

Employees & Volunteers Code of Conduct





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1. Introduction

This Code of Conduct (“Code”) provides employees and volunteers of the City of Armadale with consistent guidelines for an acceptable standard of professional conduct. The Code addresses, in a concise manner, the broader issue of ethical responsibility and encourages greater Local Government transparency and accountability.



This Code is required by, and is complementary to, the principles outlined in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* which aim to result in:

- (a) Better decision-making by the City of Armadale,
- (b) Greater community participation in the decisions and affairs of the City,
- (c) Greater accountability of the City to its community, and
- (d) More efficient and effective Local Government.

This Code, unless otherwise stated, applies only to employees and registered volunteers of the City. Councillors of the City are subject to the requirements of a separate Code of Conduct.



2. Our Values

The following values have the highest standing in the City of Armadale. Employees and volunteers are expected to apply these values in all their activities associated with the business of the City.

Safety	We demonstrate personal responsibility for the safety and wellbeing of everyone around us. Everything we do relies upon the safety of our workforce and the community. We care about the safe management of the environment.
Honesty	We are honest, consistent, open and transparent in our dealings with our stakeholders and are committed to building mutual trust and respect.
Accountability	We set high performance expectations and hold ourselves accountable for the quality of our work and the results we achieve as individuals, as team members and as an organisation.
Respect	We are sincere, fair and forthright, treating others with dignity and respecting their individual differences, feelings and contributions.
Professionalism	We show pride, enthusiasm and dedication in everything that we do. We are committed to delivering high quality service and advice.

3. Statutory Framework

This Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s5.51A – Codes of Conduct) and the *Local Government (Administration) Regulations 1996* (Part 4A).

Employees acknowledge that they are subject to the provisions of the Code upon their acceptance of employment and whilst they remain employed by the City.

Volunteers acknowledge that they are subject to the provisions of the Code upon registering as a volunteer and whilst they remain a registered volunteer for the City.



4. Roles and Responsibilities

4.1 Role of Council

Whilst this Code applies to employees and volunteers of the City, it is important for employees and volunteers to understand the individual roles, responsibilities, and duties of Councillors and how these may influence the day-to-day work of the organisation.

The Council is the governing body of the City of Armadale and consists of elected Councillors. The offices of Council are the Mayor, Deputy Mayor and Councillors.

The role of the Council is set out in s.2.7 of the *Local Government Act 1995* as follows:

- “(1) The Council —
- (a) Governs the local government's affairs; and
 - (b) Is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the Council is to —
- (a) Oversee the allocation of the local government's finances and resources; and
 - (b) Determine the local government's policies.”

The City of Armadale conducts its business and decision making using a “committee” system. The City has two (2) types of committees;

- Ones that are made up solely of Councillors (often referred to as “Standing Committees”) and
- Those made up of persons appointed by Council (such persons may be Councillors, staff, community members or a mix of the three).

These committees make recommendations to the Council and the Council makes a final decision on the matter.

4.2 Role of the Mayor

In addition to the role of a Councillor the role of the Mayor is set out in s.2.8(1) of the *Local Government Act 1995* as follows:

- “(1) The Mayor or President —
- (a) Presides at meetings in accordance with this Act; and
 - (b) Provides leadership and guidance to the community in the district; and
 - (c) Carries out civic and ceremonial duties on behalf of the local government; and
 - (d) Speaks on behalf of the local government; and

- (e) Performs such other functions as are given to the Mayor or president by this Act or any other written law; and
- (f) Liaises with the Chief Executive Officer (CEO) on the local government's affairs and the performance of its functions.”

The Deputy Mayor assumes the above role in absences of the Mayor.

4.3 Role of the Councillors

The primary role of a Councillor is to represent the community. The effective translation of the community's needs and aspirations into a direction and future for the City will be the focus of a Councillor's public life.

The role of a Councillor is set out in s.2.10 of the *Local Government Act 1995* as follows:

- “A Councillor —
- (a) Represents the interests of electors, ratepayers and residents of the district;
 - (b) Provides leadership and guidance to the community in the district;
 - (c) Facilitates communication between the community and the Council;
 - (d) Participates in the local government's decision-making processes at Council and committee meetings; and
 - (e) Performs such other functions as are given to a Councillor by this Act or any other written law.”

