



Shire of
Serpentine
Jarrahdale

Employee Code of Conduct

Approved – May 2021



Code of Conduct

1. Introduction	3
2. Our Values	4
3. Employee Behaviour	5
4. Use and Disclosure of Shire Information	6
5. Record Keeping	7
6. Use of the Shire's Resources and Finances	7
7. Conflicts of Interest	7
8. Receipt of Gifts Prohibited	9
9. Fraud and Corruption	9
10. Breaches of this Code	10

Code of Conduct

1. Introduction

The Purpose of the Code of Conduct for Employees is to reflect the Shire of Serpentine Jarrahdale's standards of behaviour and integrity to all employees and the community we serve and is therefore important to the organisation, the employee and the community.

The community expects public officers to carry out their functions diligently, with integrity and with due regard for their obligations and responsibilities, consistent with applicable laws, policies and procedures. They expect that decisions and conduct of local government employees will be well-informed and fair, and made in furtherance of the welfare and rights of the community.

The employee is assured that the values and appropriate behaviours that are expected of them are well communicated and that they have a suitable framework against which their behaviours are measured and assessed.

The organisation is certain that all employees of the Shire understand what is expected of them in terms of their behaviour and conduct. The organisation expects their employees to be aligned with the vision and values of the organisation and the Code of Conduct provides the basis for interaction and understanding between employer and employee.

The Employee Code of Conduct (**Code**):

- 1) Sets the minimum requirements of conduct for all employees of the Shire (including contractors and volunteers).
- 2) Reflects statutory requirements of the *Local Government Act 1995*, *The Local Government (Administration) Regulations 1996* and the *Local Government Amendment (Employee Code of Conduct) Regulations 2021*.
- 3) Should be read in conjunction with, but does not replace or directly form part of, any other obligations placed on Employees as set out in any relevant document, including, but not limited to, a contract of employment, an industrial instrument, any other Shire policy or procedure or any applicable act or regulations.
- 4) May be varied or amended by the CEO from time to time.

Code of Conduct

2. Our Values

Our Values help inform our choices and behaviours at work and provide us with the guidance to carry out our roles with integrity. Employees will use their best endeavors to reflect these values in all the work they do while being employed at the Shire.

Accountability

We will take responsibility for our actions, behaviours and performance.

Collaboration

We will communicate and collaborate in a positive way to help others learn and grow.

Trust

We will trust each other by being reliable, credible and open.

OUR COMMON PURPOSE:

To proactively support our thriving community

A focus on behaviours driven by our shared values



Code of Conduct

3. Employee Behaviour

Performance of duties

Employees are expected to carry out their duties diligently, with integrity and due regard for their obligations and responsibilities, consistent with applicable laws, and all relevant Shire policies and procedures. In the performance of their duties, all Employees are required to:

- a. Act at all times consistently with the terms of this Code, the law, and Shire policies and procedures (as amended from time to time).
- b. Act at all times in good faith (honesty and for proper purpose and without exceeding their powers) in the interests of the Shire and the community.
- c. Perform their duties honestly, ethically, impartially and in the best interests of the Shire and the community.
- d. Perform their duties to the best of their ability, acting with reasonable care and diligence.
- e. Where relevant, act at all times within the limits of their delegation and fulfill all statutory requirements which relate to their role.
- f. Comply with all lawful and reasonable directions of the Shire.
- g. Report to the workplace appropriately attired and fit for work, compliant with any Shire policy and procedure, including Occupational Health and Safety policies and procedures which includes not being under the influence of alcohol or other drugs while at the workplace.

Dealing with other employees and community members

Employees have a responsibility to conduct themselves in a professional manner, and demonstrate respect for members of the public, fellow employees and Elected Members at all times:

In their dealings, all Employees are required to:

- a. Treat members of the public, fellow employees and Elected Members with respect, courtesy, honesty, and fairness, having regard to their interests, rights, safety and welfare.
- b. Respect and value the diversity of the workforce, and value and respect difference.
- c. Not harass, bully or discriminate against fellow employees, members of the public, and other Shire members. This includes harassment or discrimination on the grounds of gender identity, pregnancy, age, race, religion, political affiliation, marital status, disability, or sexual preference.
- d. Demonstrate respect and understanding for Elected Members in relation to their roles, functions and responsibilities.

