



CODE OF CONDUCT

~~MAY 2011~~ **November** 2013

<u>Original Date of Adoption</u>	<u>unknown</u>
<u>Review and Amendment #1</u>	<u>28 January 2003, Res 12868</u>
<u>Review and Amendment #2</u>	<u>21 June 2004, Res 13383</u>
<u>Review and Amendment #3</u>	<u>10 April 2006, Res 13874</u>
<u>Review and Amendment #4</u>	<u>16 June 2008, Res 14388</u>
<u>Review and Amendment #5</u>	<u>June 2010</u>
<u>Review and Amendment #6</u>	<u>November 2013</u>

~~This document is applicable and enforceable against all Elected Members of Council, members of public appointed to committees of Council and to all Employees of the Shire of Roebourne.~~

Original Date of Adoption	unknown
Review and Amendment #1	28 January 2003, Res 12868
Review and Amendment #2	21 June 2004, Res 13383
Review and Amendment #3	10 April 2006, Res 13874
Review and Amendment #4	16 June 2008, Res 14388
Review and Amendment #5	June 2010

INDEX

OUR VISION – OUR ASPIRATIONS	4
OUR MISSION – OUR PURPOSE.....	4
OUR VALUES – WHAT WE VALUE	4
PREFACE	5
Application of the Code of Conduct	5
Definitions	5
Role of Elected Members	5
Role of Council	6
Role of the Chief Executive Officer and Employees	6
1.0 CONFLICTS OF INTEREST	76
1.1 Disclosure of Interest.....	76
1.2 Public Duty.....	97
1.4 Financial Interest	98
1.5 Impartiality Interest.....	98
1.6 Additional Employment Interest	109
1.7 The Decision to Disclose	109
2.0 PERSONAL BENEFIT	1312
2.1 Use of Confidential Information.....	1312
2.2 Intellectual Property.....	1312
2.3 Improper or Undue Influence.....	1312
2.4 Gifts	1312
3.0 CONDUCT OF MEMBERS AND EMPLOYEES	1514
3.1 Personal Behaviour.....	1514
3.2 Expected Behaviours	1615
3.3 Particular Obligations	1615
3.4 Honesty and Integrity	1716
3.5 Misconduct	1716
3.6 Compliance with Lawful Orders	1817
3.7 Administrative and Management Practices	1817
3.8 Corporate Obligations	1918
3.9 Relationship between Elected Members and Employees	1918
3.10 Appointments of Committees	1918
4.0 DEALING WITH COUNCIL PROPERTY	1918
4.1 Use of Local Government Resources	1918
4.2 Travelling and Sustenance expenses	2019
4.3 Access to Information.....	2019
5.0 REFERENCES	2120
APPENDICIES	2221
APPENDIX A – Lodging a Formal Complaint	2221
APPENDIX B – Penalties for Breaches by Elected Members.....	2322
APPENDIX C – Penalties for Breaches by Employees	2423

OUR VISION – OUR ASPIRATIONS

A cohesive and vibrant community, celebrating diversity and working together to create a sense of place and a sustainable future.

OUR MISSION – OUR PURPOSE

To provide community leadership and excellent Local Government services in an innovative and efficient manner to enhance our Shire's social, cultural, economic and environmental well being.

OUR VALUES – WHAT WE VALUE

Leadership: We will provide clear direction and inspire people to achieve their full potential.

Teamwork: We will encourage cooperation and teamwork within and between our Employees and our community stakeholder.

Integrity: To act in an honest, professional, accountable and transparent manner.

Innovation: We will encourage creativity, innovation and initiative to achieve Council's vision.

PREFACE

The Code of Conduct provides Elected Members, [Committee Members](#) and Employees of the Shire of Roebourne with consistent guidelines for an acceptable standard of professional conduct. The [Code of Conduct](#) addresses in a concise manner, the broader issues of ethical responsibility and encourages greater transparency and accountability at the Shire of Roebourne.