Councillors are the decision makers responsible for:

- The development of Council policy.
- The direction setting for the City.
- Making decisions on project priorities.
- The allocation of Council's resources.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf. Therefore, the community is entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Councillor's activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community.
- Achieving sound financial management and accountability in relation to the City's finances.



4. Roles and Responsibilities (Cont.)

- Working with other governments and organisations to achieve benefits for the community at both a local and regional level.
- Having an awareness of the statutory obligations imposed on Councillors and on the City.

In carrying out its functions, the City is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

4.4 Role of Committee Members

From time to time, Council will establish committees to assist in its decision making. Committees can comprise of:

- Councillors only.
- Councillors and staff.
- Councillors, staff and other persons.
- Councillors and other persons.
- Staff and other persons.
- Other persons only.

The role of committees is generally to deliberate upon matters within their authority as determined by Council, and to give advice and/or make recommendations to Council. With very few exceptions, committees of Council do not have decision making powers. However, Council can, and does occasionally, delegate such powers as and when necessary.

4.5 Role of the CEO and Employees

The CEO is appointed by Council and is the communication link between Councillors and employees. All other local government employees are responsible to the CEO.

The CEO is responsible to the Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the local government.

The role of the CEO is set out in s.5.41 of the *Local Government Act 1995* as follows:

“The CEO’s functions are to —

- (a) Advise the Council in relation to the functions of a local government under this Act and other written laws; and
- (b) Ensure that advice and information is available to the Council so that informed decisions can be made; and
- (c) Cause Council decisions to be implemented; and
- (d) Manage the day to day operations of the local government; and
- (e) Liaise with the Mayor or president on the local government’s affairs and the performance of the local government’s functions; and
- (f) Speak on behalf of the local government if the Mayor or president agrees; and
- (g) Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to s.5.37(2) in relation to senior employees); and
- (h) Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.”

4.6 Team Effort

For the City of Armadale to perform to its maximum capability and potential, it is very important that a ‘team effort’ prevail between Councillors, the CEO, employees, volunteers and other persons appointed to Council committees.

There is an inherent inter-relational dependency between all involved and it is essential that Councillors, the CEO, employees, volunteers and other persons appointed to committees not only understand and respect each other’s roles, but commit themselves to working together as a team.

This Code is designed to engender that team spirit and encourage productive working relationships for the good of the City of Armadale community.



5. Conduct of Employees and Volunteers

5.1 Integrity and Behavioural Expectations

Employees and volunteers of the City will;

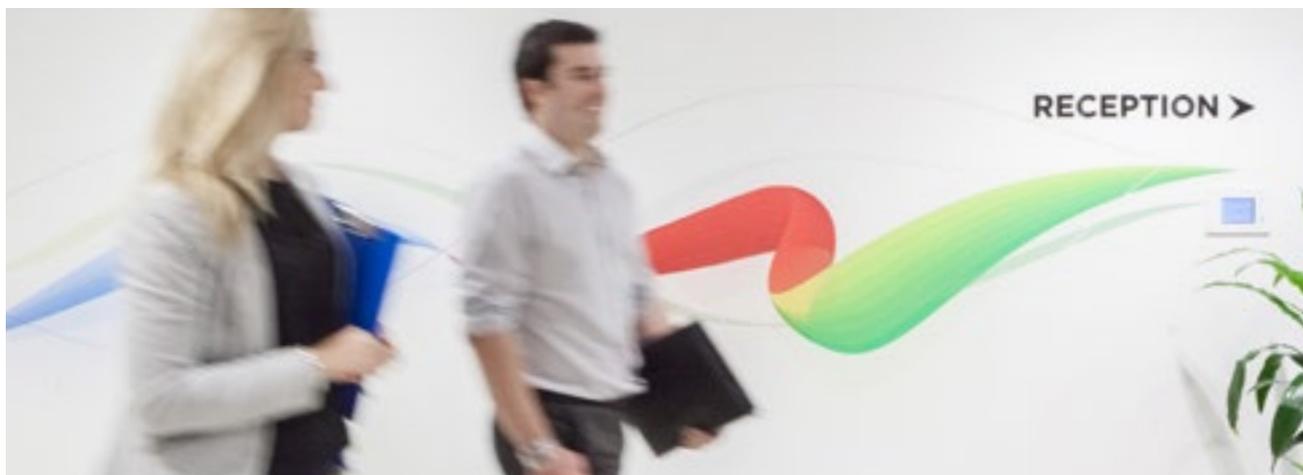
- (a) Observe the highest standards of honesty, integrity and professionalism and not engage in conduct that conflicts with this Code;
- (b) Perform their duties impartially and in the best interests of the City, uninfluenced by fear or favour;
- (c) Comply with all lawful directions, policies, guidelines and work procedures of the City;
- (d) Be frank, honest and courteous in their official dealing with each other;
- (e) Endeavour, in the first instance, to resolve conflict amicably between each other before seeking the involvement of a person's manager or supervisor;
- (f) Be mindful to avoid interference, or a perception of interference, in commercial relationships between proponents and objectors or between proponents competing for the right to develop or competing for a local government discretion;
- (g) Not take advantage of their position to improperly influence Councillors or other employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body;
- (h) Not take advantage of their position to the detriment of Council, the City or other persons;
- (i) Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment;
- (j) Always act in accordance with their obligation of fidelity and loyalty to the City and not publicly reflect adversely upon any decision of the Council or Council's management;
- (k) Report to the CEO, or if appropriate the Corruption and Crime Commission, the City's public interest disclosure officers (Executive Director Corporate Services or the Manager City Governance) or the authorised person to receive and withdraw complaints (Manager City Governance) any dishonest, corrupt or fraudulent conduct by an employee or volunteer of the City.

