WALGA Base Template   
Code of Conduct for Employees

**WALGA Note:**

WALGA provides this Base Template Code of Conduct for Employees as a guide, which Chief Executive Officers may modify to suit their individual needs and circumstances. This document provides suggested wording only, and CEOs should review the content and consider, develop and implement a Code of Conduct that is suitable to operational requirements.

At a number of points, this document requires employees to comply with Local Government policies in relation to particular matters - the template is designed to be updated by Local Governments inserting their relevant policy titles in these clauses. This assists employees in understanding which policies they need to access in order to understand their obligations. Local Governments may wish to include information about how and where to access relevant policies (for example by including hyperlinks in a version published on an intranet), and to consider how this information is provided to employees on an ongoing basis. Where specific references are included, you may retain the general reference to ‘relevant policies’ to ensure that other/new policies are captured. More broadly, CEOs should consider how to ensure that these references are updated when policies are introduced or amended.

WALGA’s Employee Relations team have a number of relevant policy templates that are available to subscribers via WALGA’s website [here](https://walga.asn.au/Subscription-Services/Employee-Relations/Employee-Relations/ER/Resources), noting that you will need to log in to view the templates. For more information about the Employee Relations subscription service, please contact Employee Relations by email to [employeerelations@walga.asn.au](mailto:employeerelations@walga.asn.au) or call 1300 366 956.

‘WALGA Notes’ appear in the template as follows, and should be removed before the Code of Conduct is finalised.

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| ***WALGA Note:***  *Example text* |

Legislation quoted within this template is shown in grey tables, as in the example below.

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| ***activity involving a local government discretion*** means an activity —   * + - * 1. that cannot be undertaken without an authorisation from the local government; or         2. by way of a commercial dealing with the local government;   [r.19AA of the *Local Government (Administration) Regulations 1996]* |

The quoted legislation is included in the Code of Conduct to assist employee understanding of their obligations. However, the quoted legislation does not form part of the Code of Conduct, as formally approved by the CEO (as the legislative requirements cannot be modified by the CEO). As external references, these fields are to be updated as and when the relevant legislation is amended.

**Feedback:**

Please provide any comments regarding this document to WALGA’s Governance and Procurement team by email to [governance@walga.asn.au](mailto:governance@walga.asn.au) or by calling 9213 2514.

**Remember:**

A Code of Conduct is given effect through induction, ongoing training and operational procedures that evidence that employees have been made aware of, and are accountable for, their obligations under the Code of Conduct and associated policies.

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| ***WALGA Note:***  *Many Local Governments choose to include a personal message from the CEO that may discuss:*   * *the organisation’s values and culture;* * *the strategic objectives of the Local Government;* * *the responsibility that Local Government officers have to their community; and* * *how the Code of Conduct functions to support the above.*   *Where Local Governments choose to include a discussion of their values at Part 2 of this document, there may be some overlap with the CEO’s message. However, excessive repetition should be avoided.* |

# Introduction

The <<Shire/ Town / City of XXX>> Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the <<Shire/ Town / City>>’s commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

1. *better decision-making by local governments;*
2. *greater community participation in the decisions and affairs of local governments;*
3. *greater accountability of local governments to their communities; and*
4. *more efficient and effective local government.*

## Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

## Application

For the purposes of the Code, the term employees includes persons employed by the <<Shire/ Town / City of XXX>> or engaged by the <<Shire/ Town / City of XXX>> 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. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

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| ***WALGA Note:***  *Local Governments should consider who the Code applies to and whether this is consistent with other policies and procedures. For example, the Local Government may require contractors and volunteers to comply with some or all of the Code. If so, the application clause should be amended to reflect this requirement.*  *In accordance with regulations 19AB and 19AC of the Local Government (Administration) Regulations 1996, 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.* |

