



EMPLOYEE CODE OF CONDUCT

Endorsed by Chief Executive Officer – 8 April 2021



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Staff on Appointment

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AMENDMENT STATUS

Amendment Number	Date of Amendment	Reference and Details of Amendment	Approved by
1	15 February 2006	Review of document Adopted by Council 28 February 2006	Council (OCM-15/2/06)
2	27 May 2008	Adopted by Council May 2008	Council (OCM-36/5/08)
3	24 March 2015	Section 2.0, General Principles and Ethical Standards, new last paragraph regarding Social Media	Council (OCM-16/3/15)
4	26 April 2017	Review of document Adopted by Council 26 April 2017	Council (OCM-10/4/17)
5	7 April 2021	Review of document to remove references to Council Members and Committee Members and further alignments as per the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 dated 2 February 2021	Chief Executive Officer – 8 April 2021



VISION 2030

The Town of Bassendean's vision is for a connected community, developing a vibrant and sustainable future, built upon the foundations of our past.

OUR VIRTUES

The Town of Bassendean's virtues reflect how we should perform and behave in our day-to-day work and service to the community. They are the heart of our organisation and guide and help us when making decisions on how we strive to lead and serve the community.

➤ Team Work

Providing support to one another, working cooperatively and respecting one another's view. Conflict is brought up into the open and dealt with constructively.

➤ Professionalism

Take pride and ownership in all that we do and say. At all times we act with integrity, being reliable and responsible, mutual respect for others' expertise. We do not upset one another intentionally, always endeavouring to present negative feedback constructively.

➤ Respect for Others

Value each other's differences. Demonstrate mutual respect, supporting diversity of skills, backgrounds and perspectives.

➤ Honesty

Being open, honest and reliable in everything we do. All concerns are constructive with solutions offered. Each employee is entitled to express their views without interruption.

➤ Be Happy

It's okay to be happy at work. Making our work environment fun and enjoyable.



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1.0 INTRODUCTION

The Code of Conduct provides a framework for behaviour that must be observed in the wide range of interactions and scenarios experienced in the conduct of the Town of Bassendean activities. The Code of Conduct does not establish a rule for every situation, but provides guidance and a basis of expectation for good public administration by employees of the Town of Bassendean.

The Code of Conduct does not override or affect legislation applicable to the operations of the Town of Bassendean, in particular the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Local Government Regulations (Employee Code of Conduct) Regulations 2021*.

This Code of Conduct applies to every employee of the Town of Bassendean.

A Town of Bassendean local government employee means a person –

- a) Employed by the local government under section 5.36(1) of the *Local Government Act 1995*; or
- b) Engaged by the local government under a contract for services.

2.0 GENERAL PRINCIPLES AND ETHICAL STANDARDS

The local community and the public in general are entitled to expect that the following general principles should be used to guide employees of the Town of Bassendean in their behaviours:

- a) act with reasonable care and diligence;
- b) act with honesty and integrity;
- c) act lawfully;
- d) avoid damage to the reputation of the Town of Bassendean;
- e) be open and accountable to the public;
- f) base decisions on relevant and factually correct information;
- g) treat others with respect and fairness; and
- h) not be impaired by mind affecting substances.

The Public Sector Commissioner’s Instruction sets out the minimum standards of conduct and integrity to be complied with by all public sector bodies and employees, as outlined below:-

Code of Ethics

The minimum standards of conduct and integrity to be complied with by all public sector bodies and employees are expressed in the following principles:



Personal integrity

We act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.

Relationships with others

We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

Accountability

We use the resources of the local government in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

3.0 CONDUCT OF EMPLOYEES

3.1 Roles and Personal Behaviour

Conduct that is required of employees includes (but is not limited to):

- act within the limits of their delegation, consistently with the terms of the code, the law, and the Town's policies and procedures;
- perform their duties and provide advice honestly, impartially and in the best interests of the local government and community;
- comply with all lawful and administrative practices that are consistent with the Town's policies and procedures;
- treat members of the public, fellow employees and local government members with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare; and
- report to the workplace appropriately attired and 'fit for work', which includes not being under the influence of alcohol or other drugs while at the workplace consistent with the Town's policies and procedures.

