

Code of Conduct for Councillors and Employees



Sustainable. Connected. Thriving!



Shire of
Serpentine
Jarrahdale

Table of Contents

1	Shire of Serpentine Jarrahdale - Our Values	3
Our Vision.....		3
2	Message from the Shire President and Chief Executive Officer	4
3	The Way We Do Business	5
1	What Is Expected Of Councillors	5
2	What Is Expected Of Employees.....	6
3	Notification of Breach.....	6
4	What is Expected of the Organisation.....	7
4	The Way We Do Business (How We Treat Others)	8
1	Personal Behaviour	8
2	Discrimination	8
3	Harassment.....	9
4	Honesty and Integrity.....	9
5	Relationships between Councillors and Employees.....	10
5	The Way We Do Business (Within the Organisation)	11
1	Occupational Health and Safety	11
2	Personal Benefit	12
3	Access to Information.....	12
4	Corporate Obligations	13
5	Electronic Communication and Social Media	14
7	Compliance with Lawful Orders	15
8	Administrative and Management Practices.....	15
9	Councillor Requests	15
10	Dealing with Council Property	15
11	General Obligations	16
12	Performance of Duties	16
13	Travelling and Sustenance Expenses.....	16
6	The Way We Do Business (Conflicts of Interest).....	17
1	Conflict of Interest	17
2	Financial Interest.....	18
3	Interest Affecting Impartiality.....	19
4	Disclosure of Interest.....	20
5	Acceptance of Gifts	20
7	Definitions	22
8	Certification of Acknowledgement.....	23
	References	24
	Appendix 1: Framework for Ethical Decision Making	25

Our Vision

“A sustainably developed Shire, where the community, local economy and natural environment are interconnected and thriving.”

Our Values

We focus on the Customer

- Our customers are at the core of everything we do
- We deliver consistently high service internally and externally
- We respect each other and our customers

We do the right thing

- We act with integrity, honesty and respect
- We create a sustainable environment for our people and the community
- We do what we say, and say what we do

We work as a team

- We work together and help each other
- We consider our impact on others
- We take time to celebrate milestones and success.

We act safely

- We always put safety first
- We take active responsibility for the safety of ourselves and our colleagues
- We care about each other and our environment

2. Message from the Shire President and Chief Executive Officer



Cr John Erren
Shire President



Richard Gorbunow
Chief Executive Officer

Our Shire is a unique and beautiful place in which to live. It's a breath of fresh air in the metropolitan area with its outstanding landscape of forested hills, brooks, wetlands, areas of pristine wilderness and an abundance of wildflowers and wildlife.

However, as our population grows and changes, we face new challenges. We need to balance the natural beauty of Serpentine Jarrahdale with the need for sustainable economic and population growth. To do this, we need to operate ethically at all times.

The organisational values underpin our Code of Conduct to provide Councillors and employees with the guidance they need to carry out their roles with integrity.

When we behave in a manner that does not reflect our values we expose the Shire as an organisation and our community to great risk.

This Code of Conduct is designed to assist Councillors and employees to understand the legal and moral obligations they have and provide additional sources of guidance and information.

3. The Way We Do Business

The Local Government Act 1995 (the Act) provides that the general function of a local government is to provide for the good government of persons in its district. The Councillors and employees of the Shire accept that their role is to serve the people who live within the Shire and to look after their best interests. The role of Councillors and employees carries with it a responsibility to display a high standard of corporate and personal conduct.

Section 5.103 of the Local Government Act, requires the Shire to have a code of conduct prepared and adopted by its Council and is to be observed by its Councillors, committee members and employees.

In addition, Councillors are to observe the standards of conduct provided in the Local Government (Rules of Conduct) Regulations 2007. The Code of Conduct may refer to those standards or, where appropriate, set additional guiding standards.

This Code is applicable to all Councillors, employees, and consultants or contractors who are engaged to provide services to the Shire and provides guidance to act fairly, equitably and with propriety.

1. What Is Expected Of Councillors

Councillor roles are contained in the Act.