# Values/vision/mission

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| ***WALGA Note:***  *Local Governments may wish to insert their adopted values here, and re-title the section to match the terminology used in the Local Government (eg Mission, Vision etc). This could be accompanied by a discussion of the way in which these values apply to or are expressed in employment with the Local Government, including the expectation that employees behave in a manner that reflects these values. Local Governments may also wish to include a discussion of the role of Local Government officers in serving their community.*  *If Local Governments do not wish to include values in their Code of Conduct, or do not have adopted values, then this section should be deleted.* |

# Code of Conduct

## Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act*.*

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| **5.41. Functions of CEO**  *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’s affairs and the performance of the local government’s 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 section 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.*  *Local Government Act 1995* |

## Principles affecting employment by the <<Shire/ Town / City>>

The principles set out in section 5.40 of the Act apply to the employment of the <<Shire/ Town / City>>’s employees:

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| **5.40. Principles affecting employment by local governments**  *The following principles apply to a local government in respect of its employees —*  (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 the City 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.*  *Local Government Act 1995* |

## Personal Behaviour

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/ Town / City>>;

(b) perform their duties impartially and in the best interests of the <<Shire/ Town / City>>, 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/ Town / City>> 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) always act in accordance with their obligation of fidelity to the <<Shire/ Town / City>>.

## Honesty and Integrity

Employees will:

(a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

(b) be frank and honest in their official dealing with each other; and

(c) report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this Code and the <<Shire/ Town / City>>’s policies.

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| ***WALGA Note:***  *Local Governments may wish to update 3.4(c) to reflect the appropriate lines of reporting and the terminology used in other policies. For example, if the term Supervisor, Manager or Reporting Manager is typically used in your Local Government, then replace the term Line Manager accordingly throughout the template.* |

## Performance of Duties

While on duty, employees will give their whole time and attention to the <<Shire/ Town / City>>'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/ Town / City>>.

## Compliance with Lawful and Reasonable Directions, Decisions and Policies

(a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager, Manager or the CEO.

(b) Employees will give effect to the lawful decisions and policies of the <<Shire/ Town / City>>, whether or not they agree with or approve of them.

## Administrative and Management Practices

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

## Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the <<Shire/ Town / City of XXX>> upon its creation unless otherwise agreed by separate contract.

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| ***WALGA Note:***  *Local Governments should ensure that any obligations related to preservation of the Local Government’s intellectual property are contained in a legally drafted contract of employment. Contracts for services should also address ownership of intellectual property.* |

## Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the <<Shire/ Town / City>>’s Recordkeeping Plan.

## Dealing with Other Employees

1. Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
2. Employees must be aware of, and comply with their obligations under relevant law and the <<Shire/ Town / City>>’s policies regarding workplace behaviour and occupational safety and health, including <<list relevant policy titles here>>.
3. Employee behaviour should reflect the <<Shire/ Town / City>>’s values and contribute towards creating and maintaining a safe and supportive workplace.

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| ***WALGA Note:***  *In order to mitigate risks of discrimination, harassment and bullying, and to manage safety risks, a Local Government should implement policies on these issues.*  *Local Governments may list relevant policy titles where noted in clause 3.10(b) as well as retaining the general language in the clause. Local Governments may also wish to ensure that information on how and where to access policies is provided with this Code.*  *Subscribers to WALGA’s Employee Relations service can access a template Discrimination, Harassment and Bullying Policy.* |

## Dealing with community

(a) Employees will treat all members of the community with respect, courtesy and professionalism.

(b) All <<Shire/ Town / City of XXX>> services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

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| ***WALGA Note:***  *Local Governments with a Customer Service Charter or other relevant policies or standards may wish to add a specific requirement to comply with the listed policies.* |

## Professional Communications

1. All aspects of communication by employees (including verbal, written and electronic), involving the <<Shire/ Town / City of XXX>>’s activities should reflect the status, values and objectives of the <<Shire/ Town / City>>.
2. Communications should be accurate, polite and professional.

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| ***WALGA Note:***  *Local Governments may also wish to make reference to a Customer Service Charter, style guides or other relevant polices in this clause.* |

## Personal Communications and Social Media

(a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.

