



# Code of Conduct for Employees

Approved by CEO 14 April 2022



## Acknowledgement of Country

“Kaya, Nala Maat Kaya Noonduk (Hello, Our Family Welcomes You) to Wadandi Boodja (Saltwater People’s Country) – we all come together on Boodja (Country). Whilst on Wadandi Boodja we ask that you respect the land by walking softly and take the time to listen to Boodja as she Wongi (Talks).

We respect the presence of the Demmala Goomala (Ancestors) whose Djanga (Spirits) reside on Boodja and whose Djenna (feet) walk the land and whose Djanga Korda (heart spirit) flows through all creation. Wooditjup (Margaret River) is the heart of Wadandi Boodja (country), a meeting place between land and sea, connecting us all with Wadandi Boodja.

The Wadandi Boodja (Motherland) reaches from Bunbury, along the coast of Geographe Bay, extending to Yallingup (Place of Holes) to Talinup, Augusta (Place of Reeds) inland to Nannup (The Stopping Place), taking in the region of Undalup (Busselton) The Wadan Boodja (Sea Country) is of great spiritual significance to the coastal Wadandi people. Boodja – Land, Country, Mother Earth – is our most important resource. No matter what culture or religion – all of us rely on Nala Boodja, Our Country.

It is up to all of us to listen to the land, understand the connection to Country that we all have and realise how urgent it is to work together to make better decisions on how we can create that balance, ensuring sustainability for the generations to come, in order to protect and preserve the beauty of Boodja.

Whilst living, travelling, visiting and holidaying on Wadandi Boodja (Saltwater People’s Country) we ask that you respect the area and walk softly on the country, taking the time to listen to Boodja (Country) as she Wongi (Talks) of the Season, and leave nothing but footprints”.

***Wadandi Traditional Cultural Custodian Wayne “Wonitji” Webb.***

The Shire of Augusta Margaret River acknowledges we are on Wadandi and Pibelman Boodja, whose ancestors and their descendants are the traditional owners of this country.

We acknowledge the Wadandi and Pibelman have been custodians since the land was soft (creation times) and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

The Shire is committed to Aboriginal Australians sharing fairly and equitably in the region’s cultural, social, environmental and economic future.

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# Alignment to the Strategic Community Plan 2040

## COMMUNITY VISION

Augusta Margaret River  
Sustainable, inclusive,  
connected to place and  
respecting Boodja

### Environment

We will protect and enhance the unique natural environment and biodiversity of the region through climate action and informed decision making.

**We will focus on:**

- Outcome EN.1: Ecology and biodiversity protection
- Outcome EN.2: Healthy waterways, foreshores and natural landscapes
- Outcome EN.3: Collective climate action
- Outcome EN.4: Sustainable resource and waste management

### People

We will support and strengthen our diverse, resilient, welcoming, safe and connected community through our services and advocacy.

**We will focus on:**

- Outcome PE.1: Diverse cultural values are respected and adopted
- Outcome PE.2: Equal opportunities for all
- Outcome PE.3: Active, healthy and fulfilling lifestyles
- Outcome PE.4: Safe and resilient communities

### Place

We will responsibly develop vibrant, sustainable places which maintain their distinctive characters, and which supports a local economy that is resilient, equitable and sustainable.

**We will focus on:**

- Outcome PL.1: Diverse, sustainable and well-designed places
- Outcome PL.2: Infrastructure which caters to need
- Outcome PL.3: Sustainable agriculture and thriving rural community
- Outcome PL.4: Resilient circular local economy

### Performance

We will deliver quality governance, service and value with integrity and transparency.

**We will focus on:**

- Outcome PF.1: Responsible planning and ownership of outcomes
- Outcome PF.2: Community and customer focus
- Outcome PF.3: High performing and engaged people
- Outcome PF.4: A culture of innovation, quality and continuous improvement

## Introduction

The Shire of Augusta Margaret River Code of Conduct for Employees (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- a) *better decision-making by local governments;*
- b) *greater community participation in the decisions and affairs of local governments;*
- c) *greater accountability of local governments to their communities; and*
- d) *more efficient and effective local government.*

### Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

### Application

- a) For the purposes of the Code, the term employee includes persons:
  - i. employed by the Shire of Augusta Margaret River;
  - ii. engaged by the Shire of Augusta Margaret River under a contract for services; or
  - iii. undertaking voluntary services for the Shire of Augusta Margaret River.
- b) The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities.
- c) Exclusions:
  - i. Part 3 (Gifts) of this Code does not apply to the CEO [regulations 19AB and 19AC *Local Government (Administration) Regulations 1996*].
  - ii. Part 3 (Gifts) and Part 4 (Conflicts of Interest) do not apply to contractors engaged by the Shire.
  - iii. Part 3 (Gifts) and Part 4 (Conflicts of Interest) do not apply to persons undertaking voluntary services for the Shire.

