



City of Nedlands

**Employee Code
of Conduct**

2022



Acknowledgement of Country

The City of Nedlands acknowledges the traditional custodians of this land, the Wadjak people of the Nyoongar Nation, and pays respect to the Elders both past and present.

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A Message from the CEO

The City of Nedlands is an historic, inner-city council that plays an important role in the WA Local Government sector. Incorporating leafy garden suburbs between river and sea, with a vibrant community of families, students and visitors, the City plays an important role in delivering vital services and projects to support this unique community.



The City of Nedlands' Code of Conduct for Employees, (the Code) has been adopted to ensure all employees understand and respect their roles and responsibilities. This enables professional relationships to be established and maintained in the interest of providing good governance and overall integrity in all work related activities.

Previously a single Code of Conduct applied to Council Members, Committee Members and Employees, however new legislation requires a Code of Conduct be created for Council Members, Committee Members and Candidates for Election (adopted by the Council), and another separate Code be provided for Employees (adopted by the CEO).

The Code for employees sets out principles and standards of behaviour to assist and guide all workers (employees and volunteers) in determining appropriate and ethical standards of behaviour across a range of circumstances. The Code sets high standards that the City expects to be met.

The Code should be read in conjunction with relevant legislation including the Local Government Act 1995 and Council and City policies and procedures.

The Code is an important document that aims to ensure that residents, ratepayers and stakeholders will recognise the high standards of service and ethical decision-making delivered by all who act on behalf of the City of Nedlands.

I am pleased to make this Code of Conduct available to all employees and I trust that it will assist in collectively achieving and maintaining high standards of ethical behaviour in all our dealings with the community and with each other.

Bill Parker

Chief Executive Officer

Why have a Code of Conduct?

The vision of the City of Nedlands is to be an environmentally sensitive, beautiful and inclusive place. Working in Local Government means supporting the local community and delivering on the City's vision.

The *Local Government Act (1995)*¹ requires the City to implement a Code of Conduct as a guide for employees to act ethically at all times, demonstrating positive behaviour that reflects high standards of service to the community. A Code of Conduct provides clarity between acceptable and unacceptable behaviour and details the obligations for all employees to observe in the course of their public duty.

¹ WA Local Government Act



Scope

All personnel working on the City's behalf are covered by this Code. This includes employees, volunteers, contractors and consultants. Service providers, representatives and agents must also ensure their employees are aware of the City's Code of Conduct and follow its requirements when acting on behalf of the City.

Code of Conduct

The Code of Conduct is underpinned by the City's core values:

- **Accountability:** We conduct our business and all our services in an open, transparent and financially responsible manner.
- **Partnership:** We work together for the benefit of the community.
- **Fairness:** We provide consistent, fair and unbiased treatment for the whole community.

The City of Nedlands recognises the importance of key behavioural values as a cornerstone for the actions and behaviour of all employees in their interactions with the community. It is expected that everyone who works for, or with the City, will be transparent and ethical in their dealings with others.

Examples in the Code may not cover all situations. Employees and others are therefore expected to use their judgment in each situation based on the City's key behavioural values. If uncertain, supervisors or others in authority should be approached for advice, as outlined in this document. Employees must report any breach of the Code.

This Code of Conduct is a living document that will be regularly updated. Questions are encouraged as this will help inform the Code and ensure it continues to maintain a high standard of conduct.

Expectations

The Code outlines the standards of ethical behaviour expected from all employees.

Employees and others working for the City will 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 of the City.

In the performance of official or professional duties, employees and others are expected to refrain from any form of conduct which may cause unwarranted offence or embarrassment, but to always act in accordance with their obligations to uphold this Code. Employees shall deal with other employees, Elected Members and members of the public in a courteous and respectful manner.

While on duty, employees will give their whole time and attention to the City's business, will ensure their work is carried out efficiently, economically and effectively, and maintain a standard of work that reflects favourably on them and on the City.



Responsibilities

All employees have a shared responsibility to ensure that staff work in a safe and healthy work environment. By making appropriate decisions and holding each other accountable, we can deliver on our City values – accountability, partnership and fairness.

The table below outlines your responsibility as an employee to the City.

