



**Code of Conduct -  
Employee, Volunteer and Contractor**

## Message from the Chief Executive Officer

The Shire of Chittering's Employee, Volunteer and Contractor's Code of Conduct (the **Code**) is an extension of our values and is a foundation for our long-term success.

This document sets out the guidelines that we must follow to maintain high ethical standards, appropriate corporate behaviour and accountability across the Shire of Chittering.

Ethical behaviour is an integral part of our culture, a culture that defines who we are, how we are perceived by the community and how we treat our colleagues.

Through openness and integrity, the Code ensures that we comply with procedures that reflect the highest standards of corporate governance.

We will sometimes encounter situations that will test our values, judgment and integrity. When these tests arise, we can use this Code. When each of us follows the Code, we communicate our commitment to the values.

I am personally committed to making sure we embody the strong ethical principles captured in this important document. It is essential for every employee to uphold and follow our Code, regardless of your role at the Shire of Chittering. Equally important is a requirement to hold others accountable to follow our Code and to call out misalignment of values in a respectful way.

Thank you for being engaged and committed to making the principles and practices of our Code part of your daily work.

Please take time to familiarise yourself with your obligations under this Code and continue to refer to it as you perform your duties. If you require further clarification on the Code or any of your obligations outlined below, please contact your Executive Manager.

Matthew Gilfellon  
Chief Executive Officer  
Shire of Chittering

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## 1. Introduction

The Code applies to all persons employed by the Shire of Chittering (the **Shire**) under the *Local Government Act 1995*. Each of us has a personal responsibility to incorporate, and to encourage others to incorporate, the principles of the Code in our work.

Our Code is a great resource, but it doesn't cover every situation you may face, so it's important to use good judgement in everything you do and to ask for help if you're ever unsure about the right course of action.

It should be noted that the Code is not a 'stand-alone' document and does not over-ride any legislation or law. Should the Code be inconsistent with any legislation or law, the legislation or law will take precedence.

## 2. Our Values

The Shire has adopted five corporate values which distinguish and guide our professional conduct and personal behaviour while at work.

Make sure your actions always reflect our values. You are required to follow our Code and comply with the Shire's policies, procedures, all relevant laws and regulations and complete your assigned training.

### **Customer Focused – Delivering service excellence**

- *We act in and advocate for the community's best interest.*
- *We provide accurate and consistent information.*
- *We take a keen interest in the work of others.*
- *We strive to deliver better value to our customer*

### **Improvement – Finding simpler, smarter and better ways of working**

- *We use each customer experience as an opportunity to improve.*
- *We continually review through questioning and debate.*
- *We embrace change.*
- *We strive for excellence.*

### **Accountability – Accepting responsibility and meeting commitments, on time and to standard**

- *We clarify expectations up front.*
- *We demonstrate high and proactive concern for health, safety, environment, community and the Shire's reputation.*
- *We adhere to corporate policies and procedures and legislative requirements.*
- *We avoid waste.*

### **Support and Collaboration – Together we are stronger**

- *We engage and consult with others appropriately.*
- *We share resources, ideas and information.*
- *We develop purposeful and positive relationships and networks with customers, stakeholders and peers.*

## **Respect – Trusting others and being trustworthy**

- *We act professionally with courtesy and integrity.*
- *We are inclusive by accepting and valuing diversity and by treating others fairly and with dignity.*
- *We share openly, honestly and appropriately.*
- *We genuinely consider and respond to the needs of others.*

## **3. Ethics in Practice**

### **3.1 Personal behaviour**

*Harassment and bullying in any form – verbal, physical, or visual is unacceptable and will not be tolerated. If you believe you've been bullied or harassed by any employee, contractor, or by any member of the public, we strongly encourage you to immediately report the incident to your Manager. Similarly, Managers who learn of any such incident should immediately report it to the CEO.*

#### **I will**

- Act ethically and with integrity;
- Make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- Treat members of the public and colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interest, rights, safety and welfare;
- Not harass, bully or discriminate against colleagues, members of the public or employees; and
- Fulfil all statutory requirements that relate to my role.

### **3.2 Professional conduct**

*We are committed to a supportive work environment, where employees have the opportunity to reach their full potential. The Shire actively creates and promotes an environment that is inclusive of all people and their unique abilities, strengths and differences. We work better together because of our differences, not despite them.*

#### **I will**

- Respect and value the diversity of the workforce where differences are valued and respected;
- Give colleagues the opportunity to express their views and opinions and invite teamwork and collaboration;
- Respect work spaces and avoid displaying or distributing material or using language that may cause offence;
- Stop unacceptable behaviour if it is offensive or unwelcomed to a colleague or customer;
- Demonstrate respect and understanding for Elected Members in relation to their roles, functions and responsibilities; and
- Report unacceptable behaviour to my Manager, as appropriate.