A responsibility of employees of the Town of Bassendean is to assist Council (through the Chief Executive Officer) in their decision-making role. Employees will provide professional, honest and impartial advice, to achieve the satisfactory resolutions of issues that Elected Members may raise in the performance of their official role.

Employees must, in accordance with the *Local Government Act 1995 (Act)*, *Local Government (Administration) Regulations 1996* abide by the Town's Policies in relation to the interaction and communication between the Administration and all Elected Members.

The primary point of contact for communication between Elected Members and the Administration, is between the Chief Executive Officer and the Mayor.



3.2 Official Information, Recordkeeping and Communications

The Town of Bassendean has a number of policies relating to Official Information, Recordkeeping and Communications. These include:

- Policy 6.19 Communication between Elected Members and the Administration
- Policy 6.20 Record Keeping Policy

These policies are available on the Town of Bassendean's website at:

<https://bassendean.wa.gov.au/documents/policies>The policies are to be used by employees to ensure integrity, security and appropriate communications of local government information.

In addition to the above policies, it is appropriate that employees abide by the following principles:

- ensure that information obtained or created is trustworthy and accurate;
- ensure that information is accurately recorded and stored consistently with relevant laws and the Recordkeeping Policy;
- apply due diligence in the collation and assessment of relevant information;
- only use any information by the local government impartially and in good faith;
- not make improper use of any information acquired by the local government to gain advantage or cause detriment for anyone;
- not misrepresent the policies or use organisational information improperly to gain advantage for someone;
- not disclose any information discussed during a confidential session of a local government meeting unless it ceases to be confidential; and
- must not make improper use of any information acquired in their performance of any of his or her functions to gain directly or indirectly an advantage for the person or any other person or to cause detriment to the local government or any other person. This information also applies to social media platforms and employees should exercise due caution to ensure in their communications they do not act contrary to the *Local Government Act 1995* or breach the Town's Code of Conduct.



3.3 Use of Confidential Information

All documents of the Town of Bassendean that are marked 'CONFIDENTIAL' or 'NOT FOR PUBLICATION' or any information or documentation that is not in the public domain and marked with a clear message that the document is intended for the recipient only, are confidential to the Town of Bassendean and shall not be published, copied, reproduced or the contents released to another person, in whole or in part, in any manner whatsoever.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the council members and/or employees of the Town (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

The matters that are dealt with by Council and closed to the public (confidential matters) are included in section 5.23(2) & (3) of the Local Government Act.

Nothing in this section prevents an employee from disclosing confidential information:

- To a legal practitioner for the purpose of obtaining legal advice; or
- If the disclosure is permitted by law.

3.4 Procurement and use of Public Resources

Procurement

The Town expects all employees to perform their duties efficiently and utilise public resources prudently. Purchases and use of goods and services should only be made in a fair and equitable manner and appropriately recorded. All employees are required to comply with the requirements of the Purchasing Policy, which is available on the website at:

<https://bassendean.wa.gov.au/documents/policies>

Public Resources

Resources of a local government includes:-

- a) Local government property; and
- b) Services provided, or paid for, by the local government

The Town expects that employees consider the following when considering the use of the Town's resources:-

- effective, economical and honest use and management of the resources in the course of their duties;
- compliance with applicable legislation, and policies and procedures when using or committing resources;



- no improper use of public resources for direct or indirect personal gain or in such a way as to improperly cause a detriment, whether financial or otherwise;
- no use of public resources for partisan political purposes;
- operation, maintenance and secure storage of equipment and property in accordance with manufacturer's specifications and its value; and
- reporting any damage to, or loss of, property or equipment immediately to management.

Applicable legislation - the provisions of the Local Government (Financial Management) Regulations 1996 in relation to procedures for making and receiving payments, and the Local Government (Functions and General) Regulations 1996 in relation to tender and procurement.

4.0 CONFLICT AND DISCLOSURE OF INTERESTS

Employees will comply with the requirements for the disclosure of interest as described in the Local Government Act 1995.

