

SHIRE OF WYNDHAM EAST KIMBERLEY

Code of Conduct for Employees

Leading with Integrity:
Our Commitment to Ethical Excellence





Acknowledgement of Country

The Shire of Wyndham East Kimberley acknowledges the traditional custodians of the East Kimberley, the Doolboong, Gajerrong, Gamberee, Kadjorong, Kija, Kwini, Miwa, Miriwoong, Ngarinyin, Worla, Worora, Wunambul and Yijji people. We pay our respects to Elders both past and present and emerging and their connection to the land, waters and community.



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Dear Employees,

As the Executive team of the Shire, we are proud to lead a team of employees who play a vital role in serving our community. It is important that we hold ourselves to the highest standards of ethical behaviour while carrying out our public duties. This expectation applies not only to our employees but also to our volunteers, contractors, and consultants.

To assist and guide us in determining appropriate and acceptable ethical and professional conduct, we have developed a Code of Conduct (the Code). The Code sets high standards, which we expect all employees to meet. It is important that we refer to the Code for general guidance or when faced with ethical dilemmas to make informed choices about our behaviour and to integrate our values into our everyday working lives.

The Code sets limits on behaviour that seek to preserve the integrity of public service and decision-making in local government, and it guides us to always conduct ourselves with propriety and respect for others. Although it is impossible to anticipate every situation that may arise, we trust that the Code will assist us in achieving and maintaining the high standards of ethical behaviour expected by the Shire of Wyndham East Kimberley (SWEK) community.

Thank you for your commitment to our community and your dedication to upholding the values of the Shire.

Sincerely,

Vernon Lawrence

Chief Executive Officer on behalf of the Executive Team

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.*





Our Vision

**Connecting our cultures, striving for prosperity,
celebrating the spirit of country and community**

The vision for the Shire of Wyndham East Kimberley sets out the Shire's philosophy, values and priorities, developed in close collaboration with the local community.

Our Purpose

**To work with community to influence and lead
change to deliver positive outcomes.**

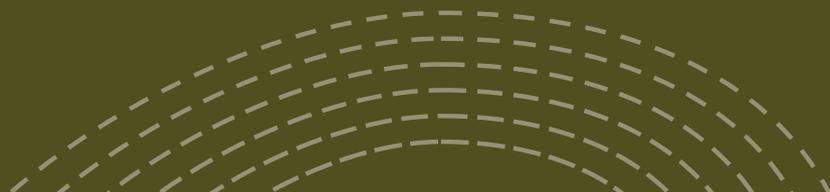
Our purpose statement guides our approach and Shire functions, helping us to set goals and achieve them in the future.



Our Values

The Shire is a Values-led organisation and our culture reflects the values, beliefs and behaviours of our entire workforce. The Shire's adopted values and behaviours guide our workplace conduct and decision making and underpin our day-to-day interaction with one another, and the decisions we make collectively as an organisation. We expect our workforce to demonstrate positive behaviour which helps us to foster healthy, productive relationships with internal and external stakeholders alike.

When employees accept their offer of employment or choose to work with us, they are by default accepting the decisions that we make as an organisation, our policies, organisational directives, management practices, procedures, workplace instructions and this Code; all of which need to be consistently followed and applied. The Shire has five core values and it is our expectation that every employee actively role models each of these values:



Our Values



Open Communication

We communicate openly with each other and our community.



Prioritising Health, Safety and Wellbeing

We are focused on the health and wellbeing of our colleagues and community.



Teamwork is Key

We work collaboratively to achieve shared goals.



Demonstrating Accountability

We take responsibility for our actions and behaviours.



Respect One Another

We are respectful of people, ideas, culture and environment.





Why do we need a Code of Conduct?

As local government employees, our primary responsibility is to serve the community and use resources responsibly. To ensure ethical behaviour and a positive workplace, we are required to follow a Code of Conduct outlined by section 5.51A of the *Local Government Act 1995*.

The Code guides acceptable behaviour and offers professional conduct advice. It covers various situations and helps us navigate ethical considerations that may not be obvious. By following the Code, we can build a respectful and supportive work environment

Who is covered under the Code?

This Code of Conduct applies to everyone who works on behalf of the Shire, including employees, volunteers, contractors, and consultants. Even service providers, representatives, and agents must ensure that their employees are aware of and abide by this Code when performing duties for the Shire.

Elected Council Members have their own Code of Conduct, but this Code applies to all interactions that we have with anyone both inside and outside the organisation, including all members of our community. As employees of the Shire, we recognise that community engagement requires community trust. Therefore, it is essential that we work to promote confidence in the services we provide and always act in the public interest.