5.2 Discrimination

- (1) The City's Equal Employment Opportunity and Diversity Principles provides a guide to assist Councillors, employees and volunteers in ensuring the workplace is free from any form of discrimination. All employees and volunteers will treat each other and members of the community with respect and observe the requirements of Equal Opportunity legislation by not discriminating against a person on the basis of —
 - (a) Age
 - (b) Race
 - (c) Sex
 - (d) Sexual orientation
 - (e) Marital or family status
 - (f) Impairment or disability
 - (g) Parental or caregiving responsibility
 - (h) Pregnancy or breastfeeding
 - (i) Religious conviction
 - (j) Political affiliation
 - (k) Gender history
 - (l) Social status
 - (m) Prior criminal history, if the conviction is a spent conviction.
- (2) All employees and volunteers shall not engage in conduct that constitutes —
 - (a) Harassment (particularly on grounds associated with (1) above including sexual harassment)
 - (b) Threatening behaviour, including threats of violence
 - (c) Bullying, whether overt or covert and includes cyberbullying
 - (d) Nepotism or cronyism
 - (e) Victimisation, particularly toward a person who has made a complaint about something
 - (f) Deliberate exclusion, for example activities or workplace discussions
 - (g) Unreasonable demands or work practices outside what is expected for performance management or a lawful purpose



5. Conduct of Employees and Volunteers (Cont.)



5.3 Drugs and Alcohol

- (1) If an employee is aware, or reasonably believes that their use of a legal drug or prescription medicine may affect their ability to perform their job in a safe manner, the employee must immediately report this to their supervisor.
- (2) The use of any illegal/illicit drugs constitutes a breach of the Fitness for Duty policy and may constitute serious misconduct. Employees found to be under the influence of any illegal drug will be subject to disciplinary action.
- (3) The use, consumption, cultivation/manufacture, possession or sale of any illegal/illicit drugs or synthetic substance during work hours or on City premises constitutes a breach of this Code, and may result in summary dismissal for serious misconduct. It may also constitute a criminal activity requiring notification to the relevant authorities.

5.4 Smoking, Vaping and like Substances

- (1) In accordance with the City's Smoke Free Workplace Policy (HLTH 5):
 - (a) Smoking is prohibited in all Council owned and controlled buildings, enclosed workplaces, enclosed recreational facilities and work vehicles at all times.
 - (b) To prevent drift of smoke into smoke free environments, no smoking will be permitted within 5 metres of doorways and 10 metres of air intake vents of Council premises.

