

Code of Conduct

Local Government Employees

Endorsed by Dean Unsworth – Chief Executive Officer
16 February 2022



Table of Contents

Introduction - Message from the CEO.....	1
Statutory Framework	2
Other	5
Code of Conduct - Local Government Employees	6
1.1 Introduction	6
1.2 Statutory Environment	6
1.3 Application	6
2. Values	6
3. Code of Conduct.....	7
3.1 Role of Employees.....	7
3.2 Principles Affecting Employment.....	7
3.3 Personal Behaviour	7
3.4 Honesty and Integrity.....	7
3.5 Performance of Duties	7
3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies.....	8
3.7 Administrative and Management Practices.....	8
3.8 Intellectual Property	8
3.9 Recordkeeping.....	8
3.10 Dealing with Other Employees	8
3.11 Dealing with Community.....	8
3.12 Professional Communications	8
3.13 Personal Communications and Social Media.....	8
3.14 Personal Presentation	9
3.15 Gifts.....	9
3.16 Conflict of Interest.....	10
3.17 Secondary Employment	10
3.18 Disclosure of Financial Interests	10
3.19 Disclosure of Interests Relating to Impartiality	11
3.20 Use and Disclosure of Information	12
3.21 Improper or Undue Influence.....	12
3.22 Use of Shire Resources.....	12
3.23 Use of Finances.....	13
3.24 Reporting of Suspected Breaches of the Code of Conduct	13
3.25 Handling of Suspected Breaches of the Code of Conduct.....	13
3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour..	13
3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour	13
3.28 Breach of Code.....	14
Implementation	14
Endorsement	14
3.29 Document Control.....	14

Introduction - Message from the CEO

The Shire of Murray Code of Conduct for Local Government Employees, (the Code) has been developed and implemented to ensure employees fully understand and respect their roles and responsibilities, both individually and collectively.

The Code's intent is to clearly outline and express the expectations and the standards that are expected from employees to support such basic principles of honesty, integrity and ethical behavior to provide effective local government functions and services to and for our community, by demonstrating:

- understanding;
- professionalism and excellence;
- engagement at all levels; and
- accountability and transparency.

This in effect supports decision-making, community participation, accountability and efficient and effective local government.

The Code does not establish a rule for every situation an employee may face while performing their role and undertaking their duties on a daily basis and the Code should be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and all other legislation that may apply to employees while performing their role and duties, and the Code does not override or affect any statutory provisions or requirements.

The Code contains certain matters for employees outlined in Part 4A of the *Local Government (Administration) Regulations 1996* and whilst there are very important regulatory requirements and responsibilities, the Code is underpinned by the Shire's Values.

As a values-driven local government we must go beyond simply complying with minimum standards of personal conduct. We must continue to strive towards making every decision and every action one that we can be proud of. Every employee has a personal accountability to act in accordance with the intentions of this Code, to not condone adverse behaviours and to report breaches.

By working together as a cohesive and organised team, the organisation will continue to grow and develop to support the community we serve.

Employees of the Shire are subject to the provisions of the Code upon their acceptance of employment and while they remain employed.

Statutory Framework

Local Government Act 1995

5.51A. Code of conduct for employees

- (1) The CEO must prepare and implement a code of conduct to be observed by employees of the local government.
- (2) The CEO may amend the code of conduct.
- (3) The CEO must publish an up-to-date version of the code of conduct on the local government's official website.
- (4) Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.
- (5) A code of conduct under this section is of no effect to the extent that it is inconsistent with regulations made for the purposes of subsection (4).

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 the Shire 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 *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

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 (Administration) Regulations 1996

Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))

Division 1 — Terms used

19AA. Terms used

In this Part —

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;

associated person means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion;

code of conduct means a code of conduct under section 5.51A;

gift —

- (a) has the meaning given in section 5.57; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (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);

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;

local government employee means a person —

- (a) employed by a local government under section 5.36(1); or
- (b) engaged by a local government under a contract for services;

prohibited gift, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or

- (b) 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;

threshold amount, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

Division 2 — Content of codes of conduct

19AB. Prohibited gifts

- (1) In this regulation —

local government employee does not include the CEO.

- (2) A code of conduct must contain a requirement that a local government employee not accept a prohibited gift from an associated person.

19AC. Recording, storing, disclosure and use of information relating to gifts

- (1) In this regulation —

local government employee does not include the CEO.

- (2) A code of conduct must contain requirements relating to the recording, storing, disclosure and use of information relating to gifts that, under a code of conduct, may be accepted by local government employees from associated persons.

