

# Employee Code of Conduct



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## Our Vision

A unique and liveable City, celebrated for and connected by its diverse community, natural beauty and economic opportunities.



## Our Mission

Through visionary leadership, retain and enhance Kwinana's unique character by sustainably supporting and developing its community, economy and environment.



## Our Values

The City of Kwinana's staff values are:

- Lead from where you stand
- Act with compassion
- Stand strong, stand true
- Trust and be trusted
- Make it fun
- Why not yes?







## Message from the Chief Executive Officer

As one of the metropolitan local governments in Western Australia, the City of Kwinana (City) plays a crucial role in the development and maintenance of its local community infrastructure and services. Although it largely operates as an autonomous entity, the City is accountable to its local community and works in collaboration with other levels of government, particularly in relation to the planning and development demands. Exemplary standards of ethical behaviour are expected from both Elected Members and employees who serve the community on Council or as officers of the City. It is vitally important all Elected Members, employees, contractors, volunteers and consultants understand what the City expects of them in terms of personal and professional conduct and behaviour whilst carrying out their public duties, functions and responsibilities. This Code of Conduct has been prepared specifically for employees, contractors, volunteers and consultants, noting, there is a separate Code of Conduct for Elected Members.

The Code of Conduct assists and guides employees to determine what appropriate and acceptable ethical standards of behaviour to apply in various circumstances. The standards set by this Code of Conduct are high and the City expects them to be met.

Employees should refer to the Code of Conduct for general guidance or when faced with an ethical dilemma. The Code of Conduct sets limits of behaviour that seek to preserve the integrity of public service and decision making in local government. It guides those who carry out public duties to conduct themselves with propriety and respect for others at all times.

I trust the Code of Conduct will provide assistance in achieving and maintaining the high standards of ethical behaviour the City expects of employees to deliver to the community and each other.

**Wayne Jack**

**Chief Executive Officer**



## Definitions

<b>Act</b>	means the <i>Local Government Act 1995</i> .
<b>Activity involving a local government discretion</b>	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.
<b>Associated person</b>	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.
<b>Breach</b>	means a breach of the Code.
<b>CEO</b>	means the Chief Executive Officer of the City.
<b>City</b>	means the City of Kwinana.
<b>Code</b>	means the City's Code of Conduct for Employees.
<b>Code of conduct</b>	means a code of conduct under section 5.51A of the Act.
<b>Conflict of Interest</b>	means a situation in which a person's professional decision making ability could be, or could reasonably be seen to be, influenced by their personal interests.
<b>Corruption and Crime Commission</b>	means the Commission established under section 8 of the <i>Corruption, Crime and Misconduct Act 2003</i> .
<b>Council</b>	means the Council of the City of Kwinana.
<b>Employee</b>	means a person – (a) employed by a local government under section 5.36(1) of the Act; or (b) engaged by a local government under a contract for services; and does not include the CEO.
<b>Gift</b>	(a) has the meaning given in section 5.57 of the Act; 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 <i>Local Government (Elections) Regulations 1997</i> 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).
<b>Interest</b>	(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and (b) includes an interest arising from kinship, friendship or membership of an association.
<b>Notifiable Gift</b>	means any gift whereby the value is between \$50 and \$300 and/or the total value of gifts received from the same source within a twelve month period does not exceed \$300.
<b>Prohibited Gift</b>	(a) a gift worth the threshold amount or more; 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 12 months that are in total worth the threshold amount or more.
<b>Threshold amount,</b>	for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

## Introduction

### Why have codes of behaviour?

Section 5.51A of the Act requires the CEO to prepare and implement a code of conduct to be observed by employees of the local government.

The Code has been prepared specifically for employees, contractors, volunteers and consultants (noting there is a separate Code of Conduct for Elected Members, Committee Members and Candidates and standards for the CEO).

### Who does the Code apply to?

The Code is relevant for all employees of the City, which incorporates the City's volunteers, consultants and contractors.

The Code provides employees clear guidelines for the standard of professional conduct and behaviour expected of them in carrying out their functions and responsibilities.

The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability. It encourages a commitment to ethical and professional behaviour and outlines principles on which individual and collective local government responsibilities may be based.

The Code is complementary and in addition to the principles adopted in the *Public Sector Management Act 1994*, the *Local Government Act 1995* and 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 government to their communities; and
- (4) more efficient and effective local government.

Employees are obliged to conduct themselves in accordance with the Code and the City's policies and procedures.

## Key Principles

The Code is based on the following key principles:

### Integrity

Employees must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

### Leadership

Employees have a duty to promote and support the key principles of leading by example and to maintain and strengthen the public's trust and confidence in the integrity of the City (this means promoting public duty to others in the City and community, by their own ethical behaviour).

### Selflessness

Employees have a duty to make decisions solely in the public interest (this means making decisions because they benefit the public, not because they benefit the decision maker). Employees must not act in order to gain financial or other benefits for themselves, their family, friends or business interests.

