



Code of Conduct for Employees 2021

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Message from Our CEO

As local government Employees we are expected to demonstrate the highest standards of ethical behaviour when dealing with the community, customers and the each other. We all have a responsibility to encourage a culture where ethical conduct is recognised, valued and followed at all levels.

The Code of Conduct assists and guides employees in determining the appropriate and acceptable ethical standards of behaviour which apply in various circumstances. It is expected everyone will follow the nine standards of conduct outlined in the Code.

Our shared commitment to these standards and our compliance with legislative requirements helps us create a positive work environment for all Employees and build effective and trusted relationships with the community we serve.

Mark R Newman
Chief Executive Officer

Purpose of Our Code

The purpose of the City of Mandurah Code of Conduct (the Code) is to provide all Employees with clear standards of professional conduct that are expected of us in the performance of our duties. Our Code establishes nine Standards of Conduct which address both the legislative and broader issues of ethical responsibility and accountability required of us as Employees of a local government.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the LG 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.

Statutory Environment

Our Code addresses the requirement in section 5.51A of the LG 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 sets out nine Standards of Conduct that are expected of all Employees. It does not replace the obligations set out in an Employee's contract of employment, the LG Act, any other Act or Regulation and the City's Local Laws, policies, procedures and associated documents.

Applicability

For the purposes of the Code, the term Employee includes the CEO, any persons employed by the City on a permanent, temporary or casual basis of employment. Noting that Standard 8.6 of the Code (Gifts and Reporting), does not apply to the CEO.

At the time of accepting employment with the City, Employees are required to sign and accept that they have read and understood the Code (refer Attachment A). This demonstrates commitment to the City's values and expected behaviours.

Code of Conduct Training and Awareness

Within their first three months of joining the City, all Employees will be required to attend an induction program which includes an online Code of Conduct training module. On an annual basis all Employees will be required to complete an online refresher training course on the Code.

Our Vision and Values

Our Shared Community Vision

'We are built in nature - a meeting place surrounded by unique waterways, where the wellbeing of our people and our environment are nurtured; where business in the Community can thrive and entrepreneurship is celebrated. We will be the place where a thriving regional city and the heart of a village meet. This is our Mandjoogoordap.'

Our organisational purpose

To create a vibrant and connected city that supports and improves the community for everyone

Our Shared Organisational Values

We are a values-led organisation with a strong focus on creating a high performing work place Culture. Everyone at the City is expected to shape our Culture in a positive way through behaviours and actions in the workplace consistent with the Code.

Everyone is responsible for living our shared values and leading by example. Our values, as explained below, guide our conduct and everyday decision-making:

Courage - Be brave and resilient. Embrace change

Courage is being determined to make a difference through questioning, challenging and resilience.

- Inspire others through our actions
- Believe in what we do and how we can make a difference
- Lead by example and uphold our values

- Speak up, ask questions and be open to other people's ideas
- Having the ability to adapt to current and future circumstances

Innovative - Lead the way. Have a can do attitude.

Innovation is embracing ideas and opportunities to shape an inspiring, diverse and dynamic community.

- Adaptable and welcome change
- Make informed decisions that move our Community forward
- Encourage the sharing of ideas
- Strive to find new and better ways to serve the community

Excellence - Be accountable. Deliver exceptional service.

Excellence is delivering on your role which makes a difference in the community.

- We are accountable for all our actions
- Work together to achieve shared goals
- Reflect, learn and improve upon our achievements
- Striving to provide exceptional levels of service
- Using the resources available for the benefit of the Community as a whole

Integrity - Do it right. Do it safe

Integrity means upholding and protecting the Community through honesty, fairness and empathy.

- Act ethically, honestly and responsibly to engender trust
- Honour our commitments and responsibilities
- Protect our lifestyle and history
- Stay true to the Community and our unique identity

Connected - One Team – One Community

Being connected means engaging the Community through understanding, collaboration and inclusiveness.

- Work together to create better outcomes for our community
- Foster strong relationships with our colleagues and the community

- We are striving to be inclusive and try to continually understand what the Community needs
- Listen, value and understand each other

General Principles of Conduct

The local community has the right to expect that the following general principles will be used to guide us in our 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 City;
- (e) be open and accountable to the public and in their dealings with the City as their employer;
- (f) base decisions on relevant and factually correct information;
- (g) treat others with respect and fairness;
- (h) not be impaired by mind affecting substances such as drugs and alcohol;
- (i) perform all duties to the best of your ability at all times;
- (j) ensure that decision-making take into accounts the interests of the City and the Community; and
- (k) follow all reasonable and lawful directions given to you by the City, including complying with the City's policies and procedures.

Standard 1: Our Behaviours Reflect Our Values

Our values represent who we are as an organisation and underpins our interactions with one another and our community. By collectively living by these values at work we create a consistent organisational culture which positively impacts our Community.

