

EMPLOYEE CODE OF CONDUCT



CONTENTS

INTRODUCTION.....	3
APPLICATION	4
VALUES	4
GENERAL PRINCIPLES OF CONDUCT	4
1.1 PERSONAL BEHAVIOUR	4
1.2 HONESTY AND INTEGRITY	5
1.3 PERFORMANCE OF DUTIES	6
1.4 COMPLIANCE WITH LAWFUL AND REASONABLE DIRECTIONS, DECISIONS AND POLICIES.....	6
1.5 LEADERSHIP	6
1.6 OUR COMMITMENT TO A FAIR, EQUITABLE AND SAFE ENVIRONMENT.....	7
1.7 DEALINGS WITH ELECTED MEMBERS, COMMITTEE MEMBERS AND CANDIDATES	7
1.8 RELATIONSHIPS WITH EACH OTHER.....	8
1.9 ENGAGEMENT WITH COMMUNITY.....	8
1.10 PROFESSIONAL COMMUNICATIONS	8
1.11 RESPONSIBLE USE OF LOCAL GOVERNMENT RESOURCES	9
1.12 PERSONAL PRESENTATION	10
1.13 OUR MANAGEMENT OF INFORMATION AND RECORDS.....	10
1.14 OUR COMMITMENT TO TRANSPARENT DECISIONMAKING.....	11
1.14.1 CONFLICT OF INTEREST.....	11
1.14.2 DISCLOSURE OF FINANCIAL AND PROXIMITY INTERESTS	12
1.14.3 DISCLOSURE OF INTERESTS RELATING TO IMPARTIALITY	12
1.14.4 SECONDARY EMPLOYMENT	13
1.14.5 IMPROPER OR UNDUE INFLUENCE	13
1.14.6 USE OF CONFIDENTIAL INFORMATION	14
1.14.7 PERSONAL DEALINGS WITH THE SHIRE	14
1.15 GIFTS AND REPORTING	14
1.16 REPORTING OF SUSPECTED BREACHES OF THE CODE OF CONDUCT	17
1.17 SPEAKING UP ABOUT WRONGDOING	17
1.18 INVESTIGATION PROCEDURES – CEO’S CONDUCT	18
1.19 PROCEDURAL FAIRNESS.....	18
1.20 RESPONSIBILITY FOR IMPLEMENTATION	18

INTRODUCTION

The *Local Government Act 1995* (the Act) requires that every Western Australian local government must prepare and implement a Code of Conduct to be observed by its Employees.

The Shire of Nannup Code of Conduct for Employees (the code) has been adopted for this purpose and ensures the roles and responsibilities of employees are understood and respected and provides clear guidelines for the standards of professional conduct expected.

The code however does not establish a rule for every situation an employee may face while undertaking their duties on a daily basis. The code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and other legislation that affect employees while performing their duties.

The code must contain certain matters for employees as listed in Part 4A of the *Local Government (Administration) Regulations 1996* including:

- the behaviour expected of employees in relation to –
 - the performance of an employee's duties;
 - dealings with other employees and the broader community;
 - the use and disclosure of information acquired by the employee in the performance of their duties;
 - the use of the Shire resources;
- the use of the Shires's finances;
- outside employment;
- how the Shire's records are to be kept; and
- reporting mechanisms, management of suspected breaches of the code and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour.

Employees of the Shire of Nannup are subject to the provisions of the code upon commencement of their employment and while they remain employed by the Shire.

Elected Members, Committee Members and candidates in an election have their own Code of Conduct and are not covered by this Code.

APPLICATION

For the purposes of the Code, the term employees includes persons employed by the Shire or engaged by the Shire 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. To note, Regulations 19AB and 19AC of the *Local Government (Administration) Regulations 1996* states that this Code does not apply to the CEO in relation to gifts.

Instead, the CEO is subject to the requirements of Part 5, Division 6 of the Act in relation to gifts. In particular, sections 5.71A and 5.71B of the Act define the CEO's obligations for disclosure and management of conflicts of interest arising from the acceptance of gifts, when providing advice or reports to Council either directly or indirectly.

At the time of accepting employment with the Shire, Employees are required to sign and accept that they have read and understood the Code (refer Attachment 1). This demonstrates commitment to the Shire's values and expected behaviours.

VALUES

The Shire has adopted nine Corporate Values which distinguish and guide our professional conduct and personal behaviour while at work.

- Honesty in our dealings.
- Integrity in our actions.
- Consistency in decision making.
- Teamwork in our operations.
- Respect for others and their decisions.
- Caring for people in our community.
- Commitment to decisions and roles.
- Responsive to the needs of others.
- Effective communication with all.



