



City of Kalgoorlie Boulder

Code of Conduct

Employees

Contents

- 01 Introduction**
- 02 Values**
- 03 Expectations Of Employees' Behaviour And Performance**
- 03 General behavioural and performance expectations
- 04 Personal Integrity and Accountability
- 04 Dealings with other City of Kalgoorlie-Boulder employees and the community
- 05 Expectations of employees in leadership positions
- 05 Communications
- 07 No Personal Benefits**
- 07 No personal gain or undue influence
- 07 Gifts
- 07 Disclosure and records relating to gifts
- 09 Disclosure Of Interests**
- 09 Disclosure of interests
- 10 Disclosure of interests required under the Local Government Act
- 10 Additional disclosures required by the City
- 11 Expectations regarding your use and disclosure of information acquired in the performance of your duties
- 12 Use Of Resources and Finances**
- 12 Expectations regarding your use of the City's resources
- 12 Expectations regarding your use of the City's finances
- 13 Record Keeping and Intellectual Property**
- 13 Record keeping
- 13 Intellectual Property
- 13 Creation and use of information
- 15 Suspected Breaches of Code of Conduct and Suspected Unethical, Fraudulent, Dishonest, Illegal Or Corrupt Behaviour**
- 15 What to do
- 15 Managing an allegation

Introduction

The City of Kalgoorlie-Boulder (“City”) consists of:

- an elected Council, comprising a popularly elected Mayor and Councillors; and
- an administration team, consisting the Chief Executive Officer (“CEO”), executive leadership team and other staff.

Three critical things all employees need to understand about local governments are that they are:

- community focussed;
- funded by the community (rates), grants and commercial activities (and therefore financial resources are finite and need careful management);
- highly regulated under the *Local Government Act* and supporting regulations, and the Department of Local Government, Sport and Cultural Industries.

To be effective in determining the needs of the community and delivering services and facilities to that community, local governments need to have the community’s trust and confidence. All employees play a critical part in the public’s perception of the City as a whole and are therefore required to always act in the best interest of the community and with the highest standards of integrity and accountability.

Part 4A of the *Local Government (Administration) Regulations 1996* sets out requirements for certain matters to be included in every local government code of conduct. In addition to these requirements, this Code of Conduct has been developed to provide a clear set of guidelines as to the City’s expectations regarding your performance and behaviour, as well as setting out a number of obligations imposed on you, in your position as a local government employee. It is binding on all employees (including the CEO unless otherwise stated) of the City. Breach of this Code of Conduct may result in disciplinary action being taken against you in accordance with the City’s disciplinary policy and procedures.

It is critical you understand this Code of Conduct and how it applies to you, and you are required to carefully read and consider this Code of Conduct. The City expects that you will act in accordance with this Code of Conduct and the City’s values at all times. By doing this, you will contribute to both the City’s safe, happy and productive working environment and its compliance with regulatory requirements.

If you have any questions or wish to talk to someone regarding an ethical issue or other decision, you can speak to your supervisor or manager, your director, the Executive Manager of People and Culture or the Executive Manager of Governance and Risk Services. If you have any doubts or uncertainty, it is best to discuss the matter than proceed anyway.

Complaints and Breaches

If you believe this Code of Conduct has been breached by any person, or have any other concerns or complaints, you should contact the Executive Manager of People and Culture (unless the complaint is about that officer, in which case you should contact the CEO) who will:

1. refer you to relevant policies and procedures based on the nature of the breach or complaint; and
2. provide you with assistance in relation to the process for addressing the grievance, complaint or breach.

The Employee Handbook for a Respectful Workplace provides additional information in relation associated policies and procedures.

Values

The City's values require members and staff to operate in an environment characterised by:

Respect

"We will treat our team members and our community with mutual respect and understanding. We respect all individuals and cultures and recognise the importance of diversity and inclusion in all aspects of our organisation."

Support

"We will support each and every team member to work together, build relationships and deliver greater outcomes for our organisation and our community. We believe that succeeding as one organisation is as important as succeeding individually."

Fun

"We will promote and value work-life balance, and create an environment that is rewarding and fulfilling. We support opportunities for building relationships through unexpected moments of fun that inspire, engage and help us to do our best for our community."

Recognise

"We recognise and acknowledge all individuals and cultures and value their contributions to our organisation and the community that we serve. We believe in celebrating the success of our team members, organisation and community."

Connect

"We work as one organisation that communicates openly, and actively connects with our teams, community and stakeholders. We believe in engaging and motivating our people through building relationships within our teams, across our organisation and with our community."

This ethos is further underpinned by a focus on:

- Customer service;
- Staff welfare;
- Progressive leadership; and
- Responsible management.

Expectations of Employees' Behaviour¹ and Performance

General behavioural and performance expectations

The City strives to provide a safe, happy and productive workplace for all its employees, and deliver high standards of services and facilities to the community. It is expected that you will contribute by performing your duties professionally and properly.

Do, at all times:

- ✓ Act in accordance with the City's values of respect, support, fun, recognise and connect.
- ✓ Act and communicate (and be seen to act and communicate) properly and professionally.
- ✓ Act in accordance with all laws.
- ✓ Disclose to the Executive Manager of People and Culture if you are charged with a criminal offence and/or are convicted of a criminal offence (including a spent conviction) and provide any information reasonably requested by the Executive Manager of People and Culture at any time.
- ✓ Perform your duties impartially and in the best interests of the City and the community, uninfluenced by fear or favour.
- ✓ Respect the decision-making processes of local governments, which are based on a decision of Council and are subject to many legislative and regulatory requirements.
- ✓ Give the whole of your time and attention to the City's business during your work hours.
- ✓ Complete your duties with due diligence and skill, and to the highest standard and in accordance with any applicable key performance indicators (KPIs) and/or managerial expectations.
- ✓ Seek continual improvement in your knowledge and skills through engaging in training and development opportunities.
- ✓ Comply with the reasonable and lawful direction of any person having authority to make or give such

a direction (ie. supervisor, coordinator, manager, director, CEO).

- ✓ Comply with all of the City's policies, procedures, guidelines and administrative or management practices.
- ✓ Act in accordance with any delegations or authority or powers given to you as an employee.
- ✓ Comply with professional, neat and responsible dress standards at all times and wear appropriate personal protective equipment (PPE) issued to you or otherwise required in respect of the performance of your duties.
- ✓ If you are subject to an external professional code of conduct or other legislative or regulatory requirements due to your qualifications, comply with those at all times.
- ✓ Conduct your work carefully and avoid conduct which puts you and/or others at risk of injury.

Don't, at any time:

- ✗ Attend work whilst impaired by alcohol or illicit substances
- ✗ Attend work while taking prescribed medications which may impact your ability to perform your duties, unless with written approval of the Executive Manager of People and Culture in consultation with your Director.
- ✗ Attend work if you are not fit for work (whether by reason of illness, impairment or otherwise).
- ✗ Undertake work unless you are suitably trained, qualified and fit for that work.
- ✗ Obtain a second job (paid or unpaid) or enter into a commercial arrangement for the provision of goods or services to the City (in your own name or that of an alternative trading entity which is controlled by you or from which you benefit) without receiving the prior written approval of the CEO.

¹Regulation 19AE(2)(a)(i) Local Government (Administration) Regulations 1996

- ✘ Retaliate in any way against a person who makes a complaint or raises concerns about a breach of this Code of Conduct or the illegal, fraudulent, dishonest, unethical or corrupt conduct of an employee.
- ✘ Allow another person to log on to any device or platform using your user name and password or disclose your passwords in relation to any device, app or platform used by you in connection with your employment.
- ✘ Provide to any person your door access card or other devices provided to you by the City.
- ✘ Use your work email address or phone number for personal accounts, subscriptions or other services.

Personal Integrity and Accountability

It is critical to the City that the community trusts that the Council and the administrative team are acting properly and in the best interests of the community at all times. It is expected that in working for the City you conduct yourself with the highest level of integrity and professionalism.

Do, at all times:

- ✓ Act with reasonable care and diligence.
- ✓ Comply with duties of confidentiality and fidelity.
- ✓ Act with honesty and integrity and in good faith.
- ✓ Act in the best interests of the City and Kalgoorlie-Boulder community.
- ✓ Identify and appropriately manage any conflict of interest.
- ✓ Apply due diligence in the collation and assessment of relevant information used to make or assist others to make recommendations or decisions.
- ✓ Make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness.
- ✓ Be open and accountable to colleagues, managers and the community.

Don't, at any time:

- ✘ Conceal facts or omit information that is or may reasonably be considered relevant to a disclosure by you or any investigation.
- ✘ Do any act or thing that will (or that it is reasonable to believe will) cause damage to the reputation of the City or the community's trust in the City.
- ✘ Do any act or thing which suggests any departure from the standards set out in this Code of Conduct.
- ✘ Use social media in a public or private capacity, in a way that is rude, offensive, threatening, bullying, harassing or discriminatory or which may have the potential to adversely affect the reputation of the City.

Dealings with other City of Kalgoorlie-Boulder employees and the community²

When representing the City, it is expected that you will always conduct yourself in a way that is respectful and professional, whether with colleagues, members of the public, suppliers, consultants, advisors or other persons.

Do, at all times:

- ✓ Be frank and honest in all your dealings.
- ✓ Treat other employees and members of the community with respect, courtesy and professionalism.
- ✓ Deliver services to the community promptly, fairly and equitably and in accordance with the City's policies and procedures.
- ✓ Value diversity and treat all people equally.
- ✓ Be aware of and comply with your obligations under relevant laws (and the City's policies and procedures) regarding workplace behaviour and occupational safety and health.
- ✓ Contribute towards creating and maintaining a safe and supportive workplace.

² Regulation 19AE(2)(a)(ii) Local Government (Administration) Regulations 1996

Don't, at any time:

- ✘ Make allegations which are improper or derogatory (unless true and in the public interest).
- ✘ Behave in a way that constitutes discrimination, bullying, harassment, intimidation.
- ✘ Cause any reasonable person unwarranted offence or embarrassment.
- ✘ Use derogatory or offensive language when referring to another person.
- ✘ Distribute or display offensive material including memes, cartoons or other images.
- ✘ Make jokes or other remarks about a person's characteristics including race, physical appearance, gender, ethnicity, sexual orientation, age, disability or other personal attributes.

Expectations of employees in leadership positions

The City expects that those in any leadership positions are role models for their team by demonstrating compliance with this Code of Conduct and the *Local Government Act 1995* at all times.

Do, at all times:

- ✔ Lead by example in all of your conduct.
- ✔ Demonstrate compliance with this Code of Conduct, the *Local Government Act 1995* and all other laws, policies and procedures that apply to your role and your team at the City as are available online, on the City's intranet or otherwise provided to you from time to time.
- ✔ Ensure employees in your team understand this Code of Conduct and the requirements of the *Local Government Act 1995* and other laws or regulations and apply it in their day-to-day functions.
- ✔ Recognise employees for demonstrating the City's values and the positive behaviours set out in this Code of Conduct.
- ✔ Hold employees to account for breaches of this Code of Conduct, policies and procedures, the *Local Government Act 1995* and any other laws or regulations.

- ✔ Provide consistent, fair and reasonable performance feedback through the City's performance management policies and procedures.
- ✔ Be available to provide support, answer questions and give directions where required.
- ✔ Manage your team by providing clear goals and objectives and measuring and monitoring performance on a regular basis.

Communications

Communications may be verbal, written or electronic, and may be internal (with other employees of the City) or external (with members of the community or with advisors, service providers, contractors etc).

There is potential for any of those communications, even if intended to be private, to be made public through an investigation or Freedom of Information application and further, potential for it to be considered misconduct and become notifiable under the *Corruption, Crime and Misconduct Act 2003*.

This includes statements made in conversation, written, recorded, emailed or posted in personal social media. It is expected that employees take care all times in all of their communications.

The City values and supports its diverse multicultural workforce and seeks to achieve a balance between recognising the diversity of culture and language within the City and ensuring that staff do not feel isolated, excluded or bullied as a result of languages other than English being used in the work environment.

Do, at all times:

- ✔ Ensure all aspects of your communications must be professional, polite and accurate.
- ✔ Ensure your communications reflect the City's values, objectives and status as a local government.
- ✔ Exercise caution when participating privately in public debate or commentary so as not to be perceived as representing the City.

- ✓ Respect the decision-making processes at the City and comply with any requirement of the City or the *Local Government Act* regarding information and decisions which must be communicated by the Mayor or CEO.
- ✓ Comply with the City's Communications Procedure.
- ✓ Use English for all business-related discussions and correspondence, and when in the presence of other employees. If you are engaging in a private conversation with a colleague in a language other than English, you must do so when no other employee or person is present.

Don't, at any time:

- ✗ Make any public comments about any matter concerning the City, to any media representative or on social media, unless with the direction of an appropriately authorised member of the Communications team, or the CEO.
- ✗ Disclose information, make comments or engage in communication activities about or on behalf of the City, its Council members, employees or contractors unless undertaking a duty in accordance with your employment or in compliance with a direction of someone properly authorised to issue a direction of that nature.

No Personal Benefits

No personal gain or undue influence

It is critical to your personal reputation and that of the City that you do not use your position to gain benefit or advantage for yourself or any others. Not only is this a requirement under this Code of Conduct, but it is also a legislative responsibility which, if breached, may expose you to conviction and penalties under the *Crime, Corruption and Misconduct Act 2003*.

Do, at all times:

- ✓ Ensure that you are aware of and comply with the *Local Government Act, Crime, Corruption and Misconduct Act, Public Sector Management Act* and supporting regulations.

Don't, at any time:

- ✗ Take advantage of your position to improperly influence Council members, other employees or any other person in the performance of their duties in order to gain undue or improper (direct or indirect) advantage or gain (pecuniary or otherwise) for yourself or any other person or entity.
- ✗ Take advantage of your position to improperly disadvantage or cause detriment to the City or any other person or entity.

Gifts³

The requirements set out in this section do not apply to the CEO (the *Local Government Act 1995* sets out CEO requirements).

If you accept a gift from someone, it may expose you to an actual or perceived conflict of interest, create undue influence and/or may be or be seen to be a bribe. An actual or perceived conflict of interest or acceptance of a bribe could compromise your ability to perform your duties as well as potentially damaging the reputation of the City as a whole.

As an employee, you may be offered a gift such as:

- an item such as alcohol, food items or tickets for entry to a show or event;
- your travel and/or accommodation expenses being paid for;
- your meal being provided or paid for;
- merchandise;
- gift bags or products at an event;
- free samples of products; and/or
- discount or waiver of fees.

If you are ever offered a gift it is expected that you carefully consider the implications of accepting that gift prior to doing so. If it is acceptable under this Code of Conduct and is accepted by you, it is expected that you disclose the gift in compliance with the below.

Do, at all times:

- ✓ You may accept a “notifiable gift” from an “associated person”.
- ✓ If you accept a “notifiable gift” from an “associated person”, you must within 10 days of being offered the gift notify the CEO and the gift will be listed in the gift register (see below under the heading “Disclosure and records relating to gifts”).
- ✓ If you have accepted or been offered a gift and are unsure of what to do and whether you can accept it, you must immediately discuss the gift with your manager. It is better to notify the CEO and register the gift, than to breach this statutory requirement and encounter a conflict of interest or other issue.
- ✓ If your spouse (including de facto spouse) receives a gift due to your employment by the City (including for example, a gift bag in connection with tickets to an event you have received), you must report that gift in writing to the CEO.

Don't, at any time:

- ✗ You must not accept a “prohibited gift” from an “associated person” in any circumstances.

³Regulation 19AB(2) Local Government (Administration) Regulations 1996

Defined terms in this clause:

Meaning of "gift"

A "gift" is when you receive a financial benefit, including property, from someone without paying money at value or providing other valuable consideration for it.

Meaning of "associated person"

An "associated person" is a person who you know is (or it is reasonable to believe that person is) undertaking or seeking to undertake an activity which is either a commercial dealing with the City or requires the City's authorisation.

For example, an "associated person" will include someone who is:

- a supplier, contractor or consultant to the City;
- involved in a current or potential future tender process;
- a current or potential future grant applicant; or
- likely to directly or indirectly benefit or be advantaged by a decision to be made by Council.

Meaning of "prohibited gift"

A gift becomes a "prohibited gift" when either:

- it is worth \$300 or more; or
- the same person gives multiple gifts over the course of a twelve month period with a cumulative total of \$300. Where this applies, further gifts cannot be accepted within the twelve month period once the \$300 threshold has been reached.

Meaning of "notifiable gift"

A "notifiable gift" is a gift:

- with a value between \$75 and \$300; or
- multiple gifts given by the same person over the course of a six-month period where the combined value of those gifts is between \$75 and \$300.

Gifts that are not "prohibited gifts" or "notifiable gifts"

This prohibition on gifts does not include:

- a gift from a relative (ie. a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of yours or of your spouse/de facto partner or the spouse/de facto partner of any of those people);
- if you are a candidate for Council election, a gift you receive in that capacity (which is still disclosable but not regulated by this Code of Conduct);

- a gift from a statutory authority, government instrumentality or a non-profit association for professional training; or
- a gift from WALGA, the Australian Local Government Association Ltd, the Local Government Professionals Australia WA or the LG Professionals Australia.

Disclosure and records relating to gifts⁴

The City keeps a register of all gifts received by employees. It is expected that you will disclose and be forthcoming with all relevant information regarding a "notifiable gift" that you receive.

Do, at all times:

- ✓ If you receive a "notifiable gift" from an "associated person", you must within 10 days of being offered the notifiable gift notify the CEO in writing of the following:
 - the name of the person who gave you the gift;
 - the date the gift was given;
 - a description and estimated value of the gift;
 - the nature of your relationship with the person who gave you the gift; and
 - if you have received a gift from that person already that year, the description, estimated value and date of the previous gift
 - and the gift will be listed in the gift register (see below under the heading "Disclosure and records relating to gifts"). The City uses an online platform called "Attain" within which you must lodge your notification.
- ✓ If you have not registered to use Attain, you must notify the governance team as soon as possible so that your registration can be set up in order for you to lodge the gift notification.
- ✓ The CEO will maintain a register of "notifiable gifts" including the details set out in the above paragraph, which is published on the City's website if required at any time under the *Local Government Act* or supporting regulations.
- ✓ 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 and will retain those records for a period of at least five years.

⁴Regulation 19AC(3) Local Government (Administration) Regulations 1996

Disclosure of Interest⁵

You will have an interest if there is something that could (or could reasonably be perceived to) adversely affect your impartiality in relation to any advice or decisions you contribute to, in relation to that interest.

An interest might arise through:

- someone you know (family or friend);
- an organisation you are involved in (eg. your football club); or
- as a result of you or a relative, friend or related entity owning land near land the subject of an application such as a planning or zoning application (“proximity interest”).

There is a risk that your relationship or involvement could (or could reasonably be perceived to) influence your decisions or actions where that person or organisation has an activity which requires discretion by the City and you are required to give advice or make decisions in relation to that activity.

An interest may be:

- actual;
- potential; or
- perceived or apparent.
 - » An *actual interest* is one which does exist. For example:
 - you are a manager and your best friend has applied for a job in your department; or
 - your parents have applied for a building permit and your team is involved in assessing that application.
 - » A *potential interest* is one which may exist in the future. For example:
 - you are on the management committee of a local not-for-profit organisation which may apply for a financial grant from the City; or
 - with the CEO’s consent, you work part time on the weekend for a local business that may tender for an upcoming contract with the City.

- » A *perceived or apparent interest* is one where, when viewed objectively and reasonably by an independent person (such a member of the community), it appears that there is a conflict of interest (even if there is not). For example:
 - even though you’ve had no involvement in the tender process and the contract is under a different department, you are a manager and your spouse has been successful in a securing a tender with the City; or
 - you are in charge of awarding a tender and one of the tenderers is your spouse’s employer.

It is therefore particularly important for you to consider the risk of conflicts of interest to both the public’s confidence in the City as well as your individual reputation and integrity.

Do, at all times:

- ✓ Carefully consider your dealings and ensure that there is no actual, potential or perceived conflict between your personal interests and the impartial fulfilment of your professional duties.
- ✓ If you consider you may have an interest in a matter being dealt with by the City, you must disclose that interest to your director or executive manager (see below under the heading “Disclosure of Interests”).
- ✓ Familiarise yourself with and apply the principles of disclosure of financial interest as contained in the *Local Government Act*.
- ✓ If you have been delegated a power or responsibility, have been nominated as a “designated employee” or provide advice or reports to Council or Committees, you must ensure that you are aware of and comply with, your statutory obligations under the *Local Government Act* in relation to interests.

⁵Regulation 19AD Local Government (Administration) Regulations 1996

Don't, at any time:

- ✘ Be involved in an activity that could cast doubt on your neutrality or impartiality while acting in your professional capacity.
- ✘ 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 disclosing the interest to the CEO.

Disclosure of interests required under the Local Government Act⁶

There are certain functions that you may perform as an employee which, under the *Local Government Act*, require disclosures to be made by you. This Code of Conduct re-states those requirements but do not override or replace those. All disclosures made under this Code of Conduct or any other disclosures, and any subsequent approval, will be adequately recorded by your relevant Director and will be retained in the City's record keeping system.

It is expected that you will disclose any interest you have and be forthcoming with all information required under this Code of Conduct or by the CEO in relation to that interest.

Do, at all times:

- ✔ If you have an interest in a matter and are attending a meeting where that matter will be discussed or decided on by Council or one of the Committees, you must disclose your interest either:
 - in writing to the CEO, prior to the meeting; or
 - at the meeting, immediately before the matter is discussed.
- ✔ If you have given or will give advice regarding a matter being discussed at or decided on by Council or one of the Committees at a meeting that you will not attend, you must disclose your interest either:
 - before the meeting, in writing to the CEO; or
 - at the time the advice is given.
- ✔ You will be excused from the requirement to disclose an interest if you did not know and could not reasonably be expected to know that you had an interest in a matter or that the matter would be

discussed at that meeting (provided you declare the interest immediately upon it being discussed).

- ✔ If you give written notice to the CEO before a meeting, the CEO must give that notice of your interest to the person presiding at the meeting, either before the meeting or prior to the relevant matter being discussed (and if the latter, must bring the contents of your notice to the attention of those present in the meeting).
- ✔ Any disclosures made at a meeting in relation to your interest, whether by you or the CEO on your behalf, will be documented in the minutes of the meeting.
- ✔ Be honest, upfront and forthcoming with information requested of you in relation to your interest.

Don't, at any time:

- ✘ Keep an interest (whether actual, potential or perceived) to yourself.

Additional disclosures required by the City

The City considers it critical to its good governance and high standards that you disclose any interest you may have in any matter that you are involved in exercising a discretionary function (such as assessing an application and recommending whether or not to approve that). All disclosures made under this Code of Conduct or any other disclosures will be adequately recorded by the CEO and will be retained in the City's record keeping system. It is expected that you will disclose any interest you have and be forthcoming with all information required under this Code of Conduct or by the CEO in relation to that interest.

Do, at all times:

- ✔ If you are performing any discretionary functions in the course of your duties, you must advise your Director or the CEO in writing if you have any interest in relation to the matter.
- ✔ After you have disclosed an interest, the CEO or director may determine that either you:
 - are able to continue your duties in relation to the relevant matter because the interest you have is so trivial or insignificant that it is unlikely to influence your conduct; or

⁶Regulation 19AD(1) Local Government (Administration) Regulations 1996

- must remove yourself from your duties in relation to that matter and allocate the matter to another employee authorised to perform those duties.
- ✓ If you are dealing with land (other than purchasing or leasing your residential property) or which may otherwise conflict with the City's functions or activities, you must first notify the CEO in writing of your proposed dealing and follow any directions of the CEO in that regard.
- ✓ If you are involved in any recruitment process, you must disclose to the Executive Manager of People and Culture if a friend or family member applies for a position at the City and remove yourself from that recruitment process.
- ✓ If you form part of a tender evaluation panel and you believe you have an interest in respect of a tenderer, you must:
 - prior to receiving copies of the tenderers' offers and associated evaluation documents, notify the Director of Corporate Services in writing of that conflict of interest, setting out the nature of the interest; and
 - remove yourself from the process where the Director of Corporate Services deems that the nature of your interest may cause your impartiality in evaluating the tender to be questioned.

Don't, at any time:

- ✘ Keep an interest (whether actual, potential or perceived) to yourself.

Expectations regarding your use and disclosure of information acquired in the performance of your duties⁷

In the course of your employment, you may receive or create information that is confidential, private or sensitive. It is expected that you will use discretion in relation to that information and not disclose or use that information improperly.

Do, at all times:

- ✓ Handle all information obtained, accessed or created in the course of your duties responsibly, in accordance with this Code of Conduct and the City's policies and procedures.
- ✓ Where you have access to information that is confidential, private and/or sensitive, do all things necessary to protect the confidentiality, privacy and/or sensitivity of that information.

Don't, at any time:

- ✘ Access, use or disclose information held by the City except as directly required for and in the course of the performance of your duties.
- ✘ Access, use or disclose information to gain an improper advantage for yourself or another person or entity in which ways which are inconsistent with your obligations under this Code.
- ✘ Disclose information unless you are authorised to do so by the CEO or its delegate or if you are required to do so by law.

⁷Regulation 19AE(2)(a)(iii) Local Government (Administration) Regulations 1996

Use of Resources and Finances

Expectations regarding your use of the City's resources⁸

In this clause, "Resources" includes services provided or paid for by the City and local government property (ie. any property (land or not) that belongs to or is vested in or under the care, control and management of the City). It includes (but is not limited to) mobile phones, laptops, ipads, office supplies, equipment and the services of other employees.

It is expected that you will recognise that Resources are paid for by tax payers and City commercial endeavours and therefore are finite and entrusted in you in order for you to perform your duties.

Do, at all times:

- ✓ Use the Resources honestly, effectively and economically.
- ✓ Use the Resources only as required to perform your duties.
- ✓ Use the Resources in accordance with the City's policies and procedures.
- ✓ Protect our Resources from damage, misuse, loss, waste and theft.
- ✓ Report any potential damage, misuse, loss, waste or theft of Resources.

Don't, at any time:

- ✗ Use the Resources for private purposes (unless you are permitted to do so by a person appropriately authorised to permit that).
- ✗ Misuse (or appear to misuse) the Resources or permit any other person to misuse the Resources.
- ✗ Use the Resources to perform acts of corruption, fraud or other illegal or unethical conduct.
- ✗ Retain in your personal possession any Resources left over from a City event or function (unless with the consent of someone authorised to provide such consent).

- ✗ Use your personal loyalty cards in connection with the use of Resources (for example, Fly Buys or Woolworths Rewards cards for purchases paid for using a City credit card).

Expectations regarding your use of the City's finances⁹

It is expected that you will recognise that the City's finances are derived from by tax payers and City commercial endeavours and are a finite resource that is managed in accordance with legislative and regulatory requirements. It is expected that you will be responsible in respect of all dealings with the City's finances.

Do, at all times:

- ✓ Exercise sound judgment and act responsibly, with care, skill, diligence, honesty and integrity with respect to matters involving the City's finances.
- ✓ Use the City's finances only within the scope of your authority, the relevant policies and procedures and administrative practices.
- ✓ Comply with the *Local Government (Financial Management) Regulations 1996*.
- ✓ Where you are exercising purchasing authority, comply with the City's Purchasing Policy and the systems and procedures established in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- ✓ Ensure the use of the City's finances is appropriately documented in accordance with the relevant policies and procedures including the City's Recordkeeping Plan.

Don't, at any time:

- ✗ Use the City's finances for your personal and private benefit.

⁸Regulation 19AE(2)(a)(iv) Local Government (Administration) Regulations 1996

⁹Regulation 19AE(2)(a)(v) Local Government (Administration) Regulations 1996

Record Keeping and Intellectual Property

Record keeping¹⁰

The City has various obligations under the *Local Government Act* and its regulations in relation to the recording and storage of information. It is expected that you understand these statutory requirements and comply with these, and the City's policies and procedures in relation to record keeping.

Do, at all times:

- ✓ Ensure all information obtained or created by you are accurately recorded and stored in accordance with relevant laws and the City's Recordkeeping Plan and any other relevant policies and procedures.
- ✓ Ensure that filenotes regarding discussions on issues of substance and/or decisions or actions that are taken as offices of the City are drafted and recorded in accordance with the City's Record Keeping Policies.
- ✓ Ensure you securely store sensitive or confidential information.
- ✓ Understand the *Freedom of Information Act 1992* objectives which include to "make the persons and bodies that are responsible for State and local government more accountable to the public" and accordingly, an application can be made to access any information held by the City.
- ✓ Ensure that you cooperate with the CEO and the City's freedom of information officers in locating documents relevant to an application made under the *Freedom of Information Act 1992*.

Don't, at any time:

- ✗ Dispose of or remove or alter any records unless in accordance with approved disposal authorities or at the direction of the CEO.

Intellectual Property

In this clause, "**Resources**" includes services provided or paid for by the City and local government property (ie. any property (land or not) that belongs to or is vested in or under the care, control and management of the City). It includes (but is not limited to) mobile phones, laptops, ipads, office supplies, equipment and the services of other employees.

You should never use for personal or private use, publish, remove or delete the City's data or intellectual property (unless you are permitted by someone with appropriate authorisation to give that permission).

