



CPM-004		CODE OF CONDUCT FOR EMPLOYEES	
POLICY OWNER:	People, Culture & Systems Manager		
DEPARTMENT:	Office of the CEO		
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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 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 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.

The Code of Conduct assists and guides employees to determine what appropriate and acceptable ethical standards of behaviour to apply in various circumstances.

The standards set by this Code of Conduct are high and the Shire expects them to be met. Employees should refer to the Code of Conduct for general guidance or when faced with an ethical dilemma.

The Code of Conduct sets limits of behaviour that seek to preserve the integrity of public service and decision making in local government.

It guides those who carry out public duties to always conduct themselves with propriety and respect for others.

Andrea Selvey
Chief Executive Officer



Our Values

The Shire of Carnarvon administration aims to provide excellent customer service across a wide range of programs, facilities and services that contribute to maintaining and enhancing our community.

At the heart of our organisation are our values which underpin how our employees carry out their duties and engage with the community and stakeholders.

Our CARECHIP is what gives us the drive to serve our community.

We take pride in knowing that our employees and new recruits share our values, and we trust that everyone who chooses to work with us brings this CARECHIP with them.

C A R E C H I P
Courage Authenticity Respect Excellence Cohesion Humility Inclusion Passion

Purpose of Our Code

The purpose of the Shire of Carnarvon 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 in the context of legislative accountability.

The Code also addresses the broader issue of ethical responsibility, transparency and accountability and expresses the Shire's commitment to high standards of professional behaviour. The Code outlines the foundation principles for individual responsibility.

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
- (c) Governments,
- (d) greater accountability of local governments to their communities; and
- (e) more efficient and effective local government.

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.

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 Shire's Local Laws, policies, procedures, and associated documents.



Application

For the purposes of the Code, the term employee includes persons employed by the Shire of Carnarvon or engaged by the Shire of Carnarvon 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 (who is covered by separate gift rules under other legislation).

Code of Conduct Training and Awareness

Within their first three months of joining the Shire, all employees will be required to attend/undertake an induction program which includes Code of Conduct training.

The CEO may direct some, or all employees to complete a refresher training course on the Code, where change of duties or other circumstances require.

1.1 Code of Conduct

1.2 Definitions

Act means the Local Government Act 1995.

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.

Breach means a breach of the Code.

CEO means the Chief Executive Officer of the Shire.

Code means the CEO's Code of Conduct for Employees.

Code of Conduct means a code of conduct under section 5.51A of the Act.

Conflict of Interest means a situation in which a person's professional decision-making ability could be, or could reasonably be seen to be, influenced by their personal interests.

Corruption and Crime Commission means the Commission established under section 8 of the Corruption, Crime and Misconduct Act 2003.



Council means the Council of the Shire of Carnarvon.

Employee means a person –

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services; and does not include the CEO.

Gift (a) has the meaning given in section 5.57 of the Act; –

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.

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).

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 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.

Prohibited Gift (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 12 months that are in total worth the threshold amount or more.

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 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.

Reportable (notifiable) gift means:

(a) a gift worth more than \$50 but less than or \$300; 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 more than \$50 but less than \$300.

Shire means the Shire of Carnarvon



Threshold (prohibited) amount, for a prohibited gift, means —

- (a) a gift worth \$300 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 \$300 or more.

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.

1.3 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

1.4 Principles affecting employment by the Shire of Carnarvon

The principles set out in section 5.40 of the Act apply to the employment of Shire of Carnarvon 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 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 Work Health Safety Act 2020; and*
- (f) *Such other principles, not inconsistent with this Division, as may be prescribed.*

1.5 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 of Carnarvon
- (b) Perform their duties impartially and in the best interests of the Shire of Carnarvon, 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 of Carnarvon 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 of Carnarvon.

1.6 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 and respectful in their official dealing with each other; and
- (c) Report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this Code and the Shire of Carnarvon Policies.

1.7 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire of Carnarvon 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 of Carnarvon.

1.8 Compliance with Lawful and Reasonable Directions, Decisions and Policies

Employees will:

- (a) 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 Supervisor, Manager, or the CEO.
- (b) Give effect to the lawful decisions and policies of the Shire of Carnarvon, whether they agree with or approve of them.



1.9 Administrative and Management Practices

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

1.10 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Carnarvon upon its creation unless otherwise agreed by separate contract.

1.11 Record Keeping

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

1.12 Dealing with Other Employees

Employees:

- (a) Will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Must be aware of and comply with their obligations under relevant law and the Shire of Carnarvon's Policies regarding workplace behaviour and occupational safety and health.
- (c) Shall ensure their behaviour reflects the Shire of Carnarvon's values and contributes towards creating and maintaining a safe and supportive workplace.

1.13 Dealing with community

- (a) Employees will treat all members of the community with respect, courtesy, and professionalism.
- (b) All Shire of Carnarvon services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly, and equitably.

1.14 Professional Communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire of Carnarvon's activities should reflect the status, values, and objectives of the Shire of Carnarvon.
- (b) Communications should be accurate, polite, and professional.
- (c) Communications shall be in line with the Shire Customer Service Charter and Style Guide.

1.15 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 of Carnarvon, its 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*.
- (d) Adhere to the Shire Social Media Policy.

1.16 Personal Presentation

Employees are expected to comply with professional, neat, and responsible dress standards always, in accordance with the Shire of Carnarvon's Uniform Policy.

The Shire provides a uniform for those with customer facing roles and the requirements are set out in the Shire's management practice for uniforms. For any role requiring personal protective clothing and equipment (PPCE), all items must be worn according to the Shire's Work Health and Safety Policies.

Given the formality of Council meetings, appropriate professional dress standards are expected of the Shire officers for attendance at Council meetings and other similar formal meetings.

1.17 Reward Points and Schemes

Employees must not personally benefit from reward points programs when purchasing on behalf of the Shire of Carnarvon, or via travel, accommodation or other activities paid for by the Shire.

1.18 Gifts

The CEO has determined, in relation to gifts, that:

- (a) \$50 is the amount for reportable (notifiable) gifts - that is gifts may be accepted and need not be reported if under \$50 in value
- (b) \$300 is the amount for threshold (prohibited) gifts - that is gifts may be accepted but need to be reported if valued between \$50 and \$299 but are prohibited at \$300 or over.

Attachment B includes additional information in relation to:

- (a) Associated Persons
- (b) Contents of the Register
- (c) Exemptions
- (d) Examples of gifts and disclosure requirements
- (e) Additional Exclusions – cash and cash equivalents



1.19 Conflicts of Interest

Employees:

- (a) 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) 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 of Carnarvon, 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) Will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire of Carnarvon, or which may otherwise conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) 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) 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, acknowledging that the Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.
Employees who wish to become actively involved in a political campaign at State or Federal level are encouraged to discuss their intention with the CEO so clearly agreed boundaries can be determined and agreed. The CEO also takes the view that employees should not become actively involved in Shire of Carnarvon election campaigns as the perception of bias may be significant, in the employee exercising his/her roles and responsibilities at the Shire.

There are various types of conflicts of interest which need to be identified, addressed, and disclosed, including:

- (a) Financial interests
- (b) Indirect/non-financial interests
- (c) Proximity interests
- (d) Partiality interests
- (e) Closely Associated Persons
- (f) Secondary employment

Information about each type of interest can be found at Attachment C

1.20 Use and Disclosure of Information

Employees:

- (a) Must not access, use, or disclose information held by the Shire of Carnarvon except as directly required for, and during, the performance of their duties.
- (b) Will handle all information obtained, accessed, or created in the course of their duties responsibly, and in accordance with this Code, the Shire of Carnarvon Policies, and procedures.



- (c) 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 of Carnarvon.
- (d) Must exercise discretion if they have access to confidential, private, or sensitive information.
- (e) May disclose information if the disclosure:
 - (i) Is authorised by the CEO or the CEO's delegate; or
 - (ii) Is permitted or required by law.

1.21 Use and Disclosure of Information

Employees:

- (a) 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) 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) Must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

1.22 Use of Shire of Carnarvon Resources

In this clause –

Shire of Carnarvon resources includes local government property and services provided or paid for by the Shire of Carnarvon.

Employees will:

- (a) Be honest in their use of the Shire of Carnarvon resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body,
- (b) Use the Shire of Carnarvon resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
- (c) Not use the Shire of Carnarvon'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 Schedule of Fees and Charges or by the CEO).

Further guidance is contained within the relevant Policies and administrative procedures.

1.23 Use of Shire of Carnarvon Finances

Employees:

- (a) Must act responsibly and exercise sound judgment with respect to matters involving the Shire of Carnarvon's finances.
- (b) Will use Shire of Carnarvon finances only within the scope of their authority, as defined in position descriptions, policies and procedures, internal controls, and administrative practices.



- (c) With financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Exercising purchasing authority will comply with the Shire of Carnarvon 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) Will act with care, skill, diligence, honesty, and integrity when using local government finances.
- (f) Will ensure that any use of Shire of Carnarvon finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire of Carnarvon Recordkeeping Plan.

1.24 Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager, or the CEO, in accordance with the relevant Shire of Carnarvon Policy.

1.25 Handling of Suspected Breaches of the Code of Conduct

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

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

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal, or corrupt behaviour to their supervisor, Manager, or the CEO in accordance with relevant Shire of Carnarvon Policy.
- (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 of Carnarvon's Public Interest Disclosure Procedures, published on the Shire of Carnarvon's website.

1.26 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 of Carnarvon Policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

1.27 Whistle blower protection

A commonly accepted definition for/name being "whistleblowing" is the disclosure by organisation members (former or current) of illegal, immoral, or illegitimate practices. The CEO has an obligation



to ensure employees who report illegal or unacceptable behaviour are not in any way comprised, disadvantaged, or persecuted.

The Corruption, Crime and Misconduct Act 2003 provides protection for witnesses who voluntarily report allegations of misconduct or corrupt conduct to the Corruption and Crime Commission.

For further information see Attachment C.



ATTACHMENT A – Code of Conduct Declaration



CODE OF CONDUCT DECLARATION I, (print name) declare I am an Employee of the Shire of Carnarvon. 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 hr@carnarvon.wa.gov.au



ATTACHMENT B – Gifts

The CEO has determined, in relation to gifts, that:

- (a) Employees must not accept a prohibited gift from an associated person.
- (b) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (e) and within 10 days of accepting the gift.
- (c) 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:
 - a description,
 - the estimated value; and
 - the date of acceptance,of each other gift accepted within the one-year period.
- (d) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (e).
- (e) The CEO will arrange for the register maintained under subclause (f) to be published on the Shire website.
- (f) Any alcoholic gifts are to be pooled and shared amongst the team (Refer Alcohol and Other Drugs Policy).

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.

Gifts – Associated Persons

The key concept to understand is that of an “associated person”, which can be interpreted as a person or entity which is doing business, or that you should know is likely to be doing business, with the Shire of Carnarvon.

Thus, it is the relationship of the donor/gift giver to the Shire of Carnarvon which is the key determinant of whether an employee may accept a gift, not the context in which it is given. This means employees need to be careful where gifts are offered in a personal or private capacity, because such instances are not exempt from consideration.

Gifts – Exemptions

It should also be noted that although there are a range of exemptions for certain relatives:

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 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.

Note that this list does not include – fiancé (unless living together as de facto) mother-in-law, father-in-law, brother-in-law, sister-in-law, first or second cousin or foster child.

Gifts – Examples

The following matrix provides practical examples of how gifts are to be considered, and what action should be taken:

Description of gift	Value	Action required	Considerations
Employee receives a bottle of wine from a contractor or supplier.	\$15	May be accepted. Not a reportable/notifiable gift.	Employee may choose not to record it as it is a ‘one-off’ token and unlikely to exceed the \$50 notifiable value within 12 months
Employee received a carton of beer from a contractor or supplier.	\$70	First gift may be accepted, but must be recorded as a reportable/notifiable gift.	Employee may choose to accept the notifiable gift but will need to carefully consider that another gift from the same person within the next 12 months will (when the combined value is considered) exceed the \$300 limit and therefore become a prohibited gift.
Employee received a carton of beer from a contractor or supplier every second month (6 cartons of beer for the year).	\$420	Subsequent may be accepted, but must be recorded as a reportable/notifiable gift. After the fourth carton of beer, no further gifts can be accepted as cumulative total within 12 months exceeds \$300.	Employee may choose not to accept the gift as the gift register is published on the Shire’s website which may create a perception there could be a conflict of interest



<p>Employee meets with a consultant (working lunch) and his or her meal is paid for by the consultant.</p>	<p>\$55</p>	<p>May be accepted provided alcohol is not included, but must be recorded as a reportable/notifiable gift.</p> <p>*Alcohol is not to be consumed when employees are working and being paid for their time, unless an exemption has been granted from the CEO.</p> <p>*Refer Fitness for Work Policy</p>	<p>Employee may choose not to accept the gift as the gift register is published on the Shire’s website which may create a perception there could be a conflict of interest.</p>
<p>Employee meets with a consultant (out of business hours) and his or her meal and alcoholic beverages are paid for by the consultant.</p>	<p>\$75</p>	<p>May be accepted, but must be recorded as a reportable/notifiable gift.</p> <p>*Alcohol is allowed to be consumed by employees who are not at work and are not being paid for their time.</p> <p>*Refer Fitness for Work Policy</p>	<p>Employee may choose not to accept the gift as the gift register is published on the Shire’s website which may create a perception there could be a conflict of interest.</p>
<p>Employee is offered a free weekend away by a supplier or contractor</p>	<p>\$500</p>	<p>Cannot be accepted as over \$300 in value and exceeds the gift threshold (prohibited gift)</p>	<p>Employee does not have discretion as to whether to accept the gift.</p>
<p>Employee receives a box of chocolates from a customer in appreciation for service provided.</p>	<p>\$10</p>	<p>May be accepted. Not a reportable/notifiable gift.</p>	<p>Employee may choose not to record it as it is a ‘one-off’ token and unlikely to exceed the \$50 notifiable value within 12 months</p>
<p>Employee receives concert tickets from a regular customer</p>	<p>\$250</p>	<p>May be accepted but must be recorded as a reportable/notifiable gift.</p>	<p>Employee may choose to accept the notifiable gift but will need to carefully consider that another</p>



			gift from the same person within the next 12 months will (when the combined value is considered) exceed the \$300 limit and therefore become a prohibited gift.
Employee receives an envelope containing \$40 cash from a supplier.	\$40	Although the gift is below the reportable/notifiable gift threshold and could, ordinarily be accepted, the special condition imposed by the CEO (see below) means the gift of cash cannot be accepted in any circumstance.	Cannot be accepted, whatever the value.
Employee receives a gift from a contractor worth \$150, and 2 months later a further gift from the same contractor, also worth \$200.	\$200 plus \$200	<p>First gift may be accepted, but must be recorded as a reportable/notifiable gift.</p> <p>Second gift cannot be accepted as cumulative total within 12 months exceeds \$300.</p>	<p>Employee may choose not to accept the gift as the gift register is published on the Shire’s website which may create a perception there could be a conflict of interest.</p> <p>If the second gift considered of several parts, say 2 vases each worth \$100, then 1 vase could be accepted, because the cumulative value would be \$250 – but must be disclosed on the relevant Register. The second vase must be declined as a gift.</p>

Gift types – additional exclusions regarding cash

Notwithstanding the CEO determinations at 1.18 above, the CEO has also determined that:



- (a) Cash, or cash equivalents, may not be accepted, as a gift, in any circumstances, even if were otherwise, a gift of less than \$50 in value and which would not ordinarily require disclosure in writing, following acceptance, or if it were a gift that was \$50, or more in value, but less than \$300, and which ordinarily could be accepted and disclosed in writing,

In so determining, the CEO believes that there may be perceptions about the nature, or purpose of a gift in cash, or cash equivalents, to a Shire employee.

