



**POLICY NO. AP 4.3.30 CODE OF CONDUCT – EMPLOYEES**

**PURPOSE** To provide a guide that identifies minimum standards of ethical and professional behaviour for employees.

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**POLICY STATEMENT**

**1. APPLICATION OF THIS CODE**

This Code of Conduct applies to employees.

**2. CONDUCT REQUIRED**

**2.1 General Requirements**

The following behaviours are to be adopted by employees in their conduct:

- (i) act with reasonable care and diligence;
- (ii) act with honesty and integrity;
- (iii) act lawfully and in accordance with this Code, City policies and any applicable delegation;
- (iv) act in the interests of the City and the community;
- (v) avoid damage to the reputation of the City;
- (vi) be open and accountable to the public;
- (vii) base decisions on relevant and factually correct information and avoid bias;
- (viii) be polite and treat others with respect and fairness, avoiding behaviour which may harass or intimidate;
- (ix) not be impaired by mind affecting substances while conducting City business;
- (x) make no allegations which are improper or derogatory;
- (xi) avoid causing any reasonable person unwarranted offence or embarrassment;
- (xii) respect decisions made;
- (xiii) refrain from publically criticising either a Councillor, Committee Member or an employee in a way that casts aspersions on competence or credibility;
- (xiv) be mindful of their behaviour in public, particularly where it is easy to ascertain you are an employee of the City of Gosnells;
- (xv) maintain the confidentiality of documents / information assigned with this status;
- (xvi) report any suspected misconduct or breaches of this Code in accordance with the requirements in Section 8;



## **2.2 Record Keeping Responsibilities**

Employees shall comply with the *State Records Act 2000* and the City's policy on Information and Record Management to ensure adequate records are kept to evidence the performance of their duties.

## **2.3 Use of Information**

Employees shall not use information, whether assigned confidential status or not:

- (i) to gain improper advantage for themselves or for any other person or body;
- (ii) in ways which are inconsistent with the requirement to treat others with respect and fairness and the obligation to act impartially; and
- (i) to avoid improperly causing harm or detriment to any person, organisation or the City.

## **2.4 Employee Obligations**

While on duty, employees will give their time and attention to City business and ensure that their work is carried out efficiently and effectively in accordance with Council policies, procedures and direction, and that their standard of work reflects favourably on themselves and on the City.

Employees will deal with customers:

- (i) courteously;
- (ii) objectively; and
- (iii) impartially.

## **2.5 Relationships with Councillors and other Employees**

- a) Employees may only undertake direct communications with Councillors where they are acting within the functions and responsibilities of their position or are acting under the direction of the Chief Executive Officer or Director.
- b) Employees will ensure that in their dealings with each other, they:
  - (i) work together as part of the City's corporate team;
  - (ii) maintain an environment of mutual respect and cooperation; and
  - (iii) are respectful, frank and honest in their communications.
- c) Employees will endeavour to fairly and quickly resolve conflict that arises between themselves and another employee, promptly and directly with that party in the first instance.

## **2.6 Use of City Resources**

Employees shall:

- (a) be honest in their use of City facilities, funds, materials and equipment and shall not misuse them or permit their misuse (or the appearance of misuse) by any person or body;



- (b) use City resources entrusted to them effectively, economically and lawfully in the course of their duties;
- (c) not use City resources (including the services of City employees during normal working hours) for private purposes; and
- (d) not make unauthorised use of information and other intellectual property, produced or registered by employees or external contractors for the City. The title to Intellectual Property in all official duties shall be assigned to the City upon its creation.

**3. INTERESTS WHICH MAY AFFECT JUDGEMENT**

Employees must, at all times, comply with the financial interest and impartiality interest provisions which are contained in local government legislation.

In particular, an employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the person must disclose the nature of the interest:

- a) in a written notice given to the Chief Executive Officer before the meeting; or
- b) at the meeting immediately before the matter is discussed.

An employee who has given advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person should disclose the nature of any interest the person has in the matter in a written notice given to the Chief Executive Officer at the time the advice is given.