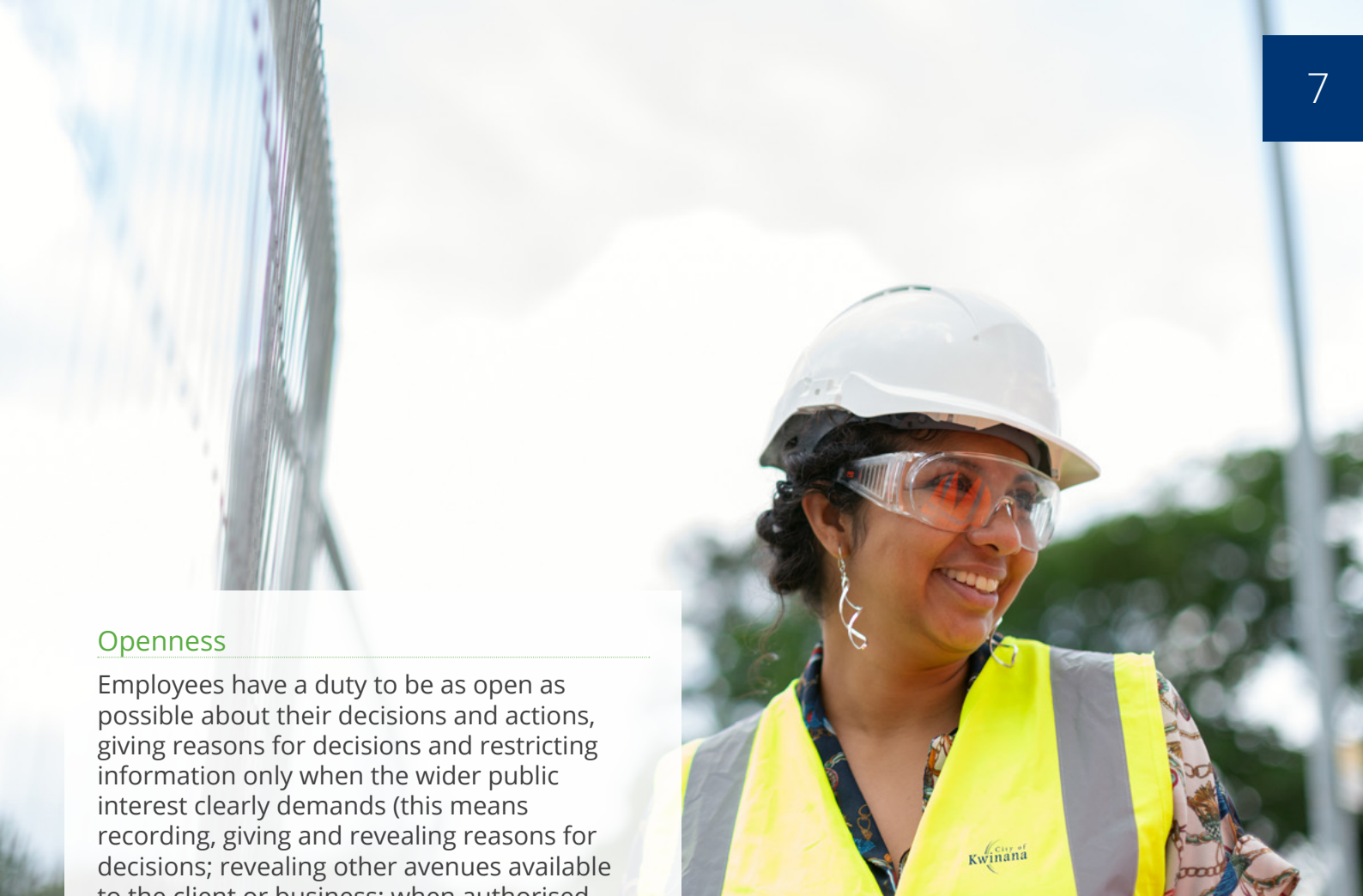
### Objectivity

Employees must make decisions solely on merit and in accordance with their statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts, approving applications of matters that affect a third party or recommending individuals for rewards or benefits (this means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of the City resources; considering only relevant matters).

### Accountability

Employees are accountable to the public for their decisions and actions and must consider issues on their merits, taking into account the views of others and basing decisions on relevant and factually correct information. (This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails).





### Openness

Employees have a duty to be as open as possible about their decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands (this means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly).

### Honesty

Employees have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in such a way that protects the public interest (this means obeying the law; adhering to Council Policies and City procedures; observing the Code of Conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred).

### Respect

Employees must treat others with respect at all times (this means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play within local government decision making).

This standard requires that they treat other people as individuals with rights to be honoured and defended, and also to assist these people to claim their rights if they are unable to do it for themselves. The City encourages honest relationships by being truthful and sincere when dealing with others.

### Justice

Employees must treat people fairly, without discrimination, and with rules that apply equally to all (this means they must ensure that opportunities and social benefits are shared equally among individuals, including equitable outcomes for disadvantaged people. They must uphold the local laws of the City and also comply with relevant State and Commonwealth legislation).

### Beneficence

Employees must do for others what they would like done for themselves – that they do good and not harm, to others. They must be aware that the strong have a duty of care to the weak, dependant and vulnerable and to uphold the rights of those who are unable to do so. They shall contribute to the well-being of individuals and society by exercising due diligence and duty of care to others.

# Ethical Obligations

## Behaviour

### Appropriate/inappropriate behaviour

All employees must treat each other and members of the public in a respectful, professional, fair and courteous manner at all times in the workplace. Conduct should contribute towards creating and maintaining a supportive work environment.

The expected behaviours of employees in the workplace takes into consideration the City's staff values.

Inappropriate behaviour in the workplace is taken extremely seriously and will not be tolerated.

The City has an obligation to fully investigate all allegations of inappropriate behaviour and/or misconduct in a fair and timely manner and will do so in line with the City's Disciplinary Actions policy.

The expectation of employee's personal behaviour details that the employee shall:

- perform their duties impartially and in the best interest of the City uninfluenced by fear or favour;
- act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the City and the community;
- when dealing with any person or organisation who has, or may have, dealings with the City, or any ratepayers or residents, explain whether they are representing the City, or whether they are acting on an individual basis. If acting as an individual basis, employees cannot speak on behalf of the City or offer Council's support for a position;
- not make any allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;

- ensure that any comments they make when acting in an official capacity are pertinent to the business of the local government and are not made maliciously or without regard as to whether they represent the truth;
- always act in accordance with their obligation of fidelity to the City;
- act at all times when representing the City (which includes while wearing City branded clothing) in a manner that will not adversely reflect on Council or bring the City into disrepute;
- whilst conducting City business, adhere at all times to a standard of dress and personal hygiene which is neat, responsible and consistent with community expectations and normal business practices; and
- not defame or cast aspersions on an elected members', committee members' or employee's commitment, contribution or competence.

### Reference

Policy – HR – Disciplinary Action

## Professional Standards

### Corporate image and Style

A standard corporate image reflects the City's professionalism.

The City's corporate brand must be reflected consistently in all published materials. The corporate style guide contains information on the City's logo and communication. To ensure consistency is maintained in all communications, the City's Style Guide must be followed when writing and formatting letter, emails, internal reports, agenda and communications. The style guide includes information on how to access standard templates. Employees must ensure all corporate documents are prepared using these standard templates.