### Commitment to Serving the Community

Employees need to constantly remember that the main function of local government is to serve the best interests of the community. As Shire employees derive their income from funding provided by rates, government grants and fees and charges they need to strive to provide high standard services

and provide good value for the community's money. A commitment to serving the community is required to be an effective and efficient employee.

## Part 1 - Role of employees

### 1.1 Role of the CEO

Section 5.41 of the Act outlines the functions of the CEO:

#### **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;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (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);*
- (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.*

*Local Government Act 1995*

### 1.2 Role of Employees

- a) The primary role of a Shire employee is:
  - i. The delivery of outcomes contained in the Strategic Community Plan to achieve the future vision of our community.
  - ii. The timely pursuit and implementation of the decisions of Council.

- iii. The delivery of efficient, effective and innovative services and high standard works programs to the community, which are reviewed and revised for continual improvement in a timely manner.
- b) All employees must perform their duties as outlined in their position descriptions and under the management supervision of their reporting officers and ultimately the CEO.

### 1.3 Principles affecting employment by the Shire

The principles set out in section 5.40 of the Act apply to the employment of the Shire's employees:

#### 5.40. Principles affecting employment by local governments

*The following principles apply to a local government in respect of its employees —*

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *employees are to be treated fairly and consistently; and*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

*Local Government Act 1995*

## Part 2 Conduct

### 2.1 Personal Behaviour

Employees will:

- a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire;
- 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 made in accordance with the *Public Interest Disclosure Act 2003* );
- e) 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;



- f) always act in accordance with their obligation of fidelity to the Shire and must not make disparaging or harmful comments about the Shire, its Councillors or officers (whether written or oral) which is likely to damage the Shire.

## **2.2 Honesty and Integrity**

Employees will:

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) be frank and honest in their official dealing with each other;
- c) report any dishonesty or possible dishonesty on the part of any other employee to their reporting officer or the CEO, and in the case of the CEO to the Shire President, in accordance with this Code and relevant Shire's policies.

## **2.3 Performance of Duties**

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, and that their standard of work reflects favourably both on them and on the Shire.

## **2.4 Compliance with Lawful and Reasonable Directions, Decisions and Policies**

- a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their reporting officer or the CEO.
- b) Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.
- c) Staff who perform any statutory function are expected to review and revise work practices and procedures to account for the organisation's statutory compliance.
- d) Where Shire policy or officer directions are in conflict with statutory requirements staff must raise this non-compliance with their reporting officer and where the inconsistency is not rectified, with the CEO.
- e) Staff must ensure they are aware of and comply with all Shire policies and procedures.

## **2.5 Intellectual Property**

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 separate contract.

## **2.6 Recordkeeping**

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan.

### Relevant Documents

[Recordkeeping Plan](#)

## 2.7 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire's relevant policies and procedures.

### Relevant Documents

[Corporate Uniform and Dress Standards Procedure](#)  
[Personal Protective and Equipment and Clothing Procedure](#)

## 2.8 Dealing with Other Employees

- a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- b) Employees must be aware of, and comply with their obligations under relevant law and the Shire's policies and procedures regarding workplace behaviour and occupational safety and health, including the Harassment, Discrimination and Workplace Bullying Procedure, Performance Management Procedure, and Occupational Health and Safety Policy.
- c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

### Relevant Documents

[Harassment, Discrimination and Workplace Bullying Procedure](#)  
[Performance Management Procedure](#)  
[Occupational Health and Safety Policy](#)

## 2.9 Dealing with community

- a) Employees will treat all members of the community with respect, courtesy and professionalism.
- b) Employees must comply with the Shire's Customer Service Charter.

