



## **Code of Conduct**

**For Employees**

**Revised  
3 March 2021**

## Foreword

### A Message from the CEO

The Council first adopted a Code of Conduct for Councillors, committee members and employees of the Shire of Manjimup in May 1997. This was subsequently reviewed in 1999, 2001, 2004, 2006, 2011, 2015, 2017, 2019, 2020 and 2021.

The Code of Conduct is a requirement of the *Local Government Act 1995* and subsidiary legislation. It has been prepared using statutory requirements and also the Western Australian Local Government Association's Model Code of Conduct as a guide.

Our aim is to ensure that employees understand the minimum acceptable standards of conduct in the carrying out of their duties.

We believe that this Code of Conduct will assist employees ensure that our core values of Professionalism, Courtesy, Integrity, Reliability and Proactivity are achieved.

It is intended that the Code of Conduct be an effective system of self-regulation to carry out all local government functions with appropriate governance within the Shire of Manjimup.

I therefore commend the Code of Conduct to all employees in our organisation's quest to maintain the highest possible standards of professional conduct.



**Mr Andrew Campbell**  
**CHIEF EXECUTIVE OFFICER**

**3 March 2021**

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## **Preamble**

The Code of Conduct provides employees in the Shire of Manjimup with consistent guidelines for a minimum standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in our Local Government.

The Code encourages a commitment to ethical and professional behaviour.

## **1. CONFLICT AND DISCLOSURE OF INTEREST**

### **1.1 Conflict of Interest**

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties;
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Manjimup, without first making disclosure to the Chief Executive Officer. 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) Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Manjimup or which may be in conflict with the functions of the organisation (other than purchasing the principal place of residence);
- (d) Employees who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons;
- (e) Employees will refrain from partisan political activities during working hours or which relate directly to their role in the Shire of Manjimup, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

### **1.2 Financial Interest**

Employees will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

### **1.3 Disclosure of Interest**

- (a) Employees will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties; and
- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.

#### **1.4 Impartiality Interest**

Employees will adopt the principles of disclosure of an interest that may affect impartiality as contained within the *Local Government (Administration) Regulations 1996*. In this regard employees are to disclose any interest that they have in any matter to be discussed at a Council or Committee meeting:

- (a) That they will be attending;
- (b) That they have given or will give advice; and
- (c) Immediately before the matter is discussed or at the time advice is given and be recorded in the Minutes of the meeting.

An employee may also disclose an interest in a written notice given to the CEO before a meeting. The CEO is to provide this notice to the person who is to preside at the meeting and the presiding person will bring the notice and its contents to the attention of persons present immediately prior to the matter being discussed.

An employee is excused from not disclosing an interest if they did not know that they had an interest because they did not know and could not reasonably be expected to know that they had an interest in the matter or that the matter in which they have an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.

## **2. PERSONAL BENEFIT**

### **2.1 Use of Confidential Information**

Employees will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

### **2.2 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Manjimup upon its creation unless otherwise agreed by separate contract with the Shire.

### **2.3 Improper or Undue Influence**

Employees will not take advantage of their position to improperly influence Councillors or other 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.

*For the purposes of clauses 2.4 and 2.5 the following definitions apply:*

***Employee*** means any employee of the Shire of Manjimup other than the CEO or Senior Employee.

**Gift** means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate.

**Non-Employee and Non-Councillor Committee Members** means any member of a statutory committee of Council that is not an existing CEO, Senior Employee, Employee or existing Councillor.

**Same Donor** has the same meaning or intent established in the Local Government Act 1995 and subsidiary legislation.

**Senior Employee** means the positions designated as Director Business, Director Community Services, Director Development and Regulation and Director Works and Services but does not include the Chief Executive Officer.

## 2.4 Gifts

- (a) Senior Employees, Employees and Non-Employee or Non-Councillor Committee Members shall at all times comply with the statutory gift provisions of the *Local Government Act 1995* and subsidiary legislation;
- (b) A gift (including moderate acts of hospitality) for Senior Employees shall have a maximum value of \$300, provided that multiple gifts from the same donor in a twelve (12) month period shall not exceed these amounts in aggregate;
- (c) In accordance with clause 2.4(b) all gifts accepted by Senior Employees of \$50 or more must be disclosed in the appropriate form to the Chief Executive Officer within 10 days of receipt for recording in the non-statutory gift notification register held by the CEO. Any gift less than \$50 must be disclosed directly in the non-statutory gift register located in the strongroom at the Administration Centre as soon as practicable;
- (d) Unless otherwise authorised in writing by the CEO after consideration of relevant statutory restrictions, a gift (including moderate acts of hospitality) for Employees and Non-Employee or Non-Councillor Committee Members shall have a maximum value of \$50, provided that multiple gifts from the same donor in a twelve (12) month period shall not exceed those amounts in aggregate;
- (e) In accordance with clause 2.4(d) all gifts accepted by Employees and Non-Employee or Non-Councillor Committee Members up to \$50 must be disclosed directly in the non-statutory gift register located in the strongroom at the Administration Centre as soon as practicable;
- (f) Unless otherwise authorised in writing by the CEO after consideration of relevant statutory restrictions, Senior Employees, Employees and Non-employee or Non-Councillor Committee Members will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit, other than moderate acts of hospitality for themselves or anybody else from any other person or body who:

- is undertaking or seeking to undertake an activity involving a local government discretion; or
- it is reasonable to believe is intending to undertake an activity involving a local government discretion.

## **2.5 Travel Contributions**

Contributions to travel for Senior Employees, Employees and Non-Employee or Non-Councillor Committee Members must be disclosed in accordance with the requirements of the *Local Government Act 1995* and subsidiary legislation.

## **3. CONDUCT OF EMPLOYEES**

### **3.1 Personal Behaviour**

Employees will:

- a) act, and be seen to act, properly and 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 the Shire of Manjimup uninfluenced by fear or favour;
- c) act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Manjimup and the community;
- d) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- e) always act in accordance with their obligation of fidelity to the Shire of Manjimup.

### **3.2 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, honest and tactful in their official dealing with each other;
- (c) bring to the notice of the Chief Executive Officer any suspected breaches of this Code of Conduct or any unethical, fraudulent, dishonest, illegal or corrupt behaviour on the part of any other employee; and
- (d) Alternately to (c) bring any relevant matter to the attention of the Shire of Manjimup's Public Interest Disclosure officer.

Suspected breaches and wrongdoing will be treated seriously and will be dealt with in line with relevant Shire policies and procedures.

### **3.3 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Manjimup'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 of Manjimup.

### **3.4 Compliance with Lawful Orders**

- (a) 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 superior of the person who gave the order and, if resolution is not achieved, with the Chief Executive Officer; and
- (b) Employees will give effect to the lawful decisions of Council, Committee Meetings and policies of the Shire of Manjimup, whether or not they agree with or approve of them.

### **3.5 Administrative and Management Practices**

- (a) Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- (b) Employees will ensure that information is accurately recorded and stored consistently with relevant laws, delegations and the Shire's recordkeeping plan.

### **3.6 Corporate Obligations**

- (a) Standard of Dress  
Employees are expected to comply with neat and respectable dress standards at all times. Senior employees reserve the right to raise the issue of dress with individual employees; and
- (b) Communication and Public Relations
  - i. The Shire President and the Chief Executive Officer (or their delegated nominees) are the only people authorised to represent the views of the Council or the Shire to the media;
  - ii. All aspects of communication by employees (including verbal, written or person), involving the Shire's activities should reflect the status and objectives of the Shire of Manjimup. Communications should be accurate, polite and professional;
  - iii. Information of a confidential nature should not be communicated until it is no longer treated as confidential;
  - iv. Information relating to decisions of the Council on approvals, permits and so on should only be communicated in an official capacity by a designated officer of the Council; and
  - v. Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

### **3.7 Relationships between Councillors and Employees**

Effective teamwork will only occur between Councillors, Senior Employees and employees if they have a mutual respect and co-operate with each other to achieve the outcomes in the Strategic Community Plan and the Corporate Business Plan. To achieve that position, employees need to:

- Accept that their role is a management or administrative one;



- Acknowledge that they will not show bias towards individual Councillors or act in any manner that may suggest an absence of impartiality; and
- Refrain from publicly criticising Councillors or decisions of Council in a way that casts aspersions on their competence and credibility.

#### **4. DEALING WITH LOCAL GOVERNMENT RESOURCES**

##### **4.1 Use of Local Government Resources and Finances**

Employees will:

- (a) be scrupulously honest in their use of the Shire of Manjimup's resources and finances and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the resources and finances entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Shire of Manjimup's finances, resources or equipment (including the services of employees) for private purposes other than when supplied as part of a contract of employment or when hired for the relevant fee as a member of the public in accordance with Council Policy.

##### **4.2 Travelling and Sustenance Expenses**

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 of Manjimup in accordance with Council policy and the provisions of the *Local Government Act 1995*.

##### **4.3 Access to Information**

Employees will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.

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