

	CODE OF CONDUCT – WORKPLACE PARTICIPANT	
	CATEGORY:	HUMAN RESOURCES
	LG ACT 2019 REF:	Chapter 9, Part 9.3, Section 175
	RESPONSIBLE OFFICER/S:	CHIEF EXECUTIVE OFFICER/PRINCIPAL MEMBER

1. PURPOSE

The purpose of this policy is to provide clear direction regarding the principles of ethical conduct and standards of behaviour expected from workplace participants.

2. SCOPE

Pursuant to Section 175 of the *Local Government Act 2019*, the CEO and council's staff must maintain proper standards of integrity, diligence and concern for the public interest. This policy also relates to council contractors whilst undertaking works on the council's behalf.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Workplace Participants	Includes the Chief Executive Officer, full-time and part-time staff members, casual employees, volunteers and contractors of Wagait Shire Council.
The Award	Means the Local Government Industry Award.

4. POLICY

4.1 Principles

- 4.1.1 Workplace participants have a commitment to deliver 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.
- 4.1.2 Workplace participants will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice.
- 4.1.3 Workplace participants will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of council is strong.
- 4.1.4 Workplace participants will respect the law and the resolutions made by the elected member body of the council.
- 4.1.5 The Chief Executive Officer will make reasonable endeavours to ensure workplace participants have current knowledge of both statutory requirements and best practices relevant to their position.

4.2 Conduct

The following behaviour is considered essential to upholding the principles of good governance at Wagait Shire Council. Failure to comply with any of these behaviours can constitute grounds for disciplinary action against the workplace participant, including dismissal in accordance with Council's HR Dispute Resolution, Counselling, Disciplining and Dismissal policy. Workplace participants must also comply with all relevant statutory requirements within the *Local Government Act 2019* the *Work Health and Safety (National Uniform Legislation) Act* and *Regulations*. A failure to comply can also constitute grounds for disciplinary action against the workplace participant.

Workplace participants will:

- 4.2.1 Act with reasonable care, diligence and professionalism in the performance and discharge of official duties.
- 4.2.2 Act in a just, and non-discriminatory way when dealing with all people.
- 4.2.3 Ensure that personal interest, including financial interests, do not influence or interfere with the performance of their role, pursuant to Section 73 Offences for conflict of interest, of the *Local Government Act 2019*.

4.3 Responsibilities

- 4.3.1 Pursuant to Section 118 Improper use of information, of the *Local Government Act 2019*, workplace participants will not disclose confidential information obtained in the course of their duties.
- 4.3.2 Workplace participants will always endeavour to provide accurate information to the Council and to the public.
- 4.3.3 Workplace participants will take all reasonable steps to ensure that the information upon which they make decisions or actions is factually correct and that all relevant information has been obtained and considered.
- 4.3.4 Workplace participants will ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions or actions.
- 4.3.5 Workplace participants will not make public comment in relation to their duties except when specifically authorised to do so.

4.4 Relationships with Council

- 4.4.1 Workplace participants will not make any public criticism of fellow workplace participants or elected members.
- 4.4.2 Workplace participants will direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive Officer or nominated delegate.

4.5 Gifts and Benefits (including entertainment and hospitality)

- 4.5.1 Workplace participants must not seek gifts or benefits (including entertainment and hospitality) of any kind.

- 4.5.2 Workplace participants must not accept any gift or benefit (including entertainment and hospitality) that has a value or estimated value of greater than \$25, and/or that may reasonably create a sense of obligation on their part, or may be reasonably perceived to be intended to or would be reasonably likely to influence them in carrying out their public duty.
- 4.5.3 Exemptions for gifts and benefits under this policy include:
- (a) a gift or benefit given to the workplace participant by the council
 - (b) food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through the council or that are required in accordance with performance of the workplace participant's professional duties;
 - (c) a private and personal gift (such as a birthday present from a family member).

4.6 Use of Council Resources

- 4.6.1 Workplace participants must not use council resources, including the services of council staff, for private purposes, unless legally or properly authorised to do so.

4.7 Chief Executive Officer

- 4.7.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 2019* at all times.

4.8 Complaints

- 4.8.1 Any person may make a complaint against a workplace participant under this Code.
- 4.8.2 Complaints about a workplace participant's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer.
- 4.8.3 Complaints about the Chief Executive Officer's behaviour that is alleged to have breached this Code should be brought to the attention of the council's Principal Member.
- 4.8.4 In considering the lodgement of a complaint against a workplace participant for a breach of this Code, individuals should be mindful of the obligations outlined in the ICAC Mandatory directions and guidelines.
- 4.8.5 Nothing in this Code in anyway derogates from the rights of a workplace participant or duties of an employer under the *Fair Work Act 2009*, the *Local Government Industry Award*, or a contract of employment.

5. ASSOCIATED DOCUMENTS

GOV Media Policy
ADMIN Privacy Policy
HR Dispute Resolution, Counselling, Disciplining and Dismissal
ADMIN Vehicle Use Policy
GOV Fraud and Corruption Protection

6. REFERENCES AND LEGISLATION

Fair Work Act 2009

Local Government Act 2019

Local Government Industry Award

Office of the Independent Commissioner Against Corruption – Mandatory reporting directions and guidelines

Work Health and Safety (National Uniform Legislation) Act 2011

Work Health and Safety (National Uniform Legislation) Regulations 2011

7. REVIEW HISTORY

Date Approved: 21/04/2009	Approved By Council: Moved: Cr Withnall Seconded: Cr Lamont Vote: AIF	Resolution No. 2008/214	Date for review: Next Council Election
Date Approved: 17/01/2017	Approved By Council: Moved: Co-Op T Dyer Seconded: Cr K Noble Vote: AIF	Resolution No. 2017/08	Date for review:
Date Approved: 19/05/2020	Approved By Council: Moved: President Peter Clee Seconded: Vice President Tom Dyer Vote: AIF	Resolution No. 2020/079	Date for review: 2022
Date Approved: 21/07/2020	Approved By Council: Moved: Cr Michael Vaughan Seconded: Vice President Tom Dyer Vote: AIF	Resolution No. 2020/115	Date for review: 2022
Date Approved: 19/10/2021	Approved By Council: Moved: Vice President Tom Dyer Seconded: Cr Noeletta McKenzie Vote: AIF	Resolution No. 2021/186	Date for review: 2023
Date Approved: 17/10/2023	Approved By Council: Moved: Vice President Tom Dyer Seconded: Cr Sarah Smith Vote: AIF	Resolution No. 2023/175	Date for review: 2025