### Reference

Style Guide



## Dress Standards

To establish and maintain a professional and positive public image, employees are to ensure compliance with occupational safety and health standards:

- Compulsory corporate uniform must be worn by employees, including casual employees, who have been identified in the City's uniform policy as required to wear compulsory uniforms;
- Employees are expected to maintain a minimum standard of "smart business" attire, dressing suitably and modestly for the business working environment;
- The wearing of protective personal clothing/ equipment and safety footwear where is compulsory; and
- Employee name badges must be worn at official functions and meetings.

### References

Policy – HR – Employee Uniforms

Customer Service Standards

Policy – HR - PPE

## Performance of duties

While at work or performing City duties, employees shall apply themselves solely to the performance of their duties and responsibilities. This includes employees permitted to work from home by prior arrangement. Employees should not use work time and facilities to undertake activities in relation to their personal, private, business or commercial interests such as sporting clubs, political organisations, hobbies and the like.

All employees are expected to meet agreed performance standards and objectives. The City's Staff Development Review (SDR) provides a formal platform to record agreed performance goals and measures, engage in regular feedback and guidance, provide support for knowledge and skill development, and reward for achievements. It is expected that employees will endeavour to continually improve their performance.

Employees will:

- While on duty, give their whole time and attention to the local government's business and ensure that their work is carried out efficiently, economically and effectively in accordance with their position description responsibilities and duties, Council Policies and corporate objectives;
- Demonstrate loyalty and commit to the unconditional acceptance and support of all Council decisions and lawful instructions from the CEO;
- At all times ensure that their standard of work and conduct reflects favourably both on them and the City, and is in accordance with the City's Customer Service Charter and Customer Service Standards;
- Be encouraged to develop networks with the local government industry, to encourage and assist their peers and promote goodwill between local governments;
- Be expected to question, review and revise work practices and procedures to seek continuous improvement opportunities and to account for the organisation's statutory compliance. Regardless of 'instruction', statutory requirements are the principal power.; and
- Be encouraged to self-report legislative non-compliance when identified to improve the level of compliance and assist in minimising reoccurrences.

### Reference

Policy – HR – Flexible Working Arrangements and Working from Home

## Customer Service Standards

Employees are expected to deliver a high level of customer service to members of the community at all times, in a friendly, respectful, professional and courteous manner.

If an employee is unable to assist a member of the public or staff with a request, then the matter should be referred to the relevant person or department for help.

### Reference

Customer Service Standards

## Respecting and valuing diversity

The City recognises respect and diversity and is committed to continuously working towards integrating the principles of Equal Employment Opportunity (EEO) into its strategies and day-to-day work practices. Employees are expected to treat each other and members of the public with respect and value each other's diversity as well as diversity in the community.

The City seeks to provide and maintain a work environment that is safe. Behaviours involving discrimination, bullying and harassment pose a risk of injury or harm to employees and will not be tolerated.

The City's Workplace behaviour policy details the expectations and obligations of employees.

### References

*Work Health and Safety Act 2020*

*Industrial Relations Act 1979 (WA)*

*Equal Opportunity Act 1984*

HR – Policy – Workplace Behaviour – Harassment, Discrimination and Bullying.

## Work Health and Safety and Risk Management

The City is committed to providing and maintaining a safe and healthy workplace for all staff, contractors, volunteers and members of the public.

The Chief Executive Officer, Directors, Managers, Coordinators and Supervisors must ensure that their staff and others working on behalf of the City know the relevant safety standards and statutory obligations.

When at work, an employee must:

- Take reasonable care for their own health and safety, including the use of personal protective equipment (PPE).
- Take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions in the workplace.
- Cooperate with respect to any action taken by the City to establish and maintain occupational health and safety systems and procedures.

- Must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health and safety.
- Report any safety hazard or incident immediately to their Supervisor/Coordinator, Manager or WHS representative.

### References

*Work Health and Safety Act 2020*

*Work Health and Safety (General) Regulations 2022*

HR – Policy – Work Health and Safety (WHS)

## Social Media Guidelines

The framework and guidelines for using Social Networking sites for both the employee's personal use and referencing their employment are detailed in the City's policy.

### Reference

HR – Policy – Social Media – Personal Use

## Use of City Resources

### Overview

Employees will:

- (i) be honest in their use of the local government's resources and shall not misuse them or permit the misuse (or the appearance of misuse) by any other person or body;
- (ii) use the local government resources entrusted to them effectively, economically and lawfully in the course of their duties;
- (iii) not use the local government's facilities, materials, funds, equipment or resources (including the services of employees) for private purposes (other than in the case of employees, 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);
- (iv) use City resources ethically, effectively, efficiently and carefully in the course of their public or professional duties, and must not use them for private purposes unless this use is lawfully authorised



- and proper payment is made where appropriate;
- (v) be scrupulous in the use of City property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body;
  - (vi) avoid any action or situation which could create the impression that City property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain;
  - (vii) not convert any property of the City to their own use unless properly authorised; and
  - (viii) not use the City's computer or telecommunications resources to excess or to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

### Security

Security protocols exist to protect employees and the City's assets and information and must be observed.

The City's corporate information system has levels of security set to prevent unauthorised access.

Employees must keep building access cards or issued keys in a safe place at all times. Cards and/or keys must not be misused and should not be lent on loan to others. Lost cards must be reported immediately to Asset Management Services. Lost keys must be reported to Facility Management.

### Records and freedom of information

Employees must ensure all records are securely maintained and recorded in the City's document management system. The records must be factual, accurate, current and not misleading. Documents should not be removed from files. Employees should not include content in records which is personal, subjective or otherwise inappropriate.

Employees must assist the public to access documents unless they are confidential,

privileged or otherwise restricted for public distribution. Information should be made available in a timely manner in accordance with the City's record keeping policy and the cost adopted in the annual fees and charges. Local government is also bound by the *State Records Act 2000* to make information such as City policies readily available to the public.

Employees should make themselves aware of the requirements imposed on local government by the requirements of the *Freedom of Information Act 1992* and the *State Records Act 2000*.