- (c) Smokers are expected to be considerate of the health and wellbeing of others. It is unacceptable to smoke where it is possible for others to inhale smoke e.g. along thoroughfares and footpaths and near access ways.
 - (d) Smokers are expected to be discreet. It is unacceptable to smoke where the activity is clearly visible to work colleagues and the general public e.g. outside offices in full view of other staff.
 - (e) Smokers are only permitted to smoke during official work breaks in designated outdoor areas.
- (2) This includes the smoking of any tobacco product, chewing tobacco, e-cigarettes, nicotine vapourisation devices (i.e. 'vaping') and applies to all employees and volunteers.

5.5 Criminal Charges and Convictions

- (1) At the discretion of the CEO, an employee of the City who is charged with, or convicted of a serious offence, may have their employment terminated on the day the charge is made or the conviction is recorded unless provisions of the *Spent Convictions Act 1988* apply.
- (2) It is irrelevant to the operation of this part if the serious offence for which the employee was charged or convicted, did not occur in connection with the employee's work duties.
- (3) For the purposes of this part, serious offence has the same meaning as in section 80A of the *Public Sector Management Act 1994*.



5. Conduct of Employees and Volunteers (Cont.)

5.6 Performance of Duties

- (a) While on duty, employees will give their whole time and attention to the City's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the City.
- (b) Employees have an obligation to be independent in judgement and actions and to take all reasonable steps to ensure that all relevant matters are considered when presenting information.
- (c) Employees who are subject to a licence suspension or disqualification that is a mandatory requirement for the employee's duties will immediately notify their supervisor of such a suspension or disqualification. A failure to do so may result in disciplinary action being taken, including dismissal.

5.7 Compliance with Lawful Orders

- (a) Employees and volunteers will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.
- (b) Employees and volunteers will give effect to the lawful policies of the City.

5.8 Administrative and Management Practices

Employees and volunteers will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

5.9 Corporate Obligations

(a) Standard of Dress

Employees are expected to comply with neat and responsible dress standards at all times. Accordingly:

- (i) Employees will dress in a manner appropriate to their position, in particular when attending meetings or representing the City in an official capacity.

- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

(b) Communication and Public Relations

- (i) All aspects of communication by employees (including verbal, written or personal), involving the City's activities should reflect the standards and objectives of the City. Communications should be accurate, polite and professional.
- (ii) Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the local government.
- (iii) Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- (iv) Statements to the press on behalf of the City will only be made by the Mayor or the CEO.

(c) Personal Communications and Social Media

- (i) Personal communications and statements, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (ii) Employees and volunteers must not, unless in the performance of their duties, disclose information, make comments or engage in communication activities about or on behalf of the City, its Councillors, employees or volunteers, which breach this Code of Conduct.
- (iii) Employee and volunteer comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

(d) Communications with Developers and Developer Interest Groups

- (i) Employees who exercise a delegated authority or power should be mindful that meetings with developers could compromise their impartiality in the decision making process and should at all times have a colleague present if such a meeting is considered necessary. To further protect employees from any suggestion of



5. Conduct of Employees and Volunteers (Cont.)

inappropriate behaviour, especially when dealing with matters of a controversial nature, employees who attend such site meetings should take care to properly document the subject matter discussed at the site meeting together with any undertakings provided, and ensure it is recorded in the City's file management system.

- (e) Communication between employees and Councillors
- (i) In accordance with the City's Policy — Communication between Councillors and City Employees — employees are under the direction of the CEO and Councillors must direct requests for, or concerns about resources or services, to the CEO or if the CEO determines, to the relevant Executive Director. Consequently, any Councillor contact with an employee, unless authorised by the CEO in accordance with the Policy, should be reported to the employee's Executive Director or to the CEO.
- (ii) Conversely employees of the City should not make unsolicited contact with Councillors unless authorised to do so in the course of their work duties by their Executive Director or the CEO, or unless the employee is a resident or ratepayer bringing a matter of personal concern to the Councillor's attention.

5.10 Appointments to Committees

As part of a representative role, employees are often asked to represent the City on external organisations. It is important that employees:

- Clearly understand the basis of their appointment.
- Provide regular reports on the activities of the organisation.
- Make every endeavour to personally notify their deputies when they are not able to attend.

5.11 Observers at Committee Meetings

Employees wishing to attend a meeting of a committee of which he/she is not a member shall be seated in the area set aside for persons observing and shall not participate in any committee discussion unless invited to do so by the presiding member of that committee.