Councillors:

- are the strategic decision makers in local government, rather than managers or administrators;
- must refrain from dealing directly with employees regarding administrative matters; and

- must refrain from publicly criticising employees in a way that may bring their professional reputations into disrepute.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf, and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In carrying out their duties, Councillors will seek to:

- achieve a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieve sound financial management and accountability in relation to the Shire's finances;
- ensure that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- work with State and local governments and other organisations to achieve benefits for the community at both a local and regional level;
- have an understanding of the statutory obligations imposed on Councillors and on the Shire, and ensure that the Shire provides a high standard of governance and probity.

Appointments to Committees

As part of their representative role Councillors are often asked to represent the council on external organisations. It is important that Councillors —

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

2. What Is Expected Of Employees

Employees enable the functions of local government and Council to be performed. They are aware that the Councillors are the elected representatives of the residents of the Shire. This means that employees -

- accept that Councillors have a leadership and policy making role;
- refrain from publicly criticising Councillors and any decisions that Council makes.

The CEO is expected to liaise with the Shire President on a regular and as needs basis.

The CEO is to ensure that the views expressed by Council are communicated to the Directors. Directors in turn, communicate these views to their Managers and Managers communicate with their employees.

The CEO is to be advised of any attempts by employees to canvass Councillors.

3. Notification of Breach

This Code illustrates how our shared values and our commitment to lawful and ethical conduct in all of our affairs guides our decision making. It explains the standard of behaviour that the Shire of Serpentine Jarrahdale expects of all of our Councillors and employees.

In order to preserve the Shire's reputation, we all have an obligation to live by our shared values and to abide by the principles of this Code each and every day. We also have a duty to help other Councillors and employees to understand and comply with the Code and to report possible breaches as soon as they occur or as we become aware of them:

The CEO is under a statutory obligation to report any minor or serious breaches to the relevant authorities.

a) Complaint by Employees against Employees

If you need to speak to someone for assistance, please contact the Human Resources Team, or speak to one of the Contact officers who can be identified on the employees' telephone list.

For more information refer to:

Council Policy G919 -
Workplace Behaviour Policy

Council Policy G918 -
Grievance Management Policy

Council Work Procedure GWP15 -
Workplace Behaviour

Council Work Procedure GWP17 -
Grievance / Complaint Management

b) Complaint against Councillor by Employees / General Public



If you need to speak to someone for assistance, please contact our Chief Executive Officer.

For more information refer to:

Local Government Act 1995 -
Division 9 – Conduct of Certain Officials

Local Government (Rules of Conduct)
Regulations 2007

Standing Orders Local Law 2002

c) Public Interest Disclosure Act 2003

The Shire acknowledges its obligations under the Public Interest Disclosure Act 2003 and has adopted a Policy as a statement of its commitment to upholding the legislation and supporting those who have responsibilities pursuant to the Act.

If you need to speak to someone for assistance, please contact our Director Corporate and Community.

For more information refer to Council Policy:
G909 - Public Interest Disclosure Act 2003

4. What is expected of the organisation

Councillors and employees have ownership and accountability for decisions and the alignment of systems and processes to our Strategic Community Plan. There is continued strong unity and trust between Councillors and employees fostering a service focussed culture. These innovative work practices result in effective community engagement and responsive information provision.

The Shire has implemented a robust policy development and review program which addresses key strategic objectives in our Strategic Community Plan. The ongoing review, improvement and addition to this policy framework is the key to transferring decision making powers from Council to officers to achieve operational efficiency and delivery of Strategic Community Plan actions.

The Shire will further establish itself as an innovative leader in social, community and environmental responsibility and employees are encouraged to submit their achievements for consideration of State and National awards.

The Shire is committed to creating an employment environment focussed on unleashing the creative potential of its employees. We are a learning organisation and provide real growth and development opportunities for our employees and councillors.

We are also very proud of our achievements both large and small and we celebrate and promote these at every opportunity because we appreciate everything that our Councillors and employees do for Serpentine Jarrahdale.