### References

City of Kwinana – Record Keeping Plan

*Freedom of Information Act 1992*

*State Records Act 2000*

### Access to information

The City must provide access to the documents available under section 5.92 of the Act to all members of the public, and to elected members. The City must also provide elected members with information sufficient to enable them to carry out their civic functions.

Employees have an obligation to provide full and timely information to elected members about matters that they are dealing with, in accordance with City procedures.

### Intellectual property

Copyright and intellectual property rights which attach any product or service created in the course of employment confer with the City unless explicitly agreed otherwise. For example, if a City employee designs a program as part of their employment, the City will own any intellectual property rights which attach to the program. This means the designer will be unable to sell those rights unless the City gives permission to do so.

Employees must not appropriate, misuse or exploit the City's intellectual property. This includes deliberately copying written or electronic information for improper use.

## Emails

Information obtained from the internet and via email during the course of employment must be used appropriately, with due care and consideration and in accordance with all confidentiality requirements.

Before being granted access to the City's electronic systems, employees must have a clear understanding of the IT Acceptable Use policy. The email address assigned to employees is intended for work purposes only and should not be divulged as a contact address for organisations involved in non-work related matters.

Correspondence generated from email addresses remains the property of the City. All emails which are part of the City's corporate records should be profiled in accordance with the City's Recording Keeping plan.

Careful consideration should be given to the tone and content used in email correspondence. Incorrect use could offend or be misinterpreted. It may be that email is not the most appropriate way to communicate in some circumstances and thought should be given to the most appropriate way to communicate. It may be that a formal memo or telephone call would be more appropriate.

### Reference

Policy – HR – ICT Acceptable Use

## Internet access

Use of the internet by employees is restricted to what is considered acceptable. Examples of acceptable use includes:-

- Using it for business activities necessary to carry out job functions;
- Communicating between staff and suppliers;
- Reviewing web sites for product information;
- Referencing regulatory or other technical information; and
- Carrying out research and other work related information searching which are relevant to job function.

Further information, including details of what is considered unacceptable use of the

internet, can be found in the ICT Acceptable Use policy. If an inappropriate site is accessed inadvertently, the IT Helpdesk should be notified immediately so further access can be blocked.

Disciplinary action may be enforced against those who use the internet for unacceptable purposes.

### References

Policy – HR – ICT Acceptable Use

Policy – HR – Disciplinary Action

## Financial Responsibility

Employees who are required to handle public monies as part of their duties and/or the City's finances must act with diligence and integrity and are expected to be familiar with the requirements of the *Local Government (Financial Management) Regulations 1996*, including those provisions relating to unlawful conduct and penalties.

Employees who expend money on behalf of the City must retain a record of all receipts and documents as proof of expenditure. They must also comply with all City policies and audit directives regarding the City's finances.

### References

Policy – HR – Police Clearance

*Local Government (Financial Management) Regulations 1996*

## Purchasing

The CEO has on-delegated authority to positions to purchase goods and services on behalf of the City. Those exercising the authority must:

- Conform with the purchasing threshold requirements detailed in the Procurement Policy;
- Be scrupulously honest in dealings with suppliers; and
- Conduct all business with suppliers fairly and with integrity.

### Reference

Policy – Council - Procurement



## Competitive tendering and contracting

Public Sector Standards ensure consistency and fairness is maintained when consultants and contractors are engaged for local government contracts. Recruitment, employment and management of contracts or consultants must conform to these standards.

The Acts and Regulations provide a process for tenders which must be followed for the purchase of goods or services. In addition, the provisions of the Procurement Policy must be followed in respect of tenders and contracts.

Contracts for professional services must be made following the purchasing procedures under the *State Supply Commission Act 1991*.

### References

Policy – Council - Procurement

State Supply Commission  
[www.finance.gov.au](http://www.finance.gov.au)

Western Australia Local Government Association: Preferred Supplier Directory

CUA - Commonwealth User Agreement

## Use of City assets

The City will provide allocated positions with additional resources/assets to ensure the incumbent is fully equipped to carry out the duties of their position. Employees, who use, are in possession of and/or operate City assets are responsible for the assets and must ensure they are protected from damage and kept secure at all times.

The use of City assets include (but are not limited to):

- City vehicles/plant, machinery and equipment;
- Mobile phones; and
- Other electronic devices such as iPads etc.

## Use of City vehicles/plant, machinery and equipment

The use of all City vehicles is subject to the City Vehicle's policy. Employees who use City vehicles are responsible for being aware of and understanding this policy and agree to abide by the terms and conditions of use.

Employees are expected to pay attention and use care when operating any City vehicle. Any motor vehicle accident that occurs due to an employee's misuse, careless and/or inattentive driving will be fully investigated.

### Reference

Policy – HR – City Vehicles



### Use of Mobile Phones/Personal electronic devices

Mobile phones and other personal devices are provided to allocated employees to assist them in carrying out their public duties. They are primarily for this purpose; however, may be used for reasonable personal use.

Excessive personal or inappropriate use will be dealt with in line with the Disciplinary Action policy. Employees issued with a mobile phone or other personal device are expected to familiarise themselves with the ICT Acceptable Use policy.

#### References

Policy – HR – ICT Acceptable Use

Policy – HR – Disciplinary Action

### Travelling and sustenance expenses

Employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the local government in accordance with local government policy and the provision of the Act.

Employees attending conferences and training should do so in accordance with the HR - Learning and Development Policy.