4.1 Conflicts of Interest

The community expects that employees will perform their official duties in the public interest and that they will not improperly use their position or authority for personal gain or to improperly cause detriment to others. Actual, potential and perceived conflicts of interest can arise from a number of sources, including friends, relatives, close associates, financial investments, personal circumstances and past employment.

The following '6Ps' were developed by the WA Integrity Coordinating Group to assist employees to assess whether they have an interest that they are required to disclose as it could pose a potential, actual or perceived conflict of interest. In the first instance, employees could be asked to understand the '6Ps' and ask themselves the following questions:

- **Public duty versus private interest**

Do I have personal or private interests that may conflict or be perceived to conflict with my public duty?

- **Potential**

Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?

- **Perception**

Remembering that perception is important, how will my involvement in the decision or action be viewed by others? Are there risks associated for me or my organisation?



- **Proportion**

Does my involvement in the decision appear fair and reasonable in all the circumstances?

- **Presence of mind**

What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

- **Promises**

*Have I made any promises or commitments in relation to the matter?
Do I stand to gain or lose from the proposed action or decision?*

The Town of Bassendean expects that employees ensure there is no actual or perceived conflict or incompatibility between the important fulfilment of their professional duties and either their personal interests or those persons closely associated to them.

The *Local Government Act 1995* provides for the specific Disclosures of Interest for employees. In particular, this relates to:

- **When a person has an interest** - deals with a relevant person or closely associated person.
- **Financial Interest** - results in a financial gain, loss or detriment for the person.
- **Proximity Interest** - land which the person has any estate or interest and is:
 - adjoining the person's land;
 - common boundary;
 - across a thoroughfare; and
 - part of a thoroughfare that has a common boundary with the person's land.
- **Indirect Financial Interest**- financial relationship with the person.
- **Closely associated persons**- defines the manner of a closely associated person and includes:
 - partnerships;
 - employer;
 - beneficiary under a trust;
 - body corporate; and
 - family member or de facto partner if the spouse or de facto partner living with the relevant person.



Employees

Employees of the Town should ensure that there is no actual or perceived conflict or incompatibility between their professional duties and either their personal interests or those persons closely associated to them.

- a) All employees have a duty of fidelity and good faith towards the Town.

An employee must make written disclosure and receive written permission from the CEO before acting in or taking up an interest (direct or indirect) in any capacity in any trade, business or occupation whatsoever, other than the business of the Town, that may interfere with or compromise the employee's performance.

In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.

- b) Employees must notify the CEO in writing prior to undertaking a dealing in land in the area of the Council (other than purchasing the principal place of residence, or site for such purpose.)
- c) Employees who exercise a regulatory, inspectorial or other discretionary function must make disclosure before dealing with relatives or close friends and, whenever possible, or in doubt, should disqualify themselves from dealing with those persons. This disclosure must be made to their Director.

4.2 Disclosure of Interest (Affecting Impartiality)

1. Employees are required to disclose any interest, where the interest could, or could reasonably be perceived to, adversely affect the impartiality of the employee having the interest and includes an interest arising from kinship, friendship or membership of an association.
2. Where an employee has an interest in any matter that may affect impartiality, and that matter is to be discussed at a council or committee meeting that person shall disclose the nature of the interest:
 - a) in writing to the CEO before the meeting; or
 - b) at the meeting immediately before the matter is discussed.
3. Where an employee who has given advice, or will give advice in respect to any matter to be discussed at a council or committee meeting but not attended by the employee, the employee shall disclose the nature of any interest the employee 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.
4. An employee will be excused from a requirement if the local government employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know –
 - a) that they had an interest in the matter; or



- b) 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.
5. An employee attending a meeting must disclose an interest in a written notice given to the CEO before a meeting at which she or he is in attendance, who has an interest in any matter to be discussed at the meeting, then –
- a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
6. Subregulation 7 applies if—
- a) to comply with a requirement and the nature of an interest in a matter is disclosed at a meeting; or
 - b) a disclosure is made as described in subregulation (4)(b) at a meeting; or
 - c) to comply with a requirement under subregulation (5)(b), notice of the interest is brought to the attention of the persons present at a meeting.
7. The nature of the interest must be recorded in the minutes of the meeting.