Our Expectations

Our organisation serves a diverse community and takes pride in having a workforce that reflects this diversity. We value and celebrate our differences, and strive to embody our Shire values by exhibiting acceptable behaviour that aligns with our Code and the law in all our interactions, both within our team and with the wider community.

To ensure the interests and expectations of everyone are met, we hold ourselves to consistent standards of ethical behaviour. We expect all those who work for or with our organisation to be transparent and fair in their dealings with others, and we do not tolerate any form of unacceptable behaviour, such as preferential treatment or bias.

The actions of our employees directly impact our organisation's reputation. To maintain the community's respect and confidence in our services, we must uphold the highest standards of ethics at all times. Our Code provides a framework of agreed behaviours to guide our actions, but it cannot anticipate all situations that may arise. In such cases, we rely on a set of principles to inform appropriate behaviour, and employees are encouraged to seek guidance from their supervisor or other available support if they are uncertain.



Our Responsibilities

As Employees we will treat all people with respect, honesty, courtesy and fairness, and value their rights, aspirations and individuality.

We will respect individual differences regardless of someone's employment status and will:

- comply with all lawful and reasonable direction given by any person having authority to make or give such direction, including but not limited to our Line Manager, Manager or the CEO;
- actively contribute to and maintain a safe, healthy, harmonious and efficient working environment;
- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- perform our duties conscientiously, safely, impartially and with professionalism, integrity and honesty;
- refrain from any form of conduct, in the performance of official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- always act in accordance with our obligation of fidelity to the Shire;
- apply the highest standards of personal conduct in dealings with all stakeholders;
- fulfil our responsibilities in accordance with our Contract of Employment and position description;
- be punctual and present - doing our fair share of the work and offer a willing hand to others;





- work together as a team, treating each other with courtesy and respect;
- make all reasonable efforts to gain an understanding and appreciation of cultural differences;
- observe the privacy, dignity, confidentiality and rights of employees and the community;
- strive to conserve natural resources and conduct our duties in the best interests of the environment at all times;
- respect and abide by all laws, regulations, policies, organisational directives and procedures that direct how we do things at the Shire;
- immediately advise our manager if we are faced with the possibility of prosecution for any activity, either while at the Shire or outside of our usual working hours;
- consider the broader impact of our decisions on our colleagues and the community and consistently apply high standards of ethical behaviour;
- strive to improve our skills, knowledge and competencies;
- support and strive to understand the decisions of management and Council;
- use all of the Shire facilities, resources and equipment efficiently, carefully and honestly (these are not to be used for personal purposes unless prior approval has been granted in accordance with Shire Directive's and/or in writing);
- give our whole time and attention to the Shire's business and ensure that our work is carried out efficiently, economically and effectively, and that our standard of work reflects favourably both on us and on the Shire;
- report any dishonesty or possible dishonesty on the part of any other employee to our Line Manager or Human Resources in accordance with this Code and the policies and Directives; and
- consistently support the Shire's adopted purpose, vision and values.

As Managers and Supervisors we have

A special responsibility to support employees in achieving goals of the Code and to lead by example. Managers and supervisors are any employee with supervisory responsibilities and we will:

- ensure that this Code of Conduct is communicated to employees and that they are aware of its contents;
- set good examples of behaviour for employees through our own behaviours, especially in relation to implementing this Code of Conduct and in observing the Shire's policies, organisational directives, procedures and work instructions;
- provide fair and consistent leadership, information, resources, learning, support and the correct organisational directives and procedures to support employees reaching the required level of performance;
- set the right culture and ensure employees are able to operate in a safe and healthy environment;
- support the ongoing development of employees;
- ensure employees understand performance and conduct expectations. That they know what their job involves (what is expected, how it is done, what they are responsible for and how their performance will be managed), and provide clear and constructive feedback;
- supervise employees in our teams, encourage teamwork, acknowledge good performance and actively assist to improve unsatisfactory performance or behaviour;
- manage change as ongoing, continuous and positive;
- intervene at the earliest possible opportunity and take corrective courses of action to address performance or behaviour issues and enforce performance counselling and/or disciplinary procedures in a timely manner and appropriate manner when required; and
- maintain open and honest communication at all times.

Speaking up

No one has the authority to ask employees to violate this Code. When faced with an ethical dilemma, employees are urged to speak up by asking or clarifying questions and reporting concerns. Failure to read and formally acknowledge our Code does not excuse anyone from their obligations to the Shire and to uphold this Code.