The Code of Conduct is complementary to the principles adopted in the *Local Government Act 1995* and various Local Government regulations. This incorporates four fundamental aims resulting in:

- a) [b](#)Better decision making by the Shire [of Roebourne](#);
- b) [g](#)Greater community participation in the decisions and affairs of the Shire [of Roebourne](#);
- c) [g](#)Greater accountability of Local Governments in their communities; and
- d) [m](#)More efficient and effective [L](#)ocal [G](#)overnment.

The [Code of Conduct](#) provides a guide and a basis of expectations for Elected Members, [Committee Members](#) and Employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

[Application of the Code of Conduct](#)

- i) [The *Local Government Act 1995*, s. 5.103 identifies that every Local Government is to prepare or adopt a Code of Conduct.](#)
- ii) [The Code of Conduct is applicable and enforceable against all Elected Members of Council, members of public appointed to committees of Council and to all Employees of the Shire of Roebourne.](#)
- iii) [It is a requirement of this Code that Elected Members observe the principles contained within the *Local Government \(Rules of Conduct\) Regulations 2007*.](#)

[Definitions](#)

[The following definitions apply, unless the contrary appears:](#)

[“Act” means *Local Government Act 1995*;](#)

[“CEO” means the Chief Executive Officer of the Shire of Roebourne;](#)

[“Code” means this Code of Conduct;](#)

[“Committee” means a Committee established by the Council under the Act;](#)

[“Council” means the Council of the Shire of Roebourne;](#)

[“Elected Member” means a person who holds the office of Shire President or Councillor on the Council;](#)

[“Employee” means a person employed by the Shire of Roebourne;](#)

[“Regulations” means any regulations made under the Act;](#)

[“Shire” means the Shire of Roebourne; and](#)

[“s.” means the section of the Act.](#)

Role of Elected Members

An Elected Member’s primary role is to represent the community, and as such, translate the community’s needs and aspirations into a direction and future for the Local Government.

An Elected Member is part of a 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. [The role of Elected Members is detailed in s. 2.10 of the Act.](#)

In fulfilling their various roles, Elected Member's activities will focus on:

- a) achieving a balance in diversity of community views to develop an overall strategy for the future of the community;
- b) achieving sound financial management and accountability in relation to the Shire's finances;
- c) ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns and
- d) having an awareness of Statutory Obligations imposed on Elected Member's and on Local Government.

Role of Council

The group of Elected Members form what is known as the Council for the local government. The role of the Council is essentially specified under s. 2.7 of the Act where it indicates the Council:

- a) directs and controls the local government's affairs;
- b) is responsible for the performance of the local government's functions;
- c) shall oversee the allocation of the local government's finances and resources; and
- d) determine the local government's policies.

Role of Shire President

[As an elected leader, the Shire President provides leadership and guidance to the community, as well as demonstrating the highest level of civic conscience, impartiality and personal conduct. The role of the Shire President is specified under s.2.8 of the Act, where it indicates the Shire President will:](#)

- [a\) preside at meetings;](#)
- [b\) carry out civic and ceremonial duties, as well as speak on behalf of the Local Government;](#)
- [c\) be responsible for performing the functions of Shire President under the Act or any other written law;](#)
- [d\) liaise with the CEO regarding the Local Governments affairs and the performance of its functions;](#)
- [e\) observe the principles of an Elected Member as described above and detailed within s.2.10 of the Act.](#)

Role of the Chief Executive Officer and Employees

The role of the CEO is defined by s. 5.41 of the Act. In summary the function of the CEO is to implement the decisions of the Council within legislative frameworks and provide the administrative base to carry out services of the local government to the community as identified and endorsed through strategic and corporate planning process.

The CEO has the ability and responsibility to employ Employees with requisite skills and experience to ensure that the functions of the local government are carried out in a timely and cost effective manner.