GENERAL PRINCIPLES OF CONDUCT

1.1 Personal Behaviour

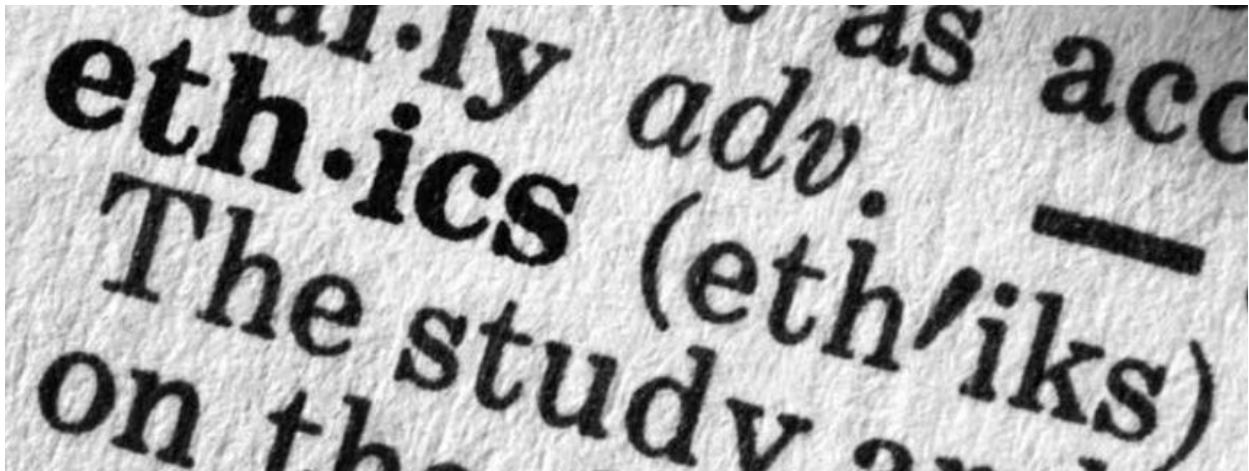
Whilst this Code applies to conduct in the workplace there may be circumstances where behaviour outside of working hours has the potential to affect the community's perceptions of the integrity and professionalism of the Shire. This may occur where there is a link between the employee and the Shire, including through online communication, for example behaviour on social media.

This means that 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;
- (b) perform their duties impartially and in the best interests of the Shire 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 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) be open, frank and honest in your dealings with the Shire.

1.2 Honesty and Integrity

The community has placed a high level of trust and confidence in the Shire. The way we conduct ourselves impacts directly on the level of trust. Being accountable and ethical in all that we do and the decisions we make, impacts on that trust.



Applying this standard means Employees will –

- (a) Ensure actions and decisions are impartial and unbiased.
- (b) Act fairly and justly, abiding by principles of due process and natural justice.
- (c) Be accountable and transparent.
- (d) Perform duties effectively and as efficiently as possible.
- (e) Consider the risk to Shire, each other and the Community.
- (f) Behave in accordance with legislation and the Shire's code.
- (g) Declare any actual or potential conflicts of interest.
- (h) Report any dishonesty or possible dishonesty on the part of any other employee to the CEO in accordance with this Code.

1.3 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire's business and that their standard of work reflects favourably both on them and on the Shire.

We must perform our duties in a manner that maintains and protects the Shire's reputation, considers risk and good governance, whilst delivering value for our community.

This means that Employees will –

- (a) While on duty, give their whole time and attention to the Shire's business and ensure their work is carried out efficiently, economically and effectively.
- (b) Value and uphold the standards of good governance that is required as local government Employees.
- (c) At all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on their individual merits.
- (d) If there are any issues that may impact on an employee's ability to safely and effectively conduct the performance of their duties, the employee has an obligation to advise their Leader at the earliest available opportunity.
- (e) Leaders must ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

*Section 2.7 of the LG Act outlines the Role of Council
Section 5.41 of the LG Act outlines the Functions of the CEO*

1.4 Compliance with Lawful and Reasonable Directions, Decisions and Policies

In the workplace, Employees must comply with any reasonable lawful order given by any person having authority to make or give such an order. If there are any doubts as to the propriety of any such order, this must be taken up with superior of the person who gave the order.

Employees must also comply with the Shire's policies and procedures, whether or not they agree with them.

1.5 Leadership

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices. Management has the responsibility to lead by example and set the 'tone from the top'.

