

<b>POLICY TITLE:</b>	<b>COUNCIL STAFF CODE OF CONDUCT</b>
<b>POLICY NUMBER:</b>	<b>P5</b>
<b>CATEGORY:</b>	<b>COUNCIL POLICY</b>
<b>CLASSIFICATION:</b>	<b>GOVERNANCE</b>
<b>STRATEGIC PLAN REFERENCE:</b>	<b>Review of Council Policies and Procedures</b>
<b>CORPORATE GOVERNANCE AND PERFORMANCE: Develop performance management and work plans with staff members</b>	
<b>STATUS: Draft</b>	<b>Council Resolution: 2017/08</b>
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## SUMMARY

Council employees must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, the standards in the Code at all times.

This Code does not exclude the operation of the *Fair Work Act 2009*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act*. This Code does not affect the jurisdiction of the Industrial Relations Commission.

## OBJECTIVE

This policy has been developed to comply with Section 104 of the *Local Government Act 2008* and to provide clear direction about the principles of ethical conduct and standards of behaviour expected from council staff.

## POLICY

This Code of Conduct is to be observed by all Council employees.

### PART 1—PRINCIPLES

Council employees of Wagait Shire Council (WSC) have a commitment to deliver a professional and committed service to the community and elected members of Council and to discharge their duties conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

Council employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of their Council is strong.

Council employees will respect the law, and the resolutions made by the elected member body of the Council.

The Council's Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

Council employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by Council.

## PART 2—CONDUCT

### Conduct required of Council employees

In line with 'PART 1—Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in WSC.

A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, including dismissal in accordance with Council's *Counselling, Disciplining and Dismissing Employees* policy.

Council employees must also comply with all relevant statutory requirements within the *Local Government Act*, the Work Health and Safety (National Uniform Legislation) Act and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, including dismissal, in accordance with Council's *Counselling, Disciplining and Dismissing Employees* policy.

Council employees will:

### General behaviour

- 2.1. Act honestly in the performance of official duties at all times.
- 2.2. Act with reasonable care and diligence in the performance of official duties.
- 2.3. Discharge duties in a professional manner.
- 2.4. Act in a way that generates community trust and confidence in the Council.
- 2.5. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 2.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

### Responsibilities as an employee of Council

- 2.7. Comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role.

2.8. Deal with information received in their capacity as a Council employee in a responsible manner.

2.9. Endeavour to provide accurate information to the Council and to the public at all times.

2.10. Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.

2.11. Not release or divulge information that the Council or Chief Executive Officer of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential.

2.12. Not make improper use of information, including confidential information, acquired by virtue of their position.

2.13. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.

2.14. Comply with all lawful and reasonable directions given by a person with authority to give such directions.

2.15. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.

#### Relationships within Council

2.16. Not make any public criticism of a personal nature of fellow Council employees or Council members.

2.17. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

2.18. Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.

#### Gifts and Benefits

2.19. Council employees must not:

2.19.1. Seek gifts or benefits of any kind.

2.19.2. Accept any gift or benefit that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty.

2.19.3. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.

2.20. Notwithstanding Code 2.19.3, Council employees may accept hospitality provided in the context of performing their duties, including:

2.20.1. Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

2.20.1.1. Council work related events such as training, education sessions, workshops and conferences; and

2.20.1.2. Council functions or events; and

2.20.1.3. Social functions organised by groups such as Council committees and community organisations.

2.20.2. Invitations to and attendance at local social, cultural, or sporting events.

2.21. Where any Council employee receives a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

#### Use of Council Resources

2.22. Council employees using Council resources must do so effectively and prudently when undertaking Council work.

2.23. Council employees must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

2.24. Council employees must not use public funds or resources in a manner that is irregular or unauthorised.

#### Chief Executive Officers

2.25 Chief Executive Officers must act in accordance with the provisions specific to their position within the *Local Government Act* at all times.

#### Complaints

2.26 Any person may make a complaint about a Council employee under this Code.

2.27 Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.

2.28 Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Council's Principal Member.

2.29 A complaint may be investigated and resolved according to the disciplinary processes of that Council.

2.30 In considering the lodgement of a complaint against a Council employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption—Directions and Guidelines.

2.31 Nothing in this code in any way derogates from the rights of an employee or duties of an employer under the Fair Work Act 2009, other legislation, an award, an industrial agreement or contract of employment.

**REFERENCES:**

Local Government Act 2008

Fair Work Act 2009

Work Health and Safety (National Uniform Legislation) Act