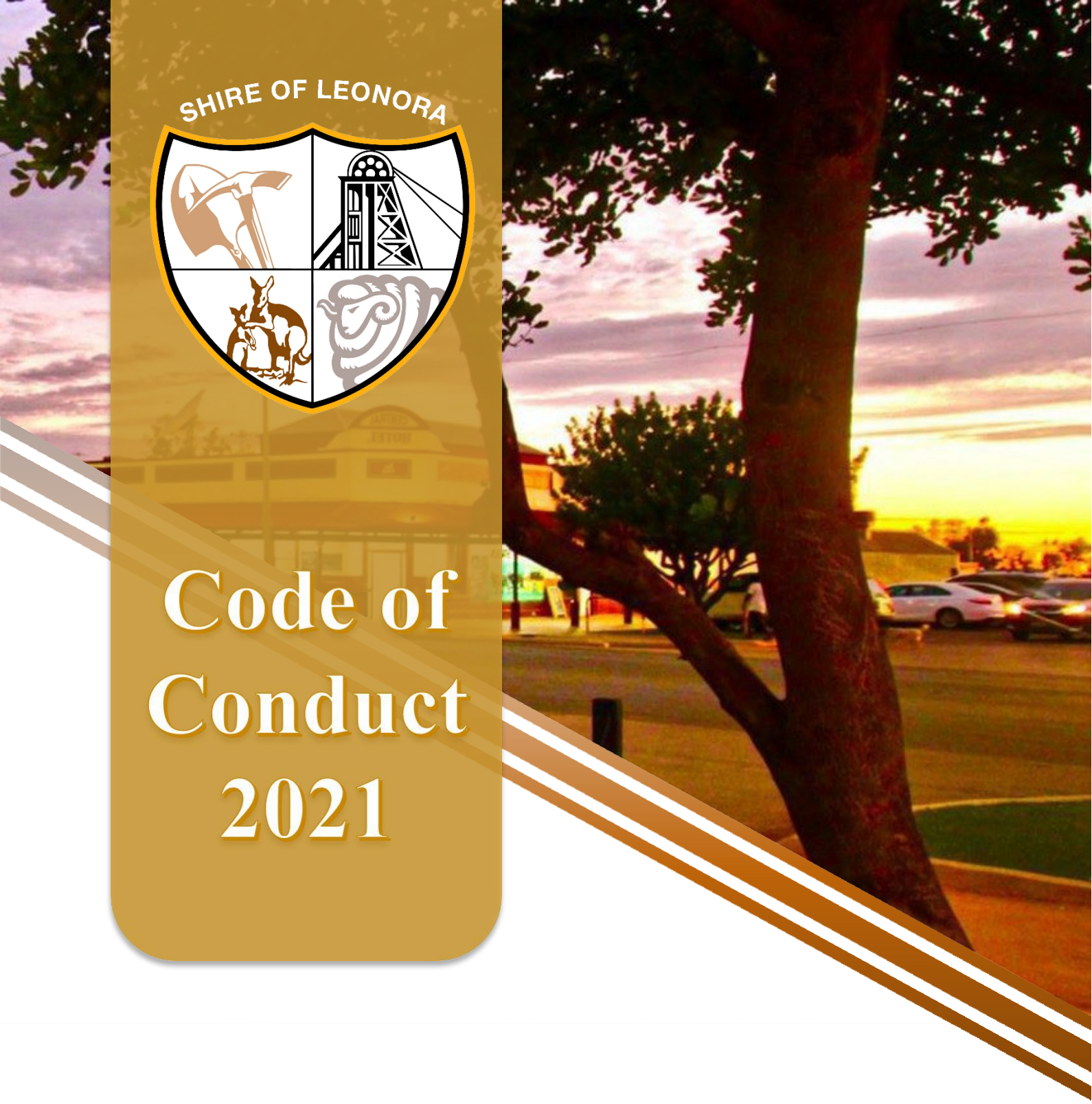


SHIRE OF LEONORA

Code of Conduct 2021

Employees

Adopted: July 2021
Reviewed: June 2026

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Foreword

The Shire of Leonora Code of Conduct for Employees, (the Code) has been adopted to ensure employees understand and respect their roles and responsibilities. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity, and good government for the community.

Whereas previously there was a single Code of Conduct for Council Members, Committee Members and Employees, adopted by Council, new legislation requires that there be a separate Code of Conduct for Council Members, Committee Members and Candidates for Election, adopted by the Council, and for Employees, adopted by the CEO.

The Code sets out principles and standards of behaviour that employees must observe when performing their duties and is intended to promote accountable and ethical decision-making. However, the Code does not establish a rule for every situation an employee may face while performing their role and undertaking their duties daily.

The Code should be read in conjunction with the Local Government Act 1995, the Local Government (Administration) Regulations 1996, other legislation, Council and CEO Policy Manuals and operational procedures that affect employees while performing their role and duties and the Code does not override or affect those provisions or requirements.

The Code contains certain matters for employees which must be addressed as a requirement of legislation, including gifts and conflicts of interest, as well as the standards around personal behaviour, which if breached, may lead to reporting and action being taken under the Code.
In view of this, the Code details explanatory matters around key areas of:

- professional conduct
- record keeping
- use of Shire resources and finances
- conflict of interest, gifts, and benefits
- reporting breaches of the Code

Employees of the Shire of Leonora (the Shire) are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the Shire.