**4. PRIVATE WORK**

- a) Employees, other than those employed on a casual basis, shall, in writing, seek approval from the Chief Executive Officer prior to engaging in paid work outside their employment with the City.
- b) Where an employee employed on a casual basis wishes to engage in paid work outside their employment with the City, approval is not required from the Chief Executive Officer unless the private work proposed to be undertaken by the employee involves:
  - (i) the provision of goods or services to the City;
  - (ii) work that may require a statutory approval by the City (for example preparing an application for a person in relation to property located in the City);
  - (iii) the delivery of services already provided by the City (for example personal training, private building certification); or
  - (iv) work that may result in an actual or perceived conflict of interest between the employee's obligations to the City and the private work.
- c) The Chief Executive Officer retains the right to refuse or grant approval to engage in paid work outside employment with the City and to impose conditions where appropriate.



- d) Employees who are approved to undertake private work shall under no circumstances use City equipment, premises, time, resources or consumables to conduct or undertake activities associated with their private work.
- e) Employees shall not undertake private work to assist external agencies in the development or lodgement of funding submissions that may compete with similar submissions by the City.

**5. DEALINGS WITH LAND**

Employees shall notify the Chief Executive Officer in writing, prior to either themselves or a closely associated person (as defined within the *Local Government Act 1995*) undertaking a dealing in land within the City (other than purchasing the principal place of residence).

**6. PERSONAL ASSOCIATIONS**

- (a) Employees who exercise a regulatory, recruitment or management function shall make disclosure to the Chief Executive Officer before dealing with relatives or close friends and whenever possible, disqualify themselves from dealing with those persons. Disclosures must be registered in the City's electronic document management system.
- (b) Employees will refrain from partisan political activities which could cast doubt on their neutrality and ability to act in a professional capacity.

**7. PERSONAL BENEFIT**

**7.1 Improper or Undue Influence**

Employees shall not take advantage of their office or position to improperly influence other employees in the performance of their duties or functions, 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. Similarly, Employees shall not take advantage of their office or position to improperly disadvantage or cause detriment to the City or any other person.

**7.2 Gifts and Benefits**

Employees must be mindful of the legislative requirements to disclose gifts and contributions to travel and comply with these. This includes completing the relevant forms prepared by the City.

Employees are prohibited from accepting a gift of more than \$300 and must notify the Chief Executive Officer of gifts accepted with a value of between \$50 and \$300 in circumstances where the gift is received from 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.



It should be noted that where a gift is one of two or more gifts given to an employee by the same person within a period of six months that in total are worth between \$50 and \$300, then each of the gifts must be declared in writing to the Chief Executive Officer. If the cumulative value of the gifts exceeds \$300, then the gift that causes the value to exceed \$300 cannot be accepted.

The timelines for notification and the content of the notification are to accord with Regulation 34B of the *Local Government (Administration) Regulations 1996*.

The Chief Executive Officer will maintain registers for gift notifications in accordance with the Act's requirements.

Gifts and benefits with a value of less than \$50 received from a person or business undertaking, or who may, in the future, seek to undertake an activity which involves a local government discretion are not required to be declared by law. However, employees may choose to submit a gift declaration form in these circumstances.

In addition, employees must:

- (i) Refuse all offers of money, gift vouchers or items easily converted to money such as shares which are made as a result of their position with the City; and
- (ii) Refuse bribes and report bribery attempts to the Chief Executive Officer and to the West Australian Police and/or the Corruption and Crime Commission.

If an employee is unsure about how to respond to an offer of a gift, benefit or hospitality, seek advice from the relevant Director or the Chief Executive Officer.

### **7.3 City Sponsored Competitions**

Employees and their spouse or partner are not eligible to benefit from City sponsored competitions, except where authorised by the Chief Executive Officer.

## **8. BREACHES AND MISCONDUCT**

Breaches of this Code will be treated seriously.

### **8.1 Alleged Breaches**

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

- a) a Manager or Officer will be made to the Employee's relevant Director;
- b) a Director will be made to the Chief Executive Officer.

The complaint will be investigated in a manner that is in accordance with the City's Complaint Handling Procedure, Disciplinary Policy, Public Interest Disclosure Procedures and the principles of procedural fairness and natural justice.