Code of Conduct

- e. Ensure any private, out of work conduct (including online and social media communications), maintains both the integrity and good reputation of the Shire and the trust and confidence in the employee to perform their duties.

4. Use and Disclosure of Shire Information

The Shire deals with a large amount of information, some of which is intended for the general public, and some of which is required to remain confidential. In seeking to ensure that all information of the Shire is used in the correct and lawful manner, all Employees are required to:

- a. Not disclose Shire information acquired through the course of their work, other than where properly authorised or as required by law.
- b. Use Shire information only for the purpose it was intended, authorised and necessary to carry out the role and provide the services which the employee has been employed.
- c. Not misuse Shire information for personal or commercial gain or any other improper advantage (for the Employee or any another person).
- d. Not misuse Shire information to cause harm or detriment to any other person, employee or organisation.
- e. Not provide comment or information to the media without proper prior authorisation.
- f. Ensure that all information and documents created during employment with the Shire are truthful, accurate, complete, timely and comprehensible.
- g. Comply with all relevant Shire policies and procedures and applicable legislation in relation to the sharing of Shire information.
- h. Maintain confidentiality over all Shire confidential information including:
 - i. Not sharing confidential information except as authorised, or as required by law.
 - ii. Ensuring the secure and correct storage of confidential information (in accordance with Shire policy and procedure or otherwise).
 - iii. Returning all confidential information in possession or control of the Employee to the Shire on the ending of employment.

Code of Conduct

5. Record Keeping

The Shire has in place a detailed record keeping plan, ensuring compliance with the *State Records Act 2000*. All Shire records must be kept in compliance with this plan. To ensure compliance, maintain transparency and to capture and protect relevant information, all Employees are required to:

- a. Record all actions and decisions, and related reasons, in performing duties for the Shire where required.
- b. Not access, use or amend information or documents unless required.
- c. Not destroy any document without authorisation.
- d. Ensure all records are properly and securely stored.
- e. Ensure compliance with the Shire's record keeping plan, relevant policies and procedures and any applicable law.

6. Use of the Shire's Resources and Finances

The cost of the Shire's resources and the Shire's finances are public funds. As such, all employees are required to ensure Shire resources and finances are used responsibly, efficiently and effectively in the furtherance of the public interest. Shire resources include property of the Shire and services provided or paid for by the Shire. When using Shire resources and finances, all Employee's are required to:

- a. Keep accurate and complete records of all expenditures, and use of Shire resources, as required.
- b. Comply with all Shire policies, procedures and any related internal controls or reporting requirements related to the use of Shire resources and finances.
- c. Use Shire resources and finances only for their intended purpose.
- d. Use, operate, maintain, and store Shire resources in accordance with Shire policies and procedures.
- e. Not use Shire resources or finances for personal gain (including paid work time, or unauthorised personal use of Shire resources).

7. Conflicts of Interest

A conflict of interest arises where an employee's personal interest is in conflict with the public interest. Having a conflict of interest is not unusual and does not represent wrongdoing in itself. However, failing to disclose and manage a conflict of interest appropriately may amount to wrongdoing. The Shire has in place a detailed Conflict of Interest Business Operating Procedure, ensuring compliance with the *Local Government Act 1995* and related regulations, which provides detailed and specific guidance on the disclosure and management of conflicts of interest. However, the general obligations applying to Shire Employees related to conflicts of interest are outlined below.

Code of Conduct

For the purposes of this provision, an “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 or organisation.

General Disclosure

In the performance of their duties, all Employees must:

- a. Ensure that no actual, perceived, or potential personal or financial interest conflicts with their ability to perform their duties in an impartial manner.
- b. Disclose to their manager any actual, perceived, or potential conflict of interest as soon as it is known.
- c. Seek approval from the CEO before engaging or undertaking any secondary employment or other relevant commercial or not-for-profit engagements.
- d. Provide written notice to their manager describing an intention to undertake a Dealing in Land which either occurs within the district or which may otherwise be in conflict with the Shire’s functions. The notice must be received within 10 days of the individual concerned forming a clear intention. It is intended that the employee will be removed by the Shire from any processes related to that dealing.