1.1 Personal Behaviour

Whilst this Code applies to conduct in the workplace there may be circumstances where behaviour outside of working hours has the potential to affect the community's perceptions of the integrity and professionalism of the City. This may occur where there is a link between the employee and the City, including through online communication, for example behaviour on social media.

Applying this Standard means Employees will:

- (a) Act, and be seen to act properly and in accordance with the requirements of the law, the terms of the Code, Council and City policies and Council decisions.
- (b) Perform their duties impartially and in the best interests of the City uninfluenced by political or personal beliefs, persuasion, 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 City and the Community.

- (d) Make no assertions or allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their duties, which may cause any reasonable person unwarranted offence or embarrassment.
- (e) Act in accordance with their obligation of fidelity to the City.
- (f) Act in observance of the General Principles of Conduct (Sections 6).
- (g) Use their best endeavours to promote and protect the culture, interests and values of the City.
- (h) Be open, frank and honest in their dealings with the City as their employer.

1.2 Serving the Public Interest

The community has placed a high level of trust and confidence in the City. The way we conduct ourselves impacts directly on the level of trust. Being accountable and ethical in all that we do and the decisions we make, impacts on that trust.

Accountable and ethical decision-making is about making decisions and taking actions that can be justified and accurately explained. Accountable and ethical decision-making is also about putting public interest first and ensuring that we fulfil our public duty to the highest standards.

Applying this Standard means Employees will:

- (a) Ensure actions and decisions are impartial and unbiased.
- (b) Act fairly and justly, abiding by principles of due process and natural justice.
- (c) Be accountable and transparent.
- (d) Perform duties effectively and as efficiently as possible.
- (e) Consider the risk to City, each other and the Community.
- (f) Behave in accordance with legislation and the City's code.
- (g) Declare any actual or potential conflicts of interest.

Standard 2: Our Commitment to Business Excellence

A local government serves the community therefore as staff we must ensure that our actions and decisions take into account their best interests and those of the City of Mandurah. Short-cuts that compromise the City's reputation or safety of others or exposes the City to unnecessary risk are not tolerated.

We must perform our duties in a manner that maintains and protects the City's reputation, considers risk and good governance, whilst delivering value for our community.

2.1 Performance of our duties

Applying this Standard means Employees will:

- (a) While on duty, give their whole time and attention to the City's business and ensure their work is carried out efficiently, economically and effectively.
- (b) Value and uphold the standards of good governance that is required as local government Employees.
- (c) At all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on their individual merits.

- (d) If there are any issues that may impact on an employee's ability to safely and effectively conduct the performance of their duties, the employee has an obligation to advise their line manager at the earliest available opportunity.
- (e) Leaders must ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

Key Resource

Section 2.7 of the LG Act outlines the Role of Council
Section 5.41 of the LG Act outlines the Functions of the CEO

2.2 Compliance with Lawful Orders and Policies

In the workplace, Employees must comply with any reasonable lawful order given by any person having authority to make or give such an order. If there are any doubts as to the propriety of any such order, this must be taken up with the superior of the person who gave the order.

Employees must also comply with the City's policies and procedures, whether or not they agree with them.

2.3 Leadership

All Employees will observe the organisational values and apply them in all that they do and promote the values to others. Management has the responsibility to lead by example and set the 'tone from the top'. Leaders play a critical part in establishing direction and shaping strategic thinking, setting culture, implementing governance, communicating effectively, supporting productive and collaborative working relationships, driving change and exemplifying personal integrity. All of these things promote the outcomes and results sought by the City and ultimately benefits the community we serve.

2.4 Personal Presentation

Employees are to adhere to neat, responsible and culturally sensitive dress standards at all times and will dress in a manner appropriate to their position in particular when attending meetings or representing the City in an official capacity.

For any Employee undertaking a role requiring personal protective equipment (PPE), (which may be identified through a role risk assessment), the employee will ensure adequate PPE that has been provided, is worn.

Standard 3: Our Commitment to a Fair, Equitable and Safe Environment

We are committed to a culture of fair treatment, providing a safe, flexible and respectful environment, free from harassment, discrimination and bullying, where the rights of all are protected. We are all required to treat others with dignity, courtesy and respect and have a role in creating and maintaining a safe and supportive workplace.

3.1 Harassment, Bullying and Discrimination

Employees shall not bully, harass, intimidate, discriminate against, or support others who bully, harass, intimidate and discriminate against colleagues, employees or members of the public.

Key Resource

[CoM-HRM 01 Fair Treatment Policy](#)

3.2 Fit for Work

All Employees will ensure that the consumption of alcohol or legally obtainable substances does not affect their work performance or working relationships, their personal safety or that of others, or impact on official conduct at any time.

To support and maintain a safe workplace, Employees are to report to the workplace 'fit for work' and with the ability to perform the inherent requirements of their role without impairment.

Employees have a duty of care to report immediately to their line manager if they are aware that they or another Employee is/are not 'fit for work', which can include where an Employee is under the influence of alcohol and/or drugs, or the presence of illicit drugs within the workplace.

Key Resource

[CoM-HRM 11 Fitness for Work](#)

3.3 Health and Safety

Employees are expected to understand their responsibilities and obligations under Occupational Safety and Health (OSH) legislation and the City OSH procedures. Employees should ensure they are working in a safe manner and not do anything that will adversely affect the safety of themselves or another person.

Key Resource

[CoM-HRM 21 Occupational Safety, Health and Wellbeing](#)

3.4 Principles of Employment

The CEO and Leadership are required to uphold the following key principles set out in section 5.40 of the LG Act that apply to the employment of City Employees. Section 5.40 provides:

- (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 a local government 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.”

Standard 4: Our Relationships and Communication with Others

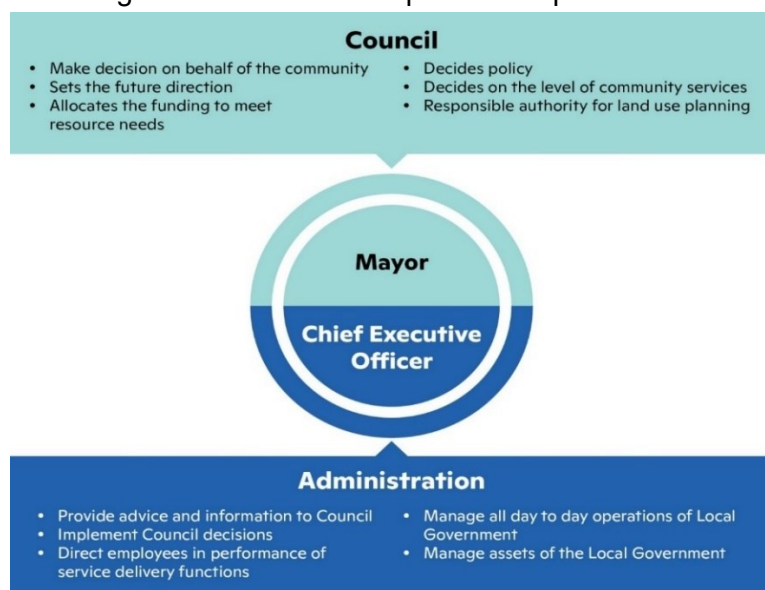
We work together to achieve our shared goals. We have embedded a one-team culture, bringing together our knowledge and skills to create better outcomes for the community.

4.1 Dealings with Elected Members, Committee Members and Candidates

Applying this Standard means Employees will:

- (a) Demonstrate professionalism at all times when dealing with Elected Members, Committee Members and Candidates.
- (b) Recognise that Elected Members and Committee Members views and opinions reflect viewpoints that should be considered in conjunction with professional opinion. Employees will therefore make every effort to assist Elected Members and Committee Members in the performance of their role, and to achieve the satisfactory resolution of issues that members may raise in the performance of their official role.
- (c) Refrain from publicly criticising the Elected Members, Committee Members, Council and Candidates in a way that casts aspersions on their professional competence, credibility or decision.
- (d) At no time carry out a direct request from an Elected Member, Committee Member or Candidate, unless the matter is relating to a decision of Council or to an issue that an Elected Members, Committee Members or Candidates may raise in the performance of their official role.
- (e) Employees are required to advise Elected Members, Committee Members and Candidates that direct requests for information must be through the CEO, Director or Business Unit Manager.

The image below illustrates separation of powers between administration and Council.



Key Resource

[POL-GVN 06 Caretaker Policy](#)

4.2 Engagement with the Community

In delivering services for our community we strive to be the 'easiest local government to do business with'. This means we must make every effort to be positive, helpful, efficient and effective when communicating and engaging with our community.

Employees must also be committed to the principle of building a sustainable and successful partnership with the community, of which community engagement is an integral component.

Key Resource

[Customer Services Charter](#)

4.3 Relationships with Each Other

Applying this Standard means Employees will:

- (a) Be frank and honest in the dealings with each other.
- (b) Address differences of opinion and handle them constructively and professionally.
- (c) Have the courage to report any dishonesty or possible dishonesty on the part of any other Employee in accordance with this Code.

4.4 Communications, Public Relations and Social Media

Applying this Standard means Employees:

- (a) Acknowledge that, unless otherwise authorised, statements to the media on behalf of the City are only to be made by the Mayor or the CEO.
- (b) 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 City, Employees or Council Members, which breach the Code.
- (c) All aspects of communications by employees involving the City's activities should be accurate, polite and professional and must reflect the status, and objectives of the City.
- (d) All aspects of communication by employees should align with desired behaviours that support our values (including verbal, written, online or personal).
- (e) Acknowledge that all communication must serve to enhance the services of the City, in line with the City's vision and values, and must not bring the City into disrepute.
- (f) Employees must comply with all relevant City policies and relevant legislation including copyright, recordkeeping, privacy and defamation.