Responsibilities	Employees	Managers
Stay true to the City's values – Accountability, Partnership & Fairness	✓	✓
Follow all City policies, management guidance and procedures	✓	✓
Complete mandatory Code of Conduct training	✓	✓
Abide by the laws of: Local Government Act 1995 Work Health and Safety Act 2020 Fair Work Act Equal Opportunity Act 1984	✓	✓
Apply consistent standards for ethical behaviour	✓	✓
If you need guidance, please reach out to your manager or the Human Resources Department (who?)	✓	✓
Do not ignore or condone behaviour that breaches our Code; report concerns or suspicions immediately	✓	✓
Ensure that your staff are working in a safe environment. By setting the right culture the promise of the City's values will be delivered		✓
Manage concerns relating to this Code in a timely and appropriate manner and seek advice if you need support	✓	✓
When an issue is reported, take corrective and preventative action. Support any investigation		✓
Provide ongoing awareness of City policies and management practices to your team. As part of this process, talk to your team about ethics and integrity and the City's expectations		✓

Delivering on promises

All employees are required to follow the Code and no-one has the authority to ask an employee to violate it. When faced with a dilemma, the steps below may be useful in helping to decide whether you need to speak up.



Identify the situation

How do I know the incident is one that needs to be reported?

Review the incident and identify what you know. Even if you don't have all the information and facts, you can still speak up. Consider the consequences of a course of action or inaction and identify the key people involved.

Decision Checklist

Ask yourself the following series of questions. If you answer yes to any of the below or you struggle to answer, then you need to move onto the next step.

- **Ethics** - Is the action in conflict with the City's values or my own personal values?
- **Safety** - Does the action put my colleagues, myself or my community in danger?
- **Legal** - Does the action violate any of the City's policies or management guidelines?
- **Media** - Are there negative consequences if this matter became public knowledge?

Reflect

Before choosing a course of action, think about what your actions may mean. If you answer yes to any of the questions below, or have difficulty answering them, then you should speak up.

- **Impact** - How will this impact on the reputation of the City, and myself?
- **Justification** - Is the action justifiable to me or anyone else?
- **Conscious** - How would I feel if I were on the receiving end of my decision? Am I able to proceed with my actions without it having a negative impact on my mental health?

Ask for help

Remember you are not alone. Consider whether there is a City policy to guide your decision. Seek support and advice from a Manager or relevant support person(s) regarding your next steps. If the issue involves your Manager, contact a member of the Human Resources team.

Action

Actions must be lawful and consistent with City policy and Public Sector Standards and Guidelines. Any action or decision you make must be justifiable.

If you choose to lodge a grievance, you can access the Code of Conduct on the City's intranet, ask your direct manager or the Human Resources team.

Failure to read and formally acknowledge the City's Code does not excuse anyone from their obligation to uphold the Code.

Our Community

A local government has unique knowledge of and close connections with its community. Interaction between ratepayers and council staff occurs on many levels and in a variety of ways and settings, all of which enable the actions of local governments to be closely guided by their communities. This is important as the actions of local governments have a direct impact on those who live within their boundaries.

The City is committed to ongoing engagement with its community.

Access and Inclusion

The City's Disability Access and Inclusion Plan (DAIP) has been created through consultation and interaction with people who are at risk of being excluded from community life. The DAIP aims to improve access for all – that is, people with a permanent disability, parents with young children and prams, the elderly, and people from culturally and linguistically diverse backgrounds. It also includes community members who have a temporary impairment.

People with disability are to receive the same level and quality of service from the staff of the City as any other person receives. This premise also extends to employees with a disability. People with a disability are to be provided the same opportunities as any other person to obtain and maintain employment with the City.

Interacting with Clients

Employees must maintain the highest standards of professional conduct when interacting with clients including children, young people and others.

The City of Nedlands maintains a 'zero tolerance' approach to any abusive behaviour and requires high standards of conduct to be maintained at all times by employees, volunteers, instructors and other people engaged by the City to provide services, programs and activities through or on behalf of the City. This includes:

- Nedlands Community Care
- Positive Ageing
- Point Resolution Child Care
- All City Libraries
- Tresillian Arts Centre

In the context of the Code, 'child' refers to a person who is under the age of 18. The City expects all employees to interact with children in an age-appropriate and respectful manner.

The WA Department of Community – Child Protection is the main agency governing the protection of children and young people in Western Australia.

The City determines whether a particular position or placement requires a Working with Children Check (WWCC). Employees in these positions must obtain and maintain a valid WWCC.

