



**Employee
Code of
Conduct**

City of Karratha - Employee Code of Conduct	
Responsible Directorate	Corporate Services
Responsible Department	Governance & Organisational Strategy
Persons Affected	All Employees, Contractors & Volunteers
Effective From	12 January 2023

Acknowledgement of Country

Wayiba! Wanthiwa! Tharnardu!

This Acknowledgement of Country recognises the ancient and continuing connection of the Traditional Owners to the land we live and work on; and the cultural responsibilities that arise from this connection. For thousands of years, when Aboriginal and Torres Strait Islander people visited the country of others, there would be rituals of 'welcoming to country'. Today, these rituals have a national legacy in 'Welcome to Country' and Acknowledgment of Country.

The City of Karratha acknowledges the Ngarluma people as the traditional custodians of this land (ngurra) and their deep historical and spiritual connection to country, waterways, rivers and seas within our region.

The City of Karratha accepts Aboriginal people as the first inhabitants of Australia. They have lived on this land for many thousands of years and are recognised as one of the oldest living populations of the world, with unique languages and spiritual relationships. We pay respect to the Ngarluma people and their Elders; past and present.

The name 'Karratha' originates from the Aboriginal word meaning 'good country' or 'soft earth'.

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2 Our Vision

Australia's most liveable regional city.

Our Mission

To provide community leadership and excellent local government services in an innovative and efficient manner to enhance our City's social, cultural, economic and environmental wellbeing.

Our Values

The expectation is that every Employee will role model and advocate each of the following seven values -

We serve the community

We work together with honesty and respect

We have a "can do" approach

We take responsibility

We listen, learn and improve

We take pride in the way we work

We communicate effectively and support each other

3 Introduction

3.1 Why do we need a Code of Conduct?

The *Local Government Act 1995* (the Act) requires that every Western Australian local government must prepare and implement a Code of Conduct to be observed by its Employees.

This City of Karratha Employee Code of Conduct (the Code) has been adopted for this purpose and ensures the roles and responsibilities of Employees are understood and respected. The Code sets out the principles for all the City of Karratha (the City) policies, management practices and procedures, all of which provide guidance on expected workplace behaviour. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity, accountability, and ethical decision-making in order to serve our community.

The Code does not establish a rule for every situation an Employee faces while undertaking their daily duties. The Code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* (the Regulations) and other legislation that affect Employees while performing their duties. The Code does not override or affect those provisions or requirements.

Part 4A of the Regulations requires the Code to contain certain matters for Employees, including:

- the behaviour expected of Employees in relation to:
 - o the performance of an Employee's duties
 - o dealings with other Employees and the broader community
 - o the use and disclosure of information acquired by the Employee in the performance of their duties
 - o the use of resources
 - o the use of finances
- how records are to be kept
- requirements related to the acceptance of gifts
- disclosures for a Conflict of interest
- reporting mechanisms and management of suspected breaches of the Code and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour

Employees of the City are subject to the provisions of the Code upon commencement of their employment and while they remain employed by the City.

3.2 Who is covered under this Code?

Anyone who works on the City's behalf is covered by the Code. This includes the CEO, Directors, Employees, and other persons necessary to enable the function of the City to be performed i.e.: agency staff, volunteers and contractors who are delivering services on behalf of the City.

Our Code applies to every interaction that we have with internal and external stakeholders, including all members of our community. We want our community to know how we expect our people to behave whilst working for local government. We have a responsibility to use our community's resources in a respectful and efficient way.

Council Members, Committee Members and candidates have their own Code of Conduct and are not covered by this Code.

3.3 What are the fundamental principles of the Code?

- Our mission is to provide excellent customer service and engagement with the community and stakeholders to enhance the social, cultural, economic, and environmental well-being of current and future generations.
- We aspire to be a cohesive and vibrant community, celebrating diversity and working together to create a sense of place and a sustainable future.
- We value leadership and provide clear direction and inspire people to achieve their full potential.
- We encourage cooperation and teamwork between our Employees.
- We believe in good governance, working within legislative parameters, reporting any Conflict of interest, having integrity, and acting in an honest, lawful, professional, accountable and transparent manner.
- We avoid damage to the reputation of the City.
- We base decisions on relevant and factually correct information with impartiality and in the best interests of the City and our community.
- We treat members of the public, fellow Employees and Council Members with respect, courtesy, politeness, honesty, and fairness, having regard for their interests, rights, safety, and welfare.
- We encourage creativity, innovation, and initiative to achieve Council's vision including assessing opportunities for business improvement.
- We exercise due diligence and act within the limits of our role and delegations/authorisations where we have decision making powers, consistent with the Code, our policies and procedures, and the law.
- We properly manage resources where we have direct or indirect responsibility or custodianship.
- We ensure sound financial management and accountability in relation to the Council's finances.
- We report to the workplace appropriately attired in the corporate uniform or personal protective equipment (PPE).
- We report to the workplace 'fit for work' and not under the influence of alcohol, drugs or other substances.
- We do not ignore or condone behaviour that breaches our Code and we report poor behaviour, concerns or suspicions immediately.

4 Definitions

Act means the *Local Government Act 1995*.

Breach means breach of the Employee Code of Conduct as provided under section 10 of this Code.

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Karratha.

City means the City of Karratha (local government).

Code means this City of Karratha Employee Code of Conduct.

Committee means a Committee of the Council.

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 Interests.

Council means the governing body of the City of Karratha.

Council Member means a person who holds the Office of an Elected Member.

Director means a senior Employee designated under section 5.37 of the Act.

Employee means all persons employed by the City under section 5.36 of the Act, including the CEO, Directors, agency staff and volunteers. This also includes contractors who are delivering services on behalf of the City.

Interest means an Interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the Interest. This includes an Interest arising from kinship, friendship or membership of an association.