5.0 DISCLOSURE OF GIFTS & NOTIFIABLE GIFTS & TRAVEL CONTRIBUTIONS

Gifts

A **‘gift’** has the meaning given to that term in section 5.57 of the Act, but does not include:

- (a) a gift from a **relative**, as defined in section 5.74(1) 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; or
- (d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the LG Professionals Australia (ABN85 004 221 818);

Employees shall not seek or accept (either directly or indirectly) any **prohibited gift** from an **associated person**,



A **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 or 2 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

An **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.

The Town of Bassendean Chief Executive Officer has determined under regulation 19AF, the **threshold amount** for a prohibited gift is nil, and therefore employees will not accept gifts as per the above conditions. The Chief Executive Officer may determine exemptions to the threshold amount of \$300 or a lesser amount in accordance with the regulations.

Gifts, other than prohibited gifts, which are accepted from an associated person will be recorded in a register of gifts and can be viewed by the public upon request.

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

- (a) the name of the person who gave the gift; and
- (b) the date on which the gift was received; and
- (c) a description, and estimated value, of the gift; and
- (d) the nature of the relationship between the employee and the person who gave the gift;

accepted within the 1 year period.

When estimating the value of the gift it is important that the full value is taken into consideration, this includes all hidden costs. The cost should also include that of a partner, if the partner has been invited to accompany the employee.

Nothing within the Code prevents gifts from being received by an employee, as per the threshold requirements , provided the gift remains the property of the Town.

6.0 FRAUDULENT OR CORRUPT BEHAVIOUR

Community confidence in local government decision making can be lost when fraudulent or corrupt behaviour occurs. To ensure against the risk of fraudulent or corrupt behaviour, the Town's employees are expected to:

- not engage in any fraudulent or corrupt behaviour;
- report any information about actual or potentially fraudulent, corrupt or illegal activities to their Director or the Chief Executive Officer;
- report suspected breaches of the Code of Conduct;



- Abide by the Town’s policies and procedures;
- Not engage in any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent and includes:
 - conflict of interest;
 - failure to disclose acceptance of gifts or hospitality;
 - acceptance of a bribe;
 - misuse of internet or email;
 - release of confidential or private information or intellectual property;
 - fraudulent or corrupt conduct that will target the Town from internal or external parties;
 - the misappropriation of assets;
 - the manipulation of financial reporting (either internal or external to the Department); and
 - corruption involving abuse of position for personal gain.

This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

The theft of property belonging to an entity by a person or persons internal to the entity by where deception is not used is also considered ‘fraud’ for the purposes of this Code.

Applicable legislation: The Local Government Act 1995 and subsidiary legislation, The Criminal Code, Corruption, Crime and Misconduct Act 2003 and Public Interest Disclosure Act 2003.

6.1 Breaches of the Code by employees

Any person who has reason to believe that the personal behaviour of an employee breaches the standards of conduct set out in the Code, may refer the matter to the CEO or their Manager or Director, who will consider the matter and deal with it in accordance with the procedures or practices of the Town and any applicable law concerning employees. Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.



A complaint of a breach must be made in writing and in the prescribed form (Annexure 2 – Complaints Details Form) and must give clear details of the following:

- Who is making the complaint
- Who is alleged to have committed the breach
- The offence that is alleged to have resulted in the breach
- Any other information that the regulations require

The prescribed Form may be emailed or printed and submitted to a Town of Bassendean Complaints Officer.

The Complaints Officer will consider the matter and deal with it in accordance with the procedures or practices of the Town and any applicable law concerning employees. Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.

6.2 Reporting Misconduct to the Corruption & Crime Commission

The CEO, being a 'principal officer of a notifying authority' (for the purposes of the *Corruption, Crime and Misconduct Act 2003*) has a statutory obligation to report to the Corruption and Crime Commission:

- (a) an allegation of misconduct; or
- (b) any situation that otherwise comes to his or her attention involving misconduct,
- (c) where the CEO suspects on reasonable grounds, concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity.