Any allegations or incidents of child abuse will be treated seriously and in accordance with the law. Employees of the City must maintain the highest standard of professional conduct in their interactions with children and young people. At all times, employees' behaviour must be in the best interest of the child.

Employees providing services to clients of any age group must be mindful of the City's policies outlining appropriate boundaries and behaviour.



Our People

Respecting and Valuing Diversity

The City is committed to upholding the laws and principles of the Equal Opportunity Act 1984². It is unlawful to discriminate against anyone who works at the City in any capacity.

Direct discrimination is when a person is treated less favourably on the basis of:

- Age
- Breastfeeding
- Family responsibility
- Fines enforcement
- Gender history
- Impairment
- Political conviction
- Pregnancy
- Race
- Religion
- Sex

Indirect discrimination is when there is an unreasonable rule that may have a negative effect on a particular group of people which would fit into one of the above mentioned categories.

- Personal association with someone who has or assumed to have one of the above characteristics

The City is committed to maintaining an environment that is non-discriminatory.

Employees should be mindful of their actions and their impact. The City expects all City employees to be inclusive, supportive and collaborative in their interactions with each other.

An employee who feels they are being subjected to inappropriate behaviour, should refer the matter to their direct line manager or to a member of the Human Resources team.

Workplace Health and Safety

The City of Nedlands is committed to abiding by legislation and the protection of the safety, health and wellbeing of all personnel in the workplace including City employees, contractors, volunteers and visitors.

² [Western Australia - Equal Opportunity Act 1984](#)



All employees have a duty of care to ensure a safe and healthy work environment. Employee wellbeing is everyone's responsibility. The City endeavours to create a workplace that is safe and free of health risks. Workplace health and safety includes physical and mental health.

The City's goal is to maintain a high standard of safety and to identify and report hazards and incidents.



Drugs and Alcohol

Employee safety and wellbeing is most important. The City requires all employees, workers and volunteers who present for work to be fit and capable of safely performing their work, without risk to themselves or others.

Those who are found to be impaired by alcohol or other drugs at work, or are fatigued when presenting to work, will be administered in accordance with the Testing for Alcohol and Other Drugs City Policy and Procedure, and the Fitness for Work Policy and Procedure.

Professional development

The City is committed to investing in the continuous development of its employees. This enables employees to perform effectively, grow skills and meet the changes and challenges of our organisation and community.

The City supports face-to-face learning with appropriate training providers and industry associations as well as relevant on-line learning opportunities. Employees need to submit training forms for manager/supervisor approval which will form part of their record in their personnel file and are also encouraged to provide feedback for quality control purposes.

Conferences are also an opportunity to enhance knowledge. Conferences will need to be relevant to the employee's role, and attendance and costs for the conference need to be approved by the relevant Director. Interstate conferences need to be approved by the CEO. Conference attendance is a great opportunity to bring information back to the City.

A summary of conference content such as information, links and slide shows for presentation to the department and team members is encouraged. This ensures a broader dissemination of the knowledge gained.

Support for formal learning through universities and other institutions where monetary support is sought, is handled by application to the relevant Director.

Dress Standards

The City expects employees to dress appropriately for work, and maintain a professional and positive public image. Certain positions require a City-issued uniform or protective clothing to be worn in accordance with Work Health and Safety. This includes safety boots, long sleeved tops and long trousers.



Employees working in direct client contact roles, such as childcare and aged care, are required to wear clothing fit for purpose to the role, including closed in shoes as applicable.

Employees who are not required to wear a uniform should wear clothing suitable to the work environment. For administrative staff, the dress standard is smart business casual. Questions regarding dress standards, should be directed to the relevant Manager or the Human Resources team.

Employees are encouraged to wear their name badge to assist identification and engender familiarity, particularly when employees are new to the City.

Use of City Assets

Employees are to be mindful of the way they use City assets. City resources should be used for appropriate work-related purposes and remain the property of the City.

Job related assets can include the following:

- Office facilities and buildings
- Technology hardware and software
- Hardware – desktops, laptops, mobile phones or other devices
- City vehicles, machinery and equipment
- Security access cards
- Credit or purchasing cards
- Office supplies
- Money
- Intellectual property

Assets

Some positions may be allocated additional resources or assets required to carry out the duties of the position. City IT assets are to be governed by the City's IT Assets Disposal policy.

