

Worker's Code of Conduct

1. Introduction

The Shire of Toodyay (the Shire) Worker's Code of Conduct (the Code) provides workers with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire's commitment to high standards of ethical and professional behaviour and outlines the principles that are the foundation of all individual responsibilities.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

2. Application

The Code applies to all workers, including the CEO, while on the Local Government's premises or while engaged in local government related activities; the only exception being that clause 4.15 of this Code (Gifts) does not apply to the CEO.

For the purposes of the Code, the term 'worker' (as defined in section 7 of the *Work Health and Safety Act 2020*) describes any person who carries out work in any capacity for a person conducting a business or undertaking, including work as:

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

The term 'employee' (of the local government) means a person employed by a local government under section 5.36(1) of the *Local Government Act 1995*; or engaged by a

local government under a contract for services, as per Regulation 19AA, of the *Local Government (Administration) Regulations 1996*; and

The term ‘volunteer’ means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses) as per the *Work Health and Safety Act 2020*.

3. Policy Intent

3.1 Statutory environment

The Code addresses the requirement in s.5.51A of the *Local Government Act 1995* (the Act), requiring the CEO to prepare and implement a code of conduct for local government workers that includes matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

3.2 Statutory responsibilities

The Code should be read in conjunction with the *Local Government Act 1995* and associated regulations. Workers should ensure that they are aware of their statutory responsibilities under this and other legislation.

3.3 Organisational Values

The Code is underpinned by the following values which should be applied by all employees:

Integrity: We behave honestly to the highest ethical standard.

Accountability: We are transparent in our actions and accountable to the community.

Inclusiveness: We are responsive to the community, and we encourage involvement by all people.

Commitment: We translate our plans into actions and demonstrate the persistence that produces results.

3.4 Privacy and responsible information sharing (PRIS)

Workers are required to consider privacy and responsible information sharing in the collection, use, disclosure, and handling of private information.

The Shire’s organisational values embody a commitment to respect for the personal information and privacy of individuals, and to responsible information sharing practices.

4. Code of Conduct

4.1 Role of Workers

The role of workers is determined by the functions of the CEO as set out in s.5.41 of the *Local Government Act 1995*:

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

4.2 Principles affecting employment by the Shire of Toodyay

The principles set out in s.5.40 of the *Local Government Act 1995* apply to the employment of Shire Workers:

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 and Safety Act 2020; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

Local Government Act 1995

4.3 Personal behaviour

Workers will:

- (a) demonstrate proper, professional conduct aligned with the law, the organisational Code of Conduct, Council delegations, and all relevant policies, directives, and procedures of the Shire;
- (b) carry out duties impartially, prioritising the best interests of the Shire and the community without bias or favouritism;
- (c) act in good faith, with honesty and integrity, ensuring that actions are undertaken for the proper purpose and within the scope of authority, always serving the interests of the Shire and the community;
- (d) refrain from making improper or derogatory allegations unless they are true and serve the public interest, maintaining the highest standards of honesty and professionalism;
- (e) avoid engaging in any behaviour during official duties that may cause unwarranted offense or embarrassment to any reasonable person, fostering a respectful and inclusive workplace environment; and
- (f) uphold the obligation of loyalty to the Shire at all times, prioritising the organisation's interests and goals in every aspect of work and decision-making.

4.4 Honesty and integrity

Workers will:

- (a) take responsibility for our own actions and hold ourselves accountable for any mistakes made;
- (b) demonstrate reasonable care and diligence in all tasks and responsibilities undertaken;
- (c) uphold the highest standards of honesty and integrity in all aspects of work, ensuring that our conduct reflects these standards without exception;
- (d) foster an environment of open and honest communication with both internal colleagues and external stakeholders, promoting transparency and trust;
- (e) adhere to all applicable laws and regulations, serving the community with honesty, pride, and loyalty at all times;
- (f) proactively identify and promptly report any conflicts of interest that may arise in the course of duties;
- (g) safeguard the reputation of the local government entity, ensuring that our actions and behaviours do not bring any discredit to the organization as a whole;

- (h) report any instances of dishonesty or suspected dishonesty by any employee to the appropriate authority, as outlined in the organizational Code of Conduct and policies, ensuring transparency and accountability within the workplace.

4.5 Diversity

Workers will:

- (a) recognise and appreciate the value of diversity, including diverse ideas, experiences, skills, and expressions of opinion or perceptions among staff members;
- (b) demonstrate respect and non-judgmental behaviour towards individuals from all backgrounds, fostering an inclusive and welcoming environment for everyone;
- (c) treat others with the same respect and consideration that they themselves would expect, promoting empathy and understanding in all interactions;
- (d) encourage the observation, understanding, and celebration of traditions and cultures within the workplace, providing safe spaces for communication and education to promote awareness and appreciation of diversity while also acknowledging and respecting boundaries to prevent misunderstandings or discomfort.

4.6 Performance of duties

While on duty, workers will give their whole time and attention to the Shire's business, ensure that their standard of work is carried out efficiently, economically, and reflects favourably both on them and on the Shire.

