



**CODE OF CONDUCT**

**for**

**Employees and Contractors**

**Revised June 2023**

## TABLE OF CONTENTS

<b>PREAMBLE</b> .....	3
<b>STATUTORY ENVIRONMENT</b> .....	3
<b>1. Roles &amp; Responsibilities</b> .....	4
1.1 Role of the CEO & Employees .....	4
<b>2. Conflict &amp; Disclosure of Interest</b> .....	4
2.1 Conflict of Interest.....	4
2.2 Financial Interest .....	5
2.3 Disclosure of Interest – Impartiality .....	5
<b>3. Personal Benefit</b> .....	6
3.1 Use of Confidential Information.....	6
3.2 Intellectual Property .....	6
3.3 Improper or Undue Influence .....	6
3.4 Gifts.....	7
3.5 Travel Contribution.....	8
<b>4. Conduct of Employees &amp; Contractor/s</b> .....	8
4.1 Personal Behaviour .....	8
4.2 Honesty and Integrity.....	9
4.3 Discrimination .....	9
4.4 Performance of Duties .....	10
4.5 Compliance with Lawful Orders .....	10
4.6 Administrative and Management Practices .....	10
4.7 Corporate Obligations.....	10
<b>5. Dealing With Shire of Northampton Property</b> .....	11
5.1 Use of Shire of Northampton Resources.....	11
5.2 Travelling and Sustenance Expenses .....	11
5.3 Access to Information .....	11
5.4 Freedom of Information.....	11
<b>6. Breaches And Misconduct</b> .....	12
6.1 Employees and Contractor/s.....	12
6.2 Misconduct .....	12
6.3 Public Interest Disclosure .....	12

## PREAMBLE

This Code of Conduct provides employees and contractor/s in the Shire of Northampton with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

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 the Shire of Northampton;
- (b) greater community participation in the decisions and affairs of the Shire of Northampton;
- (c) greater accountability of the Shire of Northampton to their communities; and
- (d) more efficient and effective Local Government.

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



**Andrew Campbell**  
**CHIEF EXECUTIVE OFFICER**  
**June 2023**

## STATUTORY ENVIRONMENT

This Code of Conduct observes statutory requirements of *Section 5.51A of the Local Government Act 1995* and the *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

Employees are to acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

Contractor/s acknowledge that they are subject to the provisions of the Code upon being engaged as a contractor/s and whilst they remain as a contractor/s for the Shire of Northampton.

## **1. ROLES & RESPONSIBILITIES**

### **1.1 Role of the CEO and Employees**

The Chief Executive Officer (CEO) is appointed by Council and has a direct responsibility to Council for the administration of the organisation. The CEO has direct oversight and responsibility for all employees of the Shire of Northampton.

The CEO is responsible to the Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council.

The role of employees 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 affairs and the performance of the Local Government 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.”*

## **2. CONFLICT AND DISCLOSURE OF INTEREST**

### **2.1 Conflict of Interest**

- (a) Employees and contractor/s will ensure that there is no actual (or perceived) conflict of interest between their personal interests, including those of their immediate family, business partners or close associates, and the impartial fulfillment of their professional duties.

- (b) 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 Shire of Northampton, 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.
- (c) Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Northampton area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise 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 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.

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## 2.2 Financial Interest

Employees will adopt the principles of disclosure of financial interest as contained within sections 5.59 – 5.90 of the *Local Government Act 1995*.

## 2.3 Disclosure of Interest – Impartiality - Employees

*In this clause "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) 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 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.
- (b) A requirement described under items (a) and (b) excludes an interest referred to in S 5.60 of the *Local Government Act 1995*.
- (d) A person who is an employee is excused from a requirement made under item (a) 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 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.

### **3. PERSONAL BENEFIT**

#### **3.1 Use of Confidential Information**

Employees and contractor/s 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.

#### **3.2 Intellectual Property**

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

#### **3.3 Improper or Undue Influence**

Employees will not take advantage of their position to improperly influence other Councillors or 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.

Similarly, employees and contractor/s will not take advantage of their position to the detriment of Council, the Shire or other persons.

### 3.4 Gifts

For the purposes of clauses 3.4 and 3.5 the following definitions apply:

Employee means any employee of the Shire of Northampton other than the CEO or Senior Employee.

Gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate.

Non-Employee and Non-Councillor Committee Members means any member of a statutory committee of Council that is not an existing CEO, Senior Employee, Employee or existing Councillor.

Same Donor has the same meaning or intent established in the Local Government Act 1995 and subsidiary legislation.

Senior Employee means the positions designated as Deputy Chief Executive Officer and Manager Works and Technical Services but does not include the Chief Executive Officer. (Note: the Local Government Act 1995 deals specifically with the responsibilities of the CEO).

- a) Senior Employees, Employees and Non-Employee or Non-Councillor Committee Members shall at all times comply with the statutory gift provisions of the *Local Government Act 1995* and subsidiary legislation;
- b) A gift (including moderate acts of hospitality) for Senior Employees shall have a maximum value of \$300, provided that multiple gifts from the same donor in a twelve (12) month period shall not exceed these amounts in aggregate;
- c) In accordance with clause 3.4(b) all gifts accepted by Senior Employees of \$50 or more must be disclosed in the appropriate form to the Chief Executive Officer within 10 days of receipt for recording in the non-statutory gift notification register held by the CEO. Any gift less than \$50 must be disclosed directly in the non-statutory gift register located in the safe at the Northampton Shire Office, at the Northampton Works Depot or by email to the CEO as soon as practicable;

