



Shire of  
Serpentine  
Jarrahdale

## **Employee Code of Conduct**

### **March 2025**



# Code of Conduct

## Table of Content

<b>1. Message from Our CEO .....</b>	<b>3</b>
<b>2. Purpose of Our Code .....</b>	<b>3</b>
<b>3. Shires Values .....</b>	<b>4</b>
<b>4. Employee Behaviour .....</b>	<b>5</b>
<b>5. Dealing with Elected Members and Committee Members .....</b>	<b>6</b>
<b>6. Fit for Work .....</b>	<b>7</b>
<b>7. Work, Health and Safety Obligations .....</b>	<b>7</b>
<b>8. Use and Disclosure of Shire Information .....</b>	<b>8</b>
<b>9. Record Keeping .....</b>	<b>8</b>
<b>10. Use of the Shire's Resources and Finances .....</b>	<b>9</b>
<b>11. Conflicts of Interest.....</b>	<b>9</b>
<b>12. Receipt of Gifts Prohibited .....</b>	<b>11</b>
<b>13. Fraud and Corruption.....</b>	<b>11</b>
<b>14. Breaches of this Code.....</b>	<b>11</b>
<b>15. Code Commencement Date.....</b>	<b>12</b>



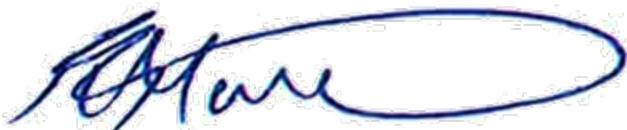
# Code of Conduct

## 1. Message from Our CEO

As local government Employees we are expected to demonstrate the highest standards of ethical behaviour when dealing with the community, customers, and each other. We all have a responsibility to encourage a culture where ethical conduct is recognised, valued, and followed at all levels.

The Code of Conduct assists and guides employees in determining the appropriate and acceptable ethical standards of behaviour which apply in various circumstances. It is expected everyone will follow the conduct outlined in the Code.

Our shared commitment to these standards and our compliance with legislative requirements helps us create a positive work environment for all Employees and build effective and trusted relationships with the community we serve.



Paul Martin  
Chief Executive Officer

## 2. Purpose of Our Code

The Purpose of the Code of Conduct is to provide all Employees with clear standards of professional conduct that reflects the Shire of Serpentine Jarrahdale's requirements of behaviour and integrity for 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 continuance 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 **(the Code)**:

- a) Sets the minimum requirements of conduct for all employees employed on a permanent, temporary, or casual basis of the Shire (including contractors).

# Code of Conduct

- b) At the time of accepting employment with the Shire, Employees are required to sign and accept that they have read and understood the Code. This demonstrates commitment to the Shire's values and expected behaviours.
- c) 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*.
- d) 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.
- e) May be varied or amended by the CEO from time to time.

## 3. Shires 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



Shire of  
Serpentine  
Jarrahdale

# Code of Conduct

## 4. 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 always consistently with the terms of this Code, the law, and Shire policies and procedures (as amended from time to time).
- b) Act always in good faith (honesty and for proper purpose and without exceeding their powers) in the interests of the Shire and the community.
- c) Treat others with respect and fairness.
- d) Report to the workplace fit for work including not being impaired by substances such as drugs and alcohol.
- e) Avoid damage to the reputation of the Shire.
- f) Perform their duties honestly, ethically, impartially and in the best interests of the Shire and the community.
- g) While on duty, give their whole time and attention to the Shire's business and perform their duties to the best of their ability, acting with reasonable care, diligence, efficiently and effectively.
- h) If there are any issues that may impact on an employee's ability to conduct the performance of their duties safely and effectively, the employee has an obligation to advise the person responsible for their management or supervision at the earliest opportunity.
- i) Where relevant, act always within the limits of their delegation and fulfill all statutory requirements which relate to their role.
- j) Comply with all lawful and reasonable directions given by any person having authority to make or give such an order.
- k) Comply with the Shire's policies and procedures, whether or not they agree with them.

### Dealing with other employees and community members

Employees have a responsibility to conduct themselves in a professional manner and always demonstrate respect for fellow employees and members of the public.

In their dealings, all Employees are required to:

- a) Treat fellow employees and members of the public 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.

# Code of Conduct

- c) Not harass, intimidate, bully, or discriminate or support others who harass, intimidate, bully, and 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) Whilst this Code applies to conduct in the workplace there may be circumstances where behaviour outside of working hours has the potential to affect the community's perceptions of the integrity and professionalism of the Shire. This may occur where there is a link between the employee and the Shire including (online and social media communications). You must maintain both the integrity and good reputation of the Shire and the trust and confidence in the employee to perform their duties.
- e) Make no assertions or allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their duties, which may cause a reasonable person unwarranted offence or embarrassment.