4. The Way We Do Business (How We Treat Others)

1. Personal Behaviour

Councillors and employees will:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and council policy and the terms of this Code;
- (b) perform their duties impartially and in the best interests of the Shire, uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose and without exceeding their powers) in the interests of the Shire and the community;
- (d) 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; and
- (e) always act in accordance with their obligation of fidelity to the Shire.

Councillors are to represent and promote the interests of the Shire while recognising their special duty to their own constituents, and always act honestly and openly.

For more information refer to Council Policy:
G705 - Human Resource Management
G701 - Occupational Health and Safety

At the Shire we make a concerted effort to accommodate a diversity of working arrangements in an environment where individual skills and contributions are acknowledged.

Councillors and employees need to also ensure they are aware of the following:



2. Discrimination

Discrimination can be either direct or indirect.

Direct discrimination is when a person is treated less favourably than another person in the same or similar circumstances based on one of the following grounds:

- Gender
- Race (includes colour, ethnicity, national origin)
- Impairment or disability
- Age
- Pregnancy or potential pregnancy
- Breastfeeding

- Marital Status
- Family/Carer Responsibility
- Family Status
- Political Conviction
- Religious Conviction
- Gender History
- Sexual Orientation
- Spent Conviction
- Trade Union membership/activities
- Association with someone who has one of the above attributes



Indirect Discrimination is when there is an unreasonable rule (policy, procedure or practice) that appears neutral but has a negative effect on a particular group of people with characteristics that would fit into one of the following grounds and the discriminated person is not able to comply with the rule.

3. Harassment

Unlawful harassment is unwanted, uninvited and inappropriate behaviour based on a person's sex, race or disability.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that a reasonable person would be offended, humiliated or intimidated by. The conduct includes oral and written statements and physical gestures.

It does not matter that a person did not mean to be offensive.

Racial Harassment

Racial harassment is when a person is threatened, abused, insulted or taunted about their race, or a characteristic generally associated with their race and they believe if they object to the unwanted behaviour they will be disadvantaged in their workplace, or they are disadvantaged.

Disability Harassment

Disability harassment is when a person is threatened, abused, offended or excluded because of their disability.

For more information refer to Council:

Policy G919 - Workplace Behaviour Policy

Work Procedure GWP15 - Workplace Behaviour

4. Honesty and Integrity

Councillors and employees will:

- (a) observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards or council policy;
- (b) bring to the notice of the President any dishonesty or possible dishonesty on the part of any other councillor or the CEO and, in the case of employees, to the CEO; and
- (c) be frank and honest in their official dealings with each other.

5. Relationships between Councillors and Employees

Councillors work together as Council to make strategic decisions. Employees led by the CEO, implement those decisions. The success of such a decision making framework revolves around team work. This team work occurs when Councillors and employees have a mutual respect and co-operate with each other to achieve Council's Strategic Community Plan objectives.

Councillors are to direct their contact with employees through the CEO or a Director unless otherwise authorised by the CEO or Council Resolution. Any concerns relating to employees behaviour should however, be directed to the CEO only.

Councillors are supplied with a key enabling 24 hour access to the Council Chambers area of the Civic Centre. When attending Council business, Councillors must enter through the Civic Centre.

Councillors not attending on council business are considered to be a member of the public and must make an appointment with employees if they wish to speak with them.

5. The Way We Do Business (Within the Organisation)

1. Occupational Health and Safety

The Shire of Serpentine Jarrahdale is committed to continual improvement of our Occupational Health and Safety (OHS) performance with a goal of eliminating work-related injury and illness by:

- Developing and promoting a safety culture where better practice initiatives are entrenched in daily business activities and safety is considered a shared responsibility.
- Complying with all legislative obligations, all applicable standards relating to our activities, and all other regulatory requirements to which the organisation subscribes.
- Provision and maintenance of a safe workplace and associated systems of work.
- Proactive identification and control of workplace hazards.
- Including OHS responsibilities and duty of care into all activities and roles within the organisation.
- Providing all employees, contractors and site visitors with adequate resources, information, education, training and supervision to meet Occupational Health and Safety responsibilities
- Reporting key OHS performance measures and establishing measurable objectives to ensure effectiveness and suitability.
- Consulting and communicating with employees and other appropriate parties in order to enhance the effectiveness of the OHS management system.
- Encouraging our suppliers and service providers to make similar commitments.
- Periodically reviewing the Occupational Health and Safety policy and supporting systems.