(b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the <<Shire/ Town / City of XXX>>, it’s Council Members, employees or contractors, which breach this Code.

(c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

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| ***WALGA Note:***  *Local Governments with relevant policies may wish to add a specific requirement to comply with listed policies.*  *Subscribers to WALGA’s Employee Relations service can access a template Social Media Policy.* |

## Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the <<Shire/ Town / City of XXX>>’s relevant policies and procedures.

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| ***WALGA Note:***  *Local Governments may wish to identify relevant policies by title.*  *Subscribers to WALGA’s Employee Relations service can access a template Uniform and Personal Presentation Policy.* |

## Gifts

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| ***WALGA Note:***  *CEOs have discretion [Admin.r.19AF] to determine the threshold amount for prohibited gifts. This is the value above which a gift from an associated person (see definition below) must not be accepted by an employee. Local Governments will need to amend and/or delete parts of this clause to be consistent with the CEO’s determination.*  *It is open to the CEO to set the threshold amount at $0, meaning that employees may not accept any gifts from associated persons. If the CEO chooses a $0 threshold, subclauses 3.15(e) to (i) are no longer required. These subclauses deal with the disclosure, recording, storing and use of information relating to gifts that may be accepted from associated persons. If no such gifts may be accepted, these subclauses may be deleted. The term “reportable gift” may also be deleted.*  *If the threshold value is not set at $0, the CEO must also consider the value above which employees must disclose gifts accepted from associated persons. This value is indicated in this template as $[y]. This template uses the term “reportable gift” for gifts that may be accepted but must be disclosed. This term was chosen to distinguish from the category of notifiable gifts under the former provisions. While there are obvious similarities, employees should not assume their responsibilities remain exactly the same.*  *The requirements in subclauses 3.14(e) to (i), for the disclosure, recording, storing and use of information relating to gifts are modelled on the requirements for CEOs and Elected Members under Part 5, Subdivision 6 of the Local Government Act 1995. Local Governments may choose to take an alternative approach, but must ensure they address the matters listed in regulation 19AC of the Local Government (Administration) Regulations 1996.*  *Local Governments should ensure that this clause is reviewed carefully before the Code of Conduct is finalised, to ensure that the appropriate insertions and deletions have been completed without errors or omissions. WALGA’s Governance team can assist in reviewing draft clauses or providing further advice on gifts.*  *It should be noted that this Clause is intended to address the requirements of regulations 19AB, 19AC and 19AF of the Local Government (Administration) Regulations 1996. Local Governments may wish to include an additional statement about the risks and perceptions that may be associated with acceptance of gifts, and the relationship between gifts and conflicts of interest.* |

(a) Application

This clause does not apply to the CEO.

(b) Definitions

In this clause –

***activity involving a local government discretion*** has the meaning given to it in the *Local Government (Administration) Regulations 1996;*

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| ***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*** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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| ***associated person*** means a person who —   1. is undertaking or seeking to undertake an activity involving a local government discretion; or 2. it is reasonable to believe, is intending to undertake an activity involving a local government discretion   [r.19AA of the *Local Government (Administration) Regulations 1996]* |

***gift*** has the meaning given to it in the *Local Government (Administration) Regulations 1996;*

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| ***gift*** —   1. has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but 2. does not include —   a gift from a relative as defined in section 5.74(1); or  a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or  a gift from a statutory authority, government instrumentality or non‑profit association for professional training; or  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 —   1. 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 2. 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  *[Section 5.57 of the Local Government Act 1995]*  ***relative***, in relation to a relevant person, means any of the following —   1. 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; 2. 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;  *[Section 5.74(1) of the Local Government Act 1995]* |

***prohibited gift*** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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| ***prohibited gift***, in relation to a local government employee, means —   1. a gift worth the threshold amount or more; or 2. 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;   [r.19AA of the *Local Government (Administration) Regulations 1996]* |

***reportable gift*** means:

a gift worth more than $[y] but less than [threshold amount determined by CEO or $300]; or

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 $[y] but less than [threshold amount determined by CEO or $300].