Standard 5: Our Responsible Use of Local Government Resources

We have a responsibility to use our community's resources in an efficient and effective way that delivers maximum value to the community as whole. City resources include office and computer equipment, motor vehicles, tools and machinery, sport and recreation facilities and many more. It is important that these resources are not used by employees to provide a direct or indirect personal benefit as this may be considered misconduct.

5.1 Use of Government Resources

Applying this Standard means Employees will:

- (a) Be honest in his or her use of the Local Government Resources and must not misuse them or permit their misuse.
- (b) Not use the City resources (including the services of the City's Employees) for private purposes, unless properly authorised to do so, and appropriate payments are made (as determined by the CEO or Director).
- (c) Ensure that all equipment provided to them by the City be utilised in accordance with the City policies.
- (d) Use the City's resources entrusted to them effectively and economically in the course of their duties.
- (e) Report any damage to, or loss of, property or equipment immediately to management.
- (f) Act in compliance with applicable legislation, and local government policies and procedures when using or committing local government resources.

5.2 Use of the City's Finances

Applying this Standard means Employees will:

- (a) Act within their Financial Authorisation limit listing.
- (b) Ensure that any use of City monies is efficient and effective and in the best interest of the City and Community.
- (c) Take a conservative and proportionate approach to expenditure on hospitality in the course of local government business.

5.3 Travel and Sustenance Expenses

Employees will only claim or accept travel and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the City in accordance with City policies and the provisions of the LG Act.

Standard 6: Our Management of Information and Records

The City is committed to making and keeping full and accurate records of its business transactions and activities in accordance with legislation, to demonstrate and support decision making and record the performance of the organisation's functions. Corporate records provide the evidence of actions taken and where decisions are made. It is

acknowledged, that sound records management practices will contribute to the overall efficiency and effectiveness of City.

6.1 Record Keeping

As Corporate Records are recognised as an important asset for the City, all records created and received by City employees (including contractors), irrespective of format, are to be managed in accordance with the Record Keeping Policy and Procedures. Quality records management is a necessary element of good governance and integrity.

Applying this Standard means Employees will:

- (a) record their actions and decisions to ensure transparency;
- (b) ensure the secure storage of sensitive or confidential information;
- (c) understand their recordkeeping responsibilities;
- (d) understand records management policies and procedures;
- (e) be familiar with and follow the City's record keeping principles and practices;
- (f) be aware of and follow the City's electronic recordkeeping advice; and
- (g) understand that records may only be disposed of in accordance with approved disposal authorities, and may not be removed from records systems or altered without authority.

6.2 Access to Information

Employees must only access information that they are authorised to access such as matters that directly relate to their work duties, roles and functions in a specific work area.

Employees have an obligation to provide, within reason, full and timely information to Elected Members about matters that they are dealing with before Council and that are relevant to them in the performance of their functions under the LG Act. Employees will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

Employees have an obligation to properly examine all the information provided to them relating to matters that they are dealing with to enable them to make recommendations or decisions on the matter in accordance with the City policies, delegated authority and procedures.

Employees will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council. Access to information is on a need to know basis only i.e. employees are not to access information unless there is a specific need to use that information to undertake their role.

6.3 Use of Information and Disclosure

During their employment and upon ceasing employment with the City, Employees will not remove from the City's care and control the City's resources such as documents, materials, manuals or other information or equipment. These items remain the property of the City at all times.

Employees must not disclose verbally or otherwise information gleaned during the course of their employment with the City. This does not include information which is publicly available.

Employees must prohibit disclosure of information to anyone inside or outside the City without the legal or professional right to know. This misuse of the personal information of our community or our Employees for personal advantage or for the benefit of third parties is not tolerated.

6.4 Intellectual Property

The City owns rights, titles and interests in any intellectual capital or property developed during the Employee's service with the City.

6.5 Freedom of Information

Employees acknowledge that the *Freedom of Information Act 1992* (FOI Act)) gives the public a right to access government documents, subject to some limitations and an application can be made seeking access to any information held by the City.

The objectives of the *Freedom of Information Act 1992* (the FOI Act) are to:

- a) enable the public to participate more effectively in the governing of the State;
and
- b) make the persons and bodies that are responsible for State and Local Government more accountable to the public

In the course of their duties Employees will assist the City's CEO and the City's Freedom of Information (FOI) officers in locating documents relevant to an application made under the FOI Act. All requests for information must be provided in a timely manner as requested by the FOI Officer.

