



# CODE OF CONDUCT

Employees



## FOREWORD

This Code of Conduct informs employees of the expectations of them during their employment with the City of Busselton. In accordance with this Code we must, as representatives of the City of Busselton, conduct ourselves professionally and with integrity when working with the community, Councillors and each other toward achievement of our goals and objectives.

The City has adopted a core set of values and signature behaviours which guide the way in which City employees should behave. These values and behaviours underpin the building of professional relationships and the conduct obligations outlined in this Code.



### City Values

- a. Listening
- b. Considered Decision Making
- c. Appreciation
- d. Respect
- e. Team Work

### Signature Behaviours

- a. Actively listening and respecting others' opinions
- b. Having courage to give feedback and receive it with an open mind
- c. Planning, reflecting and sharing our learnings
- d. Thanking each other for a job well done
- e. Getting to know each other and the roles that we play
- f. Creating a fun, supportive and encouraging workplace
- g. Acknowledging each other's skills and experience and working together

I ask that all employees read and be familiar with their accountabilities under this Code, and seek clarification if they are unsure of anything. Together, we can confidently work together to meet the needs of the community today and into the future.

CEO  
Mike Archer

## 1. INTRODUCTION

- 1.1. This Employee Code of Conduct (Code) details professional conduct and behaviour expectations of City employees, including obligations relating to conflicts of interest, disclosures of interests, gifts, and confidentiality.
- 1.2. For the purposes of this Code an employee means a person:
  - a. employed by the City under section 5.36(1) of the *Local Government Act 1995* (the Act); or
  - b. engaged by a local government under a contract for services (to the extent applicable).
- 1.3. This Code serves to:
  - a. demonstrate a commitment to ethical and professional standards in the performance of duties and functions;
  - b. outline required behaviours and conduct which provide for respectful and cooperative relationships between employees, council members, committee members and the broader community; and
  - c. strengthen community confidence in the integrity of the City of Busselton.
- 1.4. The Code supports the requirements detailed in the Act and associated regulations (Regulations), and forms part of the terms and conditions of employment with the City.
- 1.5. Employees must ensure they understand the requirements outlined in this Code, and seek guidance as required from their direct Supervisor or Human Resources.

## 2. PROFESSIONAL CONDUCT AND BEHAVIOUR

- 2.1. It is the responsibility of all employees to act in a manner that is lawful and in accordance with the Act, Regulations, their employment contract, codes and other policies, practices and procedures relevant to their employment.
- 2.2. Employees, as representatives of the City, are required to do the following in the fulfilment of their duties:
  - a. act with reasonable care, diligence, honesty and integrity;
  - b. provide relevant and factually correct information to decision-makers;
  - c. conduct their duties in a manner that is lawful, ethical, impartial, objective, responsible and in the best interests of the local government;
  - d. act in accordance with their obligations of fidelity to the local government;
  - e. not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, or by the improper use of information gained in the performance of their duties;
  - f. understand and adhere to relevant legislative provisions, Council policies, City endorsed practices and plans, and contractual documentation, as they relate to their role;
  - g. make no allegations which are improper or derogatory (unless it is true and in the public interest); and
  - h. refrain from any form of conduct in the performance of their role which may cause any reasonable person unwarranted offence or embarrassment, or which may cause damage to the reputation of the City; and
  - i. attend work in a state fit for work. Fit for work means that an employee is in a state (physical, mental and emotional) which enables the employee to fulfil their duties.

## 3. RELATIONSHIP BETWEEN EMPLOYEES, COUNCIL MEMBERS AND COMMITTEE MEMBERS

- 3.1. Employees must at all times demonstrate professionalism in their interactions with other employees, council members, committee members and the broader community.
- 3.2. Employees are to work co-operatively with other employees, and with council members and committee members, toward achievement of the City's strategic goals, strategies and vision.
- 3.3. Council members are to direct requests for information to the CEO, Directors or the Business Unit Manager. Employees are justified in requesting council members adhere to this process.