Decision Checklist

How do I know whether I am making the right decision? The checklist below is here to support employees if they are unsure what to do or unsure if they need to speak up

- Safety - is there a risk of putting yourself or others in danger?
- Values - is the behaviour aligned with our Shire Values and with this Code?
- Legal - is it legal and in line with our policies, directives, procedures and guidelines?
- Community - will this impact our community? How would I feel if a customer was to find out?
- Conscience - is this in conflict with my own personal values? Can I sleep comfortably at night knowing I made this decision?
- Media - how would I feel if this became public knowledge?
- Benefit - does it benefit the Shire and the community as a whole - not just a certain group or individual?
- Advice - what would I tell others to do? What advice would I give? What will my family think of me if they find out?
- Emotions - do I feel comfortable with my decision or do I feel uneasy?

Our Community

Our community is the reason we are here. It is the reason we do what we do. As Shire employees, we must live our values and follow this Code every day when serving members of the public and delivering our services. It is our role to make it easier for people to interact with the Shire and deliver services in a way that is expected of us and to maintain the Shire's reputation while maximising value for our community.

We all share accountability for the customer experience the Shire delivers and we expect employees to treat everyone with dignity and respect in their daily interactions with others, irrespective of age, gender, language and cultural differences. Customer service also extends to our internal customers and how we treat one another in the workplace.



Engaging with the Community

The Shire chooses a community development approach which empowers and strengthens the community, encourages collaborative practices and celebrates the diversity of our community. In recognition that community engagement involves community trust, Shire employees will seek to promote community confidence in all of the services we provide. This means we will:

- act with respect to all persons in the community;
- act with integrity and work safely at all times;
- act with courtesy, promptness, fairness, efficiency and impartiality;
- respect individual differences and the rights of others to have an opinion that is different to ours;
- be committed to honest and respectful engagement with the community;
- present a positive image to the community through our dress, attitude and interactions;
- carry out our duties free from the influences of alcohol, drugs or anything that inhibits our performance; and
- always act in the public interest.

We know that inclusion is critical to well-being and the Shire aims to be inclusive of all members of our community through the removal or reduction of barriers to participation. The Shire has developed a Disability Access and Inclusion Plan (DAIP) that details the strategies and actions the Shire will take in support of these initiatives.

The Shire's references:

- *Strategic Community Plan 2017 - 2027 (PS-3001);*
- *Disability Access & Inclusion Plan (DAIP) 2021 - 2026 (PS-3000);*
- *Code of Conduct for Council Members, Committee Members and Candidates for local government elections (POL-1005);*
- *Community Engagement Policy (POL-3000);*
- *Community Development Policy (POL-3001);*
- *Customer Services Policy (POL-2001);*
- *Customer Service Charter (PS-2000).*

Our People

Respecting and Valuing Diversity

Diversity fosters innovation. When a diverse group of people come together, the ideas and outcomes can be exceptional. As a small local government covering a large area, the Shire represents a vast multicultural and transient community.

The Shire has a zero-tolerance approach to discrimination, harassment and bullying. We seek to be accepting of our differences and celebrate the uniqueness of everyone. We foster a culture of belonging, where we feel safe to work collaboratively with others. We do not gossip, blame or judge, instead we speak from a place of concern, care and support.



All employees are evaluated on merit and are treated fairly and with dignity and respect. Shire policies, organisational directives, management practices and procedures support the fair treatment of employees in our workforce. Anti-discrimination laws also help protect everyone from discrimination and harassment. It is an expectation that all employees observe the requirements of relevant legislation which includes the:

- *Equal Opportunity Act 1984 (WA);*
- *Age Discrimination Act 2004;*
- *Australian Human Rights Commission Act 1986;*
- *Disability Discrimination Act 1992;*
- *Racial Discrimination Act 1975; and*
- *Sex Discrimination Act 1984.*

We expect all Shire employees to be inclusive, supportive, and collaborative in their interactions with one another. Any employee who feels they are being subjected to inappropriate behaviour should refer the matter to their direct line manager or alternatively seek information from the Human Resources team.

References:

- *Work Health and Safety Act 2020;*
- *Work Health and Safety (General) Regulations 2022;*
- *Equal Opportunity Act 1984 (WA);*
- *Sex Discrimination Act 1984;*
- *Australian Human Rights Commission;*

The Shire's references:

- *Disability Access and Inclusion Plan 2021 - 2026 (PS-3000);*
- *The Shire's Work Health and Safety Policy (POL-1021);*
- *Disciplinary Directive (DIR-1000);*
- *Discrimination, Sexual Harassment and Bullying Directive (DIR-1001); and*
- *Grievances Directive (DIR-1002).*



Health, Safety and Wellbeing

The Shire has a duty of care to ensure a safe and healthy work environment for all employees. We are committed to establishing and maintaining a work environment which is safe and free from health risks. Workplace health and safety includes both physical and mental health. All employees also have a duty to take care of their own health and safety and we expect everyone to take all relevant safety precautions in the execution of their work. This includes attending all relevant training and being fit to carry out all duties required of their position.