Regulations means the *Local Government (Administration) Regulations 1996*.

5 Roles & Relationships

5.1 Role of the CEO & Employees

The role of the CEO is to comply with section 5.41 of the Act. Fundamentally, this is to implement the decisions of Council within legislative frameworks and provide the administrative base to carry out services of the City to the community.

The role of Employees is to carry out the directions of the CEO.

5.2 Principles affecting employment

Section 5.40 of the Act, sets out the following principles which apply to a local government in respect of its Employees:

- (a) Employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting Employees is to be exercised on the basis of nepotism or patronage; and
- (c) Employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against Employees or persons seeking employment by the City on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) Employees are to be provided with safe and healthy working conditions in accordance with the *Work Health and Safety Act 2020*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

5.3 Role of Council Members

Council Members, also referred to as Councillors, are elected by the community and are responsible for representing ratepayers and residents of the City. They provide leadership and guidance to the community and facilitate communication between the community and the administration. Collectively, they are responsible for the vision for the community and deciding what needs to be done to achieve that vision. Council Members participate in the City's decision making processes at formal Council meetings and are responsible for the performance of City functions, the allocation of finances, managing assets and policies. The Mayor is the senior member of Council that presides over meetings in accordance with the Act. The Mayor carries out civic and ceremonial duties on behalf of the City and liaises with the CEO on City affairs and the performance of its functions.

5.4 Interactions with Council Members

A Council Member's role is leadership and not a management, operational or administrative function. They do not have capacity to direct Employees to carry out functions or place undue influence on Employees. This includes any attempt to influence, by means of a threat or the promise of a reward. Nor must they act in an abusive or threatening manner towards Employees.

Just as Council Members are required to behave in a certain way towards Employees under their own Code of Conduct, Employees must also adhere to the following expected rules of conduct when interacting with Council Members:

- (a) Employees will not approach or interact with Council Members to discuss individual Employee matters.
- (b) Employees must direct Council Members to the CEO or a Director for information on sensitive or controversial matters.
- (c) Approval must be sought from the CEO or a Director for release of any information that is not publicly available to a Council Member.
- (d) Employees must not make any unauthorised, inaccurate, incomplete, misleading, or derogatory representations about any Council Member and will treat all Council Members equally and in a professional and polite manner.
- (e) Employees must not express public opinions for or against a candidate or a matter in the Council elections.
- (f) In the circumstance when a Council Member is or has potential for procuring goods or services from the City in a Contractor, Supplier, Business owner capacity, an Employee must ensure that commercial/business dealings with all parties in the same situation are treated fairly and impartially.

5.5 Community engagement

Working for local government means that we have an obligation to serve our community and in doing so, must respect, embrace and celebrate our differences. This is not only important with the community, but also with each other. Our culture is one that is honest, open and transparent. Inviting regular, constructive feedback from our community builds trust and works towards establishing sustainable relationships. This allows us to grow as professionals and re-evaluate how we deliver our services to better align with community expectations. Our community must have confidence that we will deliver fit-for-purpose services, based on our demonstrated capability, and by modelling the City's values as set out in this Code.

Employees must treat members of the community with respect, professionalism, and courtesy. The City aims to be inclusive of all members of the community to ensure our facilities and services are enjoyed and accessible to everyone.

6 Accountable & Ethical Decision Making

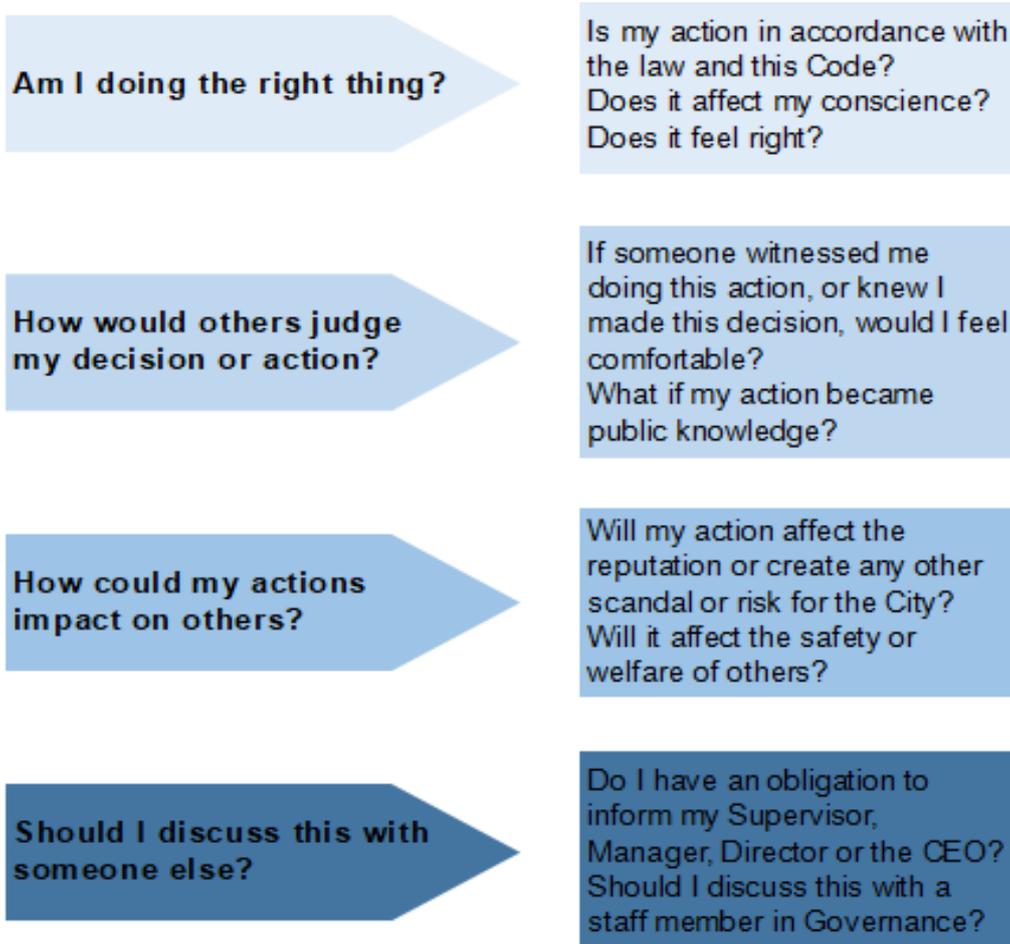
The way Employees conduct themselves, including their actions and decisions, impacts directly on the community's trust and confidence with the City.