Employees attending a meeting of a committee of which they are not a member shall observe the same legislative requirements regarding disclosure of interests (including the requirement to leave the room and not participate) as members of the committee.

5.12 Travelling and Sustenance Expenses

Employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the City in accordance with Council's policy and the provisions of the *Local Government Act 1995*.



6. Conflicts and Disclosure of Interest

6.1 When a Person has a Conflict of Interest

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

This means that employees and volunteers will ensure that there is no conflict of interest between their personal interests, including those of their immediate family, business partners or close associates, and the impartial fulfilment of their professional duties.

A useful test for employees who are unsure of when a person has an interest, is the ‘6Ps’:

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?

Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the City without first making disclosure to the CEO. In this respect, it does not matter whether advantage is in fact obtained or whether remuneration is received or not as any appearance that a private dealing could conflict with performance of duties must be scrupulously avoided.

Employees will lodge a written notice with the CEO describing an intention to undertake a dealing in land within the City of Armadale area or which may otherwise be in conflict with the Council’s functions (other than purchasing their principal place of residence).

Employees wanting to pursue secondary employment whilst employed in any capacity by the City must not take up such secondary employment unless the prior written approval of the CEO has been obtained in accordance with the City’s Secondary Employment Policy.

An employee who has an interest in any matter in which the employee will exercise a delegated function, power, authority or authorisation in respect of the matter, must disclose the nature and extent of the interest in a written notice to the CEO as soon as the employee becomes aware that he or she has an interest in the matter.

Employees shall not engage in partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual’s rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

6.2 Financial Interest

A person has a financial interest in a matter 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. Employees will observe the principles of disclosure of financial interest as contained within s.5.59 - 5.90 of the *Local Government Act 1995*.



6. Conflicts and Disclosure of Interest (Cont.)



6.3 Disclosure Requirements

- (a) A person who is an employee and who has an interest in any matter to be discussed at a Council or committee meeting attended by the employee is required to disclose the nature of the interest —
 - (i) In a written notice given to the CEO before the meeting; or
 - (ii) At the meeting immediately before the matter is discussed.
- (b) An employee and 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 is required to disclose the nature of any interest the employee has in the matter —
 - (i) In a written notice given to the CEO before the meeting; or
 - (ii) At the time the advice is given.
- (c) A requirement described under items (a) and includes an interest referred to in s.5.60 of the *Local Government Act 1995*.
- (d) An employee is excused from a requirement made under items (a) or (b) to disclose the nature of an interest because they did not know and could not reasonably be expected to know —
 - (i) That they had an interest in the matter; or
 - (ii) 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.
- (e) Where an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then —
 - (i) Before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) 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.
- (f) If —
 - (i) To comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) A disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) To comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting;

the nature of the interest is to be recorded in the minutes of the meeting.



7. Gifts

In accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, there is a requirement for employees to declare gifts received in their capacity as an employee of the City.

Requirements in respect of receipt and disclosure of gifts and contributions to travel by the CEO is detailed by section 5.87B and 5.87C of the *Local Government Act 1995*. Reference should be made to those sections of the Act when considering the CEO's obligations in respect of gifts.

An employee accepting a gift from a person who could influence them places the employee and the City in a difficult position. Even the perception of influence may damage the reputation of the employee and the City, reducing public trust and the City's integrity.

7.1 Gifts and Travel Contributions

All employees must declare a gift or contribution to travel accepted from an associated person within 10 days of acceptance of the gift or contribution to travel. An associated person is a person who —

- (a) Is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) It is reasonable to believe, is intending to undertake an activity involving a local government discretion; or
- (c) Is undertaking, or is reasonably believed to be intending to undertake an activity by way of a commercial dealing with the local government.

This includes —

- (a) A gift worth between \$50 and \$300; or
- (b) A gift that is one or two or more gifts given to the employee by the same person within a period of one (1) year that are in total worth between \$50 and \$300.

