



CODE OF CONDUCT FOR STAFF

1. INTRODUCTION

- 1.1 This Code of Conduct provides staff at the City of Cockburn, with guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater accountability in the affairs of Council.
- 1.2 The Code is complementary to the principles adopted in the Local Government Act 1995 and Regulations, which incorporates four fundamental aims to result in:
 - better decision-making by Council;
 - greater community participation in the decisions and affairs of Council;
 - greater accountability of Council to the community; and
 - more efficient and effective local government.
- 1.3 The Code is independent from the requirements of the provisions of Regulation 34B and 34C of the Local Government (Administration) Amendment Regulations, 2007.

2. ROLES AND OBJECTIVES

- 2.1 A primary role of all Council staff shall be the delivery of an efficient, effective and professional service to the community.
- 2.2 A primary role of all Council staff shall be the achievement of the Council objectives contained in the Corporate Strategic Plan.
- 2.3 The objective of Council staff is to ensure the City of Cockburn is a competitive organisation committed to quality service to the community.

3. CONDUCT

- 3.1 Staff shall not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.
- 3.2 Staff shall act and be seen to act:
 - properly and in accordance with the requirements of the law and the terms of this Code.
 - co-operatively with Council's Elected Members through appropriately defined communication channels.
 - to communicate and confirm Council decisions and policies in a positive and proactive manner in the community, regardless of the level of personal support for Council's collective decisions.
 - to make no allegations which are improper or derogatory 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.
 - as being frank and honest in their official dealings with Elected Members.
- 3.3 Staff shall observe the highest standards of honesty and integrity and avoid conduct that might suggest any departure from these standards.

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

3.5 Staff shall:

- be scrupulously honest in their use of Council's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- use the Local Government resources entrusted to them effectively and economically in the course of their duties.
- not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so.

3.6 (1) In this Code:

"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.

- (2) A person who is an employee and who has an interest in any matter to be discussed a Council or Committee meeting attended by the person is to 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.
- (3) A person who is an employee and 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 to disclose the nature of any interest the person 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.
- (4) This Code excludes Staff from a requirement made under subregulation (2) or (3) of Regulation 34C of the Local Government (Administration) Regulations in relation to an interest referred to in Section 5.60 of the Act.
- (5) this Code excuses a person from a requirement made under subregulation (2) or (3) of Regulation 34C to disclose the nature of an interest if
 - (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (b) 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.
- (6) If, to comply with a requirement made under subregulation (2) or (3) of Regulation 34C, a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then

- a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) 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.

3.7 Staff shall not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government. 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.

Also, staff who exercise a recruitment function shall make disclosure before dealing with relatives or close friends and shall disqualify themselves from dealing with those persons.

3.8 Staff shall not take advantage of their position to improperly influence Elected Members or other staff 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.

3.9 (1) In this Code

"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;

"gift" has the meaning given to that term in section 5.8294) of the Act except that it does not include

- (a) a gift from a relative as defined in section 5.74(1); or
- (b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

"notifiable gift", in relation to a person who is an employee, means

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

"prohibited gift", in relation to a person who is an employee, means

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

(2) A person who is an employee is to refrain from accepting a prohibited gift from 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.

(3) A person who is an employee and who accepts a notifiable gift from 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, is to notify the CEO, in accordance with Clause (3) below and within 10 days of accepting the gift, of the acceptance.
- (4) Notification of the acceptance of a notifiable gift is to be in writing and include
- (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition of 'notifiable gift' in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition)
 - (i) a description; and
 - (ii) the estimated value; and
 - (iii) the date of acceptance, of each other gift accepted within the 6 month period.
- (5) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under Clause (2).

4. ADMINISTRATIVE COMPLIANCE

- 4.1 Staff shall ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- 4.2 Staff are often asked to represent the Council on external organisations. Such positions should only be accepted within time and other constraints which do not adversely reflect on Council's commitment to that organisation and in doing so, staff should fairly represent the Council's position to the best of their abilities as it is understood by them at that time.
- 4.3 All aspects of communication by staff (verbal or written) involving Council activities should reflect the status and objectives of Council and should be accurate, polite and professional.
- 4.4 Staff shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, processes or business of the Council in accordance with Council's policies and any other statutory obligation.
- 4.5 Staff are expected to comply with neat and responsible dress standards at all times as may be determined from time to time.
- 4.6 Relevant staff shall respond to approaches from residents/ratepayers on matters referred through Elected Members, to which the resident/ratepayer has sought an Elected Member to address or resolve on their behalf in accordance with internal standards by correspondence, telephone, fax, e-mail or appointment.

- 4.7 Staff shall respond to any requests or enquiries by Elected Members, in accordance with internal standards unless, at the direction of the CEO or Service Unit Manager, there is justification for prioritising the request. Staff shall advise Elected Members in writing as soon as possible of the progress, outcome or information related to the Elected Members request or enquiry.
- 4.8 Staff shall only attend meetings arranged and attended by Elected Members, to meet proponents or ratepayers concerning any application, proposal or issue, at the direction of the CEO or Director to whom any initial approach by an Elected Member shall be referred. Staff presence at such meetings will be in an advisory capacity only and shall be withdrawn in circumstances where advocacy on behalf of the ratepayers/proponents is demonstrated by Elected Members.
- 4.9 Staff shall report to the CEO any approaches by Elected Members who contact them on any issue in which the Elected Member has an obligation to declare an interest or if the approach is made in a manner which is directive, demanding or otherwise attempting to influence the officer in either providing information to which the Member is not entitled, or to prepare a report or recommendation to Council in a particular way, to further the interests of the Member or any other third party.
- 4.10 Relevant staff shall accommodate all reasonable requests from Elected Members to meet with them to discuss Council related matters in order to assist the Member(s) to fulfil their duties.
- 4.11 Unless not practicable, staff shall only enter the Elected Members' area of the Administration Building after requesting and receiving approval from the Mayor, Deputy Mayor or Councillor.