



SHIRE OF MOORA

EMPLOYEE CODE OF CONDUCT

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Document History

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1. Preamble

The Shire of Moora Employee Code of Conduct provides staff in Local Government with consistent guidelines for an acceptable standard of professional conduct expected of them in carrying out their functions and responsibilities. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments. It expresses the Shire's commitment to high standards of professional and ethical behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the Principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in

- (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

This Code provides a guide and a basis of expectations for Local Government employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

1.1 Vision

Shire of Moora – a vibrant, affordable Regional Centre with a growing, caring community.

1.2 Mission

To provide the leadership, services and infrastructure that meets the needs of the community and surrounds.

1.3 Values

As representatives of the Shire of Moora, employees and council members are guided by the following key values which the Shire will uphold in all its activities:

- **Leadership** – by example and through a passion for what we do
- **Accountability** – for our actions, guided by principles of honesty and integrity
- **Respect** – for others, through understanding, tolerance, and inclusiveness
- **Professionalism** – by thinking strategically and working with a local and regional perspective
- **Consultative** – regularly engaging, consulting, and communicating with our community

1.4 Customer Service Charter

Our services will help people to navigate their way.

The Shire will interact with its clients by being:

- Professional in all our dealings.
- Patient, friendly and helpful.
- Responsive and timely.
- Accurate.
- Fair in our processes.
- Integrated, streamlined, and connected.

2. Roles of Employees

The roles of employees in Local Government are determined by the functions of the CEO as set out in section 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; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (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); and*
- (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

The principles by which employment of staff will be affected are set out in section 5.40 of the Act.

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

3. Conduct of Employees

3.1 Personal Behaviour

- (a) Employees will:
- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e., honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) 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; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.2 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 their Manager/Supervisor or Chief Executive Officer any dishonesty or possible dishonesty on the part of any other employee in accordance with this Code and the Shire's policies; and
- (c) be frank and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

3.4 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.
- (b) Employees will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative Management Practices

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

3.6 Corporate Obligations

- (a) Standard of Dress
 - (i) Employees are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.
- (b) Communication and Public Relations
 - (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status, values and objectives of that Local Government. Communications should be accurate, polite and professional.

3.7 Intellectual Property

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

3.8 Record Keeping

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

3.9 Relationships between Employees and Council Members

An effective Councillor will work as part of the Council team with the Chief Executive Officer to make strategic decisions. Employees, led by the Chief Executive Officer, implement those decisions. That teamwork will only occur if Members and Staff have a mutual respect and cooperate with each other to achieve the Council's corporate goals and implement the Council's strategies.

3.10 Dealing with other Employees

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of, and comply with their obligations under relevant law and the shire's policies regarding workplace behaviour and occupational health and safety.
- (c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

3.11 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Council Members, employees or contractors, which breach this Code.
- (c) Employee comments which become public and breach the Code of Conduct, or any other

operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the Corruption, Crime and Misconduct Act 2003.

3.12 Dealing with the Community

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

4. Personal Benefit

4.1 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, or to improperly cause harm or detriment to any person or organisation.

4.2 Improper or Undue Influence

- (a) Employees will not take advantage of their position to improperly influence Council Members or 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.
- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

4.3 Gifts and Bribery

- (a) Employees are not to accept a gift, other than a gift of or below **\$200**, from a person who is undertaking, or is likely to undertake, business –
 - that requires the person to obtain any authorisation from the local government;
 - by way of contract between the person and the local government; or
 - by way of providing any service to the local government.
- (b) Employees who accept a gift of *between \$50 and \$200* from a person referred to in (a) above are to record in a register of token gifts –
 - the names of the persons who gave and received the gift;
 - the date of receipt of the gift; and
 - a description, and the estimated value of the gift;unless the Local Government decided that –
 - specified gifts given by way of hospitality; or
 - specified classes of gift given by way of hospitality, need not be recorded.

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

5. Conflict of Interest

5.1 Conflict of Interest - General

- (a) Employees must ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their professional duties.
- (b) Staff members will not engage in private work for any person or body with an interest in a proposed or current contract with the Shire, without first making disclosure to their 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.
- (c) Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Employees 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.

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-discrimination legislation.

5.2 Secondary Employment

Staff wishing to undertake employment additional to duties performed for Shire of Moora should obtain the approval of the CEO annually.

No other employment should compromise the activities performed by Council.

5.3 Financial Interest

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

5.4 Disclosure of Interest

- (a) In addition to disclosure of financial interests, staff, including persons under a contract for services –
- attending a council or committee meeting; or
 - giving advice to a council or committee meeting;

are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

- (b) Where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given and is to be recorded in the minutes of the meeting.

6. Dealing with Shire of Moora Property

6.1 Use of Local Government Resources

Staff will:

- (a) be scrupulously honest in their use of 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 Local Government resources entrusted to them effectively and economically in the course of their duties and;
- (c) not use Local Government's resources (including the services of Council staff) 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 Chief Executive Officer).

6.2 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 business of the Local Government in accordance with Shire policy and the provision of the Local Government Act.

6.3 Use of Local Government Finances

- (a) Employees are expected to act reasonably and exercise sound judgement with respect to matters involving the Shire's finances
- (b) Employees will use Shire finances only within the scope of their authority, as defined in position descriptions, policies and procedures, management practices and administrative practices.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees exercising purchasing authority will comply with the Shire's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.

7. Dealing with Suspected Breaches of the Code of Conduct

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

7.1 Reporting Suspected Breaches of the Code of Conduct

Employees may report any suspected breaches of the Code of Conduct to their Supervisor, Manager

or the Chief Executive Officer.

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

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their Supervisor, Manager or Chief Executive Officer
- (b) In accordance with the Corruption, Crime and Misconduct Act 2003, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
 - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
 - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Employees, or any person, may also make a Public interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, published on the Shire's website.
- (e) Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.



Gavin Robins
Chief Executive Officer

21/11/2024

Date