For more information refer to Council:
G701 - Occupational Health and Safety



2. Personal Benefit

(a) Use of Information

Councillors and employees must not disclose information and in particular will not use confidential information.

- to gain improper advantage for themselves or for any other person or body;
- to improperly cause harm or detriment to any person or organisation;
- in a manner which is inconsistent with any written law, council policy or the intent of this Code.
- in ways which are inconsistent with their obligation to act impartially and in good faith;

(b) Intellectual Property

Copyright and intellectual property rights which attach to any product or service created in the course of employment vest with the Shire unless explicitly agreed otherwise.

Councillors and employees must not appropriate, misuse or exploit the Shire's intellectual property. This includes a prohibition against deliberately copying written or electronic information for improper use.

(c) Improper or Undue Influence

Councillors and employees will not take advantage of their position to improperly influence other Councillors or employees in the performance of their duties or functions in order to gain undue or improper advantage (direct or indirect) or gain for themselves or for any other person or body. Councillors and employees should report any such incident immediately to the CEO or the President.

For more information refer to Council Policy:

G904 - Purchasing

3. Access to Information

- (a) Employees will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.
- (b) Councillors will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.
- (c) The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire upon its creation unless otherwise agreed by a separate contract in accordance with clause 2(b) Intellectual Property above.

For more information refer to:

Local Government (Rules of Conduct)
Regulations 2007

Standing Orders Local Law 2002

4. Corporate Obligations

(a) Standard of Dress

Councillors and employees - are expected to dress in professionally accepted attire and to a standard which reflects their position at all times. Management reserves the right to raise the issue of dress with individual employees. The President and Chief Executive Officer reserve the right to raise the issue of dress with individual Councillors.

(b) Communication and Media Liaison

Under the Local Government Act statements to the media on behalf of the Shire of Serpentine Jarrahdale may only be made by the Shire President or the Chief Executive Officer.

Responses to media enquiries are coordinated by the Communications team. Officers should refer journalists to Communications if they receive any enquiries directly from the media.

Communications will generally not promote non-Council activities or events i.e. private or community organisations that an individual Councillor or employee may be involved in.

Individual Councillors do not have the power to direct any employee in the carrying out of their day to day activities.

All communications by employees (verbal or written including email) involving the Shire's activities should be reflective of Council's adopted position. Communications should be accurate and polite.

Councillors and employees must make every effort to be positive, helpful and effective when communicating with the community.

Councillors are the public face of local government. Their dealings with people in the community are numerous. They communicate with them about their issues and act on their behalf at Council meetings. It is therefore important for Councillors and employees to ensure:

- i) confidential information remains confidential unless it is determined by law or otherwise that release of the information is appropriate; and
- ii) decisions, processes and policy information which affect the community are communicated accurately and in a timely manner.

5. Electronic Communication and Social Media

An employee cannot comment on behalf of the Shire unless expressly authorised by the Chief Executive Officer. If the person wishes to broadcast something (either as an initial broadcast or a response) then a request to the Chief Executive Officer (or his/her authorised delegate) must be made.

A person of the Shire is able to share links that the Shire has posted on the social media sites, or submitting a “like” action, or comment on an event, initiative and/or program, provided that it is in the best interests of the local government.

Employees at the Shire are permitted reasonable use of social media for personal/private purposes on the condition that it does not interfere with the performance of their work.

Employees who use social media for personal/private purposes must not infer or state they are speaking on behalf of the Shire and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.

6. Substance Use

The Shire acknowledges its responsibility to provide a safe and healthy working environment for all personnel employed by the Shire. The inappropriate use of alcohol and illicit drugs can lead to major deficiencies in an individual’s work performance and is a contributing factor in workplace accidents.