7.2 Exclusions & Prohibited Gifts

Employees do not have to declare a gift if it is:

- (a) Less than the lower threshold amount, which is \$50;
- (b) Received from a relative as defined by s.5.74(1) of the *Local Government Act 1995*;
- (c) A gift that must be disclosed under regulation 30b of the *Local Government (Elections) Regulations 1997*;
- (d) A gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (e) A gift from WALGA, the Australian Local Government Association Limited or The Local Government Professionals Australia WA.

A prohibited gift is not to be accepted by any employee. A prohibited gift is defined as —

- (a) A gift worth \$300 or more (the threshold amount); or
- (b) A gift that is 1 or 2 or more gifts given to the employee by the same person within a period of one (1) year that are in total worth the threshold amount or more; or
- (c) A prohibited gift from an associated person.

7.3 Declaring a Gift

The lodgement of the gift notification is to be made using the Attain system and is to include -

- (a) The name of the associated person who gave the gift; and
- (b) The date on which the gift was accepted; and
- (c) A description, and the estimated value, of the gift; and
- (d) The nature of the relationship between the employee and the associated person; and
- (e) If the gift is 1 of 2 or more gifts given to the employee by the same associated person within a period of (1) year, the employee must lodge with respect to each gift accepted;
 - (i) A description;
 - (ii) The estimated value; and
 - (iii) The date of acceptance.



7. Gifts (Cont.)

7.4 Gift Register

The City will maintain a gifts register and it will record —

- (a) The names of the persons who gave and received the gift;
- (b) The date of receipt of the gift;
- (c) A description, and the estimated value of the gift at the time it was made;
- (d) The relationship between the employee and the person giving the gift; and
- (e) The disposition of the gift.

As required by the Local Government Act and Regulations, the gifts register is a public document and will be made available for viewing on the City's website.

A separate register of gifts is maintained to record gifts received by the CEO and all Councillors and is also a public document available for viewing on the City's website. This register will also record any contribution to travel disclosed by the CEO or Councillors.



8. Dealing with Council Property



8.1 Use of Local Government Resources

Employees and volunteers will —

- (a) Be scrupulously honest in their use of the City's services, finances and resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) Use the City's services, finances and resources entrusted to them effectively and economically in the course of their duties;
- (c) Not use the City's services, finances and resources, including the services of other employees, for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO);
- (d) Not use Council vehicles, plant or equipment for private use unless authorised to do so; and
- (e) Foster an awareness of the community's ownership of the City's natural and built environment.

8.2 Intellectual Property

- (1) Title to all Intellectual Property that arises from —
 - (a) The production of work, documents or data by an employee; or
 - (b) The performing of the duties of an employee pursuant to the employee's contract of employment; or
 - (c) A decision of the Council; or
 - (d) Any other action or decision that results in the creation or acquisition of intellectual property by the City shall be assigned to the City unless otherwise agreed by separate contract.
- (2) Subclause (1) is not limited by the tenure of an employee if the employee is no longer employed by the City.



9. Information

9.1 Use of Information

- (a) The requirements of the *State Records Act 2000* apply to all information generated and acquired by employees of the City in the performance of their duties. Staff will ensure documents and information generated and acquired will be recorded in the City's file management system in accordance with the City's Record Keeping Plan and Record Keeping Policy.
- (b) Employees will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (c) As part of their role, employees of the City will at times generate and handle information that is confidential, sensitive, or concerns the personal affairs and identity of other parties. Disclosure of such information is prohibited unless it is authorised by law or associated with a legitimate work purpose.
- (d) Improper use of any information acquired in the performance of an employee's function to gain directly or indirectly an advantage for the employee or any other person, or to cause a detriment to the City or any other person is an offence under s.5.93 of the *Local Government Act 1995* and may constitute serious misconduct.

9.2 Freedom of Information

Staff and volunteers acknowledge that:

- (a) The *Freedom of Information Act 1992* (FOI Act) was introduced to facilitate public access to documents and an application can be made seeking access to any information held by the City;
- (b) An object of the FOI Act is to "make the persons and bodies that are responsible for state and local government more accountable to the public"; and
- (c) They are obligated to assist the City's CEO and the City's Freedom of Information officers in locating documents relevant to an application made under the FOI Act;
- (d) At no time should they divulge any personal information about any person to anyone without their permission.



10. Breaches and Misconduct

Complaints regarding a breach of this Code, or of unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with fairly in accordance with the principles of procedural fairness and natural justice.