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

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| ***threshold amount***, for a prohibited gift, means $300 or a lesser amount determined under regulation 19AF.  [r.19AA of the *Local Government (Administration) Regulations 1996]* |

(c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined $[x] as the threshold amount for prohibited gifts is $x.

OR

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996,* the CEO has chosen not to determine a lesser amount.

(d) Employees must not accept a prohibited gift from an associated person.

(e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.

(f) The notification of the acceptance of a reportable gift must be in writing 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:

(1) a description;

(2) the estimated value; and

(3) the date of acceptance,

of each other gift accepted within the one year period.

(g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).

(h) The CEO will arrange for the register maintained under subclause (g) to be published on the <<Shire/ Town / City>>’s official website.

(i) 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.

## Conflict of Interest

(a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

(b) Employees 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/ Town / City>>, 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) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the <<Shire/ Town / City of XXX>>, or which may otherwise be in conflict with the Local Government’s functions (other than purchasing the principal place of residence).

(d) Employees who exercise a recruitment or any other discretionary function will disclose 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) Employees 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.

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| ***WALGA Note:***  *The Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.* |

## Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

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| ***WALGA Note:***  *Local Governments with a relevant policy may wish to add the appropriate reference here.*  *Subscribers to WALGA’s Employee Relations service can access a template Secondary Employment Policy and Form.* |

## Disclosure of Financial Interests

(a) All employees will apply the principles of disclosure of financial interest as contained within the Act.

(b) 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.

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| ***WALGA Note:***  *Local Governments should not rely on this clause to alert employees to their responsibilities under the Local Government Act 1995. Local Governments should consider how employees who provide advice or reports, or exercise delegated authority, are trained and inducted.*  *Local Governments may wish to add references to relevant forms and/or internal procedures that assist employees to understand and comply with their responsibilities.* |

## Disclosure of Interests Relating to Impartiality

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

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| ***interest*** —   1. means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and 2. includes an interest arising from kinship, friendship or membership of an association.   [r.19AA of the *Local Government (Administration) Regulations 1996]* |

(b) 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 given to the CEO before the meeting; or

(ii) at the meeting immediately before the matter is discussed.

(c) 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; or

(ii) at the time the advice is given.

(d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.

(e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:

(i) that they had an interest in the matter; or

(ii) 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.

(f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:

(i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(ii) 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) If:

(i) to comply with a requirement made under item (b), the nature of an employee’s interest in a matter is disclosed at a meeting; or

(ii) a disclosure is made as described in item (e)(ii) at a meeting; or

(iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee'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.

## Use and Disclosure of Information

(a) Employees must not access, use or disclose information held by the <<Shire/ Town / City of XXX>> except as directly required for, and in the course of, the performance of their duties.

(b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the <<Shire/ Town / City>>’s policies and procedures.

(c) 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/ Town / City>>.

(d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.

(e) Nothing in this section prevents an employee from disclosing information if the disclosure:

1. is authorised by the CEO or the CEO’s delegate; or
2. is permitted or required by law.

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| ***WALGA Note:***  *Local Governments with relevant policies may wish to add the appropriate reference here.*  *Local Governments should ensure any requirements around disclosure of confidential information are contained in a legally drafted contract of employment.* |

## Improper or Undue Influence

(a) Employees will not take advantage of their position to improperly influence Council 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 in order 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.

## Use of <<Shire/ Town / City of XXX>> Resources

1. In this clause –

***<<Shire/ Town / City of XXX>> resources*** includes local government property and services provided or paid for by the <<Shire/ Town / City>>;

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

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| ***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*] |

1. Employees will:
2. be honest in their use of the <<Shire/ Town / City of XXX>> resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

(ii) use the <<Shire/ Town / City of XXX>> resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and

(iii) not use the <<Shire/ Town / City of XXX>>'s resources (including the services of employees) 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 CEO).