Leaders play a critical part in establishing –

- direction and shaping strategic thinking;
- setting culture;
- implementing governance;
- communicating effectively;
- supporting productive and collaborative working relationships;
- driving change; and
- exemplifying personal integrity.

1.6 Our commitment to a fair, equitable and safe environment

We are committed to a culture of fair treatment, providing a safe, flexible and respectful environment, free from harassment, discrimination and bullying, where the rights of all are protected. We are all required to treat others with dignity, courtesy and respect and have a role in creating and maintaining a safe and supportive workplace.

- (a) **Harassment, Bullying and Discrimination:** Employees shall not bully, harass, intimidate, discriminate against, or support others who bully, harass, intimidate and discriminate against colleagues, employees or members of the public.
- (b) **Fit for Work:** All Employees will ensure that the consumption of alcohol or legally obtainable substances does not affect their work performance or working relationships, their personal safety or that of others, or impact on official conduct at any time.

To support and maintain a safe workplace, Employees are to report to the workplace 'fit for work' and with the ability to perform the inherent requirements of their role without impairment.

Employees have a duty of care to report immediately to Leader if they are aware that they or another Employee is/are not 'fit for work', which can include where an Employee is under the influence of alcohol and/or drugs, or the presence of illicit drugs within the workplace.

- (c) **Health and Safety:** Employees are expected to understand their responsibilities and obligations under Occupational Safety and Health (OSH) legislation and the Shire's policies and procedures. Employees should ensure they are working in a safe manner and not do anything that will adversely affect the safety of themselves or another person.
- (d) **Principles of Employment:** The CEO and Executive are required to uphold the following key principles set out in section 5.40 of the Act that apply to the employment of Shire Employees.

Section 5.40 provides:

- (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 a local government 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 Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.”*

1.7 Dealings with Elected Members, Committee Members and Candidates

Employees shall:

- (a) Demonstrate professionalism at all times when dealing with Elected Members, Committee Members and Candidates.

- (b) Recognise that Elected Members and Committee Members views and opinions reflect viewpoints that should be considered in conjunction with professional opinion. Employees will therefore make every effort to assist Elected Members and Committee Members in the performance of their role, and to achieve the satisfactory resolution of issues that members may raise in the performance of their official role.
- (c) Refrain from publicly criticising Elected Members, Committee Members, Council and Candidates in a way that casts aspersions on their professional competence, credibility or decision.
- (d) At no time carry out a direct request from an Elected Member, Committee Member or Candidate, unless the matter is relating to a decision of Council or to an issue that an Elected Members, Committee Members or Candidates may raise in the performance of their official role.
- (e) Employees are required to advise Elected Members, Committee Members and Candidates that direct requests for information must be through the CEO or the Executive.

1.8 Relationships with each other

The Shire actively creates and promotes an environment that is inclusive of all people and their unique abilities, strengths and differences. We work better together because of our differences, not despite them. Employees -

- (a) Are to be frank and honest in their dealings with each other.
- (b) Should give colleagues the opportunity to express their views and opinions and invite teamwork and collaboration.
- (b) Should address differences of opinion and handle them constructively and professionally.
- (c) Are to report unacceptable behaviour to their Leader or CEO, as appropriate.

1.9 Engagement with community

Employees must be committed to the principle of building a sustainable and successful partnership with the community, of which community engagement is an integral component.

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

1.10 Professional Communications

All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values and objectives of the Shire. This means Employees -

- (a) Acknowledge that, unless otherwise authorised, statements to the media on behalf of the Shire are only to be made by the Shire President or the CEO.
- (b) 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, Employees or Elected Members, which breach the Code.
- (c) All aspects of communications by employees involving the Shire's activities should be accurate, polite and professional and must reflect the status, and objectives of the Shire.

- (d) All aspects of communication by employees should align with desired behaviours that support our values (including verbal, written, online or personal).
- (e) Acknowledge that all communication must serve to enhance the services of the Shire, in line with the Shire's vision and values, and must not bring the Shire into disrepute.
- (f) Employees must comply with all relevant Shire policies and relevant legislation including copyright, recordkeeping, privacy and defamation.

1.11 Responsible Use of Local Government Resources

Shire resources includes local government property and services provided or paid for by the Shire.

local government property has the meaning given to it in the Act.

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*]

We have a responsibility to use our community's resources in an efficient and effective way that delivers maximum value to the community as whole. Shire resources include office and computer equipment, motor vehicles, tools and machinery, sport and recreation facilities and many more.