- d) Unless otherwise authorised in writing by the CEO after consideration of relevant statutory restrictions, a gift (including moderate acts of hospitality) for Employees and Non-Employee or Non-Councillor Committee Members shall have a maximum value of \$50, provided that multiple gifts from the same donor in a twelve (12) month period shall not exceed those amounts in aggregate;
- e) In accordance with clause 3.4(d) all gifts accepted by Employees and Non-Employee or Non-Councillor Committee Members up to \$50 must be disclosed directly in the non-statutory gift register located in the safe at the Northampton Shire Office, at the Northampton Works Depot or by email to the CEO as soon as practicable; and
- f) Gifts valued less than \$300 may be received on behalf of the Shire of Northampton by Senior Employees, Employees and Non-employees or Non-Councillor Committee Members and be distributed between the relevant work area. All gifts received under this clause must be recorded by the primary receiver of the gift in the non-statutory gift register located in the safe at the Northampton Shire Office, at the Northampton Works Depot or by email to the CEO as soon as practicable;
- g) Unless otherwise authorised in writing by the CEO after consideration of relevant statutory restrictions, Senior Employees, Employees and Non-employees or Non-Councillor Committee Members will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit, other than moderate acts of hospitality for themselves or anybody else from any other person or body 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.

### 3.5 Travel Contributions

Contributions to travel for Senior Employees, Employees and Non Employee or Non Councillor Committee Members must be disclosed in accordance with the requirements of the Local Government Act 1995 and subsidiary legislation.

## 4. CONDUCT OF EMPLOYEES AND CONTRACTOR/S

### 4.1 Personal Behaviour

- (a) Employees and contractor/s 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 Shire of Northampton 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 Shire of Northampton and its communities and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop.
- (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 Shire of Northampton and not publicly reflect adversely upon any decision of the Council or Council's management.

#### **4.2 Honesty and Integrity**

Employees and contractor/s 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 employee, and in the case of a contractor/s to the employee who is responsible for overseeing their activities.
- (c) be frank and honest in their official dealing with each other.
- (d) Endeavour to resolve serious conflict through initial discussion facilitated by the CEO or, in the event that CEO is too closely involved, an independent impartial person or peer group.

#### **4.3 Discrimination**

Employees and contractor/s are required to treat each other and members of the community with respect and observe the requirements of Discrimination and Equal Opportunity legislation by:

- (a) Ensuring the workplace is free from any form of discrimination.
- (b) Applying the philosophy and principles of EEO at all levels of the organisation.
- (c) Ensuring they do not engage in unlawful harassment or bullying in the workplace.

#### **4.4 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Northampton'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 Shire of Northampton.

#### **4.5 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 cannot be achieved, with the Chief Executive Officer.
- (b) Employees will give effect to the lawful policies of the Shire of Northampton, whether or not they agree with or approve of them.

#### **4.6 Administrative and Management Practices**

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

#### **4.7 Corporate Obligations**

- (a) Standard of Dress

Employees are expected to comply with neat and responsible dress standards at all times. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

- (b) Communication and Public Relations

- (i) All aspects of communication by employees (including verbal, written or personal), involving Shire of Northampton's activities should reflect the standards and objectives of the Shire of Northampton. Communications should be accurate, polite and professional.
- (ii) Statements to the press on behalf of the Shire will only be made by the President or the CEO, or unless the President directs otherwise.

It shall be incumbent on employees when referring a member of the community to their local Councillor over issues that the officer cannot resolve due to current Council policy, that the officer notify the ward Councillors of the referral and any information that may assist in resolving the issue.

## **5. DEALING WITH SHIRE OF NORTHAMPTON PROPERTY**

### **5.1 Use of Shire of Northampton Resources**

Employees and contractor/s will:

- (a) be scrupulously honest in their use of the Shire of Northampton'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 Shire of Northampton resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Shire of Northampton's resources (including the services of Council 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 Chief Executive Officer).
- (d) Not use Council vehicles for private use unless authorised to do so.
- (e) Foster an awareness of the community's ownership of the Shire's natural and built environment.

### **5.2 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 Shire of Northampton in accordance with Councils policy and the provisions of the *Local Government Act 1995*.

### **5.3 Access to Information**

Employees will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

### **5.4 Freedom of Information**

Employees and contractor/s acknowledge that:

- (a) The *Freedom of Information Act 1992* (FOI Act) was introduced to facilitate public access to documents and an application can be made seeking access to any information held by the Shire of Northampton.
- (b) An object of the FOI Act is to 'make the persons and bodies that are responsible for State and local government more accountable to the public'.
- (c) They are obligated to assist the Shire's CEO and the Shire's Freedom of Information officers in locating documents relevant to an application made under the FOI Act.

## **6. BREACHES AND MISCONDUCT**

Complaints regarding a breach of this Code or of misconduct will be dealt with quickly and fairly in accordance with the principles of procedural fairness and natural justice.

### **6.1 Employees and Contractor/s**

A complaint alleging that an employee or contractor/s has breached this Code shall be made in writing. Complaints regarding:

- (a) An employee are to be made to the CEO or in the case of a contractor/s to the employee who is responsible for overseeing their activities.
- (b) The CEO is to be made to the President. The complaint will be investigated in a manner that is in accordance with the Shires Complaint Handling Procedure, Public Interest Disclosure Procedures and the principles of natural justice.

### **6.2 Misconduct**

For the purposes of this Code, misconduct is defined in accordance with section 4 of the *Corruption, Crime and Misconduct Act 2003*.

The CEO has a statutory obligation to report to the Corruption and Crime Commission allegations of suspected serious misconduct.

Allegations of suspected minor misconduct are dealt with by the Public Sector Commission and the CEO has a statutory obligation to report as required.

### **6.3 Public Interest Disclosure**

The Shire has a public interest disclosure procedure that provides confidential mechanisms for reporting and investigating misconduct allegations or improper conduct and other public interest information in accordance with the *Public Interest Disclosure Act 2003*.