Accountable and ethical decision-making is about making decisions and taking actions that can be justified and explained. Accountable and ethical decision-making is also about putting public interest first and ensuring that Employees fulfill their public duty.

In practice, putting public interest first means:

- ensuring actions and decisions are impartial and unbiased
- acting fairly and justly, abiding by principles of due process and natural justice
- being accountable and transparent
- performing duties effectively and as efficiently as possible
- behaving in accordance with legislation and the City's Code
- declaring any potential Conflict of interest.

Making ethical and accountable decisions is based on four guiding principles of honesty, transparency, diligence and consistency. There are four key fundamental questions central to accountable and ethical decision-making:



7 Managing Conflicts of Interest

A 'Conflict of interest' can occur when an Employee's work responsibilities conflict with their personal Interests. A conflicting 'Interest' can be actual, perceived, or have potential to, adversely affect the impartiality of the person having the Interest. Conflicts can occur in a variety of situations and from a number of sources, including family members, relatives, friendships, membership of an association, financial investments, past/secondary employment etc. and can include either yourself or others gaining a personal advantage or avoiding a loss.

There is nothing wrong with having a Conflict of interest, however to protect the integrity of local government, the decisions or actions you make in your role must not be improperly influenced or appear influenced. Even if you believe you can remain fair and unbiased, you must disclose your Interest so it can be properly managed.

To assist in **identifying** if a Conflict of interest exists, Employees are encouraged to use the following 6 'Ps' tool:

The 6 P's	Public duty versus private interest	Do I have personal or private Interests that may conflict or be perceived to conflict with my public duty?
	Potential	Could there be benefits for me now or in the future that could cast doubt on my objectivity?
	Perception	Remembering that perception is important, how will my involvement in the decision or action be viewed by others? Are there risks associated for me or my organisation?
	Proportion	Does my involvement in the decision appear fair and reasonable in all the circumstances?
	Presence of mind	What are the consequences if I ignore a Conflict of interest? What if my involvement was questioned publicly?
	Promises	Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action or decision?

To assist in **avoiding and managing** an identified Conflict of interest, Employees must consider the following 6 'Rs' tool:

The 6 R's	Record / Register	<u>Always</u> disclose the Interest to the Governance team. Seek guidance if required. It is possible that after disclosure there is no further action, or one of the following additional actions may be required:
	Restrict	your involvement in the matter
	Recruit	or involve an independent third party
	Remove	yourself from the matter
	Relinquish	the conflicting personal or private Interest
	Resign	from your position

8 Conduct

This part sets out the requirements relating to the expected behaviour of Employees whilst representing the City and as provided under legislation and/or the City's policies, procedures and guidelines.

8.1 Personal behaviour

An Employee must –

- (a) be accountable and as open as possible about their decisions and actions whilst observing the highest standards of professionalism including respect, courtesy, honesty, fairness and integrity with members of the community and other Employees, and avoid conduct which might suggest any departure from these standards;
- (b) report to the workplace 'fit for work' in accordance with the 'Fitness for Work' Operational Policy, which includes not being impaired by alcohol or drugs in the performance of their duties;
- (c) comply with all local laws, policies, procedures and protocols of the City and obey any lawful direction or reasonable direction given by any person having authority to make or give such a direction, in the performance of their duties;
- (d) act in accordance with any delegations of authority or powers given to them in their role as an Employee as stipulated in Council's Delegations Register;
- (e) report to the workplace appropriately attired in the corporate uniform, in accordance with the 'Corporate Uniform' Operational Policy, reflecting a positive image of the City including utilising and wearing appropriate personal protective equipment issued to them in the performance of their duties;
- (f) refrain from commenting publicly or on social media platforms where it can potentially affect the impartial performance of their duties or affect the positive image of the City;
- (g) report any dishonesty or possible dishonesty on the part of any Employee to their Manager, Director or the CEO;
- (h) comply with all resolutions of the Council and put them into effect when directed;
- (i) not make allegations which are improper or derogatory (unless true and in the public interest);
- (j) not make verbal allegations without substantiating them in a formal written manner; and
- (k) not display any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.

Code of Conduct requirement: Reference - r.19AE(2)(a)(i) of the Regulations.

8.2 Relationship with others

An Employee must not –

- (a) bully, harass or be aggressive, or intimidating towards another person in any way;

- (b) use offensive, disrespectful or derogatory language when referring to another person;
- (c) disparage the character of another Employee in connection with the performance of their official duties;
- (d) impute dishonest or unethical motives to another Employee in connection with the performance of their official duties; and
- (e) stay silent about improper or inappropriate behaviours you witness.

Code of Conduct requirement: Reference - r.19AE(2)(a)(ii) of the Regulations.

Examples of harassment & bullying include:
 Inappropriate comments about personal appearance, constant criticism or teasing, repeated isolation or exclusion of others, and repeated unrealistic, embarrassing or degrading work demands.