19AD. Conflicts of interest

- (1) A code of conduct must contain a requirement that a local government employee who has an interest in any matter to be discussed at a council or committee meeting attended by the local government employee disclose the nature of the interest —

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

- (2) A code of conduct must contain a requirement that a local government 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 local government employee disclose the nature of any interest the local government employee has in the matter —

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the time the advice is given. (3) A code of conduct must exclude from a requirement under subregulation (1) or (2) an interest referred to in section 5.60.

- (4) A code of conduct must excuse a local government employee from a requirement under subregulation (1) or (2) if the local government employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know —

- (a) that they had an interest in the matter; or
- (b) 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.

- (5) A code of conduct must require that if, to comply with a requirement under subregulation (1) or (2), a local government employee discloses an interest in a written notice given to the CEO before a meeting, then —

- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

- (6) Subregulation (7) applies if —
- (a) to comply with a requirement under subregulation (1), the nature of an interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subregulation (4)(b) at a meeting; or
 - (c) to comply with a requirement under subregulation (5)(b), notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

19AE. Other matters codes of conduct must deal with

- (1) In this regulation —
- resources of the local government** includes —
- (a) local government property; and
 - (b) services provided, or paid for, by the local government.
- (2) A code of conduct must contain requirements relating to —
- (a) the behaviour expected of a local government employee in relation to each of the following —
 - (i) the performance of the local government employee's duties;
 - (ii) dealings with other local government employees and the broader community;
 - (iii) the use and disclosure of information acquired by the local government employee in the performance of their duties;
 - (iv) the use of the resources of the local government;
 - (v) the use of the local government's finances; and
 - (b) how the records of the local government are to be kept; and
 - (c) the reporting by local government employees of suspected breaches of codes of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour; and
 - (d) the way in which suspected breaches of the code of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour of a local government employee are to be managed.

Division 3 — Other matter in relation to codes of conduct

19AF. Determination of threshold amount

- (1) The CEO may determine an amount (which may be nil) for the purposes of the definition of **threshold amount** in regulation 19AA.
- (2) A determination under subregulation (1) must be published on the local government's official website.

Other

Where the *Occupational Safety and Health Act 1984* is referenced the application of the *Work Health and Safety Act 2020* and its subsidiary legislation operate individually or collectively as is required in the circumstances that prevail.

Code of Conduct - Local Government Employees

1.1 Introduction

The Shire of Murray (Shire) Code of Conduct (the Code) provides employees 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 of Murray's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

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.

1.2 Statutory Environment

This Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and all other relevant legislation.

1.3 Application

1. This Code applies to:
 - all employees of the Shire, and
 - all contractors engaged under any contract for the provision of services while on any Shire premises or while engaged in any Shire related activity.
2. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

2. Values

The Shire of Murray values are:

Respect

For our Community – Adopt and maintain a customer focus, serve the community with pride and passion, ensure decisions taken help businesses to thrive, protect our environment and improve quality of life.

For Councillors – Take pride in serving Councillors as the elected representatives of our community; ensure that a sound understanding of the community guides advice to Council.

For Colleagues – Approach problems with a we over me mentality, collaborate and support each other to achieve organisational goals.

Excellence – Be outcomes-focused and innovate, ensure continual learning and growth, build strong relationships, adopt a can-do attitude, be proactive, participatory and inclusive, listen to understand and empower, close the loop.

Accountable – Care about your work, take pride in what you do, own your mistakes and let your learnings guide you to achieve better results and grow, be open and transparent.

Leadership – Be a steward of our community, your team and the organisation, create a positive working environment, take initiative, encourage continual improvement, be agile and adaptive.

3. Code of Conduct

3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO, as set out in section 5.41 of the Act.

3.2 Principles Affecting Employment

The principles set out in section 5.40 of the Act apply to the employment of all Shire employees:

3.3 Personal Behaviour

Employees will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies, procedures and guidelines of the Shire of Murray;
- (b) perform their duties impartially and in the best interests of the Shire uninfluenced by 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 Shire and the community;
- (d) make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) 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
- (f) always act in accordance with their obligation of fidelity to the Shire.

3.4 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) be frank and honest in their official dealing with each other; and
- (c) report any dishonesty or possible dishonesty on the part of any other employee or contractor to their direct Supervisor, Manager, Director or the CEO, in accordance with this Code and any Shire policies, procedures, management practices or directions.

3.5 Performance of Duties

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

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

- (a) Employees 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 Supervisors, Managers and/or Directors.
- (b) Employees will give effect to the lawful decisions and policies of the Shire whether or not they agree with or approve of them

3.7 Administrative and Management Practices

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

3.8 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. The records of the Shire created as a consequence of employment are the absolute property of the Shire.