## 4. INFORMATION MANAGEMENT

- 4.1. Local governments deal with a large amount of information, some of which is intended to be available to assist and inform the general public, and some of which is confidential to the local government.
- 4.2. **Confidential information** includes but is not limited to, all confidential information that may have come to an employee's knowledge during or as a result of an employee's employment or other information that has been disclosed to the City in confidence by a third party either written or orally.
- 4.3. Employees must ensure that information is accurately recorded and stored consistently with relevant laws and the City's Recordkeeping Plan.
- 4.4. Confidential information must only be disclosed by an employee to another person to the extent that it is necessary for the employee to do so in the performance of their duties, or as required by law.
- 4.5. During employment, and upon ceasing employment with the City, employees will not without written consent from the City, disclose any confidential information.

## 5. USE OF CITY RESOURCES AND FINANCES

- 5.1. Employees are to make proper use of the City's resources and must not use them for personal purposes, unless listed in a contract of employment, or authorised by the CEO. It is acknowledged that minor incidental use of certain resources may be appropriate, as identified in City practices such as the Information and Communications Technology Acceptable Use Operational Practice.
- 5.2. During employment, and upon ceasing employment with the City, employees will not, without written consent from the City, remove from the City's care and control the City's resources such as documents, materials, manuals or other information or equipment.
- 5.3. Employees must use City finances as authorised by the City and in a manner that is consistent with the behavioural and professional conduct obligations under this Code. This includes when undertaking procurement of goods and services, authorising payments, and managing budgets.

## 6. CONFLICT OF INTEREST

### General Conflicts

- 6.1. A **conflict of interest** is a conflict between an employee's personal interests (whether financial or due to kinship, friendship, or association) and the impartial fulfilment of their personal duties. It may be:
  - a. **Actual** – where a direct conflict exists between current official duties and personal interests;
  - b. **Perceived** – where it appears or could be perceived that personal interests are improperly influencing the performance of duties, whether or not this is actually the case.
- 6.2. Employees are to ensure there is no actual or perceived conflict of interest between their personal interests and the impartial fulfilment of their duties.
- 6.3. Where there is a potential that an employee could be influenced by a personal interest in carrying out their professional duties, employees are to disclose this conflict and a determination as to whether it is perceived or an actual conflict of interest will be made.
- 6.4. Examples of where a conflict of interest may arise include but are not limited to:
  - a. a full or part time employee intending to engage in private work;
  - b. recruitment and selection activities;
  - c. lodging of a building or development application i.e. building a shed or house;
  - d. inspection and regulation functions.

- 6.5. General disclosures of conflicts of interest are to be submitted to the employee's Director for review. Any identified implications regarding the disclosure of interest will be discussed further with the disclosing employee.
- 6.6. Disclosures will be registered with governance and a copy of any resulting employment conditions (if any) communicated in writing to the disclosing employee.

#### **Financial Interest**

- 6.7. **A relevant person** means:
  - a. an employee who provides advice or a report on a matter directly to the council or a committee; or
  - b. an employee who under Division 4 of the Act, has been delegated a power or duty relating to a matter.
- 6.8. As detailed in Part 5, Division 6 of the Act, a relevant person who has a financial interest (direct, indirect or proximity) must disclose this interest in accordance with section 5.70 and 5.71 of the Act. Governance is able to provide additional information to applicable employees.

#### **Disclosure of Interests affecting impartiality**

- 6.9. An **interest** referred to in this sub-part means
  - a. any association that could, or could reasonably be perceived to, adversely affect the impartiality of the employee, and
  - b. includes an interest which may arise from any kinship, friendship or membership of an association.
- 6.10. An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by an employee is required to disclose the nature of the interest:
  - a. in a written notice to the CEO before the meeting; and/or
  - b. at the meeting immediately before the matter is discussed.
- 6.11. 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 an employee is required to disclose the nature of the interest:
  - a. in a written notice to the CEO before the meeting; and/or
  - b. at the time the advice is given.
- 6.12. If an employee makes a disclosure in a written notice to the CEO before a meeting, then:
  - a. before the meeting the CEO is to ensure the notice is given to the person who is to preside at the meeting; and
  - b. before any matter is discussed at the meeting which relates to the employee's interest, the person presiding is to bring the disclosure of interest to the attention of all people present.
- 6.13. If a matter is raised at a meeting which an employee has an interest in; and
  - a. it is realised that the employee has an interest in the matter during the course of a meeting and they were not aware it was going to be discussed, they must immediately disclose their interest; and
  - b. the presiding member should bring this disclosure to the attention of those present at the meeting; and
  - c. the nature of the interest is to be recorded in the minutes of the meeting.
- 6.14. An employee is excused from the requirement to disclose an interest if:
  - a. the employee did not know that they had an interest in the matter; or
  - b. the employee did not know the matter in which they had an interest would be discussed at the meeting; and
  - c. the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter.
- 6.15. Point 7.11 and 7.12 do not apply to an interest referred to in section 5.60 of the Act.