#### Reference

Policy – HR – Learning and Development

### Corporate hospitality

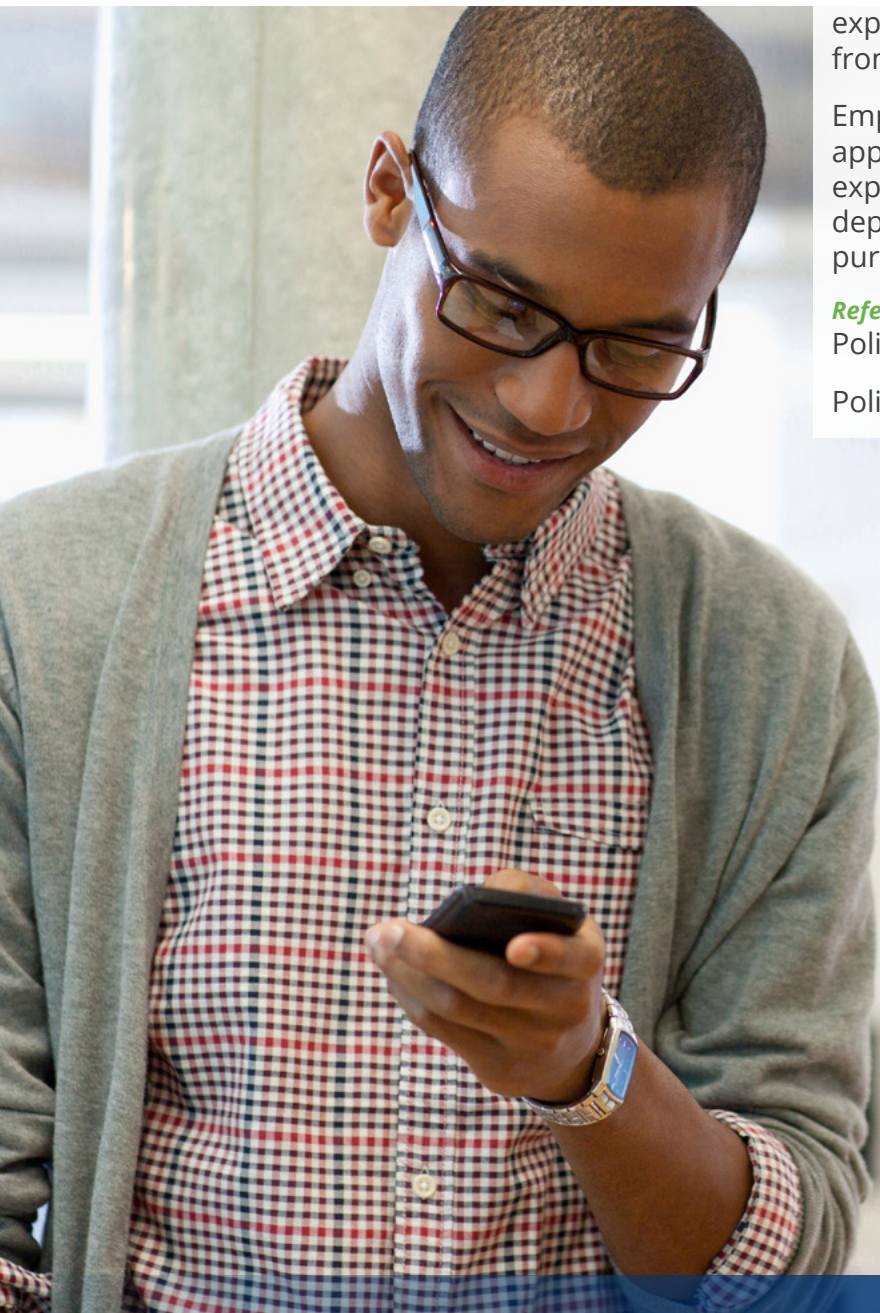
Employees who spend public funds to entertain must do their utmost to ensure the expenditure meets the genuine need arising from public duty.

Employees must have entertainment expenses approved by a Director prior to incurring the expense. The level of appropriate expense will depend on the position incurring it and the purpose of the entertainment.

#### References

Policy – HR – Catering

Policy – HR – Drug and Alcohol





# Communication and Official Information

## Confidentiality

Confidential information includes (but is not limited to) all strictly confidential or confidential information that may come to an employee's knowledge during or as a result of an employee's employment, its business/strategic plans, finances, other employees, members of the public, suppliers or other information that has been disclosed by a third party.

Employees:

- (i) will not use confidential information to gain improper advantage for themselves or for any other person or body, or in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation;
- (ii) must only access information needed for official business;
- (iii) must protect confidential information;
- (iv) must not use confidential information for personal purposes or for any non-official purpose;
- (v) must only release confidential information if they have authority to do so; and
- (vi) must only use confidential information for the purpose it is intended to be used.

## Using information or position

Employees will on occasions be privy to confidential, privileged or sensitive information. Under no circumstances should this information be divulged or used inappropriately to gain a direct or indirect advantage, financial or otherwise for employees or any other person or body. Employees should conduct themselves in a professional and appropriate manner at all times. The inappropriate use of information or abuse of position constitutes a breach.

### Reference

Policy – HR – Disciplinary Action

## Employee/Elected Member Relationships

Elected Members and employees' roles are determined in the Act.

Elected Members:

- are the strategic decision makers in local government, rather than managers or administrators;
- must refrain from dealing directly with employees about administrative matters; and
- must refrain from publicly criticising employees in a way that may bring their professional reputations into disrepute.

Employees enable the functions of local government and Council to be performed.

Elected Members' role is to focus on strategic direction and policy decisions.

Employees, under the direction of the CEO, implement those decisions.

Reaching a consensus on a decision is achieved by working collaboratively to meet the objectives of the Strategic Community Plan.

Elected Members may only contact the relevant director or CEO's delegate on specific matters. The relevant director may authorise further contact with specific employees.

## Media Contact

In accordance with the Act, the spokesperson for Council is the Mayor and with the Mayor's authorisation, the CEO, either of whom may make a statement on behalf of the Council and the City. (Note: the City's Communication and Marketing Business Unit maybe requested to assist in the drafting of an appropriate response).

All media enquiries must be referred to the City's Communication and Marketing team.

### Reference

Policy – HR – Digital Communications and Social Media

## Conflicts of Interest, Gifts and Benefits

### Secondary employment

Additional employment outside of the City may place employees at risk of being conflicted or impeded in the ability to carry out their public duties impartially.

Secondary employment refers to all paid and unpaid work, whether it is with another organisation, operating a business, volunteering, maintaining a professional practice or consultancy and for being a director for an organisation. This may include voluntary activities and if those activities have the potential to affect employment in the City, they are required to be reported.