### 3.3 Professional commitment

*We must all recognise the part our roles play in contributing to the success of the Shire and make a commitment to comply with internal rules, policies and procedures, as well as conduct ourselves with integrity. We should each endeavour to fully utilise our capabilities and exercise our best efforts.*

#### **I will**

- Report improper conduct or misconduct which has been, or may be occurring in the workplace;
- Comply with the requirements of any policy, procedure or work instruction;
- Maintain an appropriate, professional standard of dress and grooming which complies with internal procedures, and/or occupational safety and health standards;
- Ensure that I am “fit for work” and that my actions will not adversely affect my work performance or endanger the health, safety or welfare of others in the workplace or in the community; and
- Report all hazards and adverse events when they occur.

### 3.4 Communication and information

*Our reputation, by which we build trust with our community, is our most valuable asset and it is up to all of us to make sure that we continually earn that trust and not do anything that may bring the Shire’s reputation into disrepute.*

*You must exercise caution and be careful when considering disclosing confidential information. You must ensure that external communications (including online and social media posts) do not disclose Shire information that may be confidential or represent (or otherwise give the impression) that you are speaking on behalf of the Shire unless you are authorised to do so. The same applies to communications with the media.*

#### **I will**

- Not disclose Shire information or documents, acquired through my work, other than as required by law or where proper authorisation is given;
- Not misuse this information for personal or commercial gain for myself, or for a gain or to the detriment of another;
- Ensure that records and reports are truthful, accurate, complete, consistent, timely and understandable;
- Adhere to legal requirements, policies and all other lawful directives regarding communication with Ministers, ministerial staff, lobbyists and members of the public generally;
- Not provide comment or information to the media without proper prior authorisation;
- Where possible, ensure that information and services offered to the community by the Shire are accessible to everyone including people with disabilities, their families and carers;
- Respect the confidentiality and privacy of all personal information; and
- Return all confidential information and intellectual property within my possession and control when terminating my employment with the Shire.

### 3.5 Record-keeping and use of information

*Our procedures limit access to and the use of information held by the Shire, and require that each of us take measures to protect that information from unauthorised access or use.*

#### **I will**

- Not access or use information that is not required for me to do my role;
- Record actions and reasons for decisions to ensure transparency;
- Ensure the secure storage of sensitive or confidential information;
- Not destroy records without authorisation; and
- Comply with our record keeping plan and the State Records Act 2000.

### 3.6 Fraud, Corruption and Misconduct

*The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are unacceptable and the Shire adopts a zero tolerance approach towards such behaviour. All allegations of corrupt conduct will be investigated and may result in disciplinary action including possible dismissal.*

#### **I will:**

- Not engage in fraud, criminal or corrupt conduct;
- Report any fraudulent, criminal or corrupt behaviour;
- Report any breaches of the Code; and
- Commit to supporting a strong culture and sound governance to prevent, detect and respond to fraud and misconduct.

### 3.7 Use of public resources

*The Shire provides us the tools and equipment we need to do our jobs effectively, but relies on us to be responsible and not wasteful with the resources we are given.*

*The Shire's policy is to allow some personal use of certain assets, such as a Shire car, laptop, mobile phone or other wireless communication device. Always check the relevant policy to ensure that you are using Shire assets as intended. If you are unsure, please ask your Manager or Human Resources Co-ordinator.*

*Simply, the money we spend on behalf of the Shire is not ours, it is public funds. Each employee at the Shire, not just those in Finance, play a role in making sure that the Shire's money is spent appropriately.*

#### **I will:**

- Be accountable for official expenditure;
- Use Shire resources diligently, efficiently and for their intended purpose;
- Use corporate credit cards and purchasing cards for Shire related expenditure only; and
- Not use work time or resources for personal gain, financial or otherwise.

### 3.8 Gifts and benefits

*You must avoid situations that may give rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you. You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment from you in your role with the Shire. Immediate family members ordinarily include parents, spouses, children and siblings.*

*To comply with Regulation 34B of the Local Government (Administration) Regulations 1996, if any token gift, reward or benefit is offered (token is defined as a value between \$50 to a maximum of \$300) disclosure will be made in a prompt and full manner and in writing in the Token Gifts Register, including the name(s) of the person(s) who gave the token gift, the date of receipt and its estimated value.-Gifts exceeding \$300 are not to be accepted, including any two gifts from the same person within six months where the value exceeds \$300.*

*Transparency and openness are the key. If a gift is offered in a public forum, it is less likely to be perceived as a gift of influence than if it were offered in a private context.*