It is important that these resources are not used by employees to provide a direct or indirect personal benefit as this may be considered misconduct.

If you are unsure, please ask your Leader or CEO. Simply, the money we spend on behalf of the Shire is not ours, it is public funds. Each employee at the Shire, not just those in Finance, play a role in making sure that the Shire's money is spent appropriately. Employees are to -

- (a) Be accountable for official expenditure.
- (b) Act within their Financial Authorisation limit.
- (c) Use Shire finances only within the scope of authority, as defined in position descriptions, policies and procedures and administrative practices.
- (d) Act with care, skill, diligence, honesty and integrity when using local government finances.
- (e) Ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.
- (f) Use Shire resources diligently, efficiently and for their intended purpose.
- (g) Use corporate credit cards and purchasing cards for Shire related expenditure only.
- (h) Not use work time or resources for personal gain, financial or otherwise.
- (i) Comply with legislation and procurement policies to engage contractors and suppliers.

Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996* and Employees exercising purchasing authority will comply with the Shire'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*.

1.12 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards always and are to dress in a manner appropriate to their position particularly when attending meetings or representing the Shire in an official capacity.

For any Employee undertaking a role requiring personal protective equipment (PPE), the employee will ensure adequate PPE that has been provided, is worn.

1.13 Our Management of Information and Records

The Shire is committed to making and keeping full and accurate records of its business transactions and activities in accordance with legislation, to demonstrate and support decision making and record the performance of the organisation's functions.

It is acknowledged that sound records management practices will contribute to the overall efficiency and effectiveness of the Shire and it is an Employees responsibility to take measures to protect those records from unauthorised access or use.

Recordkeeping: Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan. Quality records management is a necessary element of good governance and integrity.

Employees will -

- (a) record their actions and decisions to ensure transparency;
- (b) ensure the secure storage of sensitive or confidential information;
- (c) understand their recordkeeping responsibilities;
- (d) understand records management policies and procedures;
- (e) be familiar with and follow the Shire's record keeping principles and practices;
- (f) be aware of and follow the Shire's electronic recordkeeping advice; and
- (g) understand that records may only be disposed of in accordance with approved disposal authorities, and may not be removed from records systems or altered without authority.

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

Access to Information: Employees must only access information that they are authorised to access such as matters that directly relate to their work duties, roles and functions in a specific work area.

Use of Information and Disclosure: Employees must not access, use or disclose information held by the Shire 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, and the Shire's policies and procedures.

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.

Due discretion must be exercised by all employees who have access to confidential, private or sensitive information. Nothing in this section prevents an employee from disclosing information if the disclosure is authorised by the CEO or the CEO's delegate; or is permitted or required by law.

Freedom of Information: Employees acknowledge that the *Freedom of Information Act 1992* gives the public a right to access government documents, subject to some limitations and an application can be made seeking access to any information held by the Shire.

1.14 Our Commitment to Transparent Decisionmaking

1.14.1 Conflict of Interest

A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty. It is important that it is identified, reported and appropriately managed.

Conflicts of interest can be actual, perceived or potential.

An actual conflict of interest may arise when an employee is asked to make a decision that directly affects or impacts their personal or private interests.

A perceived interest is where an employee's decision could be questioned based on a personal or private interest that may not actually have impacted any decision.

A potential conflict of interest arises where an employee has private interests that could conflict with their official duties in the future, or where an employee has competing interests because they hold more than one official role or duty.

Employees -

- (a) Will ensure that they are aware of their actual, perceived or potential conflicts of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Must advise their Leader if a conflict of interest is likely to occur in the performance of their duties on a specific task. Once an interest is declared, discussions will be held to determine if it is appropriate for the employee to continue in the role and take necessary steps to avoid a conflict of interest
- (c) 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 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) Will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Will disclose, when exercising a recruitment or any other discretionary function, 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) Must comply with the *Local Government (Functions and General) Regulations 1996*, in any instance where they are involved in any manner with tendering for a Council contract. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.
- (e) 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.

1.14.2 Disclosure of Financial and Proximity Interests

Employees will adopt the requirements of disclosure of financial and proximity interests as contained within the 5.60, 5.60A and 5.60B of the Act.

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. Disclosures of financial or proximity interests are to be made to the CEO, in writing, in respect of matters to be presented at a Council Meeting, whether through advice provided at the meeting or through advice presented in a report to the meeting, either before the meeting, at the time the advice is given, or at the meeting immediately before the matter is discussed.