### Relevant Documents

[Customer Service Charter](#)

## **2.10 Dealing with Councillors**

- a) Employees need to be aware of and respect the distinct and separate role that Councillors must observe in fulfilling their statutory obligations. In relation to the role of Councillors, employees should:
  - i. understand that a Councillor's role is a leadership, not a management or administrative one;
  - ii. be aware that Councillors have no authority to individually direct officers to carry out particular functions. A Councillor or committee member must not direct or attempt to direct an officer to do or not to do anything or attempt to influence an officer's conduct by means of a threat or the promise of a reward; and
  - iii. be aware that Councillors must refrain from publicly criticising an officer in a way that casts aspersions on their professional competence and credibility and report to the CEO any such occurrences.
- b) Employees are required to observe the following requirements in relation to relationships with Councillors:
  - i. Employees must inform their reporting officer if they receive any communication from a Councillor.
  - ii. Officers must not communicate with Councillors on Shire business outside of a Council meeting or briefing session unless authorised in writing to do so by the CEO or a Director.
  - iii. Communication between Councillors and employees is to be on a strictly Council business related basis and conducted in a polite, professional manner.
  - iv. The CEO is to be advised of any communication between Councillors and employees so that he or she is well informed to assist Council and committee deliberations and has the finger on the pulse of what is happening within the organisation and the community.
  - v. Councillors are to be treated equally in the provision of service and information and employees are to avoid any perception that they are favouring one Councillor over another. Information is to be distributed to all Councillors simultaneously wherever possible.

## **2.11 Professional Communications and Public Relations**

- a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values and objectives of the Shire.
- b) Communications should be accurate, polite and professional.
- c) Employees must not speak or make comment to the media without written authorisation from the CEO. The Shire President is the key spokesperson to speak on behalf of the Council and the CEO with the Shire President's authorisation.
- d) Officers authorised to speak to the media are to focus on factual operational matters within their sphere of work only and to avoid making political comments and expressing personal opinions about matters before Council or in the political arena.
- e) Employees authorised by the CEO may use the Shire's social media sites for official Shire purposes and must comply with all relevant policies and Procedures.

## 2.12 Personal Communications and Social Media

- a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Councillors, employees or contractors, which breach this Code.
- c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.
- d) Employees must comply with the Shire's Social Media Procedure.

### Relevant Documents

[Social Media Procedure](#)

## 2.13 Use and Disclosure of Information

- a) Employees must not access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.
- b) An employee who inadvertently accesses information of a confidential nature not required for the performance of their duty will not be in breach of subclause (a) if they immediately disclose the unauthorised access to their reporting officer.
- c) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.
- d) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.
- e) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- f) Personal information about a person, their property and their affairs held by the Shire is confidential and not to be disclosed to other parties unless required by law. The public is entitled to interact with the Shire and have their privacy respected.
- g) Nothing in this section prevents an employee from disclosing information if the disclosure:
  - (i) is authorised by the CEO or the CEO's delegate; or
  - (ii) is permitted or required by law.

### Relevant Documents

[Privacy Policy](#)

## 2.14 Improper or Undue Influence

- a) Employees will not take advantage of their position to improperly influence Councillors or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.
- b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.
- d) Staff must not be involved in lobbying or seeking to pressure officers to influence tendering or purchasing decisions, decisions made under delegated authority or any other enforcement, regulatory, or recruitment functions.
- e) Staff must not lobby Councillors in regard to influencing internal staffing matters and management decisions and are to respect the chain of command and reporting requirements outlined in their position descriptions and the Act.

## 2.15 Use of Shire Resources

- a) In this clause –

**Shire resources** includes local government property and services provided or paid for by the Shire; and includes vehicles, computers and electronic devices

**local government property** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government

[Section 1.4 of the *Local Government Act 1995*]

- b) Employees will:
  - i. be honest in their use of the Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
  - ii. use the Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures;
  - iii. not use the Shire's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO);
  - iv. only claim or accept travelling and sustenance expenses arising out of travel related matters which are a direct bearing on the services, policies or business of the Shire in accordance with Shire's relevant policy, procedures and the provisions of the Act;



- v. use the Shire's email and internet facilities, mobile devices, and systems in accordance with relevant Shire procedures, in a professional, ethical and lawful manner for business purposes in serving the interests of the Shire.
- vi. Employee's use must not infringe copyright or other intellectual property rights of third parties, distribute or store defamatory, fraudulent, harassing or obscene messages and files, or otherwise engage in any illegal or unethical conduct.
- vii. Not limiting any other requirement in this clause, limited personal use of the Shire's email and internet facilities, mobile devices, and systems is permitted provided the usage is reasonable and does not interfere with an employee's productivity or the performance of their duties, in accordance with the Shire's Information Systems, Mobile Phone and iPad Acceptable Use Corporate Procedure.