### **8.3 Misconduct**

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

The Chief Executive Officer has a statutory obligation to report reasonable suspicion of serious misconduct to the Corruption and Crime Commission and reasonable suspicion of minor misconduct to the Public Sector Commission.

As public officers, Employees are required to immediately report to the Chief Executive Officer any instance where there is a reasonable suspicion that misconduct has occurred.

### **8.4 Public Interest Disclosure**

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



**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	Local Government Act 1995 Part 5, Division 6, Division 7 and Division 9 Local Government (Administration) Regulations 1996 Local Government (Model Code of Conduct) Regulations 2021 Corruption, Crime and Misconduct Act 2003 Public Interest Disclosure Act 2003
<b>Industry Compliance</b>	Department of Local Government: Sport and Cultural Industries Guideline No. 12 WA Local Government Association – Model Code of Conduct Australian Standard 8002-2003 - Code of Conduct NSW Independent Commission Against Corruption - Managing Gifts and Benefits in the Public Sector Toolkit
<b>Organisational Compliance</b>	Gift Declaration Form Disclosure of Gifts and Travel Contribution Form
<b>Process Links</b>	

**POLICY ADMINISTRATION**

Directorate		Officer Title	Contact:
Executive Services		Manager Organisational Performance	9397 3360
<b>Risk Rating</b>	Medium	<b>Review Cycle</b>	Triennial
		<b>Next Due:</b>	2024
Version	Decision Reference	Synopsis	
1.	FCS 452/12/1990	New policy proposed	
2.	OCM 246/12/1990	New policy adopted	
3.	FCS 236/9/1996	Amendment proposed	
4.	OCM 713/11/11/97	Reviewed No amendments	
5.	OCM 1804/9/98	Policy amended	
6.	OCM 2131/12/98	Policy amended	
7.	OCM 762/8/99	Policy amended	
8.	OCM 711/27/08/2002	Policy amended	
9.	OCM 369/23/08/2005	Policy amended - Ausinfo No. 192532	
10.	OCM 426/11/09/2007	Policy amended	
11.	OCM 412/26/08/2008	Policy reviewed	
12.	OCM 660/16/12/2008	Policy amended to align with Local Government (Rules of Conduct) Regulations 2007 and incorporate Quasi Judicial and gift declaration amendments.	
13.	OCM 409/25/08/2009	Amended to give clarification to clauses 5.3 and 7.1 and to remove application to volunteers.	
14.	OCM 386/24/08/2010	Reviewed and amended.	
15.	OCM 375/23/08/2011	Reviewed and amended.	
16.	OCM 415/28/08/2012	Reviewed and amended reporting period for gift declarations, clause 6.2 and clause 8.	
17.	OCM 415/24/09/2013	Reviewed and amended to clarify clauses 1 and 5.	
18.	OCM 382/23/09/2014	Reviewed and amended clause 6.2(b) regarding an Officer's disclosure of interest and deleted clause 7.2.7 regarding gifts won through a game of chance.	
19.	OCM 372/22/09/2015	Reviewed and amended to amend clause 4.6 for Councillors record keeping and clause 8.3 update name of Act.	
20.	OCM 385&386/25/10/2016	Revoked and replaced with an updated version.	
21.	OCM 320/26/09/2017	Reviewed and amended clause 2.1 with two additional subclauses added	
22.	Exec. Team Meeting 02/10/2017	Administrative changes - names of documents, titles, Acts and Gov't department.	
23.	OCM 305/11/09/2018	Reviewed with no amendments	
24.	OCM 261/24/09/2019	Reviewed with amendments	
25.	OCM 385/17/12/2019	Reviewed with amendments	
26.	OCM 251/08/09/2020	Reviewed and amended.	
27.	OCM 23/02/2021 – Item 13.1.2  Executive Team Meeting 22/02/2021	All references to Councillors removed as they are now covered under the <i>Local Government (Model Code of Conduct) Regulations 2021</i> .  Council Policy 5.4.10 – Code of Conduct – Councillors and Employees amended and changed into Administration Policy.	
28.			