An employee will not be in breach of the above disclosure requirements if they did not know they had an interest (as long as the interest is disclosed as soon as it becomes apparent).

Disclosure for a matter discussed at council or committee meeting

Notwithstanding the above, an Employee must disclose any interest they have in any matter:

- a. To be discussed at a council or committee meeting which they attend; or
- b. That they will give advice on or about at a council or committee meeting.

Disclosure for the above is to be provided either:

- i. In writing to the CEO before the meeting, and is then to be provided to the person presiding over the meeting, who is to bring it to the attention of those present at the meeting; or
- ii. In person at the meeting immediately before the matter is discussed.

An employee will not be in breach of the above council or committee meeting disclosure requirements if they fail to disclose an interest that they did not know they had or they did not know that the matter would be discussed at the council or committee meeting (as long as the interest is disclosed as soon as possible after the discussion began).

Definitions for this Section

Clear intention in relation to a **dealing in land** occurs when an individual concerned either:

- a) Accepts an offer; or
- b) Makes an offer; or

Code of Conduct

- c) Enters into any contract for a dealing in land.

Dealing in land means, for the purposes of clause 7.1, a dealing of a person that involves:

- a) Acquiring or selling real property;
- b) Acquiring or selling a lease or other interest in real property; or
- c) A proposal to develop land or a building;

that is within the shire.

8. Receipt of Gifts Prohibited

The Shire of Serpentine Jarrahdale recognises that the receipt of gifts can create perceived and actual conflicts of interests. This is a serious matter for public servants at all levels of government.

A Shire Employee must not accept any gift from any person undertaking or seeking to undertake an activity involving Local Government discretion, or a person it is reasonable to believe is intending to undertake such activities.

This definition provided for in the Act includes all entities that have or could reasonably believe intend to have a commercial relationship with the Shire (contract) or an entity seeking a licence, planning approval or authorisation – to name just a few.

In accordance with Regulation 19AF of the Local Government (Administration) Regulations 1996 the threshold amount for acceptable gifts set by the Chief Executive Officer is nil.

This prohibition includes all trinkets, food items, lucky door prizes, and tokens of appreciation.

There are limited exceptions:

- a. training and professional development opportunities from commercial entities under the value of \$300 within a period of 1 year; and
- b. as the provision of refreshments at free training events is classified in legislation as a gift, non-seated meals and non-alcoholic beverages under the value of \$300 within a period of 1 year.

Prohibited gifts that practically cannot be declined (i.e received in the mail) must be disposed of in accordance with Council policy.

Separately, the Local Government Act 1995 provides rules regarding the receipt of gifts by the Chief Executive Officer. Notwithstanding, the Chief Executive Officer's approach to gifts is consistent with that for employees as set in this code.

9. Fraud and Corruption

Fraud and corruption are serious matters. They are unacceptable and not tolerated in any form at the Shire. In the performance of their duties, Employees must:

- a. Not engage in any fraudulent or corrupt behaviour.
- b. Report any suspected or actual fraudulent, corrupt or illegal activities, or breaches of this Code to their Manager or the CEO.

Code of Conduct

10. Breaches of this Code

Employees are required to report the following perceived or suspected breaches to their Manager or the CEO:

- a. A breach of this Code.
- b. Fraudulent or corrupt behaviour by an Employee.
- c. Illegal or unethical behaviour in or related to the performance of the Employee's duties.

Where the Shire becomes aware of a suspected breach of the Code, it will be addressed and managed in accordance with the Shire's Disciplinary Procedure.

Outcomes for a founded breach of the Code may include any disciplinary action up to and including termination of employment.

Certain suspected or founded acts in breach of this Code may also give rise to a requirement to report the conduct to an external body, including the Public Sector Commission, the Corruption and Crime Commission and/or the WA Police, which may lead to prosecution if the actions or behaviour are found to be unlawful.



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