Standard 7: Our Commitment to Transparent Decision-making

It is vital that the public has confidence in the integrity of the City's decision-making processes. To ensure there is a high level of transparency and public confidence, we must identify, manage and disclose interests and provide reasons for our decisions. We do not allow bias, conflict of interest, or undue influence of others to override our professional judgments.

7.1 Conflicts of Interest

A conflict of interest involves a conflict between an Employee's duties and their personal or private interests. Employee's may have a conflict of interest. It is important that it is identified, reported and appropriately managed.

Conflicts of interest can be actual, perceived or potential;

- An actual conflict of interest may arise when an employee is asked to make a decision that directly affects or impacts their personal or private interests.

- A perceived interest is where an employee's decision could be questioned based on a personal or private interest that may not actually have impacted any decision.
- A potential conflict of interest arises where an employee has private interests that could conflict with their official duties in the future, or where an employee has competing interests because they hold more than one official role or duty.

Employees will ensure that they are aware of their actual, perceived or potential conflicts of interest between their personal interests and the impartial fulfilment of their professional duties.

Employees must behave or act in a manner at all times that demonstrates their impartial involvement when carrying out their duties or decision making. Biases can be both positive and negative and can have an impact on our decision-making. At all times, Employees should be alert to the following biases:

- Personal beliefs or attitudes;
- Personal or business interest or rights;
- Interest or rights of your family, friends, or colleagues.

If any such perceived bias appears to exist, the Employee must declare an interest in accordance with the Policy and may have to remove themselves from any duties and/or decision making.

In meeting the requirements of this Standard, all Employees:

- where practical, ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties for the benefit of the City;
- will make appropriate disclosures before dealing with relatives and close friends or others where there may be a perception that there is bias in the decision making;
- must not engage in private work with or for any person or body with an interest in a proposed or current contract with the City, without first making a disclosure in line with the adopted Policy. 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 avoided;
- when in their personal capacity carry out partisan political activities, that casts doubt on the City or other Employees 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 beliefs cannot be a basis for discrimination and this is supported by anti-discriminatory legislation;
- must comply with the *Local Government (Functions and General) Regulations 1996*, in any instance where they are involved in any manner with tendering for a Council contract. 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;
- must advise their line manager if a conflict of interest is likely to occur in the performance of their duties on a specific task. Once an interest is declared, discussions will be held to determine if it is appropriate for the employee to continue in the role and take necessary steps to avoid a conflict of interest; and

- (g) who have dealings with the City or have an interest, whether financial or not, in a matter before the City or a matter which they have reason to believe will be brought before the City will, in relation to that matter:-
- (i) disclose their interests in the matter when seeking information and seek the information by written request;
 - (ii) not seek to obtain access to documents or to use the resources of the local government directly or indirectly;
 - (iii) not seek direct access to an employee dealing with the matter in a manner that would not be available to members of the public; and
 - (iv) not seek to influence other employees in dealing with this matter.

Key Resources

Conflict of Interest Guideline (coming soon)

Conflict of Interest Disclosure Form (coming soon)

7.2 Secondary Employment

Secondary employment refers to a situation where a person works for the City but also engages in paid or unpaid work for another organisation (private or public). It includes operating a private business and providing paid consultancy services as well as partnerships and directorships of companies.

It is the Employee's responsibility irrespective of the Employee's terms of engagement with the City to read and understand the City's Secondary Employment Policy.

Employees will carefully consider whether their employment with an organisation offering them secondary employment may adversely affect the performance of their City duties and responsibilities, the reputation of the City or may give rise to a conflict of interest.

At commencement of employment or when the Employee is seeking to undertake secondary employment, subject to the Secondary Employment Policy, Employees must seek permission from the CEO before undertaking work outside the City.

The CEO will consider:

- possible interference with the completion of their duties; and
- where there is any possibility of any conflict of interest.

Should there be any conflict of interest that cannot be managed; the CEO may decline to provide permission.

On annual basis all secondary employment arrangements will be submitted to the CEO for review and consideration.

Key Resources

Secondary Employment Policy (coming soon)

Secondary Employment Approval Form (coming soon)

7.3 Financial and Proximity Interests

Employees will adopt the requirements of disclosure of financial and proximity interests as contained within the 5.60, 5.60A and 5.60B of the LG Act.

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 LG Act.

If an Employee has a Financial or Proximity Interest this must be declared prior to providing advice or developing a report for Council.