3.9 Recordkeeping

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

3.10 Dealing with Other Employees

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from any 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 work health and safety (occupational safety and health).
- (c) Employee behaviour must adhere to Shire's values and actively contribute towards creating and maintaining a safe, supportive and effective workplace.

3.11 Dealing with Community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) Employees with statutory enforcement responsibilities are to act consistently without prejudice or favour and in accordance with law.
- (c) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

3.12 Professional Communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire activities should reflect the status, values and objectives of the Shire.
- (b) Communications should be accurate, polite and professional.

3.13 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 this Code, 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*.

3.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire relevant policies and procedures.

3.15 Gifts

(1) Application

This clause does not apply to the CEO.

(2) Definitions

gift —

- (a) has the meaning given in section 5.57 of the Act, but;
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (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);

Section 5.57 of the Act

In this Division, unless the contrary intention appears —

gift means —

- (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
- (b) a travel contribution;

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.

Section 5.74(1) of the Act.

In this Subdivision, unless the contrary intention appears—

relative, in relation to a relevant person, means any of the following —

- (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;
- (b) 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;

- (3) The CEO has not made a determination under Regulation 19AF of the *Local Government (Administration) Regulations 1996* and the threshold amount for a prohibited gift is \$300, as prescribed.

Note: a gift is 1 or 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.

- (4) An employee must not accept a prohibited gift from an associated person.
- (5) An employee must disclose a gift received to the CEO in writing within 10 working days, in the manner determined by the CEO from time to time.

3.16 Conflict of Interest

- (a) 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.
- (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, without first disclosing the interest to the CEO. 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 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 Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons. Failing to disclose may result in disciplinary action.
- (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.

3.17 Secondary Employment

A permanent employee must not engage in secondary employment, without receiving the prior written approval of the CEO.

Secondary employment is not defense reservist or volunteer community or emergency service activities.

3.18 Disclosure of Financial Interests

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.

- (b) Employees 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 Act.

3.19 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in regulation 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 Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now 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.
- (g) If:
 - (i) 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
 - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
 - (iii) 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.

3.20 Use and Disclosure of Information

- (a) Employees 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) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code and any relevant Shire's policies and procedures.
- (c) Employees 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, body, or the Shire.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
 - (i) is authorised by the CEO or the CEO's delegate; or
 - (ii) is permitted or required by law.

Improper use or the disclosure of information as determined by the CEO may result in disciplinary action.

3.21 Improper or Undue Influence

- (a) Employees will not take advantage of their position to improperly influence Council Members 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.
- (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 Shire of Murray or any other person.

3.22 Use of Shire Resources

- (a) In this clause –
 - Shire resources** includes local government property and services provided or paid for by the Shire;
 - local government property**, in the Act means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government has the meaning given to it in the Act.
- (b) Employees will:
 - (i) be honest in their use of Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies 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).

3.23 Use of Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shires finances.
- (b) Employees will use Shire finances only within the scope of their authority.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996* and any other statutory obligation.
- (d) Employees exercising purchasing authority will comply with the Shire Purchasing Policy G11, and all 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 all care, skill, diligence, honesty and integrity when using Shire finances.
- (f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with any relevant policy and procedure or purchasing system, including the Shire's Recordkeeping Plan.

3.24 Reporting of Suspected Breaches of the Code of Conduct

Employees are to report suspected breaches of this Code to their Supervisor, Manager, Director or directly to the CEO.

3.25 Handling of Suspected Breaches of the Code of Conduct

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

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

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, as detailed in Clause 3.24.
- (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, as detailed in Policy G6.

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with Policy G14, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

3.28 Breach of Code

An employee who breaches this Code may be subject to disciplinary action, in accordance with the Shire's established processes and procedures, which may result in employment being terminated.

The Shires Misconduct Management Practice and Procedure HR021 outlines the process to deal with contraventions of the Code.

Implementation

This Code is in effect on and from the date endorsed by the Shire of Murray Chief Executive Officer.

Endorsement



Dean Leonard Unsworth
Chief Executive Officer

Date: 16 February 2022

3.29 Document Control

Document Control							
Document Responsibilities:							
Owner:	Chief Executive Officer	Owner Business Unit:	Office of Chief Executive Officer				
Reviewer:	Manager Governance	Decision Maker:	Chief Executive Officer				
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996						
Other:	Misconduct Management Practice and Procedure HR021						
Organisational:	Governance						
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	Feb 2023	Records Ref:	D24/7288
Version #	Decision Reference:		Synopsis:				
1.							
2.							
3.							



**Shire of
Murray**

Administration Office

1915 Pinjarra Road, Pinjarra WA 6208
PO Box 21 Pinjarra WA 6208

T: (08) 9531 7777

E: mailbag@murray.wa.gov.au

   @ShireofMurray

murray.wa.gov.au