#### Relevant Documents

[Light Fleet Use Procedure](#)  
[Training and Development Procedure](#)  
[Information Systems, Mobile Phone and iPad](#)  
[Acceptable Use Corporate Procedure](#)

## 2.16 Use of Shire Finances

- a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.
- b) Employees will use Shire finances only within the scope of their authority, as defined in their position descriptions, delegation and authorisation register, and in accordance with relevant finance policies, procedures and administrative practices.
- c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- d) Employees exercising purchasing authority will comply with the Shire's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

#### Relevant Documents

Purchasing Policy  
 Delegation Register  
 Purchasing authorisation register  
 Recordkeeping Plan

## 2.17 Appointments to External Organisations

Employees may be appointed as delegates of the CEO to an external association, committee, group or organisation. Appointment to such a representative role requires that employees apply the following:

- a) clearly understand the basis of their appointment;
- b) in attending a meeting or voting, only express opinion or influence which is consistent with the resolutions, policies and practices of the Shire;
- c) provide regular reports to the Shire on the activities of the (external) organisation; and
- d) conduct themselves with the highest degree of integrity, propriety and behaviour consistent with the expectations of this Code of Conduct.

## 2.18 Attendance at External Conferences, Training and Functions

Employees may be required as delegates of the Shire to attend external conferences, seminars, training events or various functions and presentations. Employees attending such events do so on behalf of the Shire, and ensure they:

- a) conduct themselves with the highest degree of integrity, propriety and behaviour consistent with the expectations of this Code of Conduct; and
- b) not do anything which may reflect adversely on the Shire or bring the Shire into disrepute.

## Part 3 - Gifts

### 3.1 Gifts

- a) Application

This clause does not apply to the CEO.

- b) Definitions

In this clause –

**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;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**associated person** means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or

- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but

- (b) does not include —

- (i) a gift from a relative as defined in section 5.74(1); or
- (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
- (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

**travel** includes accommodation incidental to a journey;

**travel contribution** means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]

**relative**, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;

- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

*[Section 5.74(1) of the Local Government Act 1995]*

**reportable gift** means:

- (i) a gift worth more than \$50 but less than \$300; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$50 but less than \$300.

**prohibited gift**, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

*[r.19AA of the Local Government (Administration) Regulations 1996]*

**threshold amount**, for a prohibited gift, means \$300, or a lesser amount determined by the CEO under regulation 19AF *Local Government (Administration) Regulations 1996*.

c) Determination:

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996*, the CEO has chosen not to determine a lesser amount.

d) Employees must not accept a prohibited gift from an associated person.

e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.

f) The notification of the acceptance of a reportable gift must be in writing and include:

- i. the name of the person who gave the gift; and
- ii. the date on which the gift was accepted; and
- iii. a description, and the estimated value, of the gift; and
- iv. the nature of the relationship between the person who is an employee and the person who gave the gift; and

- v. if the gift is one of two or more accepted from the same person within a period of one year:
  - 1. a description;
  - 2. the estimated value; and
  - 3. the date of acceptance,of each other gift accepted within the one year period.
- g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire's official website.
- i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.
- j) All employees must be aware of and comply with the Shire's Disclosure of Gift, Benefits, Attendance at Events Procedure and any other relevant policy or procedure.

#### Relevant Documents

[Disclosure of Gifts, Benefits, Attendance at Events Procedure](#)

## Part 4 - Conflict of Interest

### 4.1 Disclosure of Financial Interests under the *Local Government Act 1995*

- a) In this clause, **financial interest** refers to a financial interest defined under s5.60A LGA, or indirect financial interest (s5.61 LGA), or proximity interest (s5.60B LGA).

#### **Financial interest** —

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[s5.60A of the *Local Government Act 1995*]

#### **Indirect financial interest** –



Reference to an indirect financial interest of a person in a matter includes a financial relationship between that person and another person who requires a local government decision in relation to the matter.