#### **I will**

- Refrain from accepting a prohibited gift;
  - Always disclose the acceptance of a notifiable gift from a person who is undertaking or seeking to undertake an activity involving a local government discretion; or it is reasonable to believe is intending to undertake an activity involving a local government discretion (that means that the activity cannot be undertaken without an authorisation from the Shire or by way of a commercial dealing with the Shire); and
  - Notify the CEO, or their authorised representative, in writing, within 10 days of accepting a notifiable gift; which provides the following information:
    - a) the name of the person who gave the gift;
    - b) the date on which the gift was accepted;
    - c) a description, and the estimated value, of the gift; and
    - d) the nature of the relationship between the person who is an employee and the person who gave the gift;
- in order for the CEO to maintain the legislated Register of Notifiable Gifts.

### 3.9 Conflicts of interest

*A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty. You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interest and take the appropriate action to manage the conflict in discharging your public duty. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.*

*If in doubt consult your Manager.*

**I will:**

- Ensure personal or financial interests do not conflict with my ability to perform my official duties in an impartial manner and declare any conflict between my personal and public duty as soon as it is known;
- Disclose any interest I may have in a matter to be presented at a Council Meeting, whether through advice I provide at the meeting or through advice that I will present in a report to the meeting, to the CEO in writing, either before the meeting, at the time the advice is given, or at the meeting immediately before the matter is discussed; and
- Seek CEO approval before undertaking other (secondary) employment.

## 4. Ethical Decision Making

You have a responsibility to act legally and ethically in carrying out your duties and responsibilities as an employee of the Shire, in a way that complies with the principles outlined in the Local Government Act 1995 and is consistent with our Code.

You are expected to exercise a high degree of care in your decision making and make decisions impartially and in the best interests of the community.

So how do you make an ethical and correct decision? The decision-making guide below will help ensure that your behaviour meets the required standards. Assistance is also available from your Manager, Manager, Director, the CEO, Governance and Legal and People and Culture.

If you are unsure – seek advice BEFORE you act!

### 4.1 Decision making guide

#### Identify and assess the situation

- What is difficult about the situation?
- What are the legal issues to be considered?
- Does the Code require you to behave in a certain way?
- Who else is involved and what effect does your behaviour have on them?

#### Look at the situation from the Shire's standpoint

- What are your duties and responsibilities?
- Is there a relevant guideline, determination or policy?
- Who do you need to involve?

#### Would your behaviour stand up to scrutiny by the public?

*This is sometimes called the family or newspaper test.*

- What would your family or the CEO say if your actions were reported on the front page of the newspaper?
- Would others see you as using your employment and resources for public benefit?
- Do your personal interests conflict with the public interest?

#### Identify and consider the options

- Do you need to seek advice?
- Is there an alternative solution and what would the result of that solution be?

- How would the public view the alternative solution?

#### Choose your course of action

- Your choice of action must be within the legislation, policies and guidelines.
- Your behaviour must support the Shire's aims and standards.
- You must be able to justify your course of action.

## 5. What can happen if I breach the Code?

There are consequences for breaching your conduct obligations. Local government is subject to extensive regulation through legislation and a breach of any law will be viewed as a serious breach of the terms of your employment. Breaches of this Code, policy and/or procedure may also be considered serious and you may be subject to a disciplinary process in accordance with the Shire's Staff Disciplinary Policy.

Penalties for a breach may range from a reprimand through to the termination of your employment. Some unacceptable behaviours are also criminal offences and you may face prosecution if your behaviour is unlawful.

This means you must:

- Read, understand and comply with the Code and the policies, laws and regulations that apply to your job.
- Speak up when you see possible violations of the Code, policies and legal and regulatory requirements.
- Be truthful and cooperate fully in any investigation. Do not conceal or destroy information.
- Complete training on the Code, and attest that you understand and commit to complying with the Code.

Failing to read and attest to the Code does not excuse you from these obligations.

## 6. Review

Feedback or comments in relation to the Code should be directed to the Executive Manager Corporate Services. The Code will be reviewed every three years or as circumstances and needs dictate. The Executive Manager Corporate Services is authorised to make administrative changes that do not affect the intent of the Code such as if policy or procedure documents change or are repealed.

## 7. Legislative Provisions

Local Government Act 1995 and Regulations

Occupational Safety and Health Act 1984

Fair Work Act 2009

Freedom of Information Act 1992

Corruption and Crime Commission Act 2003

Corruption, Crime and Misconduct Act 2003

State Records Act 2003

Disabilities Services Act 1993

## 8. Acknowledgement of Shire of Chittering Employee Code of Conduct

I, hereby confirm I have familiarised myself with the Shire of Chittering's Code of Conduct and am aware of my obligations and responsibilities.

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Signature

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Date