8.3 Use of information and record keeping

(1) In this section –

closed meeting means a Council or Committee meeting that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a *document* marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the *document* is not to be disclosed;

document includes a part of a document.

(2) An Employee must not make improper use of any information acquired by the Employee in the performance of their duties, to gain directly or indirectly, an advantage for themselves or another person, or cause detriment to the City or any other person;

(3) An Employee must not disclose information that the Employee –

- (a) derived from a *confidential document*;
- (b) acquired at a *closed meeting*, other than information derived from a *document* that is not confidential; or
- (c) has come to be aware of through the performance of the Employee's duties, where that information (written or oral) is obtained by them in confidence and is considered confidential by the City.

(4) The provisions of (3) above do not prevent an Employee from disclosing information –

- (a) at a *closed meeting*; or
- (b) to the extent specified by the Council and subject to such other conditions as the Council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department of Local Government, Sport and Cultural Industries; or
- (e) to the Minister for Local Government (WA); or

- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by the CEO or by law.

(5) An Employee must ensure –

- (a) that information created in the course of their employment is trustworthy and accurate;
- (b) that information obtained or created is stored and maintained consistent with Council's 'Record Keeping' Policy and the City's 'Amended Record Keeping Plan'; and
- (c) specific attention is accorded to records which contribute to or impact upon decision-making activities.

Code of Conduct requirement: Reference - r.19AE(2)(a)(iii) and r.19AE(2)(b) of the Regulations.

Note:

Regulation 19 of the *Local Government (Administration) Regulations 1996* provides:

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Employees should ensure all records, decisions and actions undertaken by the City, be recorded in the City's record keeping system. This provides for well maintained and accessible records for auditing purposes or to meet the provisions of s. 5.94 under the Act (Public can inspect certain local government information) and is also essential if information is requested under the provisions of the *Freedom of Information Act 1992 (WA)*.

8.4 Use of local government resources

(1) In this section *resources* of the local government includes –

- (a) local government property, including finances; and
- (b) services provided, or paid for, by the City.

(2) An Employee –

- (a) must not, directly or indirectly, use the *resources* of the City for any other purpose unless authorised under the Act, or by the CEO;
- (b) must use City *resources* entrusted to them effectively and efficiently by acting with care, skill, diligence, honesty and integrity in the course of their duties;
- (c) must not misuse *resources* of the City or allow misuse by any other person or body;

- (d) must use City finances only within the scope of their authority and in accordance with local government legislation and Council's 'Purchasing' Policy; and
- (e) must not use *resources* of the City for personal benefit, to perform acts of corruption, fraud or other illegal or unethical conduct.

Code of Conduct requirement: Reference - r.19AE(2)(a)(iv) and (v) of the Regulations.

8.5 Intellectual property

One of the City's assets is its Intellectual Property, including its software, copyrights, patents, trademarks, trade secrets, inventions and other confidential or proprietary information. The City's Intellectual Property rights must be protected, and Employees must be careful not to disclose such material. It is also important to respect the Intellectual Property rights of others.

Any Intellectual Property created by an Employee in the course of their duties will be assigned to the City upon creation unless otherwise agreed by separate contract.

8.6 Official communications and media enquiries

(1) Employees must –

- (a) respect the decision-making processes at the City which are based on a decision of the Council;
- (b) comply with the Act whereby information relating to the decisions of Council are to be communicated in an official capacity only by authorised spokespeople, being:
 - (i) the Mayor; or
 - (ii) in consultation with the Mayor, by the CEO (or Employee authorised by the CEO).

(2) When providing official Council positions, decisions and statements on social media, only authorised Employees may use official City social media properties;

(3) Employees are to ensure all enquiries from media outlets are directed to and coordinated by the Marketing and Communications department; and

(4) All aspects of communication by Employees (written or oral) that is a requirement of their employment and involves the City's activities, must be accurate, polite and professional.