In fulfilling the various roles, Employee's activities will focus on:

- a) complying with agreed Council policies, guidelines, systems and processes;
- b) ~~shall~~ [acting](#) within legislative parameters at all times;
- c) properly managing resources in which they have either direct or indirect responsibility and custodianship;
- d) [providing a high](#) level of customer service and engagement with stakeholders and community members;

- e) assessing opportunities for business improvement;
- f) ensuring sound financial management and accountability in relation to the Shire's finances; and
- ~~f)g) exercising due diligence when expressly delegated or authorised with decision making powers~~
on behalf of the Shire.

1.0 CONFLICTS OF INTEREST

1.1 Disclosure of Interest

Elected Members, Committee Members and Employees will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*, Division 6 - Subdivision 1. — Sections 5-59.

A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests. Private interests are those interests that can bring benefit or disadvantage to us as individuals or to others, who we may wish to benefit or disadvantage.

It is not always easy to determine if a conflict of interest is financial or is in relation to impartiality; it may in fact have elements of both. Ignorance of the law requiring disclosures is not a defence. It is not wrong to have a conflict of interest, what matters, is how you deal with it.

In this clause and in accordance with *Local Government (Administration) Regulations 1996*, Regulation 34C:

“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. resulting in a financial benefit.

~~A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests. It's not wrong to have a conflict of interest, what matters, is how you deal with it.~~

- i) A person who is an Elected Member or an Employee and who has an interest in any matter to be discussed at a Council or Committee meeting attended by the person is required to disclose the nature of the interest:
 - a) in a written notice given to the CEO before the meeting; or
 - b) at the meeting immediately before the matter is discussed.
- ii) A person who is an Elected Member or an Employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person disclose the nature of any interest the person has in the matter:
 - a) in a written notice given to the CEO before the meeting; or
 - b) at the time the advice is given.
- iii) A requirement described under items (i) and (ii) above, exclude an interest referred to in s.5.60 of the Act.
- iv) A person is excused from a requirement made under items (i) and (ii) above, to disclose the nature of an interest if:
 - a) the person's failure to disclose occurs because the person did not know they had an interest in the matter; or
 - ~~a)b)~~ the person's failure to disclose occurs because the person did not know the matter in which they had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- v) If a person who is an Elected Member or an Employee makes a disclosure in written notice to be given to the CEO before a meeting to comply with requirements of items (i) or (ii) above then:
 - a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - ~~a)~~ b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

1.2 Public Duty

Public Duty is the obligation public officers have when carrying out their official duties. On these occasions, Elected Members, [Committee Members](#) and Employees are expected to ensure that their public interest is deemed to be their first priority.

Putting the public interest first means:

- a) being impartial and unbiased;
- b) acting fairly and justly;
- c) being accountable and transparent;
- d) doing our job effectively and efficiently; and
- e) behaving in accordance with the Shire of Roebourne's Code of Conduct.

~~A person who is an Elected Member or Employee, and who has an interest in any matter to be discussed at a council or committee meeting, attended by the Elected Member or Employee must disclose the nature of the interest—~~

~~a) In a written notice given to the CEO before the meeting; or
At the meeting immediately before the matter is discussed.~~

~~1.3~~ Private Interests

~~Private interests are those interests that can bring benefit or disadvantage to us as individuals, or to others whom we may wish to benefit or disadvantage.~~

1.34 Financial Interest

A financial interest exists when it is reasonable to expect that the matter will, if dealt with by the local government, in any particular way, result in a financial gain, loss, benefit or detriment for the person or a close associate.

Financial interests are not just situations where money changes hands, but can also involve anything with a financial value, such as, owning property, business partnership, position in a company, election donations, shares, debts, hospitality and gifts.

1.45 Impartiality Interest

Interests effecting impartiality, are interests that would give rise to a reasonable belief that the impartiality of the person having a personal interest would be adversely affected.

Interests affecting impartiality may not have a financial component or value and may involve:

- a) family relationships;
- b) friends and enemies;
- c) religious and cultural obligations;
- d) memberships in clubs, groups or organisations;
- e) beliefs, values and attitudes;
- f) volunteer commitments; [and](#)
- g) reputation, power and influence.