1.14.3 Disclosure of Interests Relating to Impartiality

In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

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 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 given to the CEO before the meeting; or at the meeting immediately before the matter is discussed.
- (b) 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 or at the time the advice is given.
- (c) An employee is excused from the requirement to disclose the nature of an interest because they did not know and could not reasonably be expected to know that they had an interest in the matter or 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.
- (e) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with these requirements, then before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting and 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) All disclosures made at a meeting are to be recorded in the minutes of the meeting.

1.14.4 Secondary Employment

Secondary employment refers to any situation where an employee of the Shire also undertakes additional paid work for another organisation (whether private or public) or unpaid work such as volunteering or serving on a committee or board. It also includes operating a private business, providing paid consultancy services, and holding partnerships or company directorships.

Employees will carefully consider whether their employment with an organisation offering them secondary employment may adversely affect the performance of their Shire duties and responsibilities, the reputation of the Shire or may give rise to a conflict of interest.

At commencement of employment or when the Employee is seeking to undertake secondary employment, Employees must seek permission from the CEO (through the approved form – refer Appendix 1) before undertaking work outside the Shire. The CEO will consider possible interference with the completion of their duties and where there is any possibility of any conflict of interest. Should there be any conflict of interest that cannot be managed, the CEO may decline to provide permission. Approval or refusal is to be provided to the Employee in writing.

Should any changes to the secondary employment arrangement as approved by the CEO occur, it is the Employees responsibility to advise the CEO who may determine an alternative position. The CEO may also determine to withdraw an approval to undertake secondary employment under specific circumstances where –

- there are operational reasons requiring your full availability or attention;
- your Secondary Employment creates, or is reasonably perceived to create, a Conflict of Interest;
- your performance, conduct, or capacity to perform your duties is negatively affected;
- your Secondary Employment involves work for a supplier, contractor, or competitor of the Shire;
- you use, or are suspected of using, Shire time, equipment, resources, or information for purposes associated with your Secondary Employment;
- there is a change in circumstances that alters the original basis on which approval was granted; or
- you do not comply with any conditions attached to the approval

1.14.5 Improper or Undue Influence

- (a) Employees will not take advantage of their position to improperly influence Elected 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 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.
- (d) Redemption of rewards or vouchers for personal use is a personal benefit and will be considered misconduct.

1.14.6 Use of Confidential Information

Employees will not access or 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.

1.14.7 Personal Dealings with the Shire

Employees will inevitably deal personally with their local government (for example as a rate payer or users of Shire's services or facilities). Employees must not expect or request preferential treatment for themselves or their family because of their position. At all times Employees, must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

1.15 Gifts and Reporting

Occasionally we may be offered gifts as a consequence of undertaking our duties. Usually these will be a token of appreciation and carry no expectation.

In other cases, accepting a gift could give the impression an Employee will favour a particular person, business or organisation when making decisions.



This may not be the intention of either the Employee or person offering the gift however, perceptions must be considered for ethical decision making. You are reminded to consider the appropriateness of accepting gifts, particularly Employees in decision making roles and whether the acceptance of a gift would call into question the integrity of the Employee of the Shire.

This section does not apply to the CEO. The CEO is subject to the requirements of Part 5, Division 6 of the Act in relation to gifts.

Definitions (*Local Government Act 1995 and Local Government (Administration) Regulations 1996*).

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

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 nonprofit 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.

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;

prohibited gift, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more (refer to **threshold amount** below); 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;

reportable gift means:

- (a) a gift between \$20.00 and \$100.00; 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 more than the value determined in (a) above.

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

- (c) Determination - In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined that the threshold amount for a prohibited gift is \$100.00.

Acceptance and Reporting

- (a) Employees must not accept a gift above the threshold amount.
- (b) An employee who accepts a reportable gift (between \$20.00 and \$100.00) is to notify the CEO within 10 days of accepting the gift.
- (c) The notification of the acceptance of a reportable gift must be in writing through the approved Gift Declaration Form (Appendix 2) 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:
 - a description;
 - the estimated value; and
 - the date of acceptance, of each other gift accepted within the one year period.
- (d) Employees do not need to declare/report a gift of below \$20.00 but must keep in mind the cumulative gift provisions.
- (e) Gifts to the Shire (not to an individual) may be accepted on behalf of the Shire and must be retained by the Shire.
- (f) The CEO will maintain a register of reportable gifts and record in it details of notifications given.

Notwithstanding the above, an Employee must not accept cash, cheques, shares, gift cards, vouchers, eftpos cards or any other item easily converted into cash.