Employees who are considering engaging in employment outside the City (including employment breaks during leave) must follow the secondary employment process before doing so. Employees should also ensure that they maintain their responsibilities as per Occupational Safety and Health Management requirements.

#### Reference

Policy – HR – Secondary Employment

### Conflict of Interest

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.

Employees need to consider any close personal or private interests that may conflict, or be perceived to conflict with their public duty.

It is almost inevitable employees will have a conflict of interest at some point. These conflicts of interest must be recognised and dealt with accordingly to avoid any conflict or perceived conflict of interest, particularly when decision making is required.

The Act and Regulations provide information to employees on what is or is not an interest and when an interest should be disclosed. The obligation under the Act to disclose extends

to those who provide advice or a report to the City.

It is the employee's responsibility to identify and disclose conflicts of interest. If an employee is in doubt as to whether a conflict exists, they must raise the issue with their Manager.

Employees who exercise a recruitment, regulatory, inspectorial or other discretionary function must make disclosure before dealing with closely associated persons, close relatives or close friends and, whenever possible, or in doubt, should disqualify themselves from dealing with those persons. This disclosure must be made in writing to their Director and Chief Executive Officer.

An employee should ensure that their interests are disclosed at the time they are asked to commence any work toward providing advice or a report, rather than after they have completed work on preparing the advice or report. In any case, disclosure of interest is required to occur as soon as the person becomes aware that they have a conflict of interest.

Employees who have an interest in any matter in respect of which they are providing advice or a report to Council on, they must declare the nature of such interest before the matter is progressed. If an employee is attending a Council or committee meeting and has an interest they must declare in writing to the CEO before or at the meeting immediately before discussed. The disclosure can be excused if the employee did not know or could not reasonably be expected to know of the interest. The CEO will ensure the chair and any people in attendance that they are suitably notified prior to the progression of the matter.

Employees that have been delegated a power or duty must not exercise such power or discharge the duty in the event they have an interest in the matter and must disclose the nature of such interest to the CEO as soon as practicable.

### Appointment to Boards and Committees

Prior to an employee being appointed to an external board or committee, the employee is required to disclose any conflict of interest.

## Apolitical and impartial

Employees should remain uninvolved in the politics which is an inevitable part of public business. Decisions may involve having regard to political factors; however, they should not be inappropriately influenced by political considerations. Rather decision-making should be based primarily on the relevant facts, consideration of the merits, be open, accountable and fair. Decisions involving contract, appointments or tenders should be impartial and in accordance with statutory obligations and policy considerations.

## Responsive and accountable

The City conducts its operations in accordance with sound business principles. Its processes must reflect best practice with a focus on customer service and providing best value to the community. Regard must always be given to involving the community in decision-making and upholding the democratic values that are inherent to the system of local government. These principles are incorporated into all decisions made by Elected Members and employees.

## Gifts

Acceptance of notifiable gifts require the employee to adhere to and comply with the provisions of this Code.

An employee who accepts a Notifiable Gift from an associated person or organisation undertaking or seeking to undertake activity involving a local government discretion, must within 10 days of accepting the notifying the CEO of the acceptance. (This is completed through the Attain software system).

The criteria for notifiable gift(s) is if the value of the gift is between \$50 and \$300 and/or if there is more than one gift from the same party within a twelve month period the total value does not exceed \$300.

If the gift has a value of \$50 or less (including moderate acts of hospitality), the employee should keep their own record of the gift. This is due to receipt of additional gifts (from the

same source and total exceeds \$50) which will then be required to be disclosed and/or recorded in Attain (the City's register).

An employee must not accept a prohibited gift (s) from an associated person.

Any records relating to acceptance of a gift will be recorded in accordance with the City's policies and procedures.

### Reference

Please refer to Attachment A, page 20.

## Implementation, Review and Compliance

### Misconduct, corruption and fraud

The term "misconduct" has a particular and specific meaning under section 4 of the *Corruption, Crime and Misconduct Act 2003*. Part 1 Division 1, section 4.

This includes, but is not limited to the following:

- corruptly acting or failing to act in the performance of a public officer's employment;
- corruptly taking advantage of the public officers employment to gain advantage or cause detriment;
- committing an offence punishable by 2 or more years' imprisonment.

Fraud is defined by Australian Standard AS8001-2008 as:

- 'dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by Employees, or persons external to the entity and where deception is used at the time, immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit'.



Corruption is defined by Australian Standards AS8001-2008 as:

- 'dishonest activity in which an employee or contractor of an entity acts contrary to the interests of the City and abuses their position of trust in order to achieve some personal gain for themselves or for another person or entity.'

Employee misconduct may take the form of (but not limited to) any of the following:

- misappropriation of funds
- theft of government assets, including information
- using significant time at work for private purposes
- taking unrecorded leave
- obtaining employment under false pretences by falsely claiming to have the required qualifications leaving the designated work area before the completion of the shift without permission
- falsifying of timesheets
- poor attendance and/or timekeeping
- failure to attend rostered shift or duties without appropriate notification, or repeated lateness in reporting to work or returning from breaks
- smoking in prohibited areas
- unacceptable or poor work performance, and/or failing to meet the inherent requirements of the position
- inappropriate behaviour towards a colleague and/or member of the public
- off-duty conduct that may, in any way, diminish the reputation or business prospects of the City
- failure to follow a reasonable instruction from a supervisor/manager
- careless or negligent action that could endanger an employee's own safety or the safety of others
- fighting, or any acts of violent or physical threatening behaviour while on duty
- sleeping while on duty
- use of/being under the influence of drugs/alcohol while on duty
- misuse of City property/assets
- any disclosure of confidential information relating to the City

- inappropriate use of the internet
- failure to disclose actual or potential conflicts of interest, and
- violation or disregard for the Code or any other City policy, management practice or procedure.

Employees have a responsibility not to engage in misconduct or to act corruptly or fraudulently, to actively prevent or detect these activities and to immediately report them.

Any allegation of misconduct will be investigated in line with the City's Disciplinary Action policy.