~~Where an Elected Member, Employee or other person has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should, immediately declare their conflict of interest, and if necessary seek expert legal or other appropriate advice and act accordingly.~~

1.56 Additional Employment Interest

Employees are not to accept or engage in secondary employment or a volunteer role:

- a) ~~u~~Unless written permission has been gained from his or her employing authority, noting that permission may at any time be withdrawn; if during the course of business, a future conflict of interest occurs where previously there was none, a review of the interest will be conducted and the Employee may be required to withdraw from the secondary employment or volunteer role;
- b) ~~Accept or engage in any employment f~~or reward other than in connection with the functions of his or her office, post or position with the Shire; and
- ~~b)c~~) in 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, or in the case of the CEO, to the Shire President. 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.

Disclosures of secondary employment or a volunteer role are recorded on the Employees personnel file, which is maintained by Human Resources.

1.67 The Decision to Disclose

The decision making and management process involves the following:

- i) **Identify** – involves assessing the situation and surrounding circumstances, including the private interests of the person affected, to determine whether a conflict between a public officer's public and private interests exists, and whether this conflict is deemed significant enough to require reporting
- ii) **Manage** – involves formally reporting or disclosing the potential perceived or actual conflict of interest as follows:
 - a) Employees should report any perceived or actual conflict of interest to their line manager, or the CEO of the organisation; and
 - b) Elected Members should report any perceived or actual conflict of interest to the Shire President or the CEO of the organisation.
- iii) **Monitor** – involves implementation of an appropriate strategy identified as addressing the conflict, and ensuring this strategy is implemented as soon as practicable and is monitored to ensure progress/outcomes are recorded and effectiveness/appropriateness of the strategy is reviewed and re-assessments made as required by changes in circumstances.

A formal record should be made ~~(in the Shire's Executive Team office and maintained by the Corporate Compliance Department)~~ concerning each declared conflict of interest, and a

record of the resolution that has been identified as addressing each specific conflict of interest. When an interest does not impact on a Council decision however an Elected Member, Committee Member or Employee want to make a discretionary disclosure, a formal record should also be made. Disclosures of Interest are maintained by Corporate Compliance.

The primary goal in managing conflicts of interest is to ensure that decisions are made, and seem to be made, in a transparent manner, on proper grounds, for legitimate reason, in good faith and in the best interests of both the Local Government and its stakeholders.

Where an Elected Member, Committee Member, Employee or other person has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should immediately declare their conflict of interest, seek appropriate advice and if necessary seek expert legal advice and act accordingly.

References to Disclosure of Interest can be found within:

- ~~Local Government Act 1995 (Part 5, Division 6 – Disclosure of Financial Interest)~~
- ~~Local Government (Administration) Regulations 1996~~
- ~~Shire of Roebourne “Standing Orders Local Law 1999” Part 5 – Disclosures of financial interests~~
- ~~Department of Local Government Operational Guideline #1 – Disclosure of Interests affecting Impartiality.~~

- ~~Where an Elected Member, Employee or other person has any doubt as to whether he or she has a conflict of interest in a particular matter, the person should, immediately declare their conflict of interest, and if necessary seek expert legal or other appropriate advice and act accordingly.~~

2.0 PERSONAL BENEFIT

2.1 Use of Confidential Information

Elected Members, Committee Members and Employees shall not use confidential Council information to gain improper advantage for themselves, or for any other person or body. All Employees are expected to act in a manner consistent with their obligation to act impartially, and to not improperly cause harm or detriment to any person when representing the Shire.

2.2 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 to by separate contract.

2.3 Improper or Undue Influence

Elected Members, Committee Members and Employees shall not take advantage of their position to improperly influence other Elected Members, Committee Members or Employees in the performance of their duties, or functions, in order to gain undue or improper (direct or indirect) advantage, or gain benefit for themselves or for any other person or body.