## 7. GIFTS

7.1. A **gift** is defined as per s.5.57 of the Act as:

- 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
  - i. **travel** includes accommodation incidental to a journey;
  - ii. **travel** contribution means a financial or other contribution made by 1 person to travel undertaken by another person.
- c. but does not include:
  - i. a gift from a relative, relative being defined in section 5.74(1) of the Act; or
  - ii. a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
  - iii. a gift from a statutory authority, government instrumentality or non-profit association for professional training.
  - iv. a gift from WALGA, the Australian Local Government Association Limited or the Local Government Professionals Australia WA.

7.2. A **prohibited gift**, in relation to an employee is:

- a. a gift worth \$300 or more; or
- b. a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

7.3. A **notifiable gift**, in relation to an employee is:

- a. a gift worth between \$50 and \$300; or
- b. a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300.

7.4. An **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.

7.5. An **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.

7.6. Employees must not accept a prohibited gift from an associated person.

7.7. An employee is required to notify the CEO of the acceptance of a notifiable gift from an associated person within 10 days of accepting the gift.

7.8. Notification of the acceptance of a notifiable gift is required to be in writing and include details of:

- a. the name of the person who gave the gift;
- b. the date on which the gift was accepted;
- c. a description and the estimated value of the gift;
- d. the nature of the relationship between the employee and the person who gave the gift.

7.9. Notification of a notifiable gift that is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300, whether or not it is also notifiable as it is worth between \$50 and \$300 itself, the notification is required to include, in relation to each other gift accepted within the six month period from that person:

- a. a description;
- b. the estimated value;
- c. the date of acceptance.

- 7.10. The City recommends employees disclose the acceptance of gifts valued under \$50 ('token gifts') at the time they receive them. This allows the City to track token gifts and assist employees to meet their obligations under this Code. The obligation however remains with the employee.
- 7.11. For further information employees should refer to the 'Disclosure of Receipt of Gift – Employees' form or consult with governance.
- 7.12. The City will maintain a register of notifiable gifts and record in it the details of the notifications given under this section. This will be made available on the City's website.

**8. INTELLECTUAL PROPERTY**

- 8.1. The title to Intellectual Property in all duties performed by an employee will be assigned to the City upon its creation unless otherwise agreed by a separate contract.

**9. BREACH OF CONDITIONS**

- 9.1. Any person who has reason to believe that an employee has breached the standards of conduct set out in this Code, or otherwise suspects fraudulent, dishonest, illegal or corrupt behaviour by an employee, must refer the matter to the employee's Manager, Director, to the CEO or to HR. The matter will then be considered and dealt with in accordance with relevant City policies and practices and applicable legislation.
- 9.2. Any person who has reason to believe that the CEO has breached the standards of conduct set out in this Code, or otherwise suspects fraudulent, dishonest, illegal or corrupt behaviour, must refer the matter to the Director Finance and Corporate Services, who will consider the matter and deal with it in accordance with relevant City policies and practices and applicable legislation.
- 9.3. Each report of a breach is to be dealt with in accordance with the principles of procedural fairness.
- 9.4. Employees who report unacceptable or illegal behaviour will not in any way be disadvantaged or victimised because of their report.
- 9.5. Employees who make false complaints which are determined to be frivolous, vexatious or not made in good faith may themselves face disciplinary action.
- 9.6. The City is obligated to report misconduct and public interest matters to the Public Sector Commission and the Corruption and Crime Commission as detailed in the Corruption, Crime and Misconduct Act 2003. The City may also be required to report to the Department of Local Government, Sport and Cultural Industries.

**10. CEO ENDORSEMENT**

<b>Approved by:</b>	Michael Stephen Lee Archer, Chief Executive Officer		
<b>Approval Date:</b>	24 May 2021	<b>Previously Approved:</b>	NA
<b>Signature (for hard copy record):</b>			