8.7 Personal communications and social media

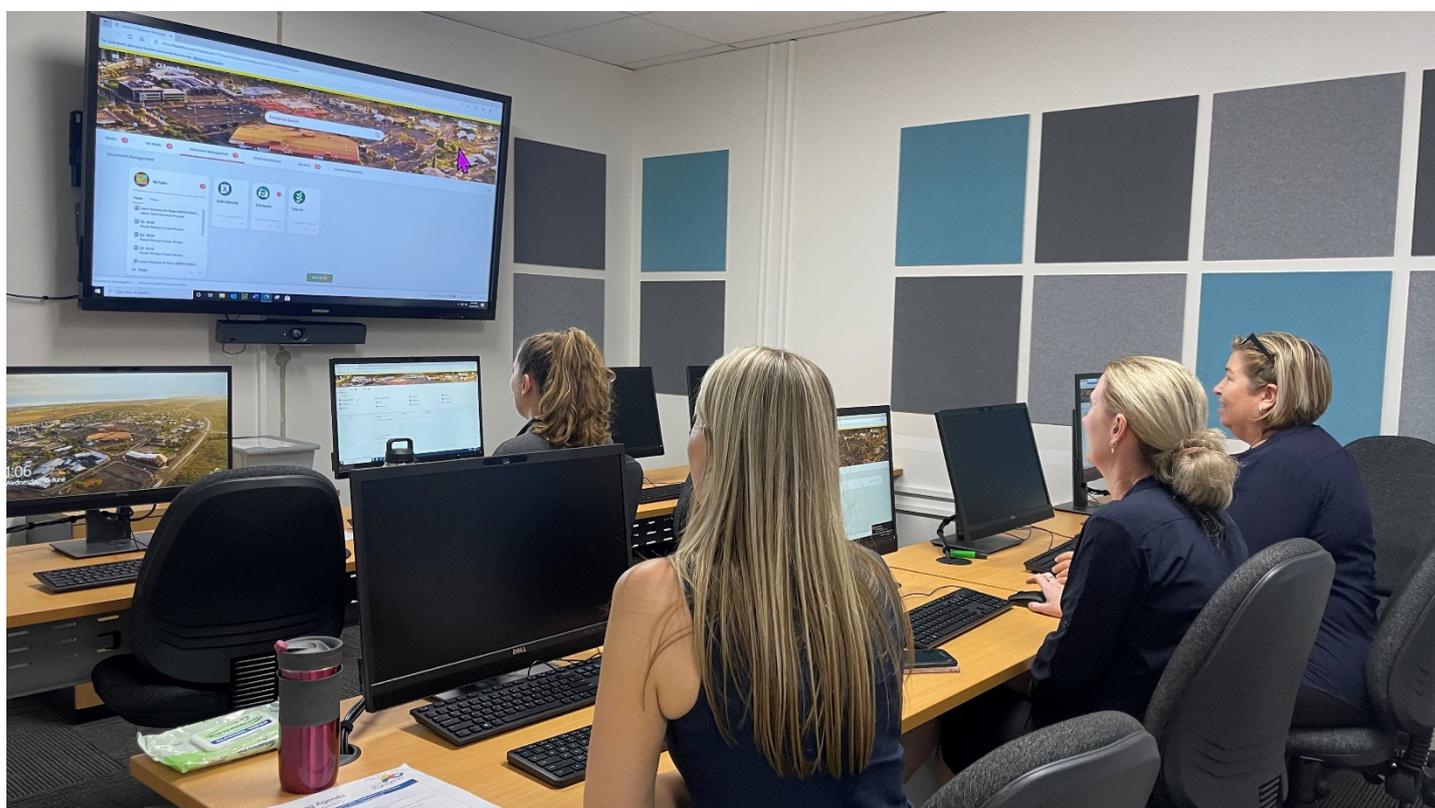
(1) Employees must exercise caution when participating as private citizens in social media commentary, to ensure that –

- (a) their comments are not perceived as representing the City;
- (b) they respect the decisions of Council and clearly identify when personal views are being expressed;
- (c) they only disclose or discuss publicly available information;
- (d) they do not use a Council email address or any Council logos or insignia;

- (e) they do not use the identity or likeness of another Employee, contractor or Council Member;
 - (f) they do not make comments or post any material that could potentially affect the impartial performance of their duties or cause damage to the City's reputation;
 - (g) information is accurate and complies with all relevant policies; and
 - (h) they refrain from publishing video, photographs, audio or hearsay statements of City Employees unless approval has been provided.
- (2) Employees must not communicate information of a confidential nature until it is no longer treated as confidential.

8.8 City run competitions

- (1) In this section *Employee* does not include City volunteers or contractors, unless they are directly involved in the City run competition;
- (2) *Employees* and the spouse or partner of the *Employee* are not eligible to enter into or benefit from competitions entirely run by the City that members of the public can enter into; and
- (3) This does not apply to competitions involving the application of skill or ability, such as the Cossack Art Awards, sporting events etc.



9 Putting Public Interest First

As provided in Part 6 and Part 7 of this Code, local governments must put public interest first, and identify and manage any Conflict of interest Employees may have. The primary goal in managing any Conflict of interest is to ensure that decisions are made, and are seen to be made, in a transparent manner, on proper grounds, for legitimate reason, in good faith and in the best interests of both the City and community stakeholders.

The following sections set out the legislative and/or operational requirements for disclosures by Employees under different circumstances.

9.1 General disclosures

- (1) An Employee, when undertaking a discretionary function must advise their Manager or Director (or if the Employee is a Director, the Director must advise the CEO) of any Conflict of interest in dealing with the matter, and submit a written 'Discretionary Declaration of Interest' form to the Governance team, and with the consent of their Director (or CEO), either –
 - (a) continue to perform the discretionary function where it is deemed by the Director (or CEO) that the Interest is so trivial or insignificant as to be unlikely to influence the Employee's conduct in relation to the discretionary function; or
 - (b) remove themselves from performing the discretionary function and allocate the matter to another Employee authorised to perform such discretionary functions.
- (2) An Employee must advise the Governance team in writing of their intention to undertake a dealing in land within the City's district or which may otherwise be in conflict with the City's functions and activities (other than purchasing or leasing their primary place of residence, or a site for such a purpose).
- (3) An Employee, when exercising a recruitment process must –
 - (a) advise the Manager Human Resources before dealing with any family, relatives or close friends that may have lodged an application as part of that recruitment process; and
 - (b) remove themselves from the recruitment process where it involves dealing with those persons.
- (4) Where the Employee in (3) above is the Manager Human Resources, the Manager Human Resources is to notify the Director Corporate Services in accordance with the provisions of (3) above.
- (5) An Employee who forms part of a tender evaluation panel and where they believe they have a Conflict of interest with a tenderer must –
 - (a) submit a written 'Discretionary Declaration of Interest' form to the Governance team stating the nature of their Interest prior to receiving copies of the tenderers' offers and associated evaluation documents; and

- (b) remove themselves from the process where it is deemed by the Director that the nature of the Interest could bring into question the Employee's impartiality in evaluating the tender.
- (6) Where the Employee in (5) above is a Director, notification must be made in writing to the CEO in accordance with the provisions stated in (5) above.
 - (7) In accordance with section 5.71 of the Act, where an Employee has been delegated a power or duty relating to a matter and the Employee has an Interest in the matter, the Employee must not exercise that power or discharge the duty and must disclose the nature of Interest as soon as practicable to their Manager or Director and the Governance team. In the case of the CEO, disclosure must be made to the Mayor.
 - (8) With the exception of (3) above, all disclosures made under this Code, and any subsequent approval, must be adequately provided to and recorded by the Governance team and retained in the City's record keeping system.

