

EMPLOYEE CODE OF CONDUCT

"Life as rich as the landscape"



FORWARD PLANNING:

Roads Program

Swimming Pool Improvements

Housing

Plant and Equipment

Town Hall Improvements

Caravan Park Improvements

Depot Improvements

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 four separate components of the Code, for which individual documents exist:

- A Code for Elected Members (this document)
- A Code for Committee Members
- A Code for Employees; 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.

Regards
Raymond Griffiths
Chief Executive Officer



SCOPE

This 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
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

INTRODUCTION

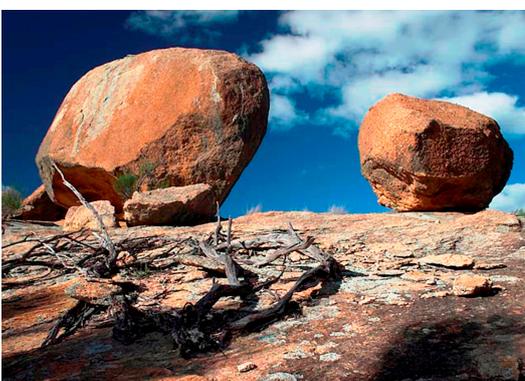
The Shire of Kellerberrin, in accordance with Section 5.103(1) of the *Local Government Act 1995*, is required to prepare, adopt and adhere to a Code of Conduct.

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

(a) 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.

(b) 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. This is a very detailed area and the relevant legislation should be read and understood by all persons to whom this Code relates to.

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.

- 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 to the CEO before the meeting; and/or
 - (ii) at the meeting immediately before the matter is discussed.
- 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; and/or
 - (ii) at the time the advice is given.
- If in order to comply with the requirements of this clause an employee makes a disclosure in a written notice given to the CEO before a meeting, then:
 - (i) before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
 - (ii) 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.
- If in order to comply with the requirements of this clause an employee declares an interest in a matter at a meeting; or
 - (i) 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
 - (ii) 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.

It is important to note that Section 3.6 is in addition to requirements relating to interests referred to in Section 5.60 of the

Local Government Act 1995 (in that a direct or indirect 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 3.6 (a) to disclose the nature of an interest if:

- (i) the employee’s failure to disclose occurs because they did not know that he or she had an interest in the matter; or
- (ii) 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 3.6 (a). 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 of the Shire of Kellerberrin in these circumstances.

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.



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:

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

If the gift is notifiable as it 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, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:

- (i) A description;
- (ii) The estimated value;
- (iii) The date of acceptance.

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



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

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.

CONFIDENTIAL INFORMATION

Confidential information must only be disclosed to another person to the extent that is necessary to do so in the performance of duties.

For the purposes Confidential information must only be disclosed by an employee to another person to the extent that is necessary for the employee to do so in the performance of his or her duties.

For the purposes of section 3.8 confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the Local Government Act 1995, or that is in a document of the local government that is marked confidential, or any other information obtained during the performance of duties that could reasonably be considered to be confidential or of a sensitive nature.

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.

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.