

## 0.2 CODE OF CONDUCT – EMPLOYEES AND CONTRACTORS

Distribution:	All Employees and Contractors
Responsible Officer:	Chief Executive Officer
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### **Purpose**

The purpose of this document is to set out general principles and conduct to guide the behaviour of employees and contractors to ensure to ensure employees and contractors have a clear understanding of expected behaviour and conduct.

### **Scope**

This policy applies to all employees, directors and contractors performing work at the Shire of Goomalling workplaces or where work is performed (e.g. a customer's premises).

## **STANDARD**

### **PREAMBLE**

This Code of Conduct provides staff and contractor/s in the Shire of Goomalling with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code is complementary to the principles adopted in the *Local Government Act* and regulations which incorporates four fundamental aims to result in: -

- a. better decision-making by the Shire of Goomalling;
- b. greater community participation in the decisions and affairs of the Shire of Goomalling; greater accountability of the Shire of Goomalling to its community; and
- c. more efficient and effective Local Government.

This Code provides a guide and a basis of expectations for staff and contractor/s. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

## STATUTORY ENVIRONMENT

This Code of Conduct observes statutory requirements of *Section 5.51A of the Local Government Act 1995* and the *Local Government Regulations Amendment (Employee Coded of Conduct) Regulations 2021*.

Staff are to acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with *Local Government Regulations Amendment (Employee Coded of Conduct) Regulations 2021*.

Contractor/s acknowledge that they are subject to the provisions of the Code upon being engaged as a contractor/s and whilst they remain as a contractor/s for the Shire of Goomalling.

## 1. ROLES & RESPONSIBILITIES

### 1.1 Role of the Chief Executive Officer (CEO) and Staff

The Chief Executive Officer is appointed by Council and is the communication link between Elected Members and staff. All other Council staff are responsible to the Chief Executive Officer.

The Chief Executive Officer is responsible to the Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council.

The role of staff is determined by the functions of the Chief Executive Officer as set out in S 5.41 of 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 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 affairs and the performance of the Local Government 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 S 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.”*

## 2. CONFLICT AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

- a. Staff and contractor/s will ensure that there is no actual (or perceived) conflict of interest between their personal interests, including those of their immediate family, business partners or close associates, and the impartial fulfillment of their professional duties.
- b. Staff 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 Goomalling, without first making

disclosure to the Chief Executive Officer. 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. Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Goomalling area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d. Staff who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e. Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti- discriminatory legislation.

## 2.2 Financial Interest

Staff will adopt the principles of disclosure of financial interest as contained within sections 5.59 – 5.90 of the *Local Government Act 1995*.

## 2.3 Disclosure of Interest – Impartiality - Staff

*In this clause "interest" means an 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.*

- a. 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 person is required to disclose the nature of any interest the person has in the matter –
  - i. in a written notice given to the Chief Executive Officer before the meeting; or
  - ii. at the time the advice is given.
- b. A requirement described under items (i) and (ii) excludes an interest referred to in S 5.60 of the *Local Government Act 1995*.
- c. A person who is an employee is excused from a requirement made under item to disclose the nature of an interest if -
  - i. the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - ii. the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- d. If an employee makes a disclosure in a written notice given to the Chief Executive Officer before a meeting to comply with requirements of items (i) or (ii), then –
  - i. before the meeting, the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
  - 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.
- e. If -
  - i. to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - ii. a disclosure is made as described in item (c)(ii) at a meeting; or
  - iii. to comply with a requirement made under item (d)(ii), a notice disclosing the nature of a person'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. PERSONAL BENEFIT

#### 3.1 Use of Confidential Information (Rules of Conduct – Reg. 6 refers)

Staff and contractor/s will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

#### 3.2 Intellectual Property

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

#### 3.3 Improper or Undue Influence

Staff will not take advantage of their position to improperly influence other Councilors or staff 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.

Similarly, staff and contractor/s will not take advantage of their position to the detriment of Council, the Shire or other persons.

#### 3.4 Gifts (LGA s5.82)

All staff must declare:

- a. A gift worth more than \$300.
- b. A gift that is one or two or more gifts given to the employee by the same person within a period of six (6) months that are in total worth of \$300.
- c. Gifts worth \$300 or more are 'prohibited gifts' and simply cannot be accepted. A gift includes:

*“any disposition of property, or conferral of any other financial benefit, made by one person in favour of another otherwise than by will, 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”.*

- d. Employees do not have to declare a notifiable gift if it is:
  - i. Less than \$300.
  - ii. Received from a relative as defined by 5.74(1) of the Local Government Act 1995.
- e. A gift from a statutory authority, government instrumentality or non-profit association for professional training.

### 4. CONDUCT OF STAFF AND CONTRACTOR/S

#### 4.1 Personal Behaviour

- a. Staff and contractor/s will:
  - i. act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - ii. perform their duties impartially and in the best interests of the Shire of Goomalling uninfluenced by fear or favour;
  - iii. act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Goomalling and its communities and shall be particularly mindful to avoid interference in

commercial relationships between developers and objectors or between developers competing for the right to develop.