Code of Conduct requirement: Reference - r.19AE(2)(a)(iii) of the Regulations.

9.2 Disclosures for Council and Committee meetings

- (1) An 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) An Employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the Employee, must disclose the nature of any Interest the Employee has in the matter –
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the time the advice is given.

Refer to Definitions section for meaning of 'Interest'.

When attending, or not attending and providing advice to Council and committee meetings as stated in (1) and (2) above and in accordance with s.5.70 of the Act, -

Disclosure is completed at the time of submitting a report for Council's consideration. Where the author or responsible executive officer has an Interest, the nature of the Interest must be disclosed in the header section of the Council report and must be recorded in the minutes of the meeting.

- (3) The provisions of (1) and (2) above do not apply to an interest referred to in section 5.60 of the Act (see following table).

For an interest under section 5.60 of the Act –

If you (or someone you are '*closely associated*' with) has an interest under section 5.60 of the Act, meaning you have a *direct or indirect Financial Interest or Proximity Interest* (i.e.: adjoining property owner), you are excluded from the above, as you must instead adhere to disclosure obligations set out in the Act. This includes important disclosure obligations that apply when Council or Committee decisions are being made or when you have a delegated authority. If you declare a financial, indirect financial or proximity interest, you must not exercise that delegated authority. For matters before Council, you must provide a 'Declaration of interest in matter before Council' form to the CEO prior to the meeting.

A '**closely associated**' person has the same meaning as provided under section 5.62 of the Act. It includes but is not limited to; a person who is in partnership with, is an employer of, a beneficiary under a trust, or, is a spouse, de facto partner or child of and living with, the employee.

'**Financial Interest**' in a matter, has the same meaning as given in section 5.60A of the Act.

If it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

'**Indirect Financial Interest**' in a matter, has the same meaning as given in section 5.61 of the Act.

A reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

'**Proximity Interest**' in a matter, has the same meaning as given in section 5.60B of the Act.

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

- (4) The provisions of (1) and (2) above do not apply if an Employee fails to disclose an Interest because the Employee 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 Interest as soon as possible after the discussion began.
- (5) If, under the provisions of (1) and (2) above, an Employee discloses an Interest in a written notice given 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; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) The provisions of (7) below apply in relation to an Interest if –
- (a) to comply with a requirement under (1) above, the Interest is disclosed at a meeting; or
 - (b) a disclosure is made as described in (4)(b) above at a meeting; or

- (c) to comply with a requirement under (5)(b) above, notice of the Interest is brought to the attention of the persons present at a meeting.

(7) The nature of the Interest must be recorded in the minutes of the meeting.

Reference: s.5.70 of the Act and Code of Conduct requirement: Reference - r.19AD of the Regulations.

9.3 Disclosure of Financial Interests (Primary & Annual Returns)

- (1) To identify potential or an actual Conflict of interest, an Employee to whom any power or duty has been delegated under the Act, must provide –
 - (a) a primary return in the prescribed form within 3 months of the start day reflecting a snapshot of personal financial information that exists upon commencement; and
 - (b) an annual return in the prescribed form by 31 August of each year that retrospectively discloses any changes or new Interests made in the period ending 30 June.
- (2) The CEO must lodge a return with the Mayor, which is receipted by the Mayor, coordinated by the Governance team.
- (3) An Employee with delegated authority under the Act, must lodge a return with the Governance team.
- (4) With the exception of (2) above, Employee returns are receipted on behalf of the CEO by the Governance team.
- (5) All returns of current Employees are maintained on a register of financial interests and their position title is reflected on the City's website until such time as they cease to become an Employee as delegated under the Act.
- (6) The City is legally required to notify the Crime and Corruption Commission for –
 - (a) failure to lodge a return in the required timeframe; or
 - (b) failure to comply with the requirements for disclosing information; or
 - (c) providing information that the person knows to be false or misleading in a material particular or likely to deceive in a material way.
- (7) Potential penalty for non-compliance under (6) above, is a \$10,000 fine or two years imprisonment, defined as serious misconduct under the *Corruption, Crime and Misconduct Act 2003*.
- (8) Any person can attend the City office and free of charge inspect the register of financial interests for current Employees.

Reference: Division 6 of the Act.

9.4 Secondary employment

- (1) In this section *other employment* includes paid or voluntary employment with another person, organisation or body (not being the City), and includes –
 - (a) running a business;
 - (b) maintaining a professional practice or consultancy;
 - (c) a directorship of a company or board; or
 - (d) voluntary activities where those activities have the potential to affect a person's employment at the City.
- (2) Any full-time or part-time Employee considering *other employment* (including during leave periods) must seek written approval from the CEO before doing so. The Employee must complete a 'request to undertake secondary employment' application form and submit it to the Human Resources department.
- (3) A casual Employee must obtain CEO approval to engage in paid work outside of their employment with the City if the *other employment* proposed to be undertaken by the Employee involves –
 - (a) the provision of goods or services to the City;
 - (b) work that may require a statutory approval by the City;
 - (c) the delivery of services already provided by the City; or
 - (d) work that may result in an actual or perceived Conflict of interest between the Employee's obligations to the City and the private work.
- (4) Employees will not engage in *other employment* with or for any person or body with an Interest in a proposed or current business dealing with the City, without first making disclosure to the CEO, or in the case of the CEO, to the Mayor.
- (5) The CEO has the right to refuse approval, or to provide approval with conditions imposed where appropriate.
- (6) An Employee engaging in approved *other employment*, who identifies a potential Conflict of interest, must request the Governance team to review the Interest and may be required to withdraw from the *other employment* or have conditions imposed on the continuation of the *other employment*.
- (7) Employees who are approved to undertake *other employment* shall under no circumstances use City equipment, premises, time, resources or consumables to conduct or undertake activities associated with their secondary employment.
- (8) Employees shall not undertake *other employment* to assist external agencies in the development or lodgement of funding submissions that may compete with similar submissions by the City.
- (9) Disclosures of *other employment* are recorded on the Employee's personnel file, which is maintained by the Human Resources department.