Key Resource
[Declaration of Interests Form](#)

7.4 Disclosure of Interest Relating to Impartiality

In this part, 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.
- (1) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person will disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (2) A person who is an employee and 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 person must disclose the nature of any interest the person 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.
- (3) Subclauses (1) and (2) do not apply to an interest referred to in section 5.60 of the LG Act.
- (4) A person is not required under subclauses (1) or (2) to disclose the nature of an interest if:
 - (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (b) the person's failure to disclose occurs because the person did not know the matter in which they had an interest would be discussed at the meeting and the person disclosed the nature of the interest as soon as possible after the discussion began.
- (5) If, to comply with a requirement made under subclauses (1) or (2), a person who is an employee makes a disclosure in a written notice given to the CEO before a 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) If:
- (a) to comply with a requirement made under subclause (1), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subclause (5) (b) at a meeting; or
 - (c) to comply with a requirement made under subclause (6) (b), a notice disclosing the nature of a person'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.

Key Resource
[Declaration of Interests Form](#)

Standard 8: Our Commitment to Ethical Decision-making

An ethical and professional workplace is the best safeguard against risks to integrity, including improper conduct, misconduct and corruption. We must be alert to these risks that may call into question our integrity. We must ask ourselves four key fundamental questions central to ethical decision-making:

- *Am I doing the right thing?*
- *How would others judge my actions?*
- *How could my actions impact on others?*
- *Should I discuss this with someone else?*

8.1 Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Applying this Standard means Employees will:

- (a) Not engage in any unethical, fraudulent, dishonest, illegal or corrupt behaviour
- (b) Report any information about actual or potentially unethical, fraudulent, dishonest, illegal or corrupt activities to their line manager or CEO.
- (c) Report any suspected breaches of the Code (Standard 9).

8.2 Securing Personal Advantage or Disadvantaging Others

An Employee will not make improper use of their position to:

- (a) gain directly or indirectly an advantage for the Employee or any other person;
or
- (b) cause detriment to the City or any other person.

Employees should not personally benefit from City business. This extends to the use of personal reward cards, including but not limited to Frequent Flyer, Fly Buys, Everyday Rewards, Airline Programmes, vouchers, promotions or discounts. Any purchases made in relation to City business remain the property of the City.

Redemption of rewards or vouchers for personal use is a personal benefit and will be considered misconduct.

8.3 Use of Confidential Information

Employees will not access or 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 and in good faith, or to improperly cause harm or detriment to any person or organisation.

8.4 Improper or Undue Influence

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

8.5 Personal Dealings with the City

Employees will inevitably deal personally with their local government (for example as a rate payer or users of City's services or facilities). Employees must not expect or request preferential treatment for themselves or their family because of their position. At all times Employees, must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

8.6 Gifts and Reporting

Occasionally we may be offered gifts as a consequence of undertaking our duties. Usually these will be a token of appreciation and carry no expectation. In other cases, accepting a gift could give the impression an Employee will favour a particular person, business or organisation when making decisions.

This may not be the intention of either the Employee or person offering the gift however, perceptions must be considered for ethical decision making. We are reminded to consider the appropriateness of accepting gifts, particularly Employees in decision making roles and whether the acceptance of a gift would call into question the integrity of the Employee or the City.

Section 8.6 does not apply to the CEO. The CEO is subject to the requirements of Part 5, Division 6 of the LG Act in relation to gifts.

In this part, the following definitions have the meanings given as 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;

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;

code of conduct means a code of conduct under section 5.51A;

gift —

- (a) has the meaning given in section 5.57; but 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);

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;

local government employee means a person —

- (a) employed by a local government under section 5.36(1); or
- (b) engaged by a local government under a contract for services;

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;

threshold amount, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.”

8.6.1 Determination of threshold amount

- (a) The CEO may determine an amount (which may be nil) for the purposes of the definition of threshold amount in regulation 19AA.
- (b) A determination under sub regulation (a) must be published on the local government’s official website.
- (c) The CEO has determined that the threshold amounts applicable to Employees of the City will be:
- \$300 including GST for a gift relating to professional development, training or attendance to an event that will be a benefit to the City. A gift valued over the amount of \$300 is a prohibited gift.
 - \$50 including GST for all other gifts. For all other gifts valued over the amount of \$50 is a prohibited gift.

A person who is an Employee must not accept a prohibited gift.

- (d) Employees must not accept the following gift types:

- Alcohol.

- Cash, cheques, shares, gift cards, vouchers, eftpos cards or any other item easily converted into cash.

8.6.2 Reportable Gifts

A reportable gift means – a gift or 2 or more gifts from the same person (or organisation) over a 12-month period valued at; less than \$300 including GST for gifts relating to professional development, training or attendance to an event that will be a benefit to the City; or \$50 including GST for all other gift types as per the threshold amounts determined by the CEO.