2.4 Gifts

~~The following definitions and guidance has been provided within the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007, Regulation 12:~~

In this Code the following definitions apply, unless the contrary appears:

~~r12(1)–~~

“Activity involving a Local Government discretion” means the activity:

- a) that cannot be undertaken without authorisation from the Local Government; or
- b) by way of commercial dealing with the Local Government.

“Gift” has the meaning given to that term in s. 5.82(4) of the *Act* except when it does not include:

- a) A gift from a relative as defined in s. 5.74(1) of the *Act*; or
- b) A gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- c) A gift from a statutory authority, government instrumentality or non-profit association for professional training.

“Notifiable gift” means:

- a) a gift worth between \$50 and \$300; or
- b) 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 between \$50 and \$300.

“Prohibited gift” means:

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

i) A person who is an Elected Member or Employee must not accept a prohibited gift from a person:

- a) who is undertaking or seeking to undertake; or
- b) who it is reasonable to believe is intending to undertake,

an [activity involving a Local Government discretion or a](#) decision that will provide a direct or indirect benefit to that person, or an associate of that person.

ii) A person who is an Elected Member or an Employee and who accepts a notifiable gift from a person:

- a) who is undertaking or seeking to undertake; or
- b) who 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 [item \(iii\) below](#). ~~sub-regulation (4) of the Local Government (Rules of Conduct) Regulations 2007.~~

iii) Notification of the acceptance of a notifiable gift is to be in writing and is to include:

- a) the name of the person who gave the gift;
- b) the date on which the gift was accepted;
- c) a description, and the estimated value, of the gift;
- d) the nature of the relationship between the person who is an Elected Member and the person who gave the gift; and
- e) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition):
 - a description;
 - the estimated value; and
 - the date of acceptance,

of each gift accepted within the 6 month period.

[iv\) The CEO is to maintain a Notifiable Gift Register and record in it details of notifications given to comply with a requirement made under item \(ii\) above.](#)

[For the purposes of this section the above does not apply to the disclosure of electoral gifts. The principles contained within the Act and the Local Government \(Elections\) Regulations 1997, Part 5A are to be observed regarding any electoral related gift with a value of \\$200 or more that may be received within the six \(6\) month period prior to the relevant election day. The CEO is to maintain an Electoral Gift Register and record in it details of notifications given to comply with the relevant legislation.](#)

3.0 CONDUCT OF MEMBERS AND EMPLOYEES

- ~~i) Local Government (Rules of Conduct) Regulations 2007~~
- ~~ii) Local Government (Administration) Regulations 1996~~
- ~~iii) Local Government Act 1995 Division 9 "Conduct of certain officials" section 5.103 & 5.104 and 5.105.~~

3.1 Personal Behaviour

- i) Elected Members, Committee Members and Employees shall:
 - a) act, and be seen to act, in accordance with the requirements of the law and the terms of this Code;
 - b) perform their duties impartially and in the best interests of their communities, uninfluenced by fear or favour;
 - c) act in good faith (i.e. honesty, for the purpose, and without exceeding their powers) in the interest of the Shire and the community.
- ii) Elected Members, Committee Members and Employees shall not:
 - a) make allegations which are improper or derogatory (unless true and in the public interest);
 - b) make verbal allegations without substantiating them in a formal written manner;
 - c) display any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
 - e)d) harass, discriminate against or support others who harass and discriminate against any person.

The Consequences of making false allegations, are explained in the Shire's Policies for "Performance Management – Discipline", "Workplace Bullying & Victimisation" and "Workplace Discrimination & Harassment".

- iii) Elected Members will represent and promote the interests of the Shire, while recognising their special duty to their constituents.
- iv) The Code has been prepared to provide all Employees employed by Council with consistent guidelines for acceptable standard of professional conduct and mutual respect within the office.

Any Employee who does not abide by the guidelines of the Code will be disciplined as per the Shire's Performance Management Process.

3.2 Expected Behaviours –

The following is an outline of the expected behaviours that ~~Employees and Elected Members~~Elected Members, Committee Members and Employees are expected to display at all times when representing the Shire.