[s5.61 of the *Local Government Act 1995*]

**Proximity interest –**

a person has a proximity interest in a matter if the matter concerns —

- a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- b) a proposed change to the zoning or use of land that adjoins the person's land; or
- c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

[s5.60B of the *Local Government Act 1995*]

- b) All employees will apply the principles of disclosure of financial interests as contained within Part 5, Division 6 of the Act.
- c) Employees who have been delegated a power or duty, must ensure that they are aware of, and comply with, their disclosure of financial interest obligations under Part 5, Division 6 of the Act.
- d) Employees who provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their financial interest obligations under Part 5, Division 6 of the Act.

**4.2 Disclosure of Impartial Interests under the *Local Government (Administration) Regulations 1996***

- a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

**interest —**

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (b) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.

- (c) 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 employee is required to disclose the nature of any interest the employee has in the matter:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know and could not reasonably be expected to know:
  - (i) that they had an interest in the matter; or
  - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
  - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an 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.

### **4.3 General disclosures**

- a) A conflict of interest arises if the performance of an officer's professional duties is, or could be influenced by their private or personal interest (whether it be a financial interest or interest due to family, business, friendship or association) or a reasonable person perceives they could be influenced.
- b) Employees will ensure that there is no actual, potential, or perceived conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

- c) Where an employee is, could be influenced, or perceived to be influenced by a personal interest when undertaking a discretionary function, the employee must disclose the interest in writing to their reporting manager (in the case of a Director to the CEO, in the case of the CEO to the Shire President) for determination.
- d) The determination may be:
  - i. To continue to perform the discretionary function where it is deemed by the Manager or Director that the interest is so trivial or insignificant as to be unlikely to influence (or be perceived to influence) the employee's conduct in relation to the discretionary function; or
  - ii. Restrict the employee from certain involvement in the matter; or
 Remove the employee from performing the discretionary function and matter is allocated to another employee of similar or higher level.
- e) Discretionary functions include (but are not limited to):
  - i. Enforcement or regulatory functions;
  - ii. Assessing applications for licences, permits, approvals;
  - iii. Tender evaluation or other purchasing decisions including the obtaining of quotes and signing of purchase orders;
  - iv. Exercising functions under delegated authority from Council or the CEO.
- f) An employee who exercises a recruitment function must:
  - v. Must make written disclosure to the Recruitment Panel Supervisor (or in the case of the Director to the CEO, or in the case of the CEO to the Shire President) before dealing with relatives or friends or persons whom they could have a conflict or perceived conflict of interest with, who have lodged an application as part of the recruitment process; and Remove themselves from dealing with those persons where it is deemed by the Recruitment Panel Supervisor (or in the case of the Director deemed by the CEO, or in the case of the CEO deemed by the Shire President) the interest could bring into question the employee's impartiality in partaking in the recruitment process.
- g) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- h) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.
- i) Employees will be aware of, and comply with their obligations under the Shire's Conflict of Interest Procedure and any other relevant policies or procedures.
- j) All disclosures made under the Code, and any subsequent determinations will be adequately recorded and retained in the Shire's record keeping system.

#### **Relevant Documents**

[Conflict of Interest Procedure](#)

#### 4.4 Disclosures of close personal relationships within the workplace

In this clause –

**Close personal relationships** means a relationship that goes beyond the bounds of a platonic/personal friendship or a working relationship and includes. dating, romantic relationships, sexual and similar relationships that may be consensually undertaken by both individuals and may be on a casual, periodic or regular basis and may or may not constitute a primary relationship.;

- a) Employees who are in a close personal relationship with a direct hierarchical relationship (i.e. person in the same reporting line, or where one person has supervisory or decision making authority over the other) must disclose the relationship to their reporting manager or Manager Human and Community Services, as this represents a potential conflict of interest.
- b) Employees who are in a close personal relationship that has no direct hierarchical link are not required to disclose their relationship. However, employees are required to manage the risk of a potential conflict of interest arising.
- c) An employee must disclose a close personal relationship to their reporting manager or Manager Human and Community Services, where an actual, potential or perceived conflict of interest cannot be appropriately avoided.
- d) Disclosures of close personal relationships can be made in confidence to protect personal privacy. The officer receiving the disclosed personal information is required to respect the privacy and sensitivity of the personal information provided, and further disclosure of the information must be limited to a strict 'needs to know' basis where only relevant persons are advised of the conflict of interest and necessary arrangements made to manage the conflict.

#### Relevant Documents

[Conflict of Interest Procedure](#)

#### 4.5 Secondary employment disclosures

In this clause –

**Secondary employment** includes paid or voluntary work the employee undertakes in addition to their position with the Shire.