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| ***WALGA Note:***  *Multiple policies and procedures are likely to be relevant here. Local Governments may wish to insert the appropriate references and/or retain the general wording to ensure they are all captured.*  *Subscribers to WALGA’s Employee Relations service can access a template Internet, Email and Computer Use Policy.* |

## Use of <<Shire/ Town / City of XXX>> Finances

(a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the <<Shire/ Town / City of XXX>>’s finances.

(b) Employees will use <<Shire/ Town / City>> finances only within the scope of their authority, as defined in [position descriptions, policies and procedures, administrative practices].

(c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.

(d) Employees exercising purchasing authority will comply with the <<Shire/ Town / City>>’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.*

(e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.

(f) Employees will ensure that any use of <<Shire/ Town / City of XXX>> finances is appropriately documented in accordance with the relevant policy and procedure, including the <<Shire/ Town / City>>’s Recordkeeping Plan.

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| ***WALGA Note:***  *Local Governments should insert the appropriate references to position descriptions, policy and procedures that define the scope of employee financial and purchasing responsibilities and authority.*  *It should be noted that the exercise of purchasing authority (ie issuing/approving Purchase Orders) does not rely on a delegation of a statutory power or duty. The scope and conditions of employee authority are defined through the administrative systems and procedures for the authorisation of the incurring of liabilities that the CEO is required to establish under r. 5(1)(e) of the Local Government (Financial Management) Regulations 1996. Subscribers to WALGA’s Governance Toolkit can find further information in the note to Delegation 1.2.23 in the Template Delegation Register.* |

## Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO, in accordance with the <<Shire/ Town / City of XXX>>’s [relevant policy title].

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| ***WALGA Note:***  *Local Governments should ensure that the appropriate position titles are used in this clause.*  *Local Governments should also insert the title of the relevant policy, or provide additional information to describe an appropriate reporting mechanism.* |

## Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant <<Shire/ Town / City of XXX>> policies and procedures, depending on the nature of the suspected breach.

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| ***WALGA Note:***  *Local Governments may wish to include references to relevant policies including a Disciplinary Policy and Grievance Policy, noting that different breaches may be appropriately dealt with under different policies.*  *Subscribers to WALGA’s Employee Relations service can access a template Disciplinary Policy, Grievance Policy and Procedure.* |

## Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

(a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, or the CEO in accordance with <<Shire/ Town / City of XXX>>’s [relevant policy title].

(b) 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 will notify:

(i) the Corruption and Crime Commission, in the case of serious misconduct; or

(ii) the Public Sector Commissioner, in the case of minor misconduct.

1. 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.

(d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the <<Shire/ Town / City of XXX>>’s Public Interest Disclosure Procedures, published on the <<Shire/ Town / City>>’s website.

## Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate <<Shire/ Town / City of XXX>> policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

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| **Document Control Box** | | | | | | | | | | | |
| **Document Responsibilities:** | | | | | | | | | | | |
| **Owner:** | [insert Position Title] | | | | | **Owner Business Unit:** | | | [insert Unit Title] | | |
| **Reviewer:** | [insert Position Title] | | | | | **Decision Maker:** | | | CEO | | |
| **Compliance Requirements:** | | | | | | | | | | | |
| **Legislation:** | | [Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a465.html)  [Local Government (Administration) Regulations 1996](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s52479.html) | | | | | | | | | |
| **Other:** | |  | | | | | | | | | |
| **Organisational:** | |  | | | | | | | | | |
| **Document Management:** | | | | | | | | | | | |
| **Risk Rating**: | | **[low / med / high]** | **Review Frequency**: | | **[annual / biennial / triennial]** | | **Next Due:** | **[20##]** | | **Records Ref:** | **[CP####]** |
| **Version #** | **Decision Reference:** | | | **Synopsis:** | | | | | | | |
|  | [decision date / TRIM Ref] | | | [brief description of the adoption / changes approved] | | | | | | | |
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