#### References

*Corruption, Crime and Misconduct Act 2003*

AS8001-2008

Policy – HR – Disciplinary Action

### Whistle-blower protection

The *Public Interest Disclosure Act 2003* (PID Act) applies to disclosures of public interest information. Public interest information means information that –

- relates to the performance of a public function by a public authority, public officer or public sector
- contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in;
  - improper conduct; or
  - an act or omission that constitutes an offence under a written (State) law; or
  - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or;
  - an act done or omission that involves a substantial and specific risk of –

- injury to public health; or
- prejudice to public safety; or
- harm to the environment; or
  - a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

A commonly accepted definition for/name being “whistleblowing” is the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices.

The *Corruption, Crime and Misconduct Act 2003* provides protection for witnesses who voluntarily report allegations of misconduct or corrupt conduct to the Corruption and Crime Commission.

The CEO has an obligation to ensure employees who report illegal or unacceptable behaviour are not in any way comprised, disadvantaged or persecuted.

The City will appoint suitable trained officers as Public Interest Disclosure Officers who will be available to report any such unacceptable behaviour to, ensuring that the employee is not anyway disadvantaged or victimised due to making a report.

#### References

*Corruption, Crime and Misconduct Act 2003*

*Public Interest Disclosure Act 2003*

## Alcohol and drugs

Employees are obliged to present themselves for work in a fit state so that while carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health.

The City’s Drug and Alcohol policy sets out employee obligations in detail.