Vehicles

The use of all City vehicles is subject to the Fleet Management Policy. Employees using City vehicles must, at all times, ensure they have an appropriate vehicle licence when driving or operating City vehicles.

Employees who use City property for any purpose other than to complete their job, or without the appropriate authorisation and consent, will be in breach of this Code.

Employees are not permitted to loan, sell or give away any City asset without the appropriate authorisation.

Information and Technology

Logging onto the City's IT network means employees have agreed to the City's *Acceptable Use of Electronic Equipment Policy*, which applies to everyone who works at the City and has a network account. City computers and networks should only be used for legal, authorised purposes. Access will be granted to approved users only. Employees' use of City resources is not private, and may therefore be monitored, retained or reviewed.

Employees should ensure they read and understand the contents of the City's *Acceptable Use Policy*. The Policy clearly outlines the difference between acceptable and unacceptable use of telephone, internet and email usage,



and data access.

The world is fast-changing in the digital space. Our community expects the City will use digital media responsibly in all communications. The City's Social Media Policy outlines what is, and is not, acceptable and all employees are to be mindful of the advantages and risks involved.

Security

The safety and security of City staff and assets is integral to everything we do. Corporate and information systems have levels of security designed to prevent unauthorised access.

This Code requires the use of technology, information and data in compliance with the City's Cyber Security, Privacy and Data Breach policies.

Employees must ensure City assets and information they are using or have in their possession is secure. This is particularly relevant for portable and electronic devices such as mobile phones and laptops. Use of City mobile phones and laptops must comply with the Acceptable Use of Electronic Equipment Policy and Mobile Use Policy.

Employees are required to adhere to password protocols and should never reveal their passwords to anyone else.

Employees must keep their building access cards in a safe place and they must not be lent to others. Lost cards must be reported immediately to the Building Maintenance Department.

Secondary Employment

The City recognises the right of individual employees to pursue activities outside of normal work time.

"Secondary Employment", sometimes referred to as additional employment, is any employment a person engages in, outside of their position at the City. This is governed by the City's Secondary Employment Policy and Procedure and includes working for another employer, running a private business, being the Director of an organisation, working in a family business, or working as a consultant.

Voluntary work for a charity / community group or emergency services group is excluded, provided the voluntary work adheres to all other criteria in this Policy.

Whilst the City wishes to support employees undertaking secondary employment, it is acknowledged this can present risks to the City. Risks include the potential for conflict where the secondary employer is applying for an approval from the City or providing goods or services to the City. There is also a risk of conflict with Work Health and Safety requirements, particularly through fatigue.

City employees who wish to commence any additional employment, whether paid or unpaid, require the documented approval of their Director through a completed and signed "Secondary Employment Application Form".

This includes secondary employment during leave breaks.

Employees undertaking approved secondary employment must:

- Ensure at all times that there is no actual (or perceived) conflict or incompatibility between their personal interests and the impartial fulfilment of their professional duties
- Be fit for work and able to perform all the duties of their position with the City; and
- Ensure that City service delivery is not adversely affected by their secondary employment.

Employees must not:

- Engage in employment with, or for any person or body outside of the City, where such employment may actually, or potentially, form part of, or relate to the duties or responsibilities reasonably expected of their employment with the City
- Engage in secondary employment activities during the course of their City work day (including sending or receiving emails or phone calls)
- Use City equipment or resources (including human resources) for the purpose of the secondary employment
- Use, pass on, or attempt to benefit from any confidential information obtained through their City employment.

Confidentiality and Privacy

Every workplace has information that needs to be managed appropriately. Members of the community trust the City will manage their information with a high level of care and confidentiality.

Care must always be exercised when collecting and managing the private information of City employees, suppliers and members of the public. The inappropriate use of information or abuse of position constitutes a breach.

Confidential information that may be accessed by employees includes but is not limited to:

- Financial information
- Information about other employees
- Information relating to members of the public and/or suppliers
- Commercial information
- Other information that has been disclosed in confidence

Our Governance

Gifts and hospitality

Employees of the City must not receive prohibited gifts from any person associated with the City.

'Prohibited' refers to:

Gifts worth \$300 or more. This includes receiving several gifts from the same person within a 12-month period that are worth more than \$300 in total.

An "associated" person refers to:

A person who is either undertaking, or seeking to undertake, an activity or business dealing with the City, or who it is reasonable to believe, is intending to undertake an activity with the City. For more information, the appendix to this Code provides further details on the specific requirements of the Local Government Act and Regulations on this



important area of the Code.

Exceptions:

Employees of the City may be able to accept gifts which are not prohibited. For example, a small item with a value of less than \$25 (examples may be pens, USB sticks, chocolate) do not need to be declared. Seek advice from the relevant manager if you are unsure.

Employees who receive gifts valued between \$25 and \$300 are required to notify the Chief Executive Officer (CEO) of the details of the gift within 10 days of accepting the gift. For more advice on this policy please refer to Appendix 1 attached.

Gifts that are prohibited:

Alcohol, in any form, may not be accepted as a gift under any circumstances.

Cash, in any form, may not be accepted as a gift under any circumstances.

Exceptions:

If an employee attends a work-related event or seminar where a fee has been paid to attend and the registration fee paid includes a dinner or hospitality service where alcohol is provided then this is not considered a gift. No additional disclosure or reporting is required.

If an employee attends an event which is consistent with the Attendance at Events Policy and where alcohol is provided incidental to the event then this is not considered a gift. No additional disclosure or reporting is required.

Conflict of Interest

A conflict of interest is a situation in which an employee of the City also has a personal or financial interest with another party that may impact their role or decision-making ability for the City.

The community expects the City's employees will undertake activities and perform duties in the public interest. The community expects the City's employees will not improperly use their positions or authority for personal gain or to cause detriment to others.

Employees will:

- Ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- Lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the City, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- 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.
 - Disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends with respect to recruitment or any other discretionary function. Employee will disqualify themselves from dealing with those persons.

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 City without first disclosing the interest to the CEO.

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.

Media Enquiries and Public Comment

Employees are not to speak with the media except where specific permission has been given by the Chief Executive Officer. If a media enquiry is made to an employee, the employee is to politely decline to comment and refer the enquiry to the CEO or the Media Liaison Officer.

Communications and Social Media

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.

Employees must not, unless in the undertaking of a duty in accordance with their employment, disclose information, make comments, or engage in communication activities including social media, about or on behalf of the City, Council Members, employees or contractors; such communication activities which would breach this Code.

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*.

Records and Access to Information

City employees are required to manage corporate information in accordance with legislation and the City's Records Management Procedure.

All City employees should take care to protect the unauthorised access or use of information. This requires each of us to only access information that is required of our role; to never destroy records without any appropriate approvals; to ensure a transparent process; and to require the right levels of confidentiality with regards to records and information.

Information obtained or created in the course of employment with the City must be managed appropriately. The City has a Record-Keeping Plan and information technology systems that help manage our information properly. Employees must ensure they manage information in accordance with the City's policies and their role.

Members of the public may access information required by law to be made available by the City. Members of the public can also access information through the Freedom of Information Act. Any questions about Freedom of Information matters are to be referred to the Information Management Governance Coordinator who will coordinate the response.

Complaints

Breaches of the Code of Conduct

Breaches of the Code of Conduct will be taken seriously. Procedural fairness will be provided during any investigation and in accordance with the Grievance Management Procedure.



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

- a. Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to the CEO, Director, Manager or the Human Resources Manager.
- 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 City's Public Interest Disclosure Procedures, published on the City's website.

Whistleblowing

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 the appropriate City policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

Questions and Answers

The following is a series of examples which may assist in your understanding of what is considered appropriate or inappropriate behaviour. Examples listed below do not cover all situations and employees should reach out for support and use their own judgement in making an informed decision.

Q.

One of my team members called me when outside the office and asked me to login to her computer and retrieve files using her private password. Is that okay?

A.

No. It is against City policy to share passwords. You should refuse the request and remind your manager of the IT policy.

Q.

I feel uncomfortable when one of my team members makes inappropriate jokes. Often these are sexist, ageist or culturally insensitive. Should I say something?

A.

Yes. Your work environment should be a safe place and it's everyone's responsibility to encourage inclusivity. If you find jokes offensive you may choose to provide feedback in private, or alternatively speak to your manager.

Q.

There is a staff member who has a second job outside his role with the City. Sometimes this outside work is conducted during office hours. Should I say something?

A.

It's important that an employee's time and resources are devoted to the City while at work. If you have concerns this is not being adhered to, then talk with that person's manager.

Q.

I need to organise a tender process for some services for the City. My brother has a company which can provide the service at a discounted price. Is it okay to proceed?

A.

No, that is a direct conflict of interest. The City has policies and procedures in place to ensure we follow a fair, unbiased and equitable procurement process. Speak to the Procurement and Contracts area and your manager, to understand the tender requirements and processes if you are unsure.

Q.

My son's computer is broken and I don't have the finances to buy him a new one. Is it okay to borrow the spare computer in my office until I can replace it?

A.

No. It is not okay. City property is only for the workplace and should not be removed from the City. Anyone using City property for private purposes will be in breach of this Code.

Definitions

Act means the *Local Government Act 1995*.

Breach means breach of the Employee Code of Conduct.

CEO means the Chief Executive Officer.

City means the City of Nedlands.

Code means City of Nedlands Employee Code of Conduct

Confidential Documents means a document marked to be “confidential” to show that it is not to be disclosed: have been provided at a closed meeting; is designated as confidential by resolution of Council or Committee.

Conflict of Interest means a situation in which a person's professional decision-making ability could be or could be seen to be influenced by their personal interests.

Corruption and Crime Commission means the Commission established under Section 8 of the Corruption and Crime Commission Act 2003.

Council means the governing body of the City of Nedlands.

Elected Member means a person who holds the office of Elected Member.

Employee means a person employed by the City under Section 5.36 of the Act.

Interest refers to an interest that could or could reasonably be perceived to adversely affect the impartiality of the person having the interest. This may include an interest arising from kinship, friendship or membership of an association.

Notifiable gift worth between \$25 and \$300 or a gift that is one of two or more gifts given by the same person within a period of 12 months that has a total value of not more than \$300.

Prohibited gift means a gift worth \$300 or more, or a gift that is one or more accepted from the same person within a period of 12 months that has a total value of \$300 or more

Regulation refers to the *Local Government (Administration) Regulations 1996* and the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.

Appendix one

Gifts

- a. Application
This clause does not apply to the CEO.
- b. Definitions
In this clause –

activity involving a local government discretion has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

associated person has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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

[r.19AA of the *Local Government (Administration) Regulations 1996*]

gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

gift –

- a. has the meaning given in section 5.57 [of the *Local Government Act 1995*]; 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
 - iii. 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);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

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 5.57 of the *Local Government Act 1995*]

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;

[Section 5.74(1) of the *Local Government Act 1995*]

prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

reportable gift means:

- i. a gift worth more than \$24 but less than \$300; or
- ii. a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$24 but less than \$300.

threshold amount has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

threshold amount, for a prohibited gift, 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;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

c. Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined the threshold amount for prohibited gifts is \$300.

d. Employees must not accept a prohibited gift from an associated person.

e. An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.

f. The notification of the acceptance of a reportable gift must be in writing and include:

- i. the name of the person who gave the gift; and

- ii. the date on which the gift was accepted; and
- iii. a description, and the estimated value, of the gift; and
- iv. the nature of the relationship between the person who is an employee and the person who gave the gift; and
- v. if the gift is one of two or more accepted from the same person within a period of one year:
 1. a description;
 2. the estimated value; and
 3. the date of acceptance,of each other gift accepted within the one-year period.
- g. The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- h. The CEO will arrange for the register maintained under subclause (g) to be published on the City's official website.
- i. As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

Disclosure of Financial Interests

1. All employees will apply the principles of disclosure of financial interest as contained within the Act.
2. 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.

Disclosure of Interests Relating to Impartiality

In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

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.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- a. 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.
- b. 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.

- c. A requirement described under (a) and (b) excludes an interest referred to in Section 5.60 of the Act.
- d. An employee is excused from a requirement made under (a) or (b) 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.
- e. If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (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. 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.
- f. If:
 - i. to comply with a requirement made under item (a), 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 (d)(ii) at a meeting; or
 - iii. to comply with a requirement made under item (e)(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.

Use and Disclosure of Information

- a. Employees must not access, use, or disclose information held by the City except as directly required for, and during, 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, the City'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 City.
- 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 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, 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 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.

Use of City Resources

- a. In this clause -

City resources includes local government property and services provided or paid for by the City;

local government property has the meaning given to it in the Act.

local government property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government

[Section 1.4 of the *Local Government Act 1995*]

- b. Employees will:
 - i. be honest in their use of the City resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - ii. use the City 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 City'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).



City of Nedlands