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



ATTACHMENT C – Conflicts of Interest

Secondary Employment

Secondary employment refers to a situation where a person works for the Shire 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 Shire to read and understand the Shire'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 Shire duties and responsibilities, the reputation of the Shire 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 Shire.

The CEO will consider:

- (a) possible interference with the completion of their duties; and
- (b) 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 an annual basis, all secondary employment arrangements will be submitted to the CEO for review and consideration.

Casual employees are not required to seek the approval but should consider any potential for conflict of interest.

Financial Interests

A financial interest arises if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in a financial gain, loss, benefit, or detriment for the person.

- (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.



Non-financial/indirect financial Interests

An indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

The possibility for a relative, friend or associate of an employee to derive a financial gain or loss because of a decision taken by the shire, or by an employee of the shire, or the Council may create such an interest.

The existence of an indirect financial interest in a matter can be established by showing that you, or a person with whom you are closely associated, has a financial relationship with a person requiring a local government decision in relation to that matter.

There is no requirement to establish a financial gain, loss, benefit or detriment in this instance, the mere existence of a financial relationship and the requirement for a decision is sufficient for a breach of the provision to have occurred.

Proximity Interests

A person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in s5.63(5)) of land that adjoins the person's land.

Closely Associated Person

A Closely Associated Person relationship may arise if:

- (a) a person who is in partnership with the relevant person,
- (b) an employer of the relevant person,
- (c) a person who is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee,
- (d) a person who, within the previous 12 months, was a client or adviser of a relevant person;
- (e) a body corporate – of which the relevant person is a director, secretary, or executive officer; or in which the relevant person holds shares having a total value exceeding \$10,000 or one percent of the total value of the issued share capital of the company, whichever is less.

Interests Relating to Impartiality

An impartiality interest is an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having an interest and includes an interest arising from kinship, friendship, or membership of an association

- 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.



ATTACHMENT C – Public Interest (Whistle-blower) Disclosures

The Public Interest Disclosure Act 2003 (PID Act) applies to disclosures of public interest information.

Public interest information means information that:

- (a) relates to the performance of a public function by a public authority, public officer, or public sector contractor (either before or after the commencement of the PID Act); and
- (b) shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
 - (i) improper conduct; or
 - (ii) an act or omission that constitutes an offence under a written (State) law; or
 - (iii) substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or:
 - (iv) an act done or omission that involves a substantial and specific risk of –
 - injury to public health; or
 - prejudice to public safety; or
 - harm to the environment; or
 - a matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971 by the Parliamentary Commissioner (Ombudsman Western Australia).

The Corruption, Crime and Misconduct Act 2003 (CMM Act) defines a public authority and public officer.

The Shire of Carnarvon is a public authority and, a public officer may be anyone using public resources to carry out a public function under a written law.

Public Officers, include:

- (a) Council Members (Shire President & Councillors)
- (b) Chairpersons and committee members
- (c) Employees
- (d) Contractors

The Shire has designated officers responsible for all inquiries relating to disclosures in the public interest, being:

- (a) Chief Executive Officer

Minor misconduct in context

Minor misconduct, as defined in the Corruption, Crime and Misconduct Act 2003 (CCM Act) is not that minor.

What is a public interest disclosure?

A disclosure must relate to a matter of public interest and tend to show wrongdoing by a public body when performing a public function.



Who can make a disclosure?

Anyone (including a member of the public) who believes on reasonable grounds that the information they have is or may be true can make a disclosure. "Generally, improper conduct is a breach of the standards of conduct that a reasonable person would expect of a person or body, knowing their duties, powers and authority in the circumstances of the case."

To meet the definition, the misconduct should be so significant that it could reasonably lead to termination of a public officer's employment if proved.

How to lodge a misconduct complaint (I think it might be minor misconduct?)

You can report any reasonable suspicion of minor misconduct involving a public officer to the designed Public Interest Disclosure (PID) Officer and/or the Public Sector Commission (PSC).

To assist you, please refer to the Rights & Obligations under the Public Interest Disclosure Act 2003 Policy & Procedure available on the City's website.

In addition, the PSC has prepared fact sheets you might find useful, on their website - <https://www.wa.gov.au/organisation/public-sector-commission>