The Code is an important document in outlining the expectations of employee behaviour and aims to ensure that the Shire of Leonora's residents, ratepayers and stakeholders will recognise the high standards of service and ethical decision making by all employees.

If you have any concerns about anything in the Code, please raise it with your manager or me, as your CEO.

Ty Matson
Chief Executive Officer
Shire of Leonora
June 2024

1 Introduction

The Shire of Leonora Code of Conduct (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 of Leonora'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.

1.1 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.

1.2 Application

For the purposes of the Code, the term employees include persons employed by the Shire of Leonora or engaged by the Shire under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts) does not apply to the CEO.

2 Vision

A proactive, sustainable, safe, friendly and prosperous place to be

3 Code of Conduct

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

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

3.2 Principles Affecting Employment by the Shire of Leonora

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 Shire 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

3.3 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 true and in the public interest)
(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; and
(f) always act in accordance with their obligation of fidelity to the Shire.

3.4 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; and
(c) report any dishonesty or possible dishonesty on the part of any other employee to their Manager or the CEO in accordance with this Code and the Shire's policies.

3.5 Performane 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.

3.6 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 Manager or the CEO.
(b) Employees will give effect to the lawful decisions and policies of the Shire whether they agree with or approve of them.

3.7 Administrative and Management Practices

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3.8 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.

3.9 Recordkeeping

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

3.10 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 regarding workplace behaviour and occupational safety and health, set out in Council and/or CEO Policy Manuals.

(c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Dealing with community

(a) Employees will treat all members of the community with respect, courtesy and professionalism.

(b) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly, and equitably.

3.12 Professional Communications

(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.

3.13 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, it's Council Members, 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*.

3.14 Personal Presentation

Employees are expected to always comply with neat and responsible dress standards. Management reserves the right to raise the issue of dress with individual employees.

3.15 Gifts

(a) Application
This clause does not apply to the CEO.

(b) Definitions
In this clause –

activity involving a local government discretion has the meaning given to it in the *Local Government (Administration) Regulations 1996;*

> ***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 has the meaning given to it in 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 has the meaning given to it in 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]

prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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]*

reportable gift means:

(i) a gift worth more than $24 but less than $50 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 $24 but less than $50

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996,* subject to the CEO's determination under subclause (c);

> ***Threshold Amount***, for a prohibited gift, 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]***

(c) Determination
In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined the threshold amount for prohibited gifts is $50.

(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.

Prohibition on Certain Types of Gifts

The CEO has determined that alcohol, in any form, may not be accepted as a gift by any employee, even if it were otherwise valued below the threshold amount, and could ordinarily be accepted (whether reportable, or not).

Where alcohol is provided as part of an event or seminar where a fee has been paid to attend, and the registration fee includes the dinner or hospitality where alcohol is provided, then it is not a gift and is not prohibited and need not be disclosed/reported.

Where alcohol is provided as part of an event which an employee is attending, consistent with the Attendance at Events Policy, and where alcohol is provided incidental to the event, then it is not a gift and need not be disclosed/reported.

The CEO has also determined that cash may not be accepted as a gift by any employee, even if it were otherwise valued below the threshold amount, and could ordinarily be accepted (whether reportable, or not)

3.16 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 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) 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).

(d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.

(e) 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.

The Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.

3.17 Outside Employment

In accordance with Local Government (Administration) Regulation 19ADA, an employee must not engage in outside employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

3.18 Disclosure of Financial Interests

(a) All employees will apply the principles of disclosure of financial interest as contained within the Act.

(b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

3.19 Disclosure of Interests Relating to Impartiality

(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 now 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.

3.20 Use and Disclosure of Information

(a) Employees must not access, use, or disclose information held by the Shire except as directly required for, and during, the performance of their duties.

(b) 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.

(c) 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.

(d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.

(e) 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.

3.21 Improper or Undue Influence

(a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, 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 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.

3.22 Use of Shire Resources

(a) In this clause –

Shire resources includes local government property and services provided or paid for by the Shire;

local government property has the meaning given to it in the Act.

> ***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; and

(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).

Employees should ensure they are familiar with all relevant Shire Policies and Procedures, and direct any questions for clarification to a Manager or the CEO.

3.23 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, Council and CEO Policies and 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. Employees should ensure they are familiar with all relevant Shire Policies and Procedures, and direct any questions for clarification to a Manager or the CEO.

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Manager or the CEO.

3.25 Handling of Suspected Breaches of the Code of Conduct

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

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

(a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their Manager or the CEO.

(b) 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.

(c) 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.

(d) 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.

3.27 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, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

Acknowledgement and Acceptance

I, _____, can confirm that I have read and understand the Shire of Leonora Code of Conduct, and acknowledge my capacity to uphold the values within.

_____	_____	_____	_____
Signed	Date	Supervisor	Date

Version Control

Doc #	Date Presented	Review Type[1]	Comments
1.0	20th July, 2021	Adoption	New regulations required the adoption of a new Code of Conduct for Employees
2.0	1st June, 2024	Review	Removal of reference to DCEO and addition of new CEO details.
3.0	26 June 2026	No Change	Desktop review by CEO – no changes to be made.

[1]Review Types are:

Adoption Only used when the document is first created
Major Major Amendment has been made due to legislative or organisational changes
Minor Minor Amendment has been made such as formatting or wording changes
No Change Review conducted with no changes identified for inclusion