10.1 Employees and Volunteers

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

- (1) An employee are to be made to the employee's relevant Executive Director or in the case of a volunteer to the employee who is responsible for overseeing their activities;
- (2) An Executive Director are to be made to the CEO; or
- (3) The CEO is to be made to the Mayor.

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

10.2 Councillors

In the event that an employee or volunteer believes a Councillor of the City has acted contrary to the Principles of Behaviour or the Rules of Conduct contained within the Code of Conduct for Councillors, the employee or volunteer may —

- (a) In the case of a breach of the principles of behaviour, make a complaint to the Mayor;
- (b) In the case of a breach of the rules of conduct, make a complaint of a minor breach to the Complaints Officer of the City (which is currently the Manager City Governance) for forwarding onto the local government standards panel for determination. In this circumstance, please note that it is a requirement of the *Local Government Act 1995* that the Councillor to whom the complaint relates is to receive a copy of the complaint from the Complaints Officer.

10.3 Complaints Made for an Improper Purpose

- (a) Employees must not make a complaint or cause a complaint to be made under this Code for an improper purpose.
- (b) For the purposes of subclause (a), a complaint is made for an improper purpose if it or its subject matter is trivial, frivolous, vexatious, mischievous or not made in good faith, or where it otherwise lacks merit and has been made substantially for an improper purpose.
- (c) Employees acknowledge that a complaint made for an improper purpose may result in disciplinary action being taken against the person making the complaint.

10.4 Misconduct

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

The CEO has a statutory obligation to report to the Corruption and Crime Commission allegations of suspected serious misconduct.

10.5 Public Interest Disclosure

The *Public Interest Disclosure Act 2003* (PID Act) encourages people to come forward with information about wrongdoing without fear of reprisal.

The PID Act outlines what should be disclosed, who it must be disclosed to, and also provides for the protection of people who make a PID, as well as those who may be subject of a PID.

The City of Armadale is committed to the aims and objectives of the PID Act, which recognises the value and importance of reporting as a means to identify and address wrongdoing.



10. Breaches and Misconduct (Cont.)



The City strongly supports disclosures being made by employees or volunteers about corrupt or other improper conduct and does not tolerate any of its employees or volunteers taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

Disclosures need to be made to the City PID Officer (currently these are Executive Director Corporate Services and the Manager City Governance) however it is recommended that prior to making a disclosure employees or volunteers should seek advice.

Procedures have been developed to facilitate disclosures and provides a guide to all parties (including management, appointed Public Interest Disclosure Officers, potential disclosers and people against whom a disclosure has been made) as to how PID is to be facilitated within the City.

These procedures can be located at <https://www.armadale.wa.gov.au/public-interest-disclosure-0>



11. Glossary of Terms

Misconduct

Misconduct occurs if —

- (a) A public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- (b) A public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- (c) A public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) A public officer engages in conduct that —
 - (i) Adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
 - (ii) Constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
 - (iii) Constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - (iv) Involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute —

- (v) A disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

(Section 4 *Corruption, Crime and Misconduct Act 2003*)

Minor Misconduct

Means misconduct of a kind defined by section 4(d) of the *Corruption, Crime and Misconduct Act 2003* (Refer above) that is not any of the following —

- (a) Police misconduct;
- (b) Conduct engaged in by a member of a house of parliament or the clerk of a house of parliament;
- (c) Conduct engaged in by —
 - (i) A member of a local government or Council of a local government.
 - (ii) A member of a Council of a regional local government

(Section 3 *Corruption, Crime and Misconduct Act 2003*)

Serious Misconduct

Means —

- (a) Misconduct of a kind described in section 4(a), (b) or (c) (refer above) by a public officer; or
- (b) Police misconduct.

(Section 3 *Corruption, Crime and Misconduct Act 2003*)

Gift

A conferral of a financial benefit (including a disposition of property) made 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 make the conferral; or a contribution to travel.

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.



11. Glossary of Terms (Cont.)

Associated Person

Means a person who —

- (a) Is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) It is reasonable to believe is intending to undertake an activity involving a local government discretion.

Threshold Amount

For a prohibited gift, means \$300 or a lesser amount (which may be nil) determined by the CEO.

Designated Employee

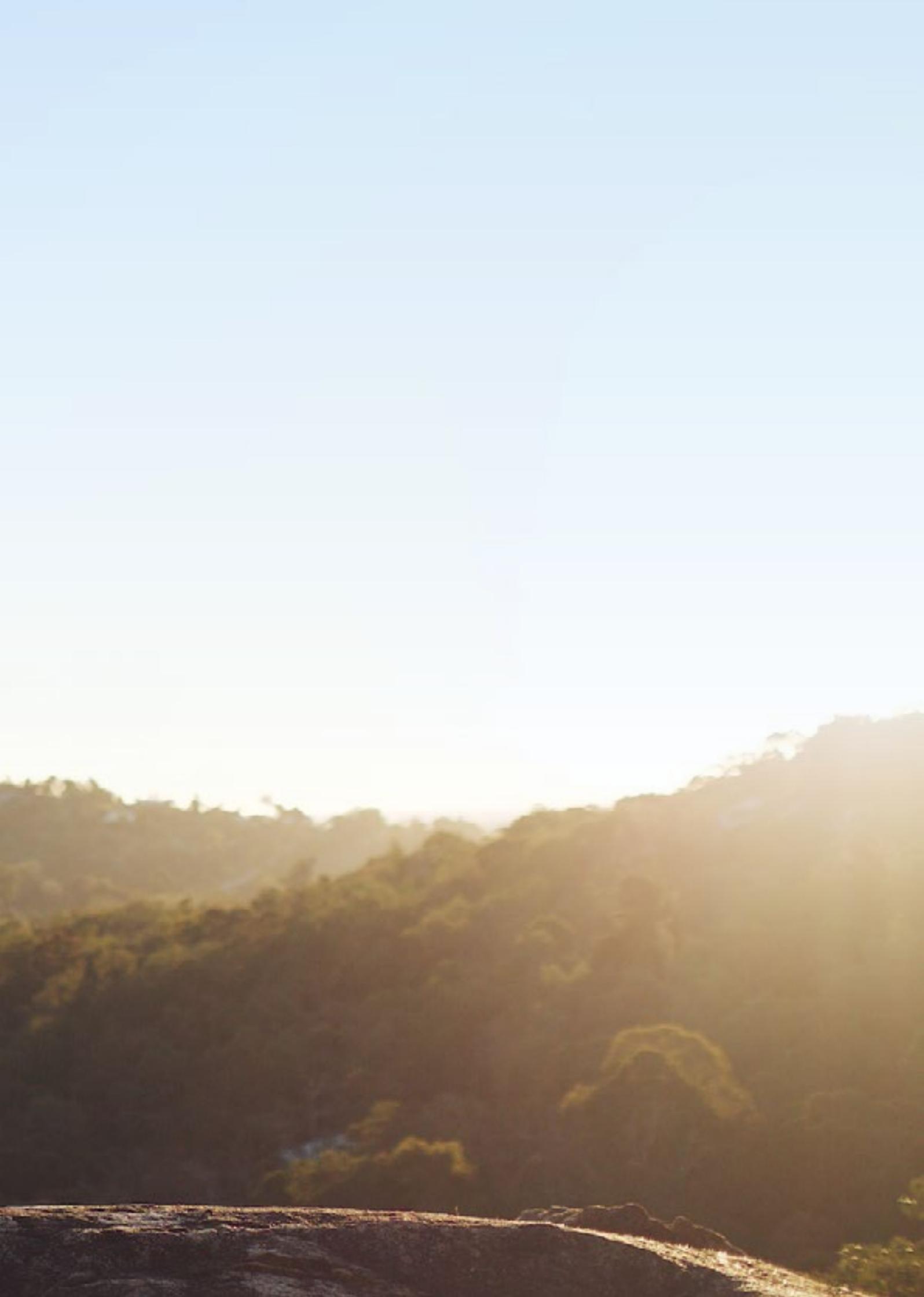
Means —

- (a) A CEO; and
- (b) An employee, other than the CEO, to whom any power or duty has been delegated under division 4; and
- (c) An employee who is a member of a committee comprising Council members and employees; and
- (d) An employee nominated by the local government to be a designated employee.

(Section 5.74 *Local Government Act 1995*)







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