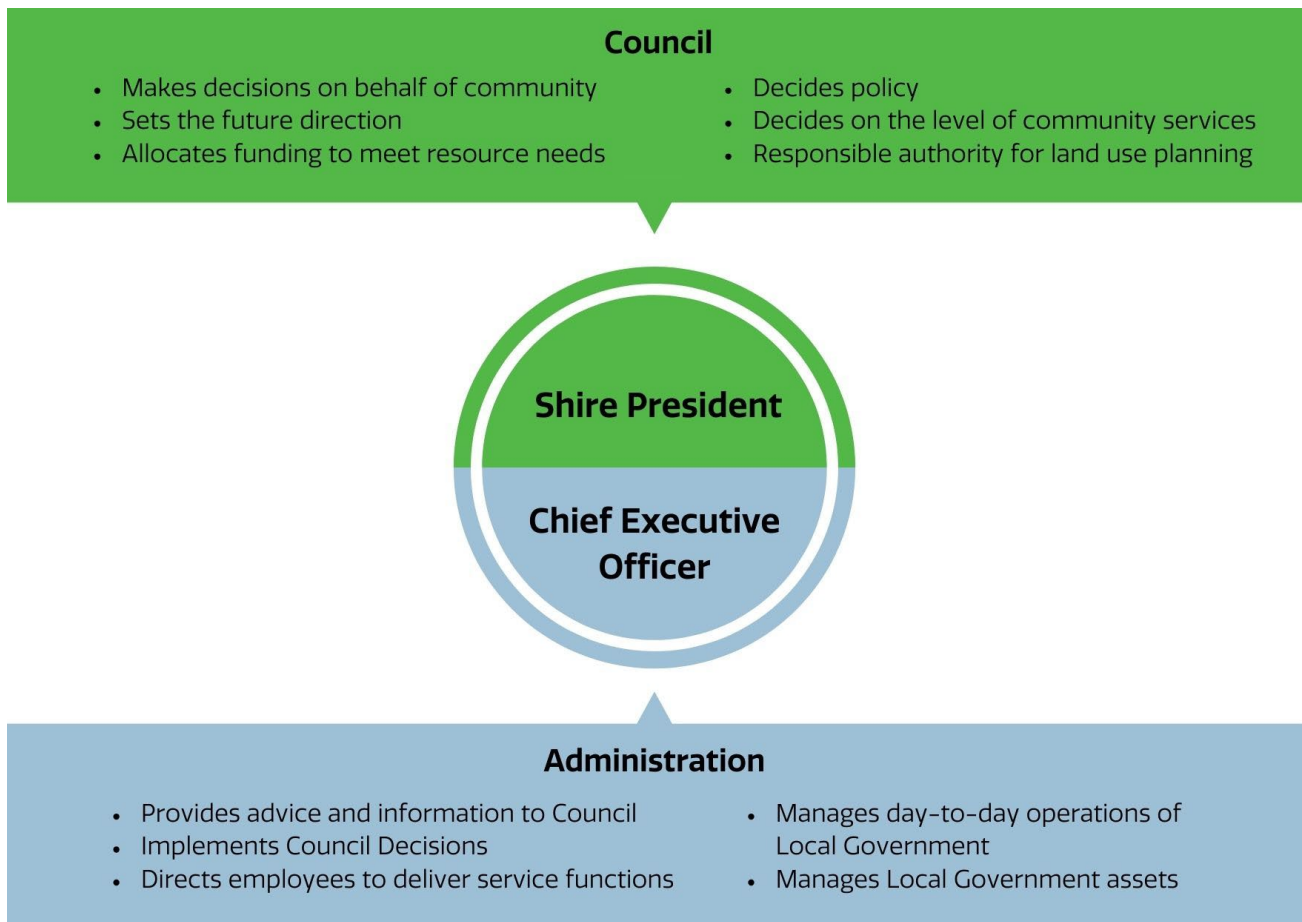
## 5. Dealing with Elected Members and Committee Members

Employees at all times will: -

- a) Always demonstrate professionalism when dealing with Elected Members and Committee Members.
- b) Demonstrate respect and understanding for Elected Members in relation to their roles, functions, and responsibilities.
- c) Refrain from publicly criticising the Elected Members, Committee Members, and Council in a way that casts aspersions on their professional competence, credibility, or decisions.
- d) As per the Communications Protocol policy 3.3.8, at no time carry out a direct request from an Elected Member or a Committee Member unless directed by the CEO, Director, or Business Unit Manager.

# Code of Conduct

The image below illustrates separation of powers between administration and Council.



## 6. Fit for Work

To support and maintain a safe workplace, Employees are to report to the workplace “fit for work” at all times and with the ability to perform the inherent requirements of their role without impairment.

Employees have a duty of care to report immediately to the person responsible for their management or supervision if they are aware that they or another Employee is/are not ‘fit for work’, which can include where an Employee is under the influence of alcohol and/or drugs, or the presence of illicit drugs within the workplace.

## 7. Work, Health and Safety Obligations

The Shire must ensure, so far as reasonably practicable, the physical and mental safety of all Employees.

Employees have responsibility to take reasonable care for their own mental and physical health and safety, and to ensure their actions or omissions do not affect the health and safety of others. Employees must comply with reasonable instructions from the Shire relating to

# Code of Conduct

Work, Health and Safety and cooperate with any reasonable policies or procedures regarding health and safety matters.

## 8. Use and Disclosure of Shire Information

The Shire deals with a large amount of information, some of which is intended for the 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 unless otherwise authorised.
- 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.

## 9. 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.



# Code of Conduct

- 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.

## 10. 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 Employees 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).

## 11. Conflicts of Interest

A conflict of interest arises where an employee's personal interest conflicts with the public interest. Having a conflict of interest is not unusual and does not represent wrongdoing. 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.

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.

# Code of Conduct

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

**Dealing in land** means, 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.

# Code of Conduct

## 12. 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.

## 13. 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.

## 14. 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.

# Code of Conduct

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.

## **15. Code Commencement Date**

The Code comes into effect on 26 March 2025.





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