Council’s workplace procedure provides a framework for dealing with this difficult and often sensitive problem. Employees of the Shire of Serpentine Jarrahdale are valued and the Shire believes that early intervention following the identification of alcohol and drug dependency can motivate and assist valuable employees to deal with a situation which may otherwise cause harm to themselves, others and the Shire.

For more information refer to Council:

Policy G920 – Fitness for Work

Work Procedure GWP14 - Alcohol and Drugs



7. Compliance with Lawful Orders

Councillors and employees will 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 shall be taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO or President as appropriate.

Councillors and employees will give effect to the policies of the Shire, whether or not they agree with or approve of them.

Individual Councillors do not have the power to direct the Chief Executive Officer. Only the Council as a collective body can instruct the Chief Executive Officer.

8. Administrative and Management Practices

Councillors and employees comply with Council policy and proper and reasonable administrative and management practices.

For more information, Councillors should refer to Council Policies

For more information, Employees should refer to Council Policies and Work Procedures

9. Councillor Requests

All requests from Councillors for information are to be emailed to the Executive Services Support Officer. If a member of the public has approached you to obtain information on their behalf relating to their property or surrounding areas, please email the Executive Services Support Officer who will then acknowledge your email and forward it to the relevant officer.

General requests relating to maintenance issues in the Shire should be emailed to the Executive Services Support Officer to ensure these requests are recorded and followed up.

10. Dealing with Council Property

- 10.1 Use of Shire of Serpentine Jarrahdale Resources
- Councillors and employees— will:
- (a) be honest in their use of the Shire's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
 - (b) use the Shire's resources entrusted to them (such as laptops, printers and e-mail accounts) appropriately and economically in the course of their duties.
 - (c) not use the Shire's resources (including the services of employees) for any private purposes (other than when supplied as part of a contract of employment), unless full disclosure is made in writing and properly authorised to do so and appropriate payments are made (as determined by the council).

For more information refer to:

Council Policy G801 - Councillor Entitlements
Council Policy CSP6 - Email and Internet Usage
Regulation 8 of the Local Government (Rules of Conduct) Regulations 2007

11. General Obligations

A Councillor who honestly and faithfully observes the requirements of this Code and any relevant law is entitled to expect the publicly expressed support of Council and his or her colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.

Where unfair allegations of dishonesty or partial performance are made against a Council member, he or she may request the President to initiate an appropriate public expression of support.

There is an expectation that Councillors and employees will attend and be prepared for meetings that are called. Councillors and employees are expected to respect meeting etiquette and to participate actively in the discussions or debate that occur and attendees are to ensure that individual opinions are heard and not ridiculed.

Attendees at Council meetings must have due regard and respect for the rulings and instructions provided by the Presiding Member in accordance with Council's Standing Orders Local Law 2002.

For more information refer to:
Standing Orders Local Law 2002

12. Performance of Duties

- (a) While on duty, employees will give their whole time and attention to the Shire's business and ensure that their work is carried out efficiently, economically and effectively in that their standard of work reflects favourably both on them and on the Shire.
- (b) Councillors will at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making whilst treating all matters on individual merits. Councillors will be as informed as possible about the functions of the Council and treat all Councillors, employees and the community honestly and fairly.
- (c) People are the major asset of the Shire of Serpentine Jarrahdale and the Shire aims to invest in their development by offering training and development opportunities.

For more information refer to:
Council Policy CSP6 - Email and Internet Usage
Council Policy G915 - Training and Development
Councillor Induction Manual

13. Travelling and Sustenance Expenses

Councillors and 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 Shire in accordance with Council's policy and the provisions of the Act.

For more information refer to Council Policy:
G801 - Councillor Entitlements
G905 - Staff Training and Development

6. The Way We Do Business (Conflicts of Interest)

1. Conflict of Interest

A conflict of interest arises where a personal interest is in conflict with the public interest.

Councillors and employees must immediately disclose interests that could be in conflict, or could be perceived to be in conflict with the performance of their public duties.

The Act and Regulations provide detailed information to Councillors and employees about what is or is not an interest and when an interest should be disclosed. The obligation under the Act to disclose extends to people who provide advice or a report to the Shire on a matter.