4.7 Compliance with lawful and reasonable directions, decisions and policies

- (a) Workers will 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 a supervisor, manager or the CEO.
- (b) Workers will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.

4.8 Administrative and management practices

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

4.9 Intellectual property

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

4.10 Recordkeeping

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

4.11 Dealing with other employees

Workers will:

- (a) treat all colleagues with respect, courtesy, and professionalism, refraining from any behaviour that may constitute discrimination, bullying, or harassment;
- (b) understand and adhere to the conditions of employment to ensure that work is conducted in a manner that prioritises the health and safety of oneself and others;
- (c) ensure that all workers have access to comprehensive information regarding workplace health and safety, including relevant Work, Health, and Safety guidelines;
- (d) familiarise themselves with and comply with all obligations under applicable laws, Shire Policies, and HR Directives related to workplace behaviour, safety, and health. This includes but is not limited to:
 - (i) Prevention of Discrimination, Harassment, and Bullying HR Directive;
 - (ii) Resolving Workplace Grievances and Complaints HR Directive;
 - (iii) Shire of Toodyay Worker Safety Handbook;
 - (iv) Fitness for Work - Workplace Drug & Alcohol Use HR Directive;
 - (v) Workplace Health and Safety Statement.
- (e) demonstrate behaviour that aligns with the Shire's values, contributing to the creation and maintenance of a harmonious, safe, productive, and supportive work environment for all employees.

4.12 Dealing with community

- (a) Workers will treat members of the community with respect, courtesy, fairness, and professionalism; and value diversity.
- (b) All services must be delivered in accordance with the Shire's Customer Service Charter and relevant policies, directives and procedures, and any issues resolved promptly, fairly and equitably.

4.13 Professionalism

- (a) Maintain a positive attitude and demeanour in all interactions and situations encountered within the workplace;
- (b) Demonstrate organisational skills and punctuality in carrying out duties and responsibilities, ensuring efficiency and reliability in work performance;

- (c) Communicate effectively, openly, and thoroughly, sharing information relevant to the Shire's activities with colleagues and stakeholders;
- (d) Respect the privacy and boundaries of others, maintaining confidentiality and discretion in handling sensitive information;
- (e) Ensure that all forms of communication by workers, including verbal, written, and electronic, align with the status, values, and objectives of the Shire, reflecting professionalism and commitment to the organisation's mission;
- (f) Ensure that communications are accurate, polite, and professional in tone and content, fostering a positive and respectful workplace environment.

4.14 Personal communications and social media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted on personal social media, have the potential to be made public, whether intended or not;
- (b) Workers must not, unless undertaking a duty in accordance with their employment, disclose information, make comment or engage in any form of communication about or on behalf of the Shire, its Council members, employees or contractors, which breach this Code;
- (c) Worker's comments which become public and breach the Code, or any other operational policy, directives, 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*.

4.15 Personal presentation

- (a) Maintain a smart appearance and good personal hygiene to create a positive first impression and demonstrate professionalism in all interactions;
- (b) Adhere to professional and responsible dress standards outlined in the Shire's relevant policies, directives, and procedures, ensuring that attire is appropriate for the workplace environment at all times. Additionally, workers must be physically fit for work according to the standards set forth by the Shire.

4.16 Gifts

(a) Application

This clause does not apply to the CEO.

(b) Definitions

In this clause the following definitions apply as contained in r.19AA of the *Local Government (Administration) Regulations 1996*:

Term	Definition
Activity involving a local government discretion	<p>An activity —</p> <p>(a) that cannot be undertaken without an authorisation from the local government; or</p> <p>(b) by way of a commercial dealing with the local government;</p>
Associated Person	<p>a person who —</p> <p>(a) is undertaking or seeking to undertake an activity involving a local government discretion; or</p> <p>(b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion</p>
Gift	<p>(a) has the meaning given in section 5.57 [of the Local Government Act 1995];</p> <p>gift means —</p> <p>(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</p> <p>(b) a travel contribution;</p> <p><i>But:</i></p> <p>(b) does not include —</p> <p>(i) a gift from a relative as defined in section 5.74(1); or</p> <p>(ii) a gift that must be disclosed under the Local Government (Elections) Regulations 1997 regulation 30B; or</p> <p>(iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or</p> <p>(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).</p>
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.
Relative (s.5.74(1) of the Local Government Act 1995)	<p>In relation to a relevant person, means any of the following —</p> <p>(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;</p>

Term	Definition
	(b) <i>the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not 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.</i>
Prohibited Gift	<i>In relation to a local government employee, means —</i> (a) <i>a gift worth the threshold amount or more; or</i> (b) <i>a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more.</i>
Threshold amount <i>(for a prohibited gift)</i>	As per the regulations: \$300 or a lesser amount determined under regulation 19AF (refer to CEO Determination)
Notifiable Gift	Means: (i) a gift worth more than \$20 but less than \$150; or (ii) 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 \$20 but less than \$150.
CEO Determination	In accordance with r.19AF of the <i>Local Government (Administration) Regulations 1996</i> , the CEO has determined the threshold amount for prohibited gifts is \$150.