- (a) A person who is an employee and who accepts a reportable gift from a person who –
 - (i) is undertaking or seeking to undertake an activity involving the City's discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving the City's discretion,

must notify the CEO, in accordance with item below and within 10 days of accepting the gift, of the acceptance.
- (b) The notification of the acceptance of a reportable gift must be in writing and include –
 - (ii) the name of the person who gave the gift; and
 - (iii) the date on which the gift was accepted; and
 - (iv) a description, and the estimated value, of the gift; and
 - (v) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (vi) if the gift is one of two or more accepted from the same person within a period of one year –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance, of each other gift accepted within the one year period.
- (c) If an Employee is uncertain about whether the acceptance of a gift may contravene the Code or create a conflict of interest, they must discuss the gift with their Line Manager for consideration by the relevant Director.
- (d) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with a requirement made under item.
- (e) This clause does not apply to gifts received from a relative (as defined in s.5.74(1) of the LG Act) or received in your personal capacity.

Standard 9: Speaking up About Wrongdoing

We all have a responsibility to speak up and report wrongdoing in the workplace. We have an obligation to report suspected breaches of the Code to the CEO for investigation; or if the breach involves the CEO it should be reported to the Mayor, or relevant external agency.

Misconduct can be reported either internally or externally in accordance with the Grievance procedure. If you suspect that a breach has occurred, you can report it directly to the CEO (by phone, email or in person) providing sufficient details for the allegation to be investigated.

9.1 Breaches of the Code

A person who has reason to believe that an Employee has contravened a provision of this Code may;

- (a) report, and have the matter investigated, in accordance with Council's grievance policy; or
- (b) complete Attachment B – Code of Conduct for Employees – Complaint Form.

A person who has reason to believe that an Employee has acted in an unethical, fraudulent, dishonest, illegal or corrupt manner may report, and have the matter investigated, in accordance with the City's Grievance Policy PRO-HRM 01(a) Grievance.

Complaints involving any reasonable suspicion of minor or serious misconduct will be reported to relevant agencies (refer to section 9.2).

9.1.1 Complaints made for an Improper Purpose

Employees must not make a complaint or cause a complaint to be made for an improper purpose. A complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for an improper purpose.

9.1.2 Receiving a complaint

A complaint must –

- (a) be in writing; and
- (b) be specific and provide as much supporting evidence as possible to assist with an investigation.

9.1.3 Process for dealing with Complaint

A complaint relating to an Employee must be made to the CEO (or Mayor in the instance of the complaint being about the CEO).

9.1.4 Investigation procedures – Employees' conduct (excluding the CEO)

The CEO will authorise an investigation of breaches of the Code regarding Employees. Wherever reasonably practical, parties will meet with the intent of resolving the issue. Each complaint will be dealt with in a timely manner and fairly in accordance with the principles of procedural fairness and in accordance with the City's Policies and Procedures.

9.1.5 Investigation procedures – CEO's Conduct

Where an Employee, Elected Member or member of the public alleges that the CEO has failed to comply with the Code, they should report the matter to the Mayor to deal with the matter in accordance with the CEO's employment contract.

If there is reasonable suspicion of misconduct that may be cause to review the employment of the CEO if found to be substantiated, then Officers of the City, on behalf of the Mayor, are to notify the Public Sector Commission or Corruption and Crime Commission.

Complaints will be dealt with in a timely manner and fairly in accordance with the principles of procedural fairness and in accordance with the City's Policies and Procedures.

9.1.6 Procedural Fairness

Any investigation will follow the rules of procedural fairness. The investigator must:

- (a) inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them;
- (b) provide the person/s with a reasonable opportunity to put their case;
- (c) hear all parties to a matter and consider submissions;
- (d) make reasonable enquiries before making a decision; and
- (e) ensure that no person is involved in enquiries in which they have a direct interest.

9.1.7 Confidentiality

Wherever reasonably practical investigations will be kept confidential.

9.1.8 Non-compliance with the Code

The City will investigate any allegations of a breach of the Code by Employees. Should a breach of the Code be found by an investigation based upon the balance of probability, an Employee may be subject to performance management action which may include a review and or ultimately termination of employment.

9.2 Misconduct

The CEO has a statutory obligation to report, to the Public Sector Commission (PSC) and/or the Corruption and Crime Commission (CCC) for matters relating to:

- (a) any allegation of misconduct; or
- (b) any situation that otherwise comes to his or her attention involving misconduct, where the CEO considers on reasonable grounds that misconduct may have occurred and in the case of an allegation or situation involving an employee could constitute reasonable grounds for termination of a person's office or employment.

The *Corruption and Crime Commission Act 2003* requires that matters of misconduct and/or corruption be reported to the PSC or CCC and those protections are afforded to persons who make such reports. It is an offence to:

- (a) victimise any person who has given evidence to or helps the PSC or CCC;

- (b) dismiss or prejudice any person for having appeared before or having given evidence to the CCC;
- (c) cause injury or detriment to any person for having appeared before or having given evidence to the CCC.

Where an internal investigation is required it will be carried out in accordance with the City's policies and procedures.