Some professionals who are employed by the Shire are bound by their professional codes to disclose interests appropriately.

In addition to any statutory or professional consequences of non-disclosure, failing to disclose an interest where appropriate is also a breach of the Code.

In addition to any requirement of the Act or Regulations:

(a) Councillors and employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

- (b) Employees will not engage in any land, business or other financial activity or private work with or for any person or body with an interest in a proposed or current contract with the Shire without first making disclosure to the CEO, as required by council policy. In this respect, it does not matter whether any advantage is in fact obtained as any appearance that any private dealings could conflict with performance of duties must be avoided.
- (c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land or other activity within the Shire (other than purchasing the principal place of residence).
- (d) Employees will refrain from 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.
- (e) Employees shall comply with the Local Government (Functions and General) Regulations 1996, in any instance where they are involved in any manner with tendering for a Council contract. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be avoided.

- (f) Employees are required to advise their Manager if a conflict of interest is likely to occur in the performance of their duties on a specific task. Once an interest is declared, discussions will be held to determine if it is appropriate for the employees to continue in the role and take necessary steps to avoid a conflict of interest.
- (g) Councillors and employees who have dealings with the Shire or have an interest, whether financial or not, in a matter before the Shire or a matter which they have reason to believe will be brought before the Shire will, in relation to that matter:-
 - Disclose their interests in the matter when seeking information and seek the information by written request;
 - Not seek to obtain access to documents or to use the resources of the Shire directly or indirectly;
 - Not seek direct access to employees dealing with the matter in a manner that would not be available to members of the public; and
 - Not seek to influence other employees in dealing with this matter.

For more information refer to:

Council Policy G703 Control over staff dealing in land and other business activity within the Shire of Serpentine Jarrahdale

Department of Local Government Guidelines:

Elected Members relationship with Developers

2. Financial Interest

Section 5.60A of the Local Government Act states:

"[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."

Councillors and employees must be aware of and understand the requirements relating to the disclosure of financial interests contained within the Act, and shall conduct themselves in accordance with those requirements at all times. The need for full disclosure immediately that an actual or potential financial interest arises is emphasised.

For more information refer to:

Local Government Act – Division 6 – Disclosure of Financial Interests

Department of Local Government Guidelines:

Disclosure of Financial Interests at Meetings

Disclosure of Financial Interests in Returns

Standing Orders Local Law 2002
(Part 5 – Disclosure of Financial Interests)

3. Interest Affecting Impartiality

Under certain circumstances, Councillors and employees are required by law to disclose interests affecting impartiality. The requirement to disclose and circumstances in which disclosure must be made, is contained in Regulations.

For Councillors, Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 applies. For employees, Regulation 34C of the Local Government (Administration) Regulations 1996 applies. The provisions of both are virtually the same:

- The requirement to disclose impartiality interests applies to both Councillors and employees.
- A Councillor or staff member who has an interest in any matter to be discussed at a council or committee meeting attended by the Councillor or employee is required to disclose the nature of the interest, in a written notice given to the CEO before the meeting or at the meeting immediately before the matter is discussed.
- 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 person is required to disclose the nature of any interest the person has in the matter, in a written notice given to the CEO before the meeting or at the time the advice is given.

- A Councillor or employees is excused from the requirement to disclose an interest if the Councillor or employee did not know he or she, had an interest in the matter or that the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- The CEO is to cause the notice of a disclosure of an interest to be given to the person who is to preside at the meeting and at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- If a Councillor or employee's interest in a matter is disclosed at a meeting or notice of a Councillor or employee'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.

For more information refer to:

Council Policy G703 Control over staff dealing in land and other business activity within the Shire of Serpentine Jarrahdale

**Department of Local Government Guidelines:
Disclosure of Interests Affecting Impartiality**

4. Disclosure of Interest

- (a) The Act and Regulations provide detailed provisions concerning when and how an interest must be disclosed. The general principles are:
 - Disclose the interest as soon as possible.
 - Disclose in writing if time allows.
 - Do not participate in any decision-making role in which you have an interest.
- (b) If there is any doubt that an interest exists, or may exist, Councillors and employees should err on the side of caution and disclose the potential interest.
- (c) All disclosures of interest will be entered into a register kept by the CEO for that purpose.