Employees must treat all event invitations, hospitality and benefits received in the course of their duties as a gift, (if not paid for by the Shire) and declare accordingly subject to the gift thresholds.

Legislative Exceptions (r. 19AA of the Regulations)

- (a) A Gift received from a relative as defined under section 5.74(1) of the Act unless the relative is an Associated Person; or
- (b) a Gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
- (c) a Gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (d) a Gift from WALGA, the Australian Local Government Association Limited, the Local Government Professionals Australia WA or the LG Professionals Australia.

Other Exceptions

- (a) Where the Gift is offered as part of an approved Employee health and well-being program, appropriately approved rewards and recognition program or relevant directive; or
- (b) door prizes - prizes or gifts won by means of a lucky draw or raffle at Events.

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.

Conflicts of Interest (reg 19AD)

What is an interest relating to a gift?

It is a type of interest which recognises that a relationship is created between the donor and a recipient of a gift which could be perceived to affect decision-making. Receiving a gift may compromise, or appear to compromise, an employee's impartiality in performing their public duties. A conflict can arise if:

- The donor has, or may have, a matter before the local government.
- The gift could reasonably be seen to influence the employee's advice, decision-making, or recommendations.

When this occurs, the employee must declare a financial interest and remove themselves from dealing with the matter.

If an Employee is uncertain about whether the acceptance of a gift may contravene the Code or create a conflict of interest, they must discuss the gift with their Executive Manager.

1.16 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their respective Executive Manager or the CEO.

1.17 Speaking up About Wrongdoing

The Shire considers fraud, corruption and misconduct to be serious matters. Misconduct can be reported either internally to the CEO or externally.

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 is required to notify:

- (a) the Corruption and Crime Commission, in the case of serious misconduct; or
- (b) the Public Sector Commissioner, in the case of minor misconduct.

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.

Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, published on the Shire's website.

1.18 Investigation procedures – CEO’s Conduct

Where an Employee, Elected Member or member of the public alleges that the CEO has failed to comply with the Code, they should report the matter to the Shire President to deal with the matter in accordance with the CEO’s employment contract.

Complaints will be dealt with in a timely manner and fairly in accordance with the principles of procedural fairness and in accordance with the Shire’s Policies and Procedures.

1.19 Procedural Fairness

Any investigation will follow the rules of procedural fairness. The investigator must:

- (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;
- (b) provide the person/s with a reasonable opportunity to put their case;
- (c) hear all parties to a matter and consider submissions;
- (d) make reasonable enquiries before making a decision; and
- (e) ensure that no person is involved in enquiries in which they have a direct interest.

REFERENCES

Local Government Act 1995

Local Government (Administration) Regulations 1996

WALGA Template Employee Code of Conduct

Review of several industry Codes, including Shire of Mandurah, Shire of Donnybrook and others.

1.20 RESPONSIBILITY FOR IMPLEMENTATION

The Executive Management Team.

Version	Date:	Next Review	ECM Reference #
1.	18 March 2026	March 2028	INT26/62829262
2.			
3.			

CODE OF CONDUCT DECLARATION

I,(print name)

declare I am an Employee of the Shire of Nannup. I acknowledge I have read the Code of Conduct and all policies contained/referenced therein, understand the content and agree to be bound by them.

Signed

Payroll Number

Position

Date

Please return completed declaration to Payroll.

Employee Secondary Employment Application

All Shire Employees whether in a full-time, fixed term or casual basis wishing to engage in Secondary Employment are required to seek CEO approval prior to undertaking secondary employment (defined in the Employee Code of Conduct).

If you are already engaged in other employment either upon commencing employment with the Shire, or at the time that this procedure is adopted by the CEO, you must take reasonable steps to obtain approval through this Secondary Employment Application Form.

The following principles apply to the assessment of a request to engage in Secondary Employment:

- (a) whether the paid Secondary Employment is with a supplier to, contractor with, or competitor of the Shire;
- (b) whether the Secondary Employment will create or have the potential to create an actual or perceived Conflict of Interest;
- (c) whether the Secondary Employment could be detrimental to or have a negative impact on the performance of your duties.
- (d) You must not utilise the Shire's time, equipment, resources, or commercial or other information for any purpose associated with your Secondary Employment.

The above criteria also applies to volunteer work.