Guidelines are as follows:

- i) Elected Members or Employees shall not in any way be verbally aggressive, intimidating or derogatory to another Employee, Elected Member or member of the general public, including use of offensive language.
- ii) Any employee who requires discipline for work related issues should only be disciplined by their appropriate Line Supervisor or Manager in privacy, and all matters relating to this should be treated in a confidential matter.
- iii) Any Employee who needs to discuss work related problems with another Employee(s) will do so in a courteous and non-aggressive manner.
- iv) Differences of opinions should be discussed only between the parties involved, and should not be discussed with other Employees, with the exception of the Supervisor, Grievance Officer or Union Representative, should a mediator be required.
- v) Any Line Supervisor witnessing verbal harassment will address the situation immediately and appropriately.

3.32 Particular Obligations

Employees must:

- a) while on duty, give their whole time and attention to the business of the Shire, 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;
- b) shall demonstrate loyalty, commitment and support to the decisions made by Council;
- ~~a)c)~~ shall continue to uphold the principles detailed within this Code whilst wearing the Shire uniform, outside of official business hours;
- ~~b)d)~~ carry out lawful directions given by any person having authority to give such directions;
- ~~c)e)~~ give effect to the lawful policies, decisions and practices of the Shire, regardless of whether or not the Employee personally agrees with or approves of them; and
- ~~d)f)~~ attend their workplace in a functional manner, and are not to be under the influence of drugs and/or alcohol as outlined in the Alcohol and Drugs Policy.

Elected Members will at all times exercise reasonable care and diligence in the performance of their duties, be consistent in their decision making, however treat all matters on their individual merits.

Elected Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community fairly.

3.43 Honesty and Integrity

Elected Members and Employees will:

- a) observe the highest of standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to notice of the:
 - Shire President, any dishonesty or possible dishonesty on the part of any Elected Member or CEO; or
 - CEO, any dishonesty or possible dishonesty on the part of an Employee or Elected Member,
- c) be frank and honest in their official dealings with each other;
- d) report immediately any suspicious behaviour to the Shire's Public Interest Disclosure Officer (PID Officer) or CEO, where they have good reasons to suspect any fraud, corrupt, criminal or unethical conduct;
- e) lead by example in order to maintain and strengthen the public's confidence in the integrity of the Shire; and
- f) be [accountable and as open as possible about their decisions and actions](#).

3.54 Misconduct

Misconduct by any employee or elected member is an offence under the *Corruption and Crime Commission Act 2003*.

Misconduct occurs if:

- a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;
- b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;
- c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- d) a public officer engages in conduct that:
 - adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct;
 - constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
 - constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - involves the misuse of information or material that the public officer has acquired in with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute:

- an offence against the *Statutory Corporations (Liability of Directors) Act 1996* or any other written law; or
- a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

3.65 Compliance with Lawful Orders

- i) Elected Members, Committee Members and Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order, being taken up with the Supervisor of the person who gave the order. If a resolution cannot be achieved, the order should be referred to the Director of that Department for final resolution.
- ii) Elected Members, [Committee Members](#) and Employees will give effect to the lawful policies of the Local Government, regardless of whether they personally agree with or approve of them.

3.76 Administrative and Management Practices

- i) Elected Members, [Committee Members](#) and Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- ii) [Elected Members, Committee Members and Employees will ensure accurate records are documented and retained in accordance with the State Records Act 2000 and relevant Shire policies.](#)

3.87 Corporate Obligations

Standard of Dress

- i) Employees are expected to comply with the Shire's dress guidelines at all times. Management reserves the right to raise the issue of dress with individual Employees.