- iv. make no allegations which are improper or derogatory (unless true and in the public interest) and 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
- v. always act in accordance with their obligation of fidelity to the Shire of Goomalling and not publicly reflect adversely upon any decision of the Council or Council's management.

#### **4.2 Honesty and Integrity**

- a. Staff and contractor/s will:
  - i. observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
  - ii. bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other employee, and in the case of a contractor/s to the employee who is responsible for overseeing their activities.
  - iii. be frank and honest in their official dealing with each other.
  - iv. Endeavour to resolve serious conflict through initial discussion facilitated by the Chief Executive Officer or, in the event that Chief Executive Officer is too closely involved, an independent impartial person or peer group.

#### **4.3 Discrimination**

Staff and contractor/s are required to treat each other and members of the community with respect and observe the requirements of Discrimination and Equal Opportunity legislation by:

- a. Ensuring the workplace is free from any form of discrimination.
- b. Applying the philosophy and principles of EEO at all levels of the organisation.
  - i. Ensuring they do not engage in unlawful harassment or bullying in the workplace.

#### **4.4 Performance of Duties**

While on duty, staff will give their whole time and attention to the Shire of Goomalling'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 of Goomalling.

#### **4.5 Compliance with Lawful Orders**

- a. Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- b. Staff will give effect to the lawful policies of the Shire of Goomalling, whether or not they agree with or approve of them.

#### **4.6 Administrative and Management Practices**

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

#### **4.7 Corporate Obligations**

- a. Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

- b. Communication and Public Relations
  - i. All aspects of communication by staff (including verbal, written or personal), involving Shire of Gomballing's activities should reflect the standards and objectives of the Shire of Gomballing. Communications should be accurate, polite and professional.
  - ii. Statements to the press on behalf of the Shire will only be made by the
  - iii. President or the CEO, unless the President directs otherwise.

It shall be incumbent on staff when referring a member of the community to their local Councilor over issues that the officer cannot resolve due to current Council

policy, that the officer notify the Councilors of the referral and any information that may assist in resolving the issue.

## 5. DEALING WITH COUNCIL PROPERTY

### 5.1 Use of Shire of Gomballing Resources

Staff and contractor/s will:

- a. be scrupulously honest in their use of the Shire of Gomballing's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b. use the Shire of Gomballing resources entrusted to them effectively and economically in the course of their duties; and
- c. not use the Shire of Gomballing's resources (including the services of Council staff) 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 Chief Executive Officer)
- d. not use Council vehicles for private use unless authorised to do so.
- e. foster an awareness of the community's ownership of the Shires natural and built environment.

### 5.2 Travelling and Sustenance Expenses

Staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Shire of Gomballing in accordance with Council's policy and the provisions of the *Local Government Act 1995*.

### 5.3 Access to Information

Staff will ensure that Councilors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

### 5.4 Freedom of Information (FOI)

Staff and contractor/s acknowledge that:

- a. The *Freedom of Information Act 1992* (FOI Act) was introduced to facilitate public access to documents and an application can be made seeking access to any information held by the Shire of Gomballing.
- b. An object of the FOI Act is to '*make the persons and bodies that are responsible for State and local government more accountable to the public*'.
- c. They are obligated to assist the Shire's Chief Executive Officer and the Shire's Freedom of Information officers in locating documents relevant to an application made under the FOI Act.

## **6. BREACHES AND MISCONDUCT**

Complaints regarding a breach of this Code or of misconduct will be dealt with quickly and fairly in accordance with the principles of procedural fairness and natural justice.

### **6.1 Employees and Contractor/s**

A complaint alleging that an employee or contractor/s has breached this Code shall be made in writing. Complaints regarding:

- a. An employee, are to be made to the Chief Executive Officer or in the case of a contractor/s to the employee who is responsible for overseeing their activities.
- b. The Chief Executive Officer is to be made to the President. The complaint will be investigated in a manner that is in accordance with the Shires Complaint Handling Procedure, Public Interest Disclosure Procedures and the principles of natural justice.

### **6.2 Misconduct**

For the purposes of this Code, misconduct is defined in accordance with section 4 of the *Corruption, Crime and Misconduct Act 2003*.

The Chief Executive Officer has a statutory obligation to report to the Corruption and Crime Commission allegations of suspected serious misconduct.

Allegations of suspected minor misconduct are dealt with by the Public Sector Commission.

### **6.3 Public Interest Disclosure**

The Shire has a public interest disclosure procedure that provides confidential mechanisms for reporting and investigating misconduct allegations or improper conduct and other public interest information in accordance with the *Public Interest Disclosure Act 2003*.

#### **Legislation**

*Local Government Act 1995*

*Local Government Regulations Amendment (Employee Coded of Conduct) Regulations 2021.*

*Corruption, Crime and Misconduct Act 2003 and associated Regulations*

*Public Interest Disclosure Act 2003 and associated Regulations*

*Freedom of Information Act 1992 and associated Regulations*

#### **Resource Documents**

Strategic Community Plan 2018 - Objective 4: Civic Leadership

Council Policy Manual – Workforce Polices 3.1 to 3.22

#### **Procedures Manual**

Nil

#### **Local Law**

Nil

#### **Delegation**

Nil