The title to all intellectual property produced by you in the course of your employment at the City or using City Resources, software, data and/or information with the consent of the CEO will be assigned to the City upon its creation unless otherwise agreed in writing by the CEO.

Creation and use of information

You are obliged to act in the best interests of the City's community and therefore it is expected that when creating information, you do so with due diligence, skill and care. It is also expected that you use any information obtained and/or created by you only in the course of your employment.

Under section 5.93 of the *Local Government Act* it is an offence to make improper use of any information acquired by you in the course of your functions under that Act or any other written law, to gain directly or indirectly an advantage for yourself or any other person or cause detriment to the City or any other person. If found to have done so, you may be prosecuted and if convicted face a maximum punishment of a fine of \$10,000 or 2 years' imprisonment.

¹⁰ Regulation 19AE(2)(b) Local Government (Administration) Regulations 1996

Do, at all times:

- ✓ Ensure that information created by you in connection with your duties is trustworthy and accurate.
- ✓ Be aware of offences under the *Local Government Act* regarding improper use of any information acquired by you in the course of your employment by the City.

Don't, at any time:

- ✓ Make improper use of any information acquired by you in the performance of your duties to gain (directly or indirectly) an advantage for yourself or any other person or entity.
- ✓ Make improper use of any information acquired by you in the performance of your duties to cause detriment to the City or any other person or entity.
- ✓ Disclose information (oral or written) that you have:
 - derived from a confidential document;
 - acquired at a closed Council meeting, other than information from a non-confidential document; or
 - come to be aware of through the performance of your duties where that information is obtained by you in confidence and is considered confidential by the City,unless:
 - you need to disclose that information at a closed meeting;
 - you are authorised to disclose the information by the Council (in which case you can disclose that information to the extent authorised and in accordance with any conditions imposed by the Council);
 - the information is already in the public domain;
 - to an officer of the Department of Local Government, Sport and Cultural Industries;
 - to the Minister of Local Government, Sport and Cultural Industries;
 - to a legal practitioner for the purpose of obtaining legal advice; or
 - if the disclosure is required or permitted by the CEO or by law.

Suspected Breaches of Code of Conduct and Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

What to do

If you suspect that another employee has committed a breach of this Code or behaved in a way that is unethical, fraudulent, dishonest, illegal or corrupt, you should:

1. Refer to the:
 - a. Breach and Misconduct Policy[^]; and
 - b. Breach and Misconduct Complaint Handling Procedure[^];
and
2. Contact your direct manager or director or the Executive Manager People and Culture* for assistance or guidance in relation to the allegation and handling of the allegation pursuant to these policy and procedure documents.

You are also able to report their allegation directly to the Public Sector Commission (minor misconduct) or Corruption and Crime Commission (serious misconduct).

* In the event the allegation is in relation to the Executive Manager People and Culture, the CEO should instead be contacted.

* In the event the allegation is in relation to the CEO, consideration will be required as to whether the breach is in relation to this Code, or the Code of Conduct for Elected Members, Committee Member and Candidates which may apply. The Mayor should be approached in relation to an allegation about the CEO.

Managing an allegation

Where you make a complaint alleging that another employee has committed a breach of this Code or behaved in a way that is unethical, fraudulent, dishonest, illegal or corrupt, the City will follow the principle and guidelines set out in the:

1. Breach and Misconduct Policy[^]; and
2. Breach and Misconduct Complaint Handling Procedure[^].

This includes:

1. Conducting an investigation in accordance with the City's Investigation Procedure[^];
2. Determining whether a mandatory reporting requirement is triggered by the allegation, in which case the matter will be referred to the Public Sector Commission, Corruption and Crime Commission and/or Western Australia Police in accordance with the External Reporting Policy[^];
3. Ensuring that procedural fairness is accorded to both the complainant and respondent, and that the complaint is handled confidentially, fairly, impartially, sensitively and in a timely manner;
4. Determining what, if any, appropriate disciplinary action is required in accordance with the Disciplinary Policy[^] and Disciplinary Procedure[^].

[^]Located in the Employee Handbook for a Respectful Workplace

Endorsed by the CEO

Signed:  _____

Date: 24 July 2023



P.O Box 2042, Boulder WA 6432
577 Hannan Street, Kalgoorlie WA 6430

Tel: (08) 9021 9600
Email: mailbag@ckb.wa.gov.au
Web: www.ckb.wa.gov.au

VER-07.23.REV3