Communications and Public Relations

- i) All aspects of communication by Employees (including verbal written or personal), involving the Shire's activities should reflect the status and objectives of the Shire. Communications should be accurate, polite and professional.
- ii) As a representative of the community, Elected Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, Elected Members should acknowledge that:
 - a) as a member of the Council, there is respect for the decision making processes of the Council, which are based on a decision of the majority of the Council;
 - b) information relating to decisions of the Council on approvals, permits etc. ought only be communicated in an official capacity by designated officers of the Council such as the Shire President; and
 - c) information concerning adopted policies, procedures and decisions of the Council is to be conveyed accurately-
- iii) Elected Members, Committee Members and Employees are to ensure that the relevant Shire policies and internal guidelines are adhered to in relation to interacting with the media and the use of social media in an official capacity. Employees are to ensure all enquiries from media outlets are directed to and coordinated by Marketing and Communications.

3.98 Relationship between Elected Members and Employees

Elected Members will work as part of the Council team with the CEO and other Employees. This teamwork will only occur if Elected Members and Employees have mutual respect and co-operation with each other to achieve the Council's corporate goals, and implement the Council's strategies. To achieve that position Elected Members are expected to:

- a) accept that their role is a leadership, not a management or administrative one;
- b) acknowledge that they have no capacity to individually direct Employees to carry out particular functions; and
- c) refrain from publicly criticizing Employees in a way that casts aspersions on their professional competence and credibility.

3.109 Appointments of Committees

As part of their representative role Elected Members are often asked to represent the Council at external organisations. It is important that Elected Members:

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

4.0 DEALING WITH COUNCIL PROPERTY

4.1 Use of Local Government Resources

Elected Members, [Committee Members](#) and Employees will:

- a) be scrupulously honest in their use of Shire resources (i.e. resources owned by or under the control of the Shire) and shall not misuse or damage them or permit their misuse (or the appearance of misuse) or damage by any other person or body;
- b) use the Shire resources entrusted to them effectively and economically in the course of their duties; ~~and~~
- c) not use Shire resources (including the services of Council 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 Chief Executive Officer);
- d) be scrupulous in the use of Council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body; and
- e) ensure that the Shire's information technology resources are used appropriately and not used to search for, access, download or communicate any inappropriate content as per the relevant Shire policies and internal guidelines.

Note: An Elected Member, Committee Member, Employee or other person should at all times be scrupulously honest in the use of the Shire's resources of all kinds, both physical and human. Use of such resources, whether for official or authorised private purposes, should be in accordance with the Shire's policy concerning payment of expenses, provision of facilities and any other relevant policy.

An Elected Member, Committee Member, Employee or other person should not use his or her position to obtain any benefit that would not otherwise be available.

4.2 Travelling and Sustenance expenses

Elected Members, Committee Members 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 Shire policy, guidelines or within the provisions of the Act.

4.3 Access to Information

- i) Employees will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with responsibilities as Elected Members. Elected Members 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.
- ii) Elected Members, Committee Members and Employees must protect and only release confidential information, if he or she has the authority to do so.
- iii) Information that is available under Division 7 of the Act is to be made available to all members of the public if so requested and the principles of the *Freedom of Information Act 1992* are to be observed for the release of all other information.

5.0 REFERENCES

- *Equal Opportunity Act 1984*;
- *Local Government Act 1995* (~~Part 5, Division 6—Disclosure of Financial Interest~~);
- *Local Government (Official Conduct) Amendment Act 2007*;
- *Local Government (Administration) Regulations 1996*;
- *Local Government (Rules of Conduct) Regulations 2007*;
- *Local Government (Elections) Regulations 1997*;
- Shire of Roebourne “Standing Orders Local Law 1999” Part 5 - Disclosures of financial interests;
- [Shire of Roebourne policies and guidelines](#)
- *Public Interest Disclosure Act 2003*;
- *Defamation Act 2005*;
- [Department of Local Government Operational Guideline #1 – Disclosure of Interests affecting Impartiality](#);
- *Freedom of Information Act 1992*;
- *WALGA model Code of Conduct*;
- *Corruption and Crime Commission Act 2003*;
- *State Records Act 2000*.

