to report the following perceived or suspected breaches to their Manager or the CEO:

- A breach of this Code;
- Fraudulent or corrupt behavior by an employee;
- Illegal or unethical behavior in, or related to the performance of the Employee's duties.

Where the Shire comes aware of a suspected breach of the Code, it will be addressed and managed in accordance with the Shire's Disiplinary Procedure.

Outcomes for a founded breach of the Code may include any disciplinary action up to and including termination of employment. Certain suspected or founded acts in the breach of the Code may also give rise to a requirement to report the conduct to an external body, including the Public Sector Commission, the Corruption and Crime Commission and/or the WA Police which may lead to prosecution if the actions or behavior are founded to be unlawful.

The Shire has a responsibility to ensure consistency and fairness is applied to any grievance and that the employee is afforded procedural fairness in the course of determining an outcome.





## CONFIDENTIAL INFORMATION

Employees must not access, use or disclose information held by the Shire of Kellerberrin except as directly required for, and in the course of, the performance of their duties. 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.

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 Kellerberrin, its Council Members, employees or contractors, which breach this Code.

The handling of confidential or sensitive information is a significant responsibility for employees with authorised access to such information. Any imparting of such information must be undertaken in strict accordance with the requirements of this code. Where there is any doubt as to the requirement to impart confidential or sensitive information, caution is urged as any unauthorised disclosure of such information is considered a serious breach of the employee's responsibilities.

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.

Nothing in this section enables the disclosure of any confidential or sensitive information to any Council member or Committee member if the information does not directly relate to a confidential matter that is on the agenda for a meeting of the Council or the Committee, nor to any employee who is not empowered or required by virtue of their position in the organisation to have that information.

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



## DECLARATION

I acknowledge that I have read and understood the Shire of Kellerberrin Employee Code of Conduct, and agree to abide by its terms.

Employee Name: \_\_\_\_\_

Employee Position: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_