Employees should wear personal protective equipment (PPE) where necessary and also report any hazard, incident or near miss in accordance with the Shire's incident reporting procedures in line with their individual responsibilities. Employees must also be aware of and comply with all Policies, Directives, Procedures and Work Instructions.

The Shire runs and provides a number of health and wellbeing related activities and benefits. Included in these benefits is an Employee Assistance Program (EAP) which provides support, counseling and information for all employees.

References:

- *Work Health and Safety Act 2020;*
- *Work Health and Safety (General) Regulations 2022;*
- *Work Health and Safety Policy (POL-1021);*
- *The Shire's Fitness for Work Directive (DIR-1004); and*
- *The Shire's Alcohol, Drugs and Other Substances Organisational Directive (DIR-1006).*

Drugs, Alcohol and our Smoke-free Environment

It is expected that everyone working for and at the Shire will be fit for work and not be affected by alcohol, drugs or other substances. If employees are affected by alcohol, drugs or other substances they should not be at work, with no exceptions. At times, employees may be invited to attend Shire-sponsored and external events where alcohol is served. In these instance, employees must not return to work if they have consumed alcohol. If an employee consumes alcohol at these events, they must conduct themselves in accordance with this Code.

Providing a safe and healthy workplace includes providing a smoke-free environment which covers all Shire properties and vehicles. Smoking is prohibited within 5 metres of every entry point to a Shire buildings or vehicle.

References:

- *Work Health and Safety Act 2020*;
- *Work Health and Safety (General) Regulations 2022*;
- *The Shire's Work Health and Safety Policy (POL-1021)*;
- *The Shire's Fitness for Work Directive (DIR/CS-OSH-4341)*; and
- *The Shire's Alcohol, Drugs and Other Substances Organisational Directive (DIR/CS-OSH-4343)*

Professional Development & Travel Costs

The Shire is committed to the continuous development of its employees to enable everyone to perform effectively, grow skills to succeed and meet the changing needs of our organisation and the community. The Shire supports several types of formal and informal learning and development opportunities, which may include virtual, inhouse, local or interstate training.

Conferences are also one of the many development opportunities available to employees. Conference should be fit-for-purpose and benefit to the employee's position and our community. This Code applies to behaviours expected while attending any professional development event on the Shire's behalf. **Employees must seek attendance and cost approval prior to registering or booking to attend an event.**

Dress Standard

Employees must ensure they always dress appropriately for work and maintain a professional and positive public image. For certain positions within the Shire, a Shire issued uniform is required to be worn. As an example, any customer-facing employees in Library Services, Maintenance Services, Recreation and Leisure and Rangers. Some positions at the Shire also have a provided uniform that incorporates Work Health and Safety (WHS) requirements and forms part of the employee's personal protective equipment (PPE), such as long-sleeved and high visibility tops, work boots etc.

Employees that are not required to wear a uniform should wear clothing that is conducive to a business working environment and employees are always required to wear their name badges or other appropriate identification.

Employees should use their judgement in the selection of workplace clothing and ensure that it is fit-for-purpose and non-offensive. As a general rule, if you need to think about whether an item of clothing is appropriate for work or not, then it is advisable not to wear it. The Shire has a casual dress Friday (please note only Friday), where most employees are able to wear smart casual clothes. **This would not apply if you have meetings with external stakeholders or have a customer focused role, in this case you would be expected to wear normal business uniform.**

References:

- *Work Health and Safety Act 2020;*
- *Work Health and Safety (General) Regulations 2022; and*
- *The Shire's Work Health and Safety Policy (POL-1021).*

Use of Shire Assets

We have a responsibility to each other and to our community to ensure that we are not wasteful in the use of the Shire's resources. We want everyone to be efficient and engaged in the work that they do and to enable this we provide each employee with job-related tools and equipment.

Job-related assets can include both physical and non-physical property. It may consist of the office space, facilities and buildings that we work in, technology, such as software and hardware (i.e. desktops, laptops, mobile phones and/or other devices), Shire vehicles, machinery and equipment, security cards, credit cards, office supplies and/or money.

It may also include intellectual property, such as ideas we create individually or collectively. Intellectual property in all duties relating to contracts of employment will be assigned to the Shire upon its creation unless otherwise agreed by separate contract.

Some positions may be allocated with additional resources or assets to ensure that the incumbent to the position is fully able and equipped to carry out the duties of the position. Employees are not permitted to loan, sell or give away any Shire asset without appropriate authorisation.

All resources should be used for appropriate work-related activities only and will remain the property of the Shire. It is expected that you will use the Shire resources effectively and economically in the course of your duties.

Anyone who uses Shire property for any purpose other than to complete their job, without the appropriate authorisation or consent, will be in breach of this Code.

