

CODE OF CONDUCT

(EMPLOYEES)

Adopted by EMT 27 March 2014

Policy OP-027

Code of Conduct - Employees

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1. PREAMBLE

The *Local Government Act 1995* (the Act) requires every local government to adopt a code of conduct for observance by all council members, committee members and employees. The Council has decided that it will have separate codes of conduct for elected members and employees. The employee code of conduct falls under the administrative responsibilities of the Chief Executive Officer.

It is the personal responsibility of employees to comply with the standards in the code and regularly review their personal circumstances with this in mind.

This Code is complementary to the following four fundamental aims or objectives expressed in Section 1.4 (2) of the Act –

- (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.

The Code stipulates the requirements for good governance and the standards of behaviours expected to be demonstrated by employees. It encourages a commitment to ethical and professional behaviour and outlines principles on which individual and collective local government responsibilities may be based. It should be read in conjunction with, and does not replace, the obligations set out in the *Local Government Act 1995*, any other Act or Regulation, the City of Melville's Standing Orders and the City policies, procedures and associated documentation.

1.1 APPLICATION

This Code applies to employees of the City of Melville, and Annexure 1 outlines the official roles and responsibilities of employees. The City contractors and volunteers are also required to observe the City's code of conduct insofar as the provisions relate to their area of operation. Employees will be bound by the Code of Conduct being incorporated in their employment contract. Contractors will be bound by the Code of Conduct being incorporated in their agreement with the City. Volunteers will be informed during an induction process.

1.2 STATUTORY ENVIRONMENT

The Code of Conduct reflects statutory requirements of the *Local Government Act 1995* (S 5.103 – Codes of Conduct) and *Local Government (Administration) Regulations 1996* (Regs 34B and 34C). This Code must be read in conjunction with the Local Law relating to Standing Orders, that relate to Council and Committee (of the Council) meetings.

1.3 GENERAL PRINCIPLES AND ETHICAL STANDARDS

The local community and the public in general are entitled to expect that the following general principles will be used to guide employees in their behaviours –

- a) act with reasonable care and diligence;
- b) act with honesty and integrity;
- c) act lawfully;
- d) avoid damage to the reputation of the City of Melville;
- e) be open and accountable to the public;
- 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; and
- i) ensure that decision making takes into account the interests of the City of Melville ratepayers and residents as a whole, which is paramount.

1.4 KEY PRINCIPLES SPECIFIC TO THE CITY

Within the context of these general principles and understanding the role of the CEO and employees as set out in Annexure 1 the following key principles, underpinned by the values as set out in Annexure 2 attached hereto, and forming part of this Code of Conduct, also apply to City of Melville employees:

1. Selflessness and Honesty

To act with care and diligence and make decisions that place the responsibility for the interests of the community before the interests of yourself and/or any sectional or private interests.

2. Justice

Treat others fairly and equitably and make decisions for the common good of the community; whilst avoiding discrimination, abuse or exploitation of others.

Decisions made must consider, but are not limited to the following:

- Intergenerational equity (the provision of equity within and between generations).
- Upholding and enhancing the honour, integrity and dignity of the City.
- Competitive neutrality principles. (The elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities. It requires that government businesses operating in a market in which there are actual or potential competitors should not enjoy any

net competitive advantages simply as a consequence of their public ownership).

- Considering all relevant factual information with honesty, fairness and impartiality.

3. Accountability, Openness and Objectivity

- (a) To use the resources of the City of Melville in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial, and physical resources, property and information;
- (b) To have a duty to be as open as possible about decisions and actions, giving reasons for decisions;
- (c) To make decisions solely on merit and in accordance with statutory obligations when carrying out public business;
- (d) To consider and act in the best interests of the electors, ratepayers and residents of the City of Melville as a whole.

4. Leadership

To promote and support the key principles by leadership which incorporates leading by example so as to maintain and strengthen the public's trust and confidence in the integrity of the City. The City recognises that as outlined in the City of Melville Leadership Framework, leadership is demonstrated by 'all' within the organisation.

5. Respect

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

6 Social Responsibility and Duty of Care

To contribute to the well being of the individual and society by exercising due diligence and a duty of care to others and to uphold the rights of those they deal with, to recognise the special needs of minority groups, whilst considering the societal and community benefit of the residents of the City when making decisions.

7 Economic Guardianship

To protect and responsibly manage the resources of the City of Melville to ensure they are applied in a sustainable way and also to minimise duplication of government services.

8 Safety and Security

Promote the safety, security and health of all who work for the City of Melville, reside in the City of Melville or visit the City of Melville.

The City of Melville has a statutory obligation under the *Occupational Health and Safety Act 1984* to 'provide and maintain a working environment in which

the [City's] employees ...are not exposed to hazards'. These provisions apply to physical and psychological health and wellbeing.

The City's Code of Conduct is therefore a key approach for achieving a safe, supportive and productive work environment; and complying with statutory requirements. This can only happen when everyone cooperates and agrees to suitable standards of conduct so as to ensure cooperative, professional and positive interactions that enhance the City of Melville as a whole.

9 Environment

Endeavour to avoid that which could harm the environment or pollute the environment. Council Policy CP-030 Environmental Policy states the City's environmental position.

2. CONDUCT OF EMPLOYEES

2.1 PERSONAL BEHAVIOUR

Employees will:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law, the terms of this Code, Council and Operational Policies;
- (b) perform their duties impartially and in the best interests of the City of Melville uninfluenced by political 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 of Melville and the community;
- (d) make no allegations which are improper or derogatory and 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;
- (e) always act in accordance with their obligation of fidelity to the City of Melville; and
- (f) act in observance of the General and Key Principles (Sections 1.3 and 1.4 of this Code).

Generally behaviour outside of working hours is considered private and not a concern of the City, however there are some instances in which an employee must take due care. Behaviour outside of working hours has the potential to affect community perceptions of the integrity and professionalism of the City, particularly if there is an obvious link between the employee and the City, including through online communication. Examples include inappropriate behaviour while the employee is wearing a uniform identifying the City of Melville, or where the individual is clearly identified as a City of Melville employee.

2.2 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) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other individual associated with the City, including employees, contractors, volunteers, and Elected Members. In the case of an allegation involving the Chief Executive Officer notice will be provided to the Mayor.
- (c) be professional, frank, honest and respectful in their official dealing with each other.

2.3 RESPONSIBILITY TO DISCLOSE

Employees, or their Power of Attorney, will notify the Chief Executive Officer in writing of:

- (a) Being charged with a criminal offence if there are reasonable grounds for believing the interests of the City of Melville may be adversely affected by such charge – written notification to be received within 10 working days.
- (b) Any suspension or loss of licence, qualification or certificate which relates to a defined requirement for their role (as updated and communicated) – written notification to be received within 5 working days.

It is expected that an employee will also verbally notify their Supervisor as soon as possible, and within these timeframes of any of these relevant matters for disclosure.

2.4 PERFORMANCE OF DUTIES

- (a) While on duty, employees will give their whole time and attention to the Local Government's business and ensure their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and the Local Government.
- (b) Employees will at all time exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Employees will be as informed as possible about the functions of the City, and treat all members of the community honestly and fairly.
- (c) If there are any issues that may impact on an employees ability to safely and effectively conduct the performance of their duties the employee will advise their Supervisor.

2.5 COMPLIANCE WITH LAWFUL ORDERS

- (a) Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer or the Mayor if the order is from the Chief Executive Officer.
- (b) Employees will give effect to the lawful policies and procedures of the Local Government, whether or not they agree with or approve of them.

2.6 ADMINISTRATIVE AND MANAGEMENT PRACTICES

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

2.7 CORPORATE OBLIGATIONS

(1) *Appearance/Attire*

- (a) Employees are expected to comply with neat and responsible dress standards at all times that does not cause offense to colleagues or the public, and which ensures the image of the City is maintained.
- (b) The City of Melville reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees. Employees should dress in a professional manner.
- (c) For any employee undertaking a role requiring personal protective equipment (PPE), including compliance with requirements for wearing long and longs, the employee will ensure adequate PPE that has been provided is worn.

(2) *Communication and Public Relations*

- a) All aspects of communication by employees should align with desired behaviours that support our values (including verbal, written, online or personal). Communication involving Local Government's activities should reflect the status and objectives of the City of Melville.
- b) All communications should be accurate, polite and professional.
- c) Employee's must not make quotable "official statements" on behalf of the City unless authorised by the Chief Executive Officer;
- d) 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;
- e) Employees must comply with City policies and protocols, in particular:
 - the City's Social Media Policy, Procedure and User Guidelines;
 - The City Records Management Policy and Procedure.
 - The City's Public Relations Policy
 - The City's Media Release process
- f) Employees must comply with all laws relating to copyright, recordkeeping, privacy and defamation, including the need for accurate information, maintaining reliable records of official use, and ensuring communication is free from discrimination and harassment;
- g) Employees should avoid making statements or engaging in activities of a political nature.

2.8 APPOINTMENTS TO COMMITTEES

As part of their representative role employees are often asked to represent the City of Melville on external organisations. It is important that employees –

- (a) clearly understand the basis of their appointment and level of authority to commit the City to any action; and
- (b) provide regular reports on the activities of the organisation to which they have been appointed; and.
- (c) understand that in the event of a conflict arising between the City of Melville and the external organisation that the interest of the employee rests with the City of Melville.

2.9 FIT FOR WORK – ALCOHOL/DRUGS

To maintain a safe workplace employees are to report to the workplace ‘fit for work’, which includes not being under the influence of alcohol and/or other drugs while at the workplace.

Employees have a duty to report immediately to their Supervisor if they are aware they or another employee may be under the influence of alcohol and/or illicit drugs, or the presence of illicit drugs within the workplace.

3. GENERAL CONDUCT OBLIGATIONS

3.1 ETHICAL AND BEHAVIOURAL OBLIGATIONS

- (a) The additional ethical and behavioural obligations imposed by this code of conduct are based on the ethics principles which are contained in the Western Australian Public Sector Code of Ethics. These obligations are in addition to any statutory obligation.
- (b) The principles that must be met by additional obligations set out in this code are as follows –

(i) Integrity of local government

It is vital that the public has confidence in a local government’s ability to ensure the good rule and government of its area. Employees must conduct themselves in a way that promotes and maintains the public’s trust and confidence in the integrity of the local government and the good rule and government of its area.

(ii) Primacy of the public interest

Employees are required to make decisions solely in terms of the public interest. Employees must take steps to avoid, resolve or disclose conflicts of interest.

(iii) Independence of action

Employees must not place themselves under any financial obligation that may influence them in discharging of their duties and responsibilities as employees of the City of Melville.

(iv) Appropriate use of information

Employees who in the course of carrying out their duties receive information that is not available to the general public must not misuse this information, particularly for personal gain.

(v) Transparency and scrutiny

It is vital that the public has confidence in the integrity of a local government's decision-making processes. To ensure transparency and public scrutiny of, and public confidence in those processes, employees must disclose their financial interests.

(vi) Appropriate use of entitlements

Employees must comply with the requirements about using entitlements provided for under the local government's relevant policies and procedures.

3.2 OBLIGATIONS DURING COUNCIL AND COMMITTEE MEETINGS

Employees must act in accordance with council's Standing Orders Local Law during council and committee meetings.

Employees must respect the chair, each other, Elected Members and any members of the public present during council and committee meetings or other formal proceedings of the council.

3.3 FAIRNESS AND EQUITY

Employees have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established procedures, in a non-discriminatory manner.

Employees must take all relevant facts known to them or that they should be reasonably aware of, into consideration and have regard to the particular merits of each case.

3.4 HARASSMENT 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. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or background), religion, political affiliation, marital status, disability, sexual preference or transgender.

3.5 ELECTRONIC SURVEILLANCE

The City of Melville reserves the right to use electronic surveillance in accordance with the *Surveillance Devices Act 1998 (WA)*. Individual employees must also protect other individual's privacy by the correct application of workplace privacy principles. This includes no electronic recording to occur without advising the other participants and ensuring consent is obtained prior to the use of any surveillance device, including phone recordings.

4. CONFLICT OF INTERESTS

4.1 CONFLICT OF INTEREST

Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. 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.

Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

Employees who exercise recruitment, procurement of services or other discretionary functions will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

Employees will refrain from partisan political activities which could cast doubt on their 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 convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

4.2 SECONDARY EMPLOYMENT

Employees will seek permission from the Chief Executive Officer before undertaking work outside the organisation of the City of Melville. Elements to be considered are possible interference with the completion of normal duties, and where there is any possibility of any conflict of interest.

4.3 FINANCIAL INTEREST

Employees will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

4.4 DISCLOSURE OF INTEREST

Definition :

In this clause, and in accordance with Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007-

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

- (a) 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 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.
- (b) 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 is required to disclose the nature of any interest the person 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.
- (c) A requirement described under items (a) and (b) exclude an interest referred to in s. 5.60 of the *Local Government Act 1995*.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), 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) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
 - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), 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.

4.5 INDEPENDENT LEGAL ADVICE TO BE SOUGHT IF IN DOUBT

If an employee is in doubt whether a conflict of interest exists, they should seek independent legal or other appropriate advice.

5 PERSONAL BENEFIT

5.1 USE OF CONFIDENTIAL INFORMATION

Employees will not 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.

5.2 INTELLECTUAL PROPERTY

The title to Intellectual Property in all duties relating to employees performing their roles will be assigned to the City of Melville upon its creation unless otherwise agreed by separate contract.

5.3 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.

5.4 PERSONAL DEALINGS WITH COUNCIL

Employees will inevitably deal personally with their local government (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). They must not expect or request preferential treatment for themselves or their family because of their position. They must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

5.5 GIFTS

Definitions :

In this clause, and in accordance with Regulation 34B of 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;

“gift” has the meaning given to that term in S 5.82(4) except that it does not include -

(a) a gift from a relative as defined in S 5.74(1); or

(b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or

(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

“notifiable gift”, in relation to a person who is an employee, means -

(a) a gift worth between \$50 and \$300; or

(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;
“prohibited gift”, in relation to a person who is an employee, means -
(a) a gift worth \$300 or more; or
(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

- (a) A person who is an employee must not accept a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

- (b) A person who is an employee and who accepts a notifiable gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,

must notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.

- (c) The notification of the acceptance of a notifiable 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 a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the 6 month period.

- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).

- (e) This clause does not apply to gifts received from a relative (as defined in s. 5.74(1) of the *Local Government Act 1995*).

- (f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the employee, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

6 ACCESS TO INFORMATION AND COUNCIL RESOURCES

6.1 Access to Information

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 *Local Government Act 1995*.

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 a recommendation on the matter in accordance with the City of Melville policies, procedures and associated information.

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 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.

6.2 Security of information

An employee must take care to maintain the integrity and security of confidential documents or information in their possession, or for which they are responsible. Employees must not release information that they know, or should reasonably know, is confidential to the local government other than to authorities or persons with a right of access to such information. An employee must not disclose any information discussed during a confidential session of a council meeting unless and until it ceases to be confidential.

An employee must not use City of Melville information for personal purposes. Employees must use organisational information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government. In using City information they must give primacy to public interests over private interests.

Employees must not cause harm to the local government, another person or organisation, for instance by misrepresenting organisational policy or using organisational information improperly to gain advantage for someone.

6.3 Anonymous Communication

An employee will under no circumstances distribute anonymous correspondence received by them other than that they shall cause such correspondence (which includes any printed or electronic communication) to be given immediately to the Manager Information & Technology who will deal with such correspondence in accordance with the policy of the City of Melville.

7 DEALING WITH COUNCIL PROPERTY

7.1 Use of Local Government Resources

Employees will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not have unauthorised use the Local Government's resources (including the services of City Officers) for private purposes.

7.2 Travelling and Sustenance Expenses

Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the *Local Government Act 1995*.

8 REPORTING BREACHES AND MISCONDUCT

8.1 Reporting breaches of the code of conduct

An employee has an obligation to report suspected breaches of the code of conduct to the Chief Executive Officer for investigation; or if the breach involves the Chief Executive Officer it is reported to the Mayor.

Misconduct can be reported in accordance with the Public Interest Disclosure Procedure and the Fraud and Corruption Prevention Management Plan.

8.2 Investigation procedures – Employees' conduct (excluding the Chief Executive Officer)

The Chief Executive Officer will investigate breaches of the code of conduct regarding employees.

Each complaint will be dealt with quickly and fairly in accordance with the principles of procedural fairness and in accordance with the City of Melville policies, procedures and related documentation.

All investigations will be conducted with procedural fairness.

8.3 Investigation procedures –Chief Executive Officer conduct

Where an employee or Elected Member believes that the Chief Executive Officer has failed to comply with the code, they should report the matter to the Mayor who will report the matter to the Governance Committee. The Council's Governance Committee will be responsible for the investigation of allegations of breaches of the code of conduct by the Chief Executive Officer and must either:

- investigate the alleged breach; or
- engage an independent person to investigate the allegation.

If a breach of the Code is found then the Governance Committee must recommend to the Council the sanction(s), if deemed necessary, for the Council's consideration.

An investigation conducted by the Chief Executive Officer, or the Governance Committee will follow the rules of procedural fairness. The investigator must:

- 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;
- provide the person/s with a reasonable opportunity to put their case;
- hear all parties to a matter and consider submissions;
- make reasonable enquiries before making a decision;
- ensure that no person is involved in enquiries in which they have a direct interest;
- ensure that any decision is effectively communicated to the relevant interested parties.

8.4 Misconduct

The CEO has a statutory obligation to report, to the Corruption and Crime Commission

- (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.

The *Corruption and Crime Commission Act 2003* requires that matters of misconduct and/or corruption may be reported to the Corruption and Crime Commission (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 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 done in accordance with City of Melville policies, procedures and associated requirements.

8.5 Public Interest Disclosure

The City of Melville 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*.

Employees will immediately report to the CEO or to the appointed public interest disclosure officer any instance of misconduct or improper conduct that they suspect may have occurred.

ANNEXURE ONE - ROLE OF THE CHIEF EXECUTIVE OFFICER AND EMPLOYEES

The role of Officers is determined by the functions of the CEO as set out in S 5.41 of the *Local Government Act 1995* –

“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 S 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.”*

Employees of council have an obligation to –

- (a) give their attention to the business of council while on duty
- (b) ensure that their work is carried out efficiently, economically and effectively
- (c) carry out lawful directions given by any person having authority to give such directions; and
- (d) give effect to the lawful policies, decisions and practices of the council, whether or not the officer agrees with or approves of them.

ANNEXURE TWO - VALUES OF THE CITY OF MELVILLE

The City of Melville has identified a set of values. Although these are current, the City may add new values or review the present values to ensure that they reflect the underlying principles of good governance and those of the Public Sector Standards.

| | |
|---------------|--|
| Relationships | teamwork, flexibility, empathy, integrity, openness, ethical, trust, listening, support, honesty |
| Excellence | achievement, results, governance, innovation, accountability, leadership, customer service |
| Vibrancy | excitement, growth, opportunities, learning, creativity, fun |
| Wellbeing | safe workplace & community, sustainability, work/life balance |

Employees are expected to apply the current values in all their activities associated with the business of the City.