Review of Approval

- (a) An approval given under this procedure remains valid for the duration of your employment, unless withdrawn by the CEO. Approval may be withdrawn at any time where:
 - there are operational reasons requiring your full availability or attention;
 - your Secondary Employment creates, or is reasonably perceived to create, a Conflict of Interest;
 - your performance, conduct, or capacity to perform your duties is negatively affected;
 - your Secondary Employment involves work for a supplier, contractor, or competitor of the Shire;
 - you use, or are suspected of using, Shire time, equipment, resources, or information for purposes associated with your Secondary Employment;
 - there is a change in circumstances that alters the original basis on which approval was granted; or
 - you do not comply with any conditions attached to the approval.
- (b) You are required to advise the CEO in writing of any changes to your Secondary Employment arrangements. The CEO may require you to complete a new application if circumstances change or if further assessment is necessary.

Employee Details:			
Full Name			
Position Title			
Business Unit			
Employment Status	Full time <input type="checkbox"/>	Part Time <input type="checkbox"/>	Casual <input type="checkbox"/>
Contact Number		Email Address	
Proposed Secondary Employment			
Type of Engagement	Paid employment <input type="checkbox"/>	Self Employment/consulting <input type="checkbox"/>	Director/Office Holder <input type="checkbox"/>
Other, please specify			
Name of External Employer			
Nature of business			
Your role / services to be provided			
Commencement date			
Expected end date (or ongoing)			
Work pattern & hours (per week / month)			

Location(s) where work will occur		
Conflict of Interest & Impartiality Disclosure (Circle applicable)		
Does the activity involve dealing with or seeking decisions, permits, approvals, tenders, procurements, inspections or compliance actions from any WA local government, including the Shire?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the activity with a person/entity that currently has (or is likely to have) a contract, tender, grant, development application, debt, compliance matter, or dispute with the Shire?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you (or a closely associated person) hold any financial interest or other benefit that could reasonably be seen to influence your Shire duties in relation to this entity/sector? <input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Could a reasonable person perceive that the activity creates a conflict with your Shire role (e.g., overlapping subject matter, industry advocacy, regulatory contact, or privileged knowledge)?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Will you use, or be seen to use, Shire resources (time, information, branding, systems, vehicles, equipment) for the activity?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Will the activity involve gifts, hospitality or benefits from external parties connected with your Shire duties?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Details: If you answered "Yes" to any item (include parties, matters affected, duties that intersect, and <u>proposed controls</u> such as recusal, segregation of duties, information barriers, alternate approvers, etc.)		<input type="checkbox"/> Yes <input type="checkbox"/> No
Impact on Primary Employment, Health & Safety		
Will the hours overlap with your Shire roster or on-call/stand-by times?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Are total combined hours likely to affect fitness for duty, response times, or safety critical work?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the activity involve high-risk work that could affect your capacity to safely perform Shire duties?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Will you seek leave to undertake the activity?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If you answered "Yes" to any item above, outline your risk controls (e.g., max weekly hours, rest breaks, limits on late finishes before Shire shifts, etc.) and attach any relevant fatigue management plan:		
Information, Confidentiality and Intellectual Property		
<input type="checkbox"/>	I will not disclose or use confidential or privileged Shire information in my secondary employment.	
<input type="checkbox"/>	I will not access Shire records for private purposes and will comply with confidentiality and recordkeeping obligations.	
<input type="checkbox"/>	Any intellectual property created in the course of my Shire employment remains the Shire's unless otherwise agreed.	
Procurement and Regulatory Safeguards		
<input type="checkbox"/>	If the external entity (or its competitors) is involved in a Shire procurement, regulatory process or decision that touches my area, I will immediately disclose and recuse myself from all related Shire duties.	
<input type="checkbox"/>	My manager will arrange segregation of duties and, where needed, appoint an alternate responsible officer.	
<input type="checkbox"/>	I will not advocate to Shire officers or elected members on behalf of the external entity.	
Gifts, Benefits and Hospitality (Related to your Secondary Employment)		
<input type="checkbox"/>	I will comply with the Shire's Gifts, Benefits & Hospitality requirements, including thresholds, reporting and publication (if applicable).	
<input type="checkbox"/>	I will declare any gift/benefit received in connection with this secondary activity that could reasonably relate to my Shire duties.	

I declare that all information and details provided in this form are true and correct and that no known relevant information has been omitted. I will immediately notify my manager and seek renewed approval if the nature, scope, hours, employer, or risk profile of the activity changes.

I will comply with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the Shire's Employee Code of Conduct and related policies.

Name:	Position:
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Signed:	Date:
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Once signed please lodge with the CEO's Executive Assistance.