References:

- *State Records Act 2000*;
- *The Shire's Information Management and ICT Acceptable Use Policy (POL-2014)*;
- *The Shire's Information Management and ICT Acceptable Use Directive (DIR-2006)* ;
- *The Shire's Use of Vehicles Directive (DIR-4000)*; and
- *The Shire's Vehicle Fleet Management Directive (DIR-4001)*



Information and Technology

Logging into the Shire's IT network means that employees have agreed to the Shire's Information Management and ICT Acceptable Use Policy which applies to everyone who works at the Shire and has a network account. Shire computers and networks should only be used for purposes that are legal and authorised. Access is granted to approved users only. Employee's use of Shire resources is not private and may therefore be monitored, retained or reviewed.

Employees should ensure that they read and understand the contents of the Shire's Information Management and ICT Acceptable Use Policy and Directive. These documents clearly outline the difference between acceptable and unacceptable telephone, internet and email usage and data access. New alternative methods of communication technology are always emerging and evolving, and the community expects that the Shire will be aware of the types of digital media available and that they are able to utilise these channels in communicating with the Shire. The Shire's Social Media and Media and Corporate Communications Policies provide relevant guidance in relation to social media usage, monitoring and communication.

Shire References:

- *Information Management and ICT Acceptable Use Policy (POL-2014);*
- *Information Management and ICT Acceptable Use Directive (DIR-2006);*
- *Social Media Policy (POL-1013); and*
- *Media and Corporate Communications (POL-1007).*

Security

Employee safety is most important to the Shire and so is the security of our assets and information. The Shire has security protocols in place that make it easy for employees to report any suspicious activities that could place an employee or any of our assets at risk.

Our Corporate Records and Information system has levels of security designed to prevent unauthorised access. Employees should choose passwords that meet our security standards and never disclose their passwords to anyone else, additionally employees must not use the



same password they use at the Shire for other personal accounts. Any allegations of a breach of the Shire's security environment must be immediately reported to their Manager. Employees must always keep their building access cards in a safe place, cards must not be misused or lent to others. Lost or stolen cards must be reported immediately to your Manager. Employees must also ensure that Shire assets and information they are using or have in their possession are always secure. This is particularly relevant for portable and electronic devices such as mobile phones, laptops and other assets.

Shire References:

- *Information Management and ICT Acceptable Use Policy (POL-2014);*
- *Information Management and ICT Acceptable Use Directive (DIR-2006);*

Secondary Employment

Employees are able to take up paid or unpaid employment outside of the Shire if it does not conflict with, or adversely affect their duties. Sometimes however, outside employment may potentially create a conflict of interest with the employee's substantive position at the Shire.

As such, employees also need to ensure that they maintain their responsibilities to the Shire as outlined in the Shire's Occupational Safety and Health Policy.

Shire References:

- *Work Health and Safety Policy (POL-1021);*
- *Secondary Employment Directive (DIR-1009); and*
- *Application for Secondary Employment Form (IFT-1002).*

Privacy & Confidentiality

The Shire has information that needs to be managed appropriately and with the right level of discretion and sensitivity and the community trusts that the Shire will manage their information with a high level of care.

Employees may have access to confidential or privileged information and we expect everyone to use this information appropriately. This information should never be divulged or used inappropriately to gain a direct or indirect advantage, financial or otherwise, for employees or any other person or body. Confidential information that may be accessed by employees includes but is not limited to:

- Financial information;
- Employee information;
- Salary and wage information;
- Information relating to members of the public and/or suppliers;
- Commercial information; and
- Other information that has been disclosed in confidence.

Care must always be exercised when collecting and managing private information of Shire employees and other stakeholders. Inappropriate use or abuse of information constitutes a breach of this Code.

References:

- *State Records Act 2000*;
- *Freedom of Information Act 1992*;

Shire References:

- *Surveillance Devices Policy (POL-1015)*;
- *Disciplinary Directive (OD-1000)*; and
- *Confidentiality Agreement Form (FMT-1030)*.



Our Governance

Gifts & Hospitality

Employees must not accept prohibited gifts from any person associated with the Shire. Prohibited Gifts refer to any gift worth \$300 or more; or receiving several gifts from the same person within a 12-month period that are worth more than \$300 in total. A person associated with the Shire is anyone who is either undertaking or seeking to undertake an activity with the Shire.

This Code provides further details on the specific requirements of the Local Government Act and Regulations on this important area of the Code.

You may be able to accept a gift if it is not a prohibited gift but we ask all employees to carefully consider the appropriateness of accepting any gifts. For a gift worth less than \$50, there is no requirement for this to be reported however, for a gift between \$50 and \$300, you are required to notify the Chief Executive Officer (CEO) of the details of the gift within 10 days of acceptance of the gift. Details

on how to report a notifiable gift can be found on the Shire Gift Disclosure Form .