Notwithstanding, any employee or any other person may report directly to the Corruption & Crime Commission any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:

- (a) has or may have occurred;
- (b) is or may be occurring;
- (c) is or may be about to occur; or
- (d) is likely to occur.

Section 4 of the *Corruption, Crime and Misconduct Act 2003* defines the instances when 'misconduct' occurs. 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:
 - (i) 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;
 - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
 - (iii) 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
 - (iv) involves the misuse of information or material that the public officer has acquired in connection 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:
- (v) an offence against the *Statutory Corporations (Liability of Directors) Act 1996* or any other written law; or
- (vi) 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).

Section 3 of the *Corruption, Crime and Misconduct Act 2003* defines 'serious misconduct' as misconduct of a kind described in section 4(a), (b) or (c) of the *Corruption Crime and Misconduct Act 2003*.

6.3 Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* facilitates the reporting of public interest information and provides protection for those who report this information under that Act.

The Town:

- (a) does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Town, by its employees; or contractors;
- (b) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*;
- (c) strongly supports disclosures being made by employees as to corrupt or other improper conduct;



- (d) will take all reasonable steps to provide protection to employees who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure; and
- (e) does not tolerate any of its employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Employees are encouraged to contact the Town's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.

A person who makes an appropriate disclosure of public interest information to the Town's nominated Public Interest Disclosure Officer under section 5 of the *Public Interest Disclosure Act 2003*:

- (a) incurs no civil or criminal liability for doing so;
- (b) is not, for doing so, liable:
 - (i) to any disciplinary action under a written law;
 - (ii) to be dismissed;
 - (iii) to have his or her services dispensed with or otherwise terminated; or
 - (iv) for any breach of duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person (Section 13).

If you require assistance with the interpretation or clarification of any part of this document please contact Human Resources on 9377 8078 or email humanresources@bassendean.wa.gov.au.



Annexure 1 – Code of Conduct Declaration

CODE OF CONDUCT DECLARATION

Declaration:

I _____

have read and understand the conditions of the Town of Bassendean Code of Conduct and hereby agree to abide by the requirements of this document.

DATE: _____

SIGNED: _____

Note: Please sign and date the above declaration and return.



Annexure 2 – Complainant Details Form – Code of Conduct

COMPLAINANT DETAILS FORM
CODE OF CONDUCT

NOTE TO PERSON MAKING THE COMPLAINT: This form should be completed, dated and signed by the person making a complaint of a breach of the Town's Code of Conduct and should be submitted with the complaint when it is given to the Complaints Officer of the Town of Bassendean.

NOTE TO COMPLAINTS OFFICER: The person complained about is not entitled to, and must not, be sent or provided with, a copy of the form (or any address or contact details in it) submitted by a person making a complaint. However the Freedom of Information Commissioner may consider it in the public interest to provide the document on request either in full or edited.

DETAILS OF PERSON WHO IS MAKING THE COMPLAINT

Name: _____

_____ Given Name(s) _____ Family Name

Address: _____

_____ Postcode: _____

Telephone No.(s) _____ (Hm) _____ (Wk) _____ (Mob)

Email address: _____

NAME OF PERSON ALLEGED TO HAVE COMMITTED BREACH

Name: _____

_____ Given Name(s) _____ Family Name

Address: _____

_____ Postcode: _____

Telephone No.(s) _____ (Hm) _____ (Wk) _____ (Mob)

Email address: _____

DATE OF INCIDENT / /

WITNESS DETAILS: If there is/are any person(s) who witnessed the alleged breach, and who is/are willing to provide information, state the name and contact details of each such person:

Name: _____

_____ Given Name(s) _____ Family Name



TOWN of BASSENDEAN
CODE OF CONDUCT – EMPLOYEES

Address: _____			
_____			Postcode: _____
Telephone	No.(s)	_____ (Hm)	_____ (Wk)
_____ (Mob)			
Email			
address:			

SIGNED
Complainant

DETAILS OF THE ALLEGED BREACH OF THE TOWN'S CODE OF CONDUCT	
(Attach any additional information, where necessary.)	