In the first instance, it is preferable for reports of misconduct to be sent to the Chief Executive Officer: CEO@mandurah.wa.gov.au

Alternatively, Employees may wish to report directly to the CCC or PSC:

- CCC for incidents of serious misconduct – email info@ccc.wa.gov.au or use the [online reporting form](#)
- PSC for incidents of minor misconduct - email minormisconduct@psc.wa.gov.au or complete the [reporting form](#)

9.3 Public Interest Disclosure

The City has implemented a Public Interest Disclosure process to provide a confidential mechanism for investigating misconduct allegations or improper conduct and other 'public interest information' as defined in the *Public Interest Disclosure Act 2003* (PID Act).

The PID Act facilitates the disclosure of public interest information, and provides protection for those making such disclosures and those who are the subject of disclosures. The PID Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken and protection for persons who make disclosures.

Employees should immediately report to the CEO or to the appointed Public Interest Disclosure (PID) Officers any instance of misconduct or improper conduct that they suspect may have occurred.

Alternatively, Employees may choose to report a PID directly to the Public Sector Commissioner. Employees should call the Advisory Line on (08) 6552 8888 for further information.

It is important to understand the rights and responsibilities in the process. This information is outlined in [Don't be afraid to speak up](#), available from the Public Sector Commission website at www.publicsector.wa.gov.au

Key Resource

[City of Mandurah Public Interest Disclosure Procedure](#)

Code Commencement Date

This Code comes into operation on 24 December 2021.

Definitions

In this Code, unless the contrary intention appears:

LG Act means *Local Government Act 1995*;

Bullying means, without limitation, repeated unreasonable or inappropriate behaviour directed towards a person or a group of persons and that creates a risk to physical or psychological health and safety.

Bullying covers a range of behaviours which can be physical, verbal, written or online and can involve range of different behaviours over a period of time. Bullying is covered by legislation and City definition;

City means City of Mandurah;

CEO means the Chief Executive Officer of the City;

Committee means a committee established by the council under the LG Act;

Committee Member means a member of a committee who is appointed by the City under the LG Act;

Community means rate payer, resident, business, groups, association within the district of Mandurah;

Council means the council of the City;

Culture means the norms of behaviour for individuals and groups that affected the functioning of the City, relationships, and ultimately, decision-making;

Elected Member has the same meaning as “member” in the LG Act;

Employee means a person –

- (a) employed by the City under section 5.36(1) of the LG Act; or
- (b) engaged by the City under a contract for services.

Governance means the legislation, policies, processes and systems established for making and implementing decisions;

Local Government Resources includes –

- (a) local government property (including but not limited to employee time, stationery; hospitality; images; computer equipment, motor vehicles, tools and machinery, sport and recreation facilities); and
- (b) services provided, or paid for, by the local government; and

Policy means any policy of the City or Council.

Document Control

Effective date	Amendment Details	Prepared by	Endorsed by	Approved by
24 December 2021	Development of document	Manager, Governance, Procurement and Land	Executive Leadership Team 21 December 2021	Chief Executive Officer 24 December 2021
20 January 2022	Minor administrative amendments	Governance, Compliance & Risk Officer	Manager Governance, Procurement and Land	Chief Executive Officer 20 January 2022

ATTACHMENT A – Code of Conduct Declaration



CODE OF CONDUCT DECLARATION

I,(print name)

declare I am an Employee of the City of Mandurah. I acknowledge I have read the Code of Conduct and all policies contained/referenced therein, understand the content and agree to be bound by them.

Signed

Payroll Number

Position

Date

Please return completed declaration to People and Culture

ATTACHMENT B – Code of Conduct for Employees – Complaint Form



CODE OF CONDUCT COMPLAINT FORM

Note to person making the complaint:

This form must be completed if you wish to make a complaint about an employee of the City of Mandurah who you allege has breached the Code of Conduct.

All information requested on the form must be provided before the complaint can be processed.

After all information has been provided, sign and date the form and submit to the CEO (or Mayor in the instance of the complaint being about the CEO).

They will then, together or independently, determine the complaint.

Note to the person receiving the complaint form:

Any information provided on this form MUST NOT be sent or divulged in any way to the person who is the subject of the complaint.

All information requested below must be provided by the person making the complaint:

What is the name of the Employee who you allege has breached the Code of Conduct?

What section of the Code of Conduct do you allege has been breached?

What date do you allege the breach occurred?

How do you allege the breach occurred?

(Additional sheets may be attached to complaint form.)

Were there any witnesses to the alleged breach?

Are the witnesses willing to provide information to assist in resolving the complaint?

If so, what are the name(s) and contact details of witnesses?

Name: _____

Contact details: _____

Name: _____

Contact details: _____

Have you attached all relevant and additional information which may assist in resolving the complaint?

Signed

Full Name

Telephone Contact

Date

City of Mandurah
3 Peel Street, Mandurah
PO Box 210, Mandurah WA 6210
P: 08 9550 3777