Once the Gift Disclosure Form is submitted to the CEO, it will be recorded in the Shire's Record Keeping System. This information will be used as required by law, for purposes related to the dealing between the associated person and the Shire or purposes related to the employee only. The record will be retained and disposed of in accordance with the Shire's Record Keeping Plan.

Employees should ensure they have read and understood the contents of the Gift Disclosure Form, which outlines the requirements of employees when it comes to gifts and hospitality. This includes reference to the *Local Government Act 1995* and Regulations which clarify the requirements for employees in relation to receiving gifts and hospitality.

References:

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

Conflict of Interest

The community expects that the Shire's employees will perform their official duties in the public-interest and not improperly use their positions or authority for personal gain or to cause detriment to others.

A conflict of interest is a situation in which an employee of the Shire also has a personal or financial interest with another party that may impact their role or decision-making ability for the Shire. Actual, potential and perceived conflicts of interest can arise from several sources, including friends, relatives, close associates, financial investments, personal circumstances and past employment.

To assist in identifying, avoiding and managing conflicts of interest, employees should ensure they read the Conflicts of Interest Disclosure Form, which outlines the requirements of all employees when it comes to conflict of interest. This includes reference to the *Local Government Act 1995* and Regulations which clarify the requirements of employees in relation to conflict of interest.

References:

- *Local Government Act 1995;*
- *Local Government Regulations (Administration) Regulations 1996;*
- *Department of Local Government and Communities: Disclosure of Financial Interests at Meetings;*
- *Department of Local Government, Sport and Cultural Industries: Local Government Operational Guidelines (December 2019) - Primary and Annual Returns;*

Shire References:

- *Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections (POL-1005);*
- *Secondary Employment Directive (DIR-1009);*
- *Disclosure of Interest Form (IFT-1026).*

Media Enquiries and Providing Public Comments

The delivery of correct key messages to the media is vitally important and can only be done by the most senior spokespeople at the Shire - the Shire President or the CEO. The Shire President and the CEO are the only two individuals authorised to address the media on behalf of the Shire unless they have specifically delegated this authority to another employee or elected member. This applies to all forms of traditional and contemporary written, online and social media, and extends to communicating in any way with reporters and journalists. Employees are not authorised to make public comment to the media or on social media about the Shire's activities, plans or views.

Employees who are contacted by the media must direct the enquiry to the Communications Officer. All media contact must be reported to the CEO regardless of whether information has been exchanged. More information is available in the Shire's Social Media Policy and Media and Corporate Communications Policy.

Shire References:

- *Social Media Policy (POL-1013); and*
- *Media and Corporate Communications (POL-1007); and*
- *Personal Use of Social Media Directive (DIR-1018).*

Records and Access to Information

Shire employees are required to manage Shire Information in accordance with the *State Records Act 2000*. All Shire employees need to protect the unauthorised access or use of information and this requires each of us to only access information that is required for our role, to never destroy records without appropriate approval, to ensure a transparent process and to maintain the required levels of confidentiality with regards to records and information.

Information obtained or created in the course of our employment with the Shire must be managed appropriately. The Shire has a Record Keeping Plan and information technology systems that help us to manage information properly. Employees must ensure they manage information in accordance with the Record Keeping Plan and their role.

Members of the public may access information that is required by law to be made available by the Shire. Members of the public can also access information through the *Freedom of Information Act 1992*. Information must be made available freely in line with the Act, without questioning the motives of the person seeking the information. More information on record keeping and disposal of records is available in the Shire's Information Management Directive.

References:

- *State Records Act 2000*;
- *Local Government Act 1995*;
- *Freedom of Information Act 1992*;
- *Electronic Transaction Act 2011*;
- *The Shire's Information Management and ICT Acceptable Use Policy (POL-2014)*;
- *The Shire's Information Management and ICT Acceptable Use Directive (DIR-2006)* ;
- *The Shire's Record Keeping Plan (PS-2000)*.

Apolitical and Impartial

To preserve the integrity of Local Government, employees must make apolitical and impartial decisions. Decision-making needs to be made on relevant facts, consideration of merits and be open, accountable and fair. Decisions must not be inappropriately influenced by political considerations and employees are encouraged not to be involved in politics.

Decisions involving contracts, appointments or tenders should be impartial and made in accordance with statutory obligations and policy considerations. Employees are required by the Local Government Act and Regulations to disclose interests potentially affecting their impartiality. The use of the Shire's resources or property to support political activities or lobbying is prohibited and Shire employees must not campaign in a Shire election.

References:

- *Local Government Act 1995*;
- *Local Government Regulations (Administration) Regulations 1996*; and
- *The Shire's Purchasing Policy (POL-2004)*.