For more information refer to:

Council Policy G703 - Control over staff dealing in land and other business activity within the Shire of Serpentine Jarrahdale

Department of Local Government Guidelines:

Council Forum Guideline

5. Acceptance of Gifts

In relation to acceptance of gifts both Councillors and employees are required to comply with the provisions of the Regulations. For Councillors, Regulation 12 of the Local Government (Rules of Conduct) Regulations 2007 applies. For employees, Regulation 34B of the Local Government (Administration) Regulations 1996 applies. The provisions of both are the same:

- A Councillor or employee must not accept a Prohibited Gift (a gift worth \$300 or more, or a gift that is one of 2 or more gifts given by the same person within a period of 6 months that are in total worth \$300 or more) from a person who is undertaking, seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- A Councillor or employee who accepts a Notifiable Gift (a gift worth between \$50 and \$300, or a gift that is one of 2 or more gifts given by the same person within a period of 6 months that in total are worth between \$50 and \$300) from a person who is undertaking, seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a local government discretion, must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with the following:

- Notification of acceptance is to be in writing and is to include:
 - The name of the person who gave the gift;
 - The date on which the gift was accepted;
 - A description, and the estimated value, of the gift;
 - The nature of the relationship between the Councillor or employee and the person who gave the gift; and
 - If the gift is one of 2 or more gifts received from the same person within the 6 month period, a description, the estimated value and the date of acceptance of each other gift accepted within the 6 month period.
- The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given.

If the gift has a value of \$50 or less (including moderate acts of hospitality), it is considered exempt from the requirement to be recorded in the gift register.

Examples of exempt gifts include, but are not limited to the following:

- Trinket gifts (ie pens, keyrings, rulers, diaries, coasters);
- Minor items of apparel (ie ties, hat, t-shirt);
- Minor promotional items (ie mugs, badges);
- Provision of food and refreshments; or
- Goods and materials obtained by attendance at a conference, seminar or training course (ie satchel, contents of satchel of a minor nature, minor spot prizes and raffles, entertainment provided).

Gift Register

A gift register is kept within Executive Services.

Councillors and employees must declare gifts over the value of \$50 by completing an entry in this Register.

For more information refer to:

Local Government Act Section 5.82 - Gifts

Council Policy G706 - Payments to Staff in Addition to Contract or Award

7. Definitions

Act means the Local Government Act 1995.

Breach means breach of the Code.

CEO means the Chief Executive Officer of the Shire of Serpentine Jarrahdale.

Code means this Shire of Serpentine Jarrahdale Code of Conduct for Councillors and employees.

Confidential Information includes a document either:

- (a) marked to clearly show the information in the document is not to be disclosed; or
- (b) provided at a closed meeting; or
- (c) designated confidential by resolution of council or special committee.

Council means the collective body of elected members sitting in a formal meeting of the local government.

Councillor means a person who holds the office of an elected member at the Shire.

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.

Notifiable Gift means a gift worth between \$50 and \$300, or a gift that is one of 2 or more gifts given by the same person within a period of 6 months that in total are worth between \$50 and \$300.

Prohibited Gift means a gift worth \$300 or more, or a gift that is one of 2 or more gifts given by the same person within a period of 6 months that are in total worth \$300 or more.

Regulations means Local Government (Rules of Conduct) Regulations 2007 or Local Government (Administration) Regulations 1996.

Shire means the Shire of Serpentine Jarrahdale.

Employee means a person employed by the Shire under section 5.36 of the Act.



8. Certification of Acknowledgement

New Employees and Councillors

As a condition of employment, all new employees are required to sign a Certificate of Acknowledgement.

Councillors are required to sign a Certificate of Acknowledgement at the Swearing In Ceremony.

The Certificate of Acknowledgement states:

I have received and read the Shire of Serpentine Jarrahdale Code of Conduct and understand that I have an obligation to comply with it.

Employees

If there is any section of the Code that you do not understand, please ask your Supervisor, Manager or the HR Management Officer for clarification. The Code can also be found on the Shire's intranet. Please ensure that you understand the Code before you sign the Certificate of Acknowledgement.

Councillors

If there is any section of the Code that you do not understand, please ask the Shire President for clarification. The Code can also be found on the Shire's intranet. Please ensure that you understand the Code before you sign the Certificate of Acknowledgement.

Employees and Councillor Recertification

All current employees and Councillors will be required to sign a Certificate of Acknowledgment each time the Code is reviewed.

Raising Concerns

Employees

If you observe behaviour that may represent a violation of our Code, raise the issue promptly with your Supervisor, Manager or HR Manager. We all have an obligation to hold our colleagues responsible to the standards of this Code.

Councillors

If you observe behaviour that may represent a violation of our Code, raise the issue promptly with the Shire President. We all have an obligation to hold our colleagues responsible to the standards of this Code.

9. References

Council Policies	
CSP6	Email and Internet Usage
G701	Occupational Health and Safety
G703	Control Over Staff Dealing In Land And Other Business Activity Within The Shire of Serpentine Jarrahdale
G705	Human Resource Management
G706	Payments to employees in addition to contract or award on cessation of employment
G003	Councillor Entitlements
G001	Purchasing
G909	Public Interest Disclosure Act 2003
G915	Staff Training and Development
G918	Grievance Management
G919	Workplace Behaviour
G923	Fitness for Work
Council Work Procedures	
GWP14	Alcohol and Drugs
GWP15	Workplace Behaviour
GWP17	Grievance / Complaint Management
Other Legislation	
	Shire of Serpentine Jarrahdale Standing Orders Local Law 2002
	Local Government Act 1995
	Local Government (Rules of Conduct) Regulations 2007
	Local Government (Administration) Regulations 1996

Appendix 1:

Framework for Ethical Decision Making

As a guide in deciding on a course of action, following these steps and ask yourself these questions:

1. Recognise the event, decision or issue:

- Are you being asked to do something that you think might be wrong?
- Are you aware of potentially illegal or unethical conduct on the part of others at Shire of Serpentine Jarrahdale or a client?
- Are you trying to make a decision and are you unsure about the ethical course of action?

2. Think before you act

- Summarise and clarify your issue
- Ask yourself, why the dilemma
- Consider the options and consequences
- Consider who may be affected
- Consult others

3. Decide on a course of action

- Determine your responsibility
- Review all relevant facts and information
- Refer to applicable Shire of Serpentine Jarrahdale policies or professional standards
- Assess the risks and how you could reduce them
- Contemplate the best course of action
- Consult others



4. Test your decision

- Review the “ethical questions to consider” – apply the Shire values to your decision
- Make sure you have considered the Shire’s policies and professional standards
- Consult others – enlist their opinion of your planned action

5. Proceed with confidence

- Communicate decision and rationale to stakeholders
- Reflect upon what was learned
- Share your success stories with others

Summary of ethical questions to consider:

- Is it against the Shire's policy or professional standards?
- Does it feel right?
- Is it legal?
- Will it reflect negatively on you or the Shire?
- Who else could be affected by this (others in the Shire, clients, you etc)?
- Would you be embarrassed if others knew you took this course of action?
- Is there an alternative action that does not pose an ethical conflict?
- How would it look in the newspapers?
- What would a reasonable person think?
- Can you sleep at night?

Code of Conduct for Councillors and Employees

Certification of Acknowledgement:

I have received and read the Shire of Serpentine Jarrahdale Code of Conduct and understand that I have an obligation to comply with it.

.....
Name (*Councillor / Employee*)

.....
Signature (*Councillor / Employee*)

.....
Date

Code of Conduct for Councillors and Employees

Shire of Serpentine Jarrahdale

- a. 6 Paterson Street, Mundijong WA 6123
- t. 9526 1111 f. 9525 5441
- e. info@sjshire.wa.gov.au
- w. www.sjshire.wa.gov.au
-  www.facebook.com/ShireofSJ
-  Twitter: @shireofsj



**Shire of
Serpentine
Jarrahdale**