ASSESSMENT AND APPROVAL

Coordinator Assessment:			
Conflict & Risk assessment:	<input type="checkbox"/> Low	<input type="checkbox"/> Moderate	<input type="checkbox"/> High
Recommended controls/conditions:	<input type="checkbox"/> Recusal from [teams/files/procurements]		
	<input type="checkbox"/> Information barriers / restricted system access		
	<input type="checkbox"/> Limits on hours / no overlap with on-call		
	<input type="checkbox"/> Prohibit use of Shire resources / facilities		
	<input type="checkbox"/> Prohibit representing the entity to the Shire		
Recommendation	<input type="checkbox"/> Support	<input type="checkbox"/> Support with conditions	
	<input type="checkbox"/> Do not support		
Conditions (<i>Insert Nil if applicable</i>)			
Coordinator Name:			
Signature:		Date:	

Manager Review:	
I have reviewed the assessment above and -	
Recommendation	<input type="checkbox"/> Support <input type="checkbox"/> Do not support
Additional Conditions if required (<i>Insert Nil if applicable</i>)	
Manager Name:	
Signature:	Date:

CEO approval:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved
Additional Conditions if required (<i>Insert Nil if applicable</i>)	
Reasons for refusal: (<i>if applicable</i>)	
CEO Name:	
Signature:	Date:

Appendix 2

(this form is available from the CEO's Executive Assistant)

Employee Gift Declaration Form

For use by employees (does not include the CEO) of the Shire of Nannup in accordance with the *Local Government Act 1995 and Local Government (Administration) Regulations 1996*. *The Employee Code of Conduct applies.*

Employee Details:			
Full Name			
Position Title			
Business Unit			
Contact Number		Email Address	
Gift Details			
Date Received			
Description of Gift* (Include nature of gift e.g. bottle of wine, event ticket, etc.)			
Estimated or Actual Value of Gift		\$	
Name of Gift Donor			
Donor organisation (if applicable)			
Nature of relationship with person/organisation making/made offer	<input type="checkbox"/> Client/customer <input type="checkbox"/> Member of public <input type="checkbox"/> Supplier/contractor <input type="checkbox"/> Other (describe)		
Have you received any other gift(s) from this donor in the last 12 months? If so, please detail. <i>Note - All employees must also declare a gift that is one of 2 or more gifts given to the employee by the same person, within a period of 12 months within the value determined by the CEO.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If Yes, please provide details.		
Could accepting the offer create an actual, potential or perceived conflict of interest ¹ ? For example, are you or the Shire likely to about to make a decision on the person/organisation that could lead to a favourable outcome for them?	<input type="checkbox"/> Yes* <input type="checkbox"/> No <input type="checkbox"/> Unsure <i>* If yes, consider declining the gift. If accepted, you may need to declare a conflict of interest and remove yourself from any future decision making involving the donor.</i>		
Description of Travel (where applicable)			
Date of Travel (where applicable)			

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

Signed:	Date:
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¹ **Actual conflict of interest** is where a public officer's personal interests and their public duty conflict. These are happening now and require management.

Potential conflict of interest is where a public officer's personal interests and their public duty are likely to conflict sometime in the future.

Perceived conflict of interest is where a third party could form the view that personal interests could improperly influence a public officer's decisions or actions now or in the future.

Acknowledged

CEO Signature	Date:
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Once signed please lodge with the CEO's Executive Assistance.

Legislative Requirements relating to Gifts

Value of Gift - The onus is on the recipient to establish the value of the gift, based on the market value on the day the gift was received. How this can be established will depend on the nature of the gift received. For example, the price of a bottle of wine can be established through an internet search or a piece of artwork through contacting the artist. Hospitality can be determined by contacting the restaurant or caterers directly or from an internet search.

Definition:

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) travel includes accommodation incidental to a journey;
- (c) travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.

But does not include –

- (a) a gift from a relative as defined in section 5.74(1); or
- (b) a gift that must be disclosed under the Local Government (Elections) Regulations 1997 regulation 30B; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (d) 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).

Prohibited gift means in relation to a local government employee;

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the employee by the same person within a period of 1 year that are in total worth the threshold amount or more.

Threshold amount, has the meaning given to it in the Local Government (Administration) Regulations 1996, subject to the CEO's determination under subclause (c);

Determination - In accordance with Regulation 19AF of the Local Government (Administration) Regulations 1996 the CEO has determined that the threshold amount for prohibited gifts is \$100.00.

The Employee Code of Conduct requires that an employee (*does not include the CEO*) must not accept a gift above the threshold amount. An employee who accepts a reportable gift (\$20.00 up to \$100.00) is to notify the CEO within 10 days of accepting the gift through the approved gift form.