#### References

Policy – HR – Drug and Alcohol

Policy – HR – Disciplinary Action

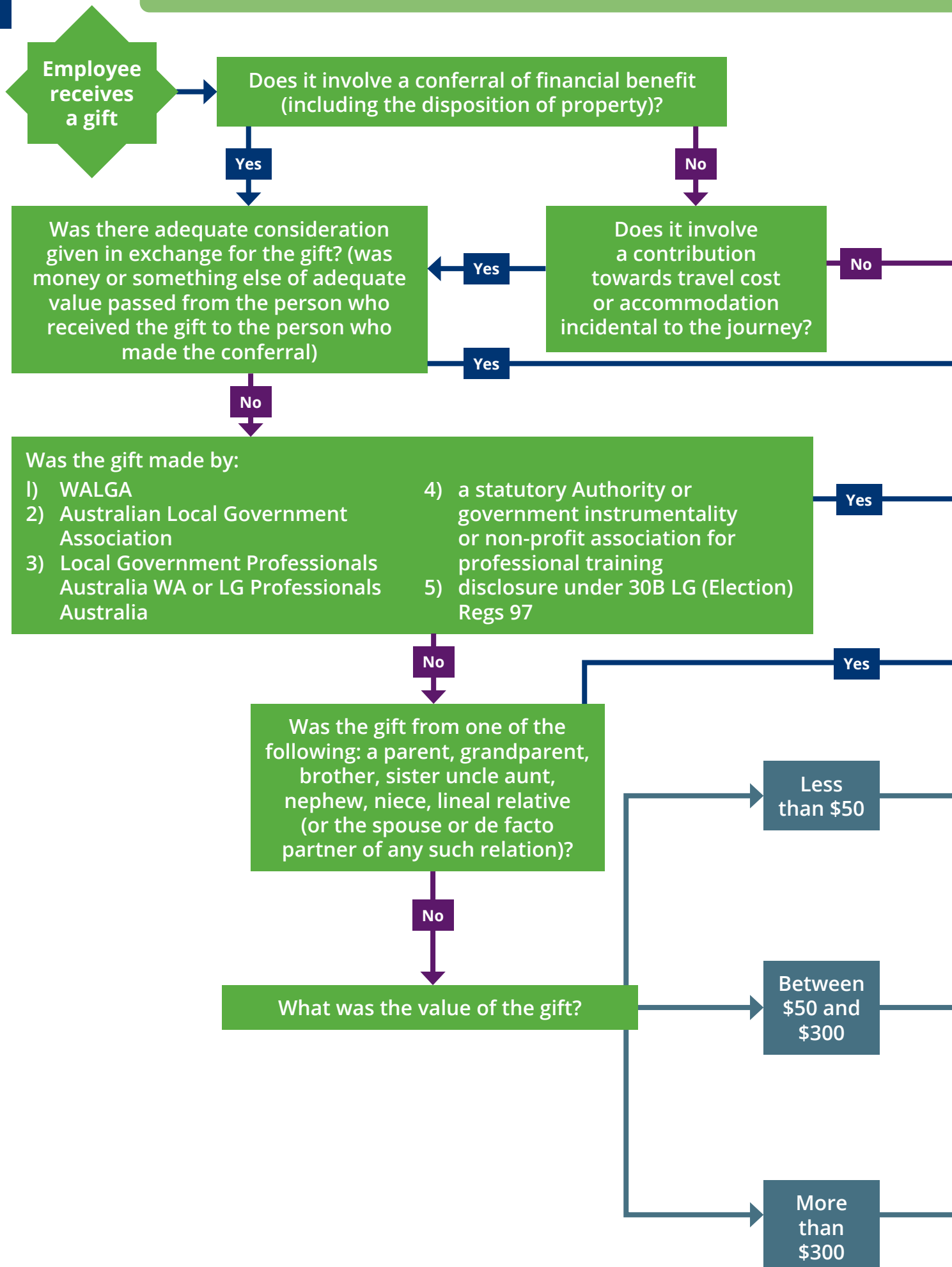
## Compliance to the Code

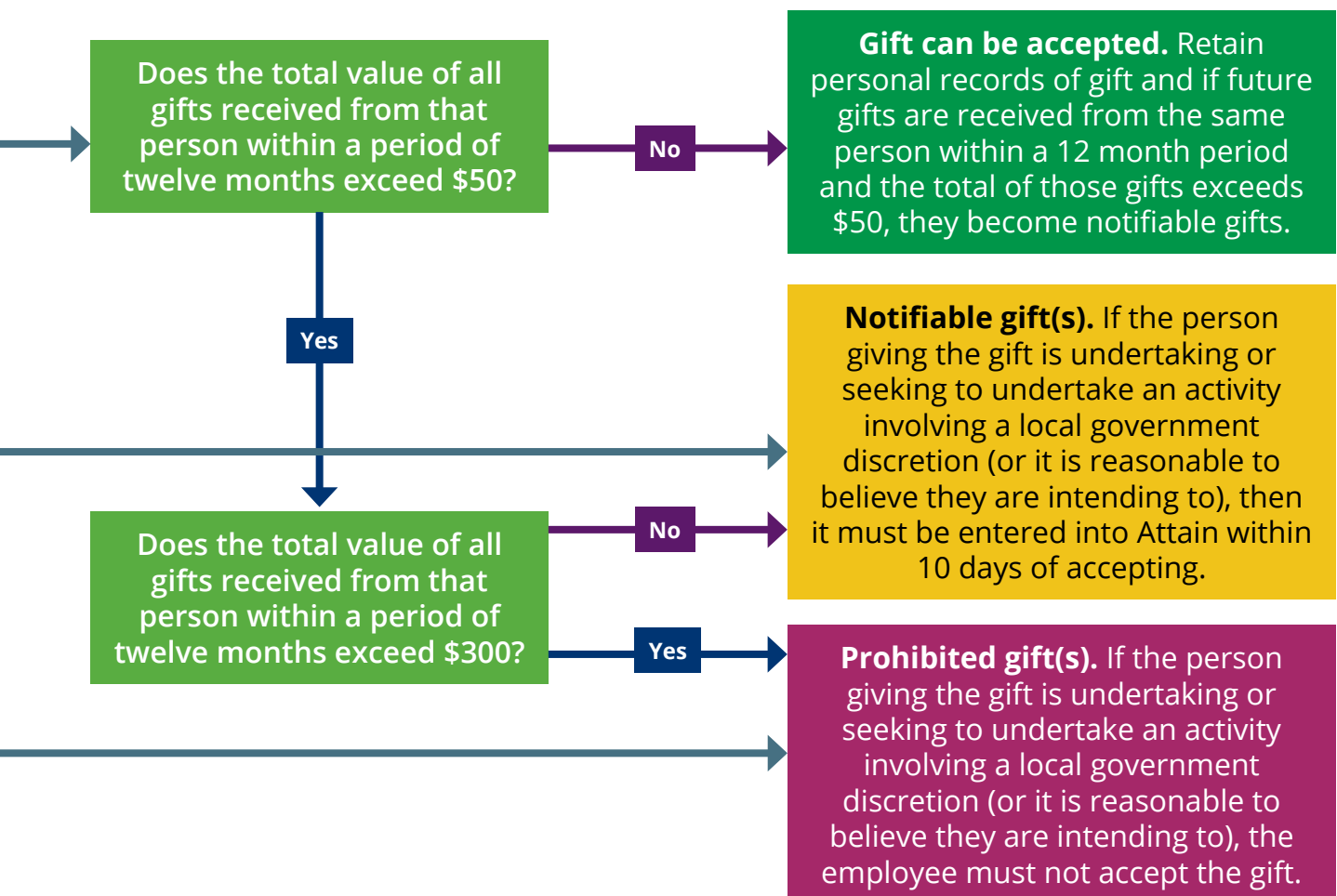
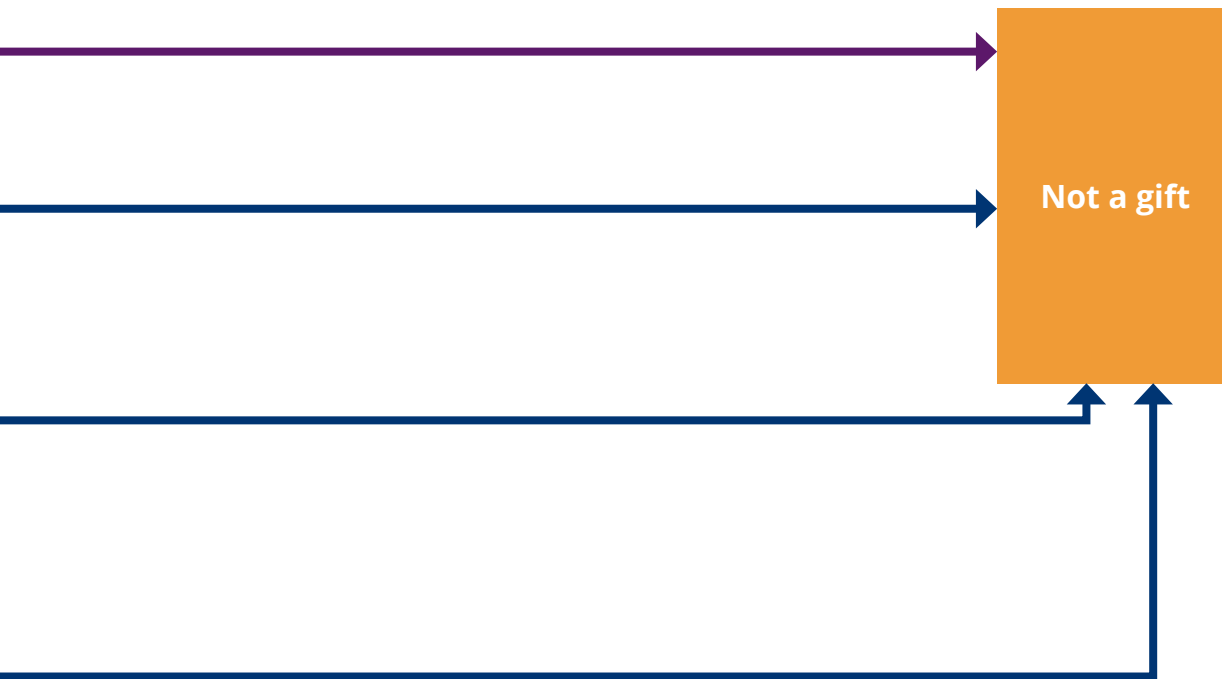
All employees, on induction, are required to make a declaration to comply with City’s Code of Conduct.

- Any employee having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Act, Regulations or local laws, should discuss those concerns with the Chief Executive Officer where such matters relate to elected members, committee members or employees, or the Mayor in the case of matters involving the Chief Executive Officer.











## Notes

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#### **ADMINISTRATION**

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