**Voluntary work** includes volunteering for a community organisation, charity or professional association.

- a) An employee must not engage in secondary employment without receiving the prior written approval of the CEO.

- b) Employees must not engage in secondary employment with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) An employee must not:
  - i. supply any goods or services associated with their secondary employment in any way to the Shire; or
  - ii. procure any goods or services associated with their secondary employment for the Shire;without obtaining prior written approval of the CEO.
- d) Employees will be aware of, and comply with their obligations under the Shire's Secondary Employment Procedure and any other relevant policies or procedures.

## Part 5 Reporting and management of suspected breaches

### 5.1 Reporting of Suspected Breaches of the Code of Conduct

- a) Employees may report suspected breaches of the Code to their reporting officer or the CEO, or in the case of the CEO, to the Shire President.
- b) All aspects of a report of a suspected breach of this Code must be kept confidential by both the person making the report and the person in receipt of the report, and recorded in accordance with the Shire's Recordkeeping Plan.
- c) CEO may authorise communication of information relating to a report of a suspected breach to other parties for the purpose of conducting an investigation, affording procedural fairness, mitigating risk to employees or implanting disciplinary processes.
- d) The CEO will ensure that employees who report unacceptable or illegal behaviour of other staff are not in any way disadvantaged or victimised because of their actions.

### 5.2 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the principles of procedural fairness and natural justice, and relevant Shire policies and procedures, depending on the nature of the suspected breach.

### 5.3 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

- a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their reporting officer, or the CEO.
- b) All aspects of the report must be kept strictly confidential by both the person making the report and the person in receipt of the report and recorded in accordance with the Shire's Recordkeeping Plan.



- c) The CEO will ensure that employees who report unacceptable or illegal behaviour of Councillors or other staff are not in any way disadvantaged or victimised because of their actions.
- d) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - i. the Corruption and Crime Commission, in the case of serious misconduct; or
  - ii. the Public Sector Commissioner, in the case of minor misconduct.
- e) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- f) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, published on the Shire's website.

#### **5.4 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies and procedures, principles of procedural fairness and natural justice, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

##### **Relevant Documents**

[Disciplinary Procedure](#)  
[Investigation Procedure](#)  
[Issues Handling Procedure](#)  
[Public Interest Disclosure Procedure](#)

##### *Note:*

To notify the Corruption and Crime Commission of serious misconduct, or obtain further information on serious misconduct:

[https://www.ccc.wa.gov.au/report\\_misconduct](https://www.ccc.wa.gov.au/report_misconduct)

To notify the Public Sector Commission of minor misconduct or obtain further information on minor misconduct:

<https://www.wa.gov.au/organisation/public-sector-commission/reporting-minor-misconduct>

## Part 6 Acknowledgement

I acknowledge that I have read, accept and agree to be bound by the terms and conditions of the Shire of Augusta Margaret River Code of Conduct for Employees as part of my employment or engagement with the Shire.

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Signature

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Print Name

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Position

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Date

**Document and version control table**

<b>Responsible Directorate</b>	CEO		
<b>Contact officer</b>	Governance Officer (Legal Risk), Coordinator Human Resources		
<b>Adopted / approved by:</b>	Executive Leadership Team		
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[amrshire@amrshire.wa.gov.au](mailto:amrshire@amrshire.wa.gov.au)  
[www.amrshire.wa.gov.au](http://www.amrshire.wa.gov.au)

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#### **Margaret River**

41 Wallcliffe Rd (PO Box 61)  
Margaret River 6285

**T** (08) 9780 5255 | **F** (08) 9757 2512

#### **Office Hours**

Mon to Fri, 9am – 4pm

#### **Phone enquiries**

8.30am – 4.30pm

#### **Augusta**

66 Allnut Tce  
Augusta 6290

**T** (08) 9780 5255 | **F** (08) 9757 2512

#### **Office Hours**

Tue to Thu 9am – 12pm, 1pm – 4pm

#### **Phone enquiries**

8.30am – 4.30pm

If you are deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service:

- TTY users phone 133 677 then ask for 08 9780 5255
- Speak and Listen users phone 1300 555 727 then ask for 08 9780 5255
- Internet relay users connect to the NRS [www.relayservice.com.au](http://www.relayservice.com.au) then ask for 08 9780 5255