- (c) Employees must not accept a prohibited gift from an associated person;
- (d) An employee who accepts a notifiable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift;
- (e) 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 one of two or more accepted from the same person within a period of one year:
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance,of each other gift accepted within the one year period.
- (f) The CEO will maintain a register of notifiable gifts and record in it details of notifications given to comply with subclause (f);
- (g) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire of Toodyay's official website;
- (h) 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.

4.17 Conflict of Interest

- (a) Workers will ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties;
- (b) Workers 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, without first disclosing the interest to the CEO in writing. 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) Workers will provide written notice to the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Shire's functions (other than purchasing the principal place of residence);
- (d) Workers who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO in writing, before dealing with relatives or friends and will disqualify themselves from dealing with those persons;
- (e) Workers 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.

4.18 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

4.19 Disclosure of Financial Interests

- (a) All Workers will apply the principles of disclosure of financial interest as contained within the *Local Government Act 1995*;
- (b) Workers 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 *Local Government Act 1995*.

4.20 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in r.19AA of the *Local Government (Administration) Regulations 1996* as follows:

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.

- (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 s.5.60 of the *Local Government Act 1995*.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know 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.
 - (iii) 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
 - (iv) a disclosure is made as described in item (e)(ii) at a meeting; or
 - (v) 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.

4.21 Use and Disclosure of Information

- (a) Workers must not access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties;
- (b) Workers will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire's policies, directives and procedures;
- (c) Workers 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, or the Shire;
- (d) Due discretion must be exercised by all Workers who have access to confidential, private or sensitive information;
- (e) Nothing in this section prevents a Worker from disclosing information if the disclosure:
 - is authorised by the CEO or the CEO's delegate; or
 - is permitted or required by law.

4.22 Improper or undue influence

- (a) Workers must not in the performance of their duties or functions, use their position to improperly influence Council Members, employees or any other person, in order to gain an advantage (direct or indirect) for themselves or any other person, or cause a detriment or impairment to any person, or the Shire.

4.23 Use of Shire of Toodyay resources

- (a) In this clause –

Shire of Toodyay resources includes local government property and services provided or paid for by the Shire;

Local government property has the meaning given to it in s.1.4 of the *Local Government Act 1995* as follows:

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.

- (b) Workers will:
- (i) be honest in their use of the Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use the Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies, directives and procedures; and
 - (iii) not use the Shire'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 the CEO).

4.24 Use of Shire Toodyay finances

- (a) Workers are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances;
- (b) Workers will use Shire finances only within the scope of their authority, as defined in Shire policies, directives, and procedures;
- (c) Workers with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*;
- (d) Workers exercising purchasing authority will comply with the Shire's Purchasing Policy, Statement of Business Ethics and the systems, directives and procedures established by the CEO in accordance with r.5 of the *Local Government (Financial Management) Regulations 1996*;
- (e) Workers will act with care, skill, diligence, honesty and integrity when using local government finances;
- (f) Workers will ensure that any use of Shire finances is appropriately documented in accordance with the relevant policy, directives and procedure, including the Shire of Toodyay's Recordkeeping Plan.

4.25 Preventing reportable conduct

Shire Workers must report a 'reportable allegation' or 'reportable conviction' to the CEO as soon as they become aware in accordance with the Reportable Conduct Scheme Policy. Reportable conduct under the Scheme includes:

- Sexual offences;
- Sexual misconduct;

- Physical assault;
- Significant neglect of a child;
- Any behaviour that causes significant emotional or psychological harm to a child; and
- Other prescribed offences.

4.26 Reporting of Suspected Breaches of the Code of Conduct

Workers must report suspected breaches of the Code to an Executive Manager, their supervisor, or the CEO, in accordance with the HR Directive titled *Resolving Workplace Grievances and Complaints*.

The form that workers are to complete is the same form that is contained in Council Policy: *Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates*.

Suspected breaches may be related to behaviour that is the opposite of what is required as per this Code of Conduct and may also include the following:

- (a) Behaving in an aggressive manner towards another person;
- (b) Verbal or physical assault of any person or persons; or
- (c) Disrespect or disregard to management and delegations.

4.27 Handling of Suspected Breaches of the Code of Conduct

Any suspected breaches of this Code will be dealt with in accordance with relevant Shire policies, directives and procedures, depending on the nature of the suspected breach; and if substantiated, may result in disciplinary action.

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

- (a) Workers must report any information about suspected unethical, fraudulent, dishonest, illegal activities or corrupt behaviour to an Executive Manager, a Line Manager, Supervisor, or the CEO in accordance with the Shire's Resolving Workplace Grievances and Complaints HR Directive.
- (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) Workers may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Workers may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour in accordance with the *Public Interest Disclosure Act 2003*.

Reference Information

- Shire of Toodyay policies and procedures.
- CEO and HR Directives (signed off by the CEO)

Legislation

- [Local Government Act 1995](#) & its regulations

Associated documents

[Customer Service Charter](#)

[Fair Work Information Statement](#)

Worker's Safety Handbook

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