APPENDICIES

APPENDIX A – Lodging a Formal Complaint

STEP 1 Elected Members or Employees wishing to lodge a formal complaint must first put the complaint in writing and include the following information:

- i) The name of the Elected Member or Employees of whom the complaint is been made against
- ii) The name of the person making the complaint
- iii) Details of the complaint including the date, times and days that the alleged breach of the Code of Conduct has occurred

STEP 2 The complaint must then be lodged with the Shire’s Complaints Officer.¹

STEP 3 The complaint must then be registered by the Complaints Officer who will then determine:

- i) If the complaint is in regard to a Employees member,
 - i. commence formal grievance procedures as per the Employees Grievance Resolution Procedure; or
- ii) If the complaint is in regard to an Elected Member,
 - i. the complaints officer will appoint an Investigation Officer² who will investigate the complaint and make recommendations.

If the Investigation Officer deems that the alleged breach is serious, the Investigation Officer will advise the Complaints Officer that a serious breach has occurred or a minor breach re-occurred, and outline the detail of the alleged serious breach.

STEP 4 The Complaints Officer will then advise the Minister for Local Government in writing that:

- i) an alleged serious breach of the Code of Conduct has occurred, and
- ii) a detailed explanation as to what the alleged breach is

STEP 5 The Minister for Local Government will then appoint a “Standards Panel” that will consist of:

- i) One person who is an officer of the Department
- ii) One person who has experience as a member of a council; and
- iii) One person is to have relevant legal knowledge

If the standards panel then investigates and deems that the alleged breach is serious, they will then refer the matter to the Crimes and Corruption Commission via the Public Interest Disclosure Act 2003

¹ Under section 5.120 of the Local Government Act (LGA) 1995 a Complaints Officer is to be designated by the Shire and must be a senior employee as designated under section 5.37 of the (LGA) 1995, otherwise the CEO will perform this role

² An Investigative Officer will be appointed by the Complaints Officer or the Chief Executive Officer, depending upon the appropriateness of the appointment

APPENDIX B – Penalties for Breaches by Elected Members

Breaches of the Code of Conduct can be:

Minor:

- i) resulting in a public apology as per a specific order

Recurring Breach:

- i) resulting in a referral to the State Administrative Tribunal and incurring personal fines

Serious Breaches:

- i) where an order against whom the allegation was made, is to be publicly ~~sensored~~censored as specified in the order; or
- ii) required to apologise publicly as specified; or
- iii) required to undertake training as specified; or
- iv) suspended for a period of not more than 6 months; or
- v) disqualified for not more than 5 years from holding office as an Elected Member of Council; or
- vi) incurs a Penalty of \$24,000 or imprisonment of 2 years under the Public Interested Disclosure Act

APPENDIX C – Penalties for Breaches by Employees

Employee Penalties for Breaches of the Code of Conduct will result:

- (a) if Employee displays poor performance,
 - i) the Employee may receive a “Casual Comment” notification of behaviour for actions that are contrary to the Code of Conduct of the organisation; or
 - ii) where an employee displays actions that are contrary to the Code of Conduct, they will be issued with a **verbal warning** and will be asked to participate in the Shire’s Performance Management (Discipline) Procedures; or
 - iii) if there are continual breaches of the Code of Conduct, they will be issued with a **written warning**, and will be asked to once again participate in the Shire’s Performance Management (Discipline) Procedures; and
 - iv) if continual breaches persist, the CEO will determine the necessary course of action or dismissal of the Employee.
- (b) if Employee has carried out misconduct of a minor nature,
 - i) they will be issued with a **verbal warning** and will be asked to participate in the Shire’s Performance Management (Discipline) Procedures; or
 - ii) if there is a second instance of a similar breach of the Code of Conduct, they will be issued with a **written warning**, and will be asked to once again participate in the Shire’s Performance Management (Discipline) Procedures; and
 - iii) If after this time, the employee continues to display behaviour that is contradictory to the Code of Conduct, the Shire has the right to dismiss the Employee.
- (c) If Employee has carried out gross misconduct,
 - i) they will be issued with a **written warning**, and will be asked to participate in the Shire’s Performance Management (Discipline) Procedures; or
 - ii) the CEO may elect to dismiss the Employee.