9.5 Gifts & hospitality

The community expects City Employees to carry out their roles with integrity. One way they do this is by making sure their personal Interests do not conflict with their public duty.

Sometimes Employees are offered gifts, benefits and/or hospitality in the course of their work. Usually these are offered as a token of appreciation and carry no expectation. In other cases, they may be an attempt to influence an Employee's decisions. Acceptance may give the impression that an Employee favours a particular person or organisation when making decisions. While this may not be the intention, perceptions matter.

Effectively managing the risks of gifts, benefits and hospitality is essential to maintain public trust and give confidence that decisions are being made fairly and impartially.

9.5.1 Definitions

In this section –

activity involving a City discretion means an activity –

- (a) that cannot be undertaken without an authorisation from the City; or
- (b) by way of a commercial dealing with the City;

associated person means a person who –

- (a) is undertaking or seeking to undertake an *activity involving a City discretion*; or
- (b) it is reasonable to believe, is intending to undertake an *activity involving a City discretion*;

employee does not include the CEO (the CEO must meet the statutory obligations for gifts as provided under the Act);

gift –

- (a) has the meaning given in section 5.57 of the Act (see following table); but
- (b) does not include –
 - i. a gift from a relative as defined in section 5.74(1) of the Act; or
 - ii. a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* - Regulation 30B; or
 - iii. a gift from a 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 LG Professionals Australia (ABN 85 004 221 818);

prohibited gift in relation to a City *employee*, means –

- (1) a *gift* worth \$300 or more; or
- (2) a series of *gifts* given to an *employee* by the same person within a period of 1 year that are in total worth \$300 or more.

In short, a gift means any item of value offered to an Employee without payment or inadequate payment being required, as a consequence of being a City Employee.

As provided under section 5.57 of the Act:

gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

travel includes accommodation incidental to a journey;

travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.

9.5.2 Determinations / Restrictions

(1) A *gift* includes the following –

- (a) *gifts* - tangible items such as books, bottle of wine, or flowers.
- (b) benefits – contributions towards or discounts on products or memberships, meals, or event tickets.
- (c) travel contributions – contributions towards flights, accommodation, transfers, visas, baggage costs, etc.

(2) An *employee* must not accept a *prohibited gift* from an *associated person*. This means you must not accept a *gift* of \$300 or more, or a series of *gifts* that total \$300 or more provided by the same donor within a period of 1 year, if the donor is undertaking, seeking to undertake, or it is reasonable to believe, is intending to undertake an *activity involving a City discretion*.

(3) An *employee* must not –

- (a) seek out *gifts* or benefits;
- (b) accept offers of money, gift vouchers or items easy converted to money – such as gift cards, scratch cards, lotto tickets etc.;
- (c) accept a *gift* from a donor who is undertaking or intending to undertake an activity where it may be reasonable to believe that the donor is expecting a discretionary decision involving the recipient *employee*; or
- (d) accept bribes or attempted bribes, in which case must be reported to the CEO and the WA Police.

(4) In addition to the exclusions provided under section 9.5.1 Definitions for gifts, a *gift* does not include a gift –

- (a) of complimentary tickets provided as part of an existing City sponsorship agreement or similar agreement with another party; or
- (b) given for personal reasons and not as a consequence of your employment with the City (e.g: birthday gift from a colleague or relative); or
- (c) that is a prize won by chance.

Code of Conduct requirement: Reference - r.19AF(1) and r.19AB(2) of the Regulations.

9.5.3 Gift & Hospitality Declaration Requirements

- (1) An *employee* must declare any offer of a *gift* –
 - (a) that is above the estimated or actual value of \$50, or a series of *gifts* that total more than \$50 provided by the same donor within a period of 1 year; and
 - (b) regardless of whether the *gift* is accepted, pending approval, or declined, must submit a 'Gifts, Benefits & Travel Contributions Declaration' to the Governance team within 10 days of the offer being received.
- (2) An *employee* does not need to declare a *gift* if the value is less than \$50, however the *employee* has discretion to declare voluntarily.
- (3) A Director or the CEO reserves the right to require an *employee* to refuse, return, replace or reimburse the full value of a *gift* within 7 working days of submitting a 'Gifts, Benefits & Travel Contributions Declaration'. It is therefore recommended that consumable *gifts* are not consumed, or travel contributions are not used, until 7 working days have passed from the date of declaration received by the Governance team.
- (4) All declarations are maintained on a *gift* register and recorded in the City's record keeping system by the Governance team.
- (5) Information contained on the *gift* register will be used as required by law, for the purposes related to the dealings between the donor and the City, or purposes related to the *employee*. The record will be retained and disposed of in accordance with the City's Amended Record Keeping Plan.

Code of Conduct requirement: Reference - r.19AC of the Regulations.

10 Reporting Breaches & Misconduct

This part sets out the mechanism for dealing with workplace grievances, work performance issues, disciplinary issues, and alleged breaches of the conduct requirements, detailed in Parts 8 and 9 of this Code and other reporting mechanisms relating to conduct of Employees.

Breaches of this Code are treated seriously and will be dealt with in accordance with the City's policies, procedures, Enterprise Agreement, guidelines, and as required by law.

10.1 Workplace issues & complaints

Conversations that relate to workplace grievances, performance issues, and discipline issues must be held in private, treated as confidential, and discussed with individuals as appropriate. An Employee who wishes to discuss work related issues or grievances with another Employee will do so in accordance with the provisions of the 'Grievance Resolution Procedure' Operational Policy.