Financial Responsibility

Employees who handle public monies or manage finance as part of their duties must act with diligence and integrity. Employees who spend money on behalf of the Shire must retain a record of all quotes, receipts and documents as proof of the expenditure. They must also comply with all Shire policies and audit directives regarding the Shire's finances.

References:

- *Local Government (Financial Management) Regulations 1996;*
- *The Shire's Delegations Register (REG-1001);*
- *The Shire's Purchasing Policy (POL-2004); and*
- *The Shire's Corporate Credit Cards Policy (POL-2008).*

Purchasing

The CEO has delegated authority to employees to purchase goods and services on behalf of the Shire. Employees exercising this authority must conform to the purchasing threshold requirements detailed in the Purchasing Policy and always seek best value for money from suppliers.

We expect employees to build trusted and honest relationships with suppliers and that all business conducted will be managed in a fair and equitable manner.

Shire References:

- *Purchasing Policy (POL-2004)*

Breach of the Code

If conduct falls below the standards outlined in this Code, your manager or supervisor will provide counselling in accordance with the relevant organisational directive. If your conduct is a significant departure from the Code of Conduct this may amount to misconduct, and disciplinary action may be appropriate according to organisational directives in place at that time.

Breaches of our Code are taken seriously. Procedural fairness will be provided during any investigation into a breach and this requires:

- An investigation into the matters in the dispute;
- A hearing that is appropriate to the circumstances;
- The person hearing the matter to act without bias; and
- Reasons given to support a decision.

The outcome for employees may vary, depending on the findings of the investigation and may include but is not limited to:

- The complaint being dismissed due to lack of substance;
- No action being taken as a result of a finding;
- A warning being issued;
- A requirement to attend formal counselling or training;
- Performance management;
- Disciplinary proceedings;
- Termination of employment (with or without notice);
- Referral to the police; and
- Referral to external integrity bodies.

References:

- *Local Government Act 1995*;
- *Public Sector Commission*;
- *Ombudsman Western Australia*; and
- *The Shire's Disciplinary Directive (DIR-1000)*.



Employee Support

- **What happens to complaints?**

Complaints relating to a potential breach of this Code by an employee must be lodged in writing by the person alleging the breach. When a written complaint is made against an employee these will be followed up in accordance with the Shire's Grievances Directive (DIR-1002)

- **What Support is Available?**

We encourage employees to speak up without fear if they feel that something is not right. Employees do not need to know all of the facts to report a concern. The Shire has 'zero tolerance' to retaliation and we want to make it safe for everyone who seeks support. All concerns will be handled in a fair, timely and appropriate manner. We understand that it takes courage to speak up, so we want to make the reporting process as easy as possible. We will support employees through the process so that they can feel comfortable during a potentially stressful time.

Employees can contact our Employee Assistance Program (EAP) Provider for counselling and support. The Shire also has Contact Officers who are able to direct employees on where to seek the most appropriate information to lodge a complaint. Alternatively, employees can speak with their direct line manager or a member of the Human Resources team.

- **Your Direct Line Manager**

Your direct line manager should be your first point of contact, that is, if your concern does not include your manager.





- **Next Level Manager or Director**

If you have raised a concern with your direct line manager and your concerns have not been addressed, then reach out to your next level manager or director.

- **Human Resources**

The Shire's Human Resource team will be available to guide you in the right direction. They will be able to answer any questions you may have with regards to any employment and workplace issues.

- **Whistleblowing**

Whistleblowing is the disclosure of illegal, immoral or illegitimate practices. The *Corruption, Crime and Misconduct Act 2003* and *Public Interest Disclosure Act* protect witnesses who voluntarily report allegations or misconduct or corrupt behaviour. The CEO will ensure employees who report illegal or unacceptable behaviour are not compromised, disadvantaged or persecuted in any way.

References:

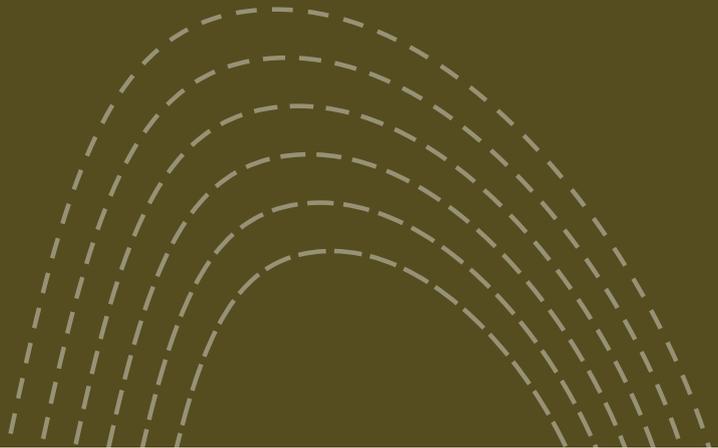
- *Corruption, Crime and Misconduct Act 2003*;
- *Public Interest Disclosure Act 2003*;
- *Guide to Public Interest Disclosures in WA Public Authorities*; and
- *Ombudsman Western Australia*.

Shire References:

- *Complaints Management Policy (POL-2000)*;
- *Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections (POL-1005)*; and
- *Disciplinary Directive (OD-1000)*

Definition

- **Act** means the *Local Government Act 1995*
- **Breach** means breach of the Employee Code of Conduct
- **CEO** means Chief Executive Officer
- **Code** means Shire of Wyndham East Kimberley Employee Code of Conduct
- **Confidential Document** means a document either:
 - (a) Marked by the CEO or other employee to clearly show the information in the document is not to be disclosed; or
 - (b) has been provided at a closed meeting; or
 - (c) is designated confidential by resolution of Council or Committee.
- **Conflict of Interest** means a situation in which a person's professional decision-making ability could be or could be seen to be influenced by their personal interest.
- **Corruption and Crime Commission** means the Commission established under Section 8 of the *Corruption, Crime and Misconduct Act 2003*.
- **Council** means the governing body of the Shire of Wyndham East Kimberley.
- **Elected Member** means a person who holds the Office of an Elected Member.
- **Employee** means a person employed by the Shire under Section 5.36 of the Act.
- **Interest** refers to an interest that could, or could be perceived to, adversely impact the impartiality of the person having the interest. This may include an interest arising from family, friendship or membership of an association.
- **Notifiable Gift** means a gift worth between \$50 and \$300, or a gift that is one of two or more gifts given by the same person (company) within a period of 12 months that have a total value of not more than \$300.
- **Prohibited Gift** means a gift worth more than \$300, or gifts of two or more given by the same person (company) within a period of 12 months that have a total value of more than \$300.
- **Regulations** refers to the *Local Government (Administration) Regulations 1996* and the *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.
- **Shire** means the Shire of Wyndham East Kimberley



Appendix One

Schedule One

An extract from the *Local Government (Administration) Regulations 1996 Part 4A Codes of conduct for local government employees (Act s.5.51A(A))*:

- **Prohibited Gifts** A Shire employee must not accept a prohibited gift from an associated person.
- **Recording, storing, disclosure and use of information relating to gifts** A code of conduct must contain requirements relating to the recording, storing, disclosure and use of information relating to gifts that, under a code of conduct, may be accepted by local government employees from associated persons.
- **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.

Associated person means a person who -

- a. is undertaking or seeking to undertake an activity involving a local government discretion; or by way of a commercial dealing with the local government.
- b. it is reasonable to believe, is intending to undertake an activity involving a local government discretion.

Gift

- a. Has the meaning given in section 5.57 of the *Local Government Act 1995* (a conferral of a financial benefit (including a disposition of property) by one 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.); but
- b. does not include -
 - i. a gift from a relative as defined in section 5.74(1); or
 - ii. a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - iii. a gift from statutory authority, government instrumentality or non-profit 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 LR Professionals Australia (ABN 85 004 221 818).

Shire employee - means a person -

- a. a employed by a local government under section 5.36(1); or
- b. engaged by a local government under a contract of services.

Prohibited gift, in relation to a local government employee, means

- a. a gift worth \$300 or more, or
- b. a gift that is one or more gifts given to a local government employee by the same person within a period of one year that are in total worth \$300 or more.

Conflict of Interest

1. A Shire employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee must disclose the nature of the interest-
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed
2. A Shire 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 must disclose the nature of any interest the local government employee has in the matter -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the time the advice was given.
3. A disclosure under (1) or (2) above does not need to be made for an interest referred to in section 5.60.
4. A Shire employee is excused from disclosure if the employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know -
 - (a) that they had an interest in the matter; or
 - (b) 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.
5. If, to comply with a requirement under sub regulation (1) or (2) a Shire employee discloses an interest in a written notice give to the CEO before a meeting, then -
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; or
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before any matter to which the disclosure relates is discussed.
6. Sub regulation (7) applies if -
 - (a) To comply with a requirement under sub regulation (1), the nature of an interest in a matter is disclosed at a meeting; or
 - (b) A disclosure is made as described in sub regulation (4) (b) at a meeting; or
 - (c) To comply with a requirement under sub regulation (5) (b), notice of the interest is brought to the attention of the persons present at the meeting.
7. The nature of the interest must be recorded at the minutes of the meeting. Interest
 - (a) means an interest that could or could reasonably be perceived to, adversely affect the impartiality of the person have the interest; and
 - (b) includes an interest arising from family, friendship or membership of an association.



