



**SHIRE OF IRWIN**  
DONGARA-PORT DENISON

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A BRILLIANT BLEND

Shire of Irwin

## Employee Code of Conduct

August 2020

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## Message from the Chief Executive Officer

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The Shire of Irwin's *Employee Code of Conduct* (the Code) is an extension of our values and is a foundation for our long-term success.

All employees and those acting on behalf of the Shire of Irwin (the Shire) are expected to observe the highest standards of ethics, integrity and behaviour during the course of their employment or engagement with the Shire. This Code provides an overview of the Shire's fundamental business values and summarises some of the Shire's most important policies, which are based on standards that underline business ethics and professional integrity.

We will sometimes encounter situations that will test our values, judgement and integrity. When these situations arise, we can use this Code. When each of us follows the Code, we communicate our commitment to the values.

I am personally committed to making sure we embody the strong ethical principles captured in this important document. It is essential for every employee to uphold and follow our Code, regardless of your role at the Shire. Equally important is a requirement to hold others accountable to follow our Code and to call out misalignment of values in a respectful way.

Thank you for being engaged and committed to making the principles and practices of our Code part of your daily work.

Please take time to familiarise yourself with your obligations under this Code and continue to refer to it as you perform your duties. If you require further clarification on the Code or any of your obligations outlined below, contact your line manager, myself as the CEO, the Governance or Human Resources departments.



**Shane Ivers**  
**Chief Executive Officer**



# 1 Introduction

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The Code applies to all persons employed by the Shire under the Local Government Act 1995. Each of us has a personal responsibility to incorporate, and to encourage others to incorporate, the principles of the Code in our work.

Our Code is a great resource, but it doesn't cover every situation you may face, so it's important to use good judgement in everything you do and to ask for help if you're ever unsure about the right course of action.

It should be noted that the Code is not a 'stand-alone' document and does not over-ride any legislation or law. Should the Code be inconsistent with any legislation or law, the legislation or law will take precedence.

## 2 Roles and Responsibilities

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### CEO

The role of employees is determined by the functions of the CEO as set out in s.5.41 of the *Local Government Act 1995*.

#### **5.41. Functions of CEO**

*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 section 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.*

### **Managers and Supervisors**

Managers and Supervisors, as employees of the Shire, are required to comply with the obligations set out in this policy *Code of Conduct – Employees, Agents and Contractors* and the *Code of Conduct – Agreement*. In addition they have further responsibility to;

- Ensure that the requirements of the Code of Conduct are reflected in the day-to-day management of employees;
- Ensure staff maintain 5.37 standards of conduct in the workplace;

- Support staff who disclose information regarding maladministration or corrupt conduct;
- Maintain confidentiality so far as is reasonably practicable when conducting investigations into grievances and disputes;
- Avoid bias in decision making;
- Take all necessary steps to resolve conflicts that arise in the workplace and ensure any conflict is avoided in the future;
- Not condone, permit, or fail to report any breaches of the Code of Conduct as outlined above by workplace participants under their supervision; and
- Appropriately record all reports of actual or potential conflict or breaches of the Code of Conduct.

### **Relationships between Employees and Elected Members**

Good corporate governance requires clear identification and definitions of responsibility and a clear understanding of relationships between the organisation's stakeholders and those responsible for managing its resources.

As employees perform in an operational space, if there is a need to make contact by an Employee with an Elected Member(s) and/or vice versa, it is a requirement that initial contact is made to the Chief Executive Officer, who will assess and advise the Employee of their decision. Unless the contact is with a Councillor appointed to a Committee and the matter is in regard to a current or future project managed through that Committee.

### **Compliance with Lawful Orders**

Employees are to comply with any lawful order given by any person having authority to make or give such an order. Any doubts as to the propriety of any such order are to be raised with the superior of the person giving the order or the Chief Executive Officer if a resolution cannot be achieved.

Employees are required to give effect to the lawful decision and policies of the Shire of Irwin, whether they agree/approve of them or not.

### 3 Our Values and Behaviours

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The Shire has adopted four corporate values and behaviours which distinguish and guide our professional conduct and personal behaviour while at work.

Make sure your actions always reflect our values. You are required to follow our Code and comply with the Shire's policies, procedures, all relevant laws and regulations.

#### VALUES & BEHAVIOURS

The Shire ACTS to serve the community through:

## innovation

We are forward thinking and creative in our approach and strive to continuously improve the way we work.

I look for better ways of doing things  
I am open to feedback and change  
I encourage and embrace new ideas  
I foster creativity & think outside of the box  
I am solution focused

## accountability

We will honour our commitments and responsibilities to achieve positive results in a transparent environment

I lead by example  
I learn from my mistakes  
I am responsible for my actions  
I am committed to achieving my goals  
I acknowledge positive behaviour and successes

## integrity

We always act in the public interest and are open, honest, fair and ethical in our interactions with others.

I am fair and consistent  
I am honest, trustworthy and reliable  
I effectively and actively communicate  
I conduct myself in a professional manner  
I am loyal and committed to the organisation

## respect

We support and appreciate each other in an inclusive culture to ensure a sense of pride and enjoyment

I am considerate of the needs of others  
I genuinely listen when others communicate  
I respect the roles and opinions of others  
I treat others how I wish to be treated  
I support, help and encourage my colleagues

## **4 Ethics in Practice**

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### **4.1 Personal Behaviour**

Harassment and bullying in any form – verbal, physical, or visual is unacceptable and will not be tolerated. If you believe you've been bullied or harassed by any employee, contractor, or by any member of the public, we strongly encourage you to immediately report the incident to your line manager. Similarly, leaders who learn of any such incident should immediately report it.

I will:

- Act ethically and with integrity;
- Make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- Treat members of the public and colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interest, rights, safety and welfare;
- Not harass, bully or discriminate against colleagues, members of the public or employees; and
- Fulfil all statutory requirements that relate to my role.

### **4.2 Professional Conduct**

We are committed to a supportive work environment, where employees have the opportunity to reach their full potential. The Shire actively creates and promotes an environment that is inclusive of all people and their unique abilities, strengths and differences. We work better together because of our differences, not despite them.

I will:

- Respect and value the diversity of the workforce where differences are valued and respected;
- Give colleagues the opportunity to express their views and opinions and invite teamwork and collaboration;
- Respect work spaces and avoid displaying or distributing material or using language that may cause offence;
- Stop unacceptable behaviour if it is offensive or unwelcomed to a colleague or customer;
- Demonstrate respect and understanding for Elected Members in relation to their roles, functions and responsibilities; and
- Report unacceptable behaviour to my line manager.

### **4.3 Professional Commitment**

We must all recognise the part our roles play in contributing to the success of the Shire and make a commitment to comply with internal rules, policies and procedures, as well as conduct ourselves with integrity. We should each endeavour to fully utilise our capabilities and exercise our best efforts.

I will:

- Report improper conduct or misconduct which has been, or may be occurring in the workplace;
- Comply with the requirements of any policy, procedure or work instruction;
- Maintain an appropriate, professional standard of dress and grooming which complies with internal procedures, and/or occupational safety and health standards;



- Ensure that I am “fit for work” and that my actions will not adversely affect my work performance or endanger the health, safety or welfare of others in the workplace or in the community; and
- Report all hazards and adverse events when they occur.

#### **4.4 Communication and Information**

Our reputation, by which we build trust with our community, is our most valuable asset and it is up to all of us to make sure that we continually earn that trust and not do anything that may bring the Shire’s reputation into disrepute.

You must exercise caution and be careful when considering disclosing confidential information. You must ensure that external communications (including online and social media posts) do not disclose Shire information that may be confidential or represent (or otherwise give the impression) that you are speaking on behalf of the Shire unless you are authorised to do so. The same applies to communications with the media.

I will:

- Not disclose Shire information or documents, acquired through my work, other than as required by law or where proper authorisation is given;
- Not misuse this information for personal or commercial gain for myself, or for a gain or to the detriment of another;
- Ensure that records and reports are truthful, accurate, complete, consistent, timely and understandable;
- Adhere to legal requirements, policies and all other lawful directives regarding communication with Ministers, ministerial staff, lobbyists and members of the public generally;
- Not provide comment or information to the media, unless specifically authorised;
- Where possible, ensure that information and services offered to the community by the Shire are accessible to everyone including people with disabilities, their families and carers;
- Respect the confidentiality and privacy of all personal information; and
- Return all confidential information and intellectual property within my possession and control when terminating my employment with the Shire.

#### **4.5 Record-Keeping and Use of Information**

Our procedures limit access to and the use of information held by the Shire and require that each of us take measures to protect that information from unauthorised access or use.

I will:

- Not access or use information that is not required for me to do my role;
- Record actions and reasons for decisions to ensure transparency;
- Ensure the secure storage of sensitive or confidential information;
- Not destroy records without authorisation; and
- Comply with our record keeping plan and the State Records Act 2000.

#### **4.6 Fraud, Corruption and Misconduct**

The Shire considers fraud, corruption, and misconduct to be serious matters. Such behaviours are

unacceptable, and the Shire adopts a zero tolerance approach towards such behaviour. All allegations of corrupt conduct will be investigated and may result in disciplinary action including possible termination.

I will:

- Not engage in fraud, criminal or corrupt conduct;
- Report any fraudulent, criminal or corrupt behaviour;
- Report any breaches of the Code; and
- Commit to supporting a strong culture and sound governance to prevent, detect and respond to fraud and misconduct.

#### 4.7 Use of Shire Resources

The Shire provides us the tools and equipment we need to do our jobs effectively but relies on us to be responsible and not wasteful with the resources we are given.

Always check the relevant policy to ensure that you are using Shire assets as intended. If you are unsure, please ask your line manager.

Each employee at the Shire, not just those in Finance, play a role in making sure that the Shire's funds are spent appropriately and in accordance with the annual budget, purchasing policies and procedures.

I will:

- Be accountable for official expenditure;
- Use Shire's resources diligently, efficiently and for their intended purpose;
- Use corporate credit cards and purchasing authorisation for Shire related expenditure only; and
- Not use work time or resources for personal gain, financial or otherwise.

#### 4.8 Gifts and Benefits

You must avoid situations that may give rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment from you in your role with the Shire. Immediate family members ordinarily include parents, spouses, children and siblings.

In accordance with *Local Government (Administration) Regulations 1996* employees are required to comply with r.34B. Employees who are designated employees\* are also required to disclose gifts in accordance with r.34F;

##### **34B. Codes of conduct about gifts, content of (Act s. 5.103(3))**

(1) In this regulation —

**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;

**gift** has the meaning given to that term in section 5.82(4) except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1); or

- (b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072);

**notifiable gift**, in relation to a person who is an employee, means —

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

**prohibited gift**, in relation to a person who is an employee, means —

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

(2) A code of conduct is to contain a requirement that a person who is an employee refrain from accepting a prohibited gift from 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.

(3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from 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, notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.

(4) A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —

- (a) the name of the 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 person who is an employee and the person who gave the gift; and
- (e) if the gift is a notifiable gift under paragraph (b) of the definition of notifiable gift in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
  - (i) a description; and
  - (ii) the estimated value; and
  - (iii) the date of acceptance,
 of each other gift accepted within the 6 month period.

(5) A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

\*designated employee is defined in the Local Government Act 1995 s5.74 Terms used.

**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;

I will:

- Refrain from accepting a prohibited gift;
- Always disclose the acceptance of a notifiable gift from a person who is undertaking or seeking to undertake an activity involving a local government discretion; or it is reasonable to believe is intending to undertake an activity involving a local government discretion (that means that the activity cannot be undertaken without an authorisation from the Shire or by way of a commercial dealing with the Shire); and
- Notify the CEO or his authorised representative, in writing, within 10 days of accepting a notifiable gift on the approved Shire Disclosure of Gift form which makes provision, in part, for the following information:
  - a) the name of the person who gave the gift;
  - b) the date on which the gift was accepted;
  - c) a description, and the estimated value, of the gift; and
  - d) the nature of the relationship between the person who is an employee and the person who gave the gift; in order for the CEO to maintain the legislated Register of Notifiable Gifts.

## 4.9 Conflicts of Interest

A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty. You must avoid or appropriately manage any conflict of interest. The onus is on you to identify a conflict of interest and take the appropriate action to manage the conflict in discharging your public duty. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.

In accordance with *Local Government (Administration) Regulations 1996* r.34C employees are to disclose any of the following to the CEO;

### **34C. Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))**

(1) *In this regulation —*

**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.

(2) *A code of conduct is to contain a requirement that 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 person 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.*

(3) *A code of conduct is to contain a requirement that a person who is 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 person disclose the nature of any interest the person 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.*

*(4) A code of conduct is to exclude from a requirement made under subregulation (2) or (3) an interest referred to in section 5.60.*

*(5) A code of conduct is to excuse a person from a requirement made under subregulation (2) or (3) to disclose the nature of an interest if —*

- (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or*
- (b) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.*

*(6) A code of conduct is to require that if, to comply with a requirement made under subregulation (2) or (3), a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then —*

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.*

*(7) If —*

- (a) to comply with a requirement made under subregulation (2), the nature of a person's interest in a matter is disclosed at a meeting; or*
- (b) a disclosure is made as described in subregulation (5)(b) at a meeting; or*
- (c) to comply with a requirement made under subregulation (6)(b), 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.*

If in doubt consult your line manager or the Governance department.

I will:

- Ensure personal or financial interests do not conflict with my ability to perform my official duties in an impartial manner and declare any conflict between my personal and public duty as soon as it is known;
- Disclose any interest I may have in a matter to be presented at a Council Meeting, whether through advice I provide at the meeting or through advice that I will present in a report to the meeting, to the CEO in writing, either before the meeting, at the time the advice is given, or at the meeting immediately before the matter is discussed; and
- Seek CEO approval before undertaking other (secondary) employment.

## 5 Ethical Decision Making

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You have a responsibility to act legally and ethically in carrying out your duties and responsibilities as an employee of the Shire, in a way that complies with the principles outlined in the *Local Government Act 1995* and is consistent with our Code.

You are expected to exercise a high degree of care in your decision making and make decisions impartially and in the best interests of the community.

So how do you make an ethical and correct decision? The decision-making guide below will help ensure that your behaviour meets the required standards. Assistance is also available from your line manager, the CEO, Governance and Human Resources departments.

***If you are unsure – seek advice BEFORE you act!***

### 5.1 Decision Making Guide

Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does the Code require you to behave in a certain way?
- Who else is involved and what effect does your behaviour have on them?

Look at the situation from the Shire's standpoint

- What are your duties and responsibilities?
- Is there a relevant guideline, determination or policy?
- Who do you need to involve?

Would your behaviour stand up to scrutiny by the public?

- What would your family or the CEO say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit?
- Do your personal interests conflict with the public interest?

Identify and consider the options

- Do you need to seek advice?
- Is there an alternative solution and what would the result of that solution be?
- How would the public view the alternative solution?

Choose your course of action

- Your choice of action must be within the legislation, policies and guidelines.
- Your behaviour must support the Shire's aims and standards.
- You must be able to justify your course of action.

## 6 What happens if I breach this Code?

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There are consequences for breaching your conduct obligations. Local government is subject to extensive regulation through legislation and a breach of any law will be viewed as a serious breach of the terms of your employment. Breaches of this Code, policy and/or procedure may also be considered serious and you may be subject to a disciplinary process in accordance with the Shire's Disciplinary Policies and Procedures.

Penalties for a breach may range from a reprimand through to the termination of your employment. Some unacceptable behaviours are also criminal offences and you may face prosecution if your behaviour is unlawful.

This means you must:

- Read, understand and comply with the Code and the policies, laws and regulations that apply to your job.
- Speak up when you see possible violations of the Code, policies and legal and regulatory requirements.
- Be truthful and cooperate fully in any investigation. Do not conceal or destroy information.
- Complete training on the Code, and attest that you understand and commit to complying with the Code.

***Failing to read and attest to the Code does not excuse you from these obligations.***

## 7 Review

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Feedback or comments in relation to the Code should be directed to the CEO or Human Resources department. The Code will be reviewed every three years or as circumstances and needs dictate. The CEO is authorised to make administrative changes that do not affect the intent of the Code such as if policy or procedure documents change or are repealed.

## 8 Legislative Provisions

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*Local Government Act 1995 and Regulations*  
*Occupational Safety and Health Act 1984*  
*Fair Work Act 2009*  
*Freedom of Information Act 1992*  
*Corruption, Crime and Misconduct Act 2003*  
*State Records Act 2003*  
*Disabilities Services Act 1993*

## 9 Acknowledgement

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I acknowledge that I have read this *Code of Conduct* and related policies, and will comply where applicable with any of the content. Further, I acknowledge that I may be subject to disciplinary action up to and including termination, where I fail to comply with this Code and related policies.

<b>Employee Name:</b>		<b>Witness Name:</b>	
<b>Signature:</b>		<b>Signature:</b>	
<b>Date:</b>		<b>Date:</b>	