An Employee that requires discipline for work related issues must be dealt with by the appropriate Supervisor or Manager in accordance with the 'Disciplinary' Operational Policy.

The City encourages Employees who are victims of, or witness to, bullying, harassment, or discrimination to report immediately to your Supervisor or Manager and the situation addressed immediately as appropriate.

10.2 Suspected Breaches of the Code

Complaints relating to a potential breach of this Code by an Employee must be documented on a 'Code of Conduct Complaint Form' located at Appendix A of the Code and lodged in writing or sent via email by the person alleging the breach. Where a written complaint is made against an Employee, it must be submitted to the Human Resources department or Governance team, which act as Complaints Officers for the City. The exception is a written complaint against the CEO which must be submitted to the Mayor.

Procedural fairness will be provided during any investigation. This requires –

- An investigation into the matters in 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 –

- The complaint being dismissed due to lack of substance
- No action being taken as a result of a finding
- Performance management action
- A requirement to attend formal counselling or training
- Disciplinary proceedings
- Termination of employment
- Referral to the Police

- Referral to external integrity bodies.

For contractors and volunteers, outcomes could result in contract termination or end to volunteering respectively.

10.3 Misconduct

An Employee must not commit, ignore or encourage any acts of fraud, bribery, corruption, misconduct or criminal behaviour no matter what value. Nor must an Employee sell, lend or donate City resources unless approved by the City in writing, and must not intentionally damage, destroy or dispose of resources without approval.

An Employee must report any knowledge or suspicion of fraud, bribery, corruption, misconduct or criminal behaviour.

Bribery - Where someone is persuaded by gifts, payments or other personal favours to behave improperly, to do something that they shouldn't do, or to not do something that they should.	Corruption - is the dishonest activity of an Employee acting contrary to the interests of the City or abusing their position of trust to gain a personal benefit or cause detriment to another person or entity.
Fraud - is dishonest activity that is intentional and for a purpose. It includes activity where deception is used, including falsifying or concealing documents or information or improper use of information for a personal benefit.	Criminal behaviour - includes behaviours that result in breaking the law, including theft or misuse of City money or property with an intent to permanently deprive the City.

The *Corruption and Crime Commission Act 2003* requires that matters of misconduct and/or corruption be reported to the Public Sector Commission (PSC) and/or the Corruption and Crime Commission (CCC) and protection is afforded to persons who make such reports. It is an offence to –

- victimise any person who has given evidence to or helps the PSC or CCC;
- dismiss or prejudice any person for having appeared before or having given evidence to the CCC; or
- cause injury or detriment to any person for having appeared before or having given evidence to the CCC.

The CEO has a statutory obligation to report to the Public Sector Commission (PSC) and/or the Corruption and Crime Commission (CCC) –

- any allegation of misconduct; or
- any situation that otherwise comes to his or her attention involving misconduct,

where the CEO considers on reasonable grounds that misconduct may have occurred and in the case of an allegation or situation involving an Employee could constitute reasonable grounds for termination of a person's office or employment.

The City encourages the disclosure of corrupt or other improper conduct and is committed to the aims and objectives of the *Public Interest Disclosure Act 2003 (WA)*. Employees and others

are encouraged to contact a nominated Public Interest Disclosure (PID) Officer to seek guidance on public interest disclosures and to lodge completed public interest disclosure forms. Current PID Officers and their contact details are published on the City's website and on the Governance Compliance page in SharePoint.

Where an internal investigation is required, it will be done so in accordance with City policies, procedures and associated requirements.

Reporting on misconduct can be made anonymously, however, this may make it difficult to investigate if further information or clarity is required.

The improper conduct of public authorities including Council Members or Employees can be disclosed by anyone including members of the public, government clients or stakeholders, and people who work for a public authority, as long as they believe, on reasonable grounds, their information is or may be true. Making a deliberately false or misleading disclosure carries significant penalties under the *Public Interest Disclosure Act 2003 (WA)*.

It is highly recommended that those who wish to make a disclosure inform themselves and either contact one of the City's PID Officers or access information located on the Governance Compliance page in SharePoint. Alternatively, you can seek information directly from the PSC and CCC websites.

Code of Conduct requirement: Reference - r.19AE(2)(c) and (d) of the Regulations.

Appendix A – Code of Conduct - Complaint Form

In accordance with section 10.2 of the City of Karratha Employee Code of Conduct (the Code), this form should be completed, signed, and dated by the person making a complaint relating to a breach of the Code, and should be submitted to a Complaints Officer for the City of Karratha.

DETAILS OF PERSON MAKING THE COMPLAINT	
Name:	
Address:	
Telephone no (mobile):	Telephone no (work):
Email address:	

INCIDENT DETAILS (complete a separate form for each person involved)
Name of person alleged to have committed breach:
Date of alleged incident:
Please provide details of the alleged breach of the City of Karratha Employee Code of Conduct, including details of the act or omission that resulted in the breach and any additional information. Attach extra page(s) and any additional evidence (such as photos) if necessary.

WITNESS DETAILS

Please state the details of any person(s) who witnessed the alleged breach, and who is/are willing to provide information in relation to the alleged breach.

WITNESS NUMBER 1

Name:

Address:

Telephone no (mobile):

Telephone no (work):

Email address:

WITNESS NUMBER 2

Name:

Address:

Telephone no (mobile):

Telephone no (work):

Email address:

SIGNING

I declare that, to the best of my knowledge and belief, the information I have provided in this complaint form is not false or misleading. I note that a person who makes a false or misleading complaint commits a statutory offence.

I further declare that I will keep the contents of this complaint confidential until any resulting investigation into it has concluded.

Complainant's Signature:

Date of signing: