
CODE OF CONDUCT FOR EMPLOYEES

STATEMENT

The Southern Metropolitan Regional Council (SMRC) is a regional local government organisation constituted under the Local Government Act 1995. It was formed in recognition of the fact that some services and facilities can be provided in a more efficient and responsive way through joint venture arrangements.

All local governments in Western Australia, including regional local governments, are required to have a Code of Conduct by law (see section 5.103 of the Act). This Code is based on the *Local Government (Rules of Conduct) Regulations 2007* and, together with the Code of Conduct for Councillors and Code of Conduct for Committee/Advisory Group Members, replaces the SMRC Code of Conduct for Elected Members and Employees adopted by the Council on 29 March 2007.

In adopting this Code, the SMRC are giving an undertaking that its employees' conduct will reflect the high standards expected of public officials by the regional community. As representatives of the region, the SMRC wishes to maintain a strong reputation for integrity.

SCOPE

This Code of Conduct applies to all employees of SMRC and provides a guide for the expected behaviour of employees. It encourages a commitment to ethical and professional behaviour and should be read in conjunction with the Policy, Plan and Investigation Guidelines for Misconduct, Fraud and Corruption Prevention.

An employee is a person appointed by the Chief Executive Officer in accordance with the *Local Government Act 1995*.

The Code applies only to persons/individuals appointed as employees and who are not an SMRC Council or Committee Member, as there is a separate Code for each of these personnel. For ease of reference, the CEO and Senior Management are covered under this Code of Conduct for Employees.

OBJECTIVES

To provide employees with clear guidelines on their expected behaviour and conduct while engaged in performing their duties at SMRC. These guidelines are in addition to the Position Description, contract of employment or any other terms of engagement under which they have been employed.

DEFINITIONS

Resources	Means funds, facilities, employees and equipment, and any other relevant Policies, such as the Information & Communications Technology Usage Policy
In clause 1.7 Disclosure of Interest Affecting Impartiality, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:	
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
In clause 2 Gifts, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996:	
Activity involving a local government discretion	Means an activity: <ul style="list-style-type: none"> a. that cannot be undertaken without an authorisation from the local government; or b. by way of commercial dealing with the local government

Gift	Has the meaning given to that term in S5.82(4) except that it does not include: <ul style="list-style-type: none"> a. a gift from a relative as defined in S 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
Media Outlet	Is any publication or broadcast program that transmits feature stories and news to the public through any type of distribution method including "on-line" media
Notifiable Gift	<ul style="list-style-type: none"> a. a gift worth between \$50 and \$300; or b. a gift that is one of two or more gifts given to the same individual by the same person within a period of six months that are in total worth between \$50 and \$300; or c. a gift that is a moderate act of hospitality i.e. a gift of a hospitality-type nature such as corporate box or tickets to a sporting event, or a dinner, which is worth between \$50 and \$300
Prohibited Gift	<ul style="list-style-type: none"> a. a gift worth \$300 or more; or b. a gift that is one or two or more gifts given to the same employee by the same person within a period of six months that are in total worth \$300 or more; or c. a gift that is a moderate act of hospitality i.e. a gift of a hospitality-type nature such as corporate box or tickets to a sporting event, or a dinner, which is worth \$300 or more

1. CONDUCT

1.1 Personal Behaviour

Employees will:

- a. act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- b. perform his or her duties impartially and in the best interests of the SMRC uninfluenced by fear or favour;
- c. act in good faith and fidelity (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the SMRC and the community;
- d. make no allegations which are improper or derogatory (unless they are in the public interest) and refrain from any form of conduct, in the performance of the employee's role, which may cause any reasonable person unwarranted offence or embarrassment; and
- e. always act in accordance with their obligation of fidelity to the Southern Metropolitan Regional Council.
- f. To treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- g. represent and promote the interests of SMRC and the communities they represent, while recognising their role as employees of SMRC.

1.2 Honesty and Integrity

Employees will:

- a. observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

- b. bring to the notice of the Chief Executive Officer of the SMRC any suspected dishonesty on the part of any employee, committee member, or Councillor.
- c. be frank and honest in their official dealing with each other.

1.3 Performance of Duties

While on duty, employees will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Southern Metropolitan Regional Council.

1.4 Compliance with Lawful Policies and Orders

Employees will:

- a. Comply with any lawful order given by any person having the authority to make or give the order, with any doubts as to the propriety of the order being taken up with the superior of the person who gave the order; and
- b. Give effect to the lawful policies of the SMRC, whether or not the employee agrees with or approves of them.

1.5 Administrative and Management Practices

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

1.6 Communication and Public Relations

Unless authorised to do so, all aspects of communication by employees (including verbal, written or personal), involving the Southern Metropolitan Regional Councils' activities should reflect the status and objectives of the Southern Metropolitan Regional Council. Communications should be accurate, polite and professional.

Employees will acknowledge that:

- a. There is respect for the decision-making processes of the Regional Council;
- b. Information of a confidential nature must not be communicated until it is no longer treated as confidential;
- c. Information relating to decisions of the Council, committee and management on approvals, permits and so on must only be communicated in an official capacity by a designated employee of the SMRC; and
- d. Communication of information concerning adopted policies, procedures and decisions of the SMRC is conveyed accurately.
- e. Employees are **not** permitted to make unauthorised comment on any issue relating to the Southern Metropolitan Regional Council to any media outlet. Any such requests for information made to an employee should be directed to the Community Engagement and Communications Officer or the CEO.

1.7 Standard of Dress

Employees are expected to comply with neat and responsible dress standards at all times, as detailed in the Dress Code for Employees. Accordingly:

- a. Employees will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity; and
- b. Management reserves the right to amend the Dress Code for Employees.

2. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

- 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 disclose any interests that could give rise to an appearance that they are not impartial in carrying out their duties. Disclosure will be made in written reports to the CEO.
- c. 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 Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- d. Employees who exercise recruitment or other discretionary functions will make a disclosure to the HR Manager before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e. Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discrimination legislation.

3. GIFTS

- a. An employee must not accept a prohibited gift from a person who -
 - i. is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion:
 - that requires the person to obtain any authorisation from SMRC;
 - by way of contract between the person and SMRC; or
 - by way of providing any service to SMRC.
- b. An employee may accept a notifiable gift from a person who –
 - i. is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion:
 - that requires the person to obtain any authorisation from SMRC;
 - by way of contract between the person and SMRC; or
 - by way of providing any service to SMRC.
- c. Any employee who accepts a notifiable gift from a person referred to in a. or b. above is, within 10 days of accepting the gift, to notify their direct Manager or CEO of the acceptance. The

notification of the acceptance of a notifiable gift must be in writing in the form of a Statutory Declaration and include –

- i. the date on which the gift was accepted;
- ii. the name of the person(s) who received the gift;
- iii. the name of the person(s) who gave the gift; and
- iv. a description of the gift;
- v. the estimated value of the gift;
- vi. the nature of the relationship between the person who is an employee and the person who gave the gift; and
- vii. if the gift is a notifiable gift under paragraph (b) of the definition of 'notifiable gift' (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - a description; and
 - the estimated value; and
 - the date of acceptance,

of each other gift accepted within the six-month period.

- d. Employees who accept a notifiable gift by way of a moderate act of hospitality shall also record this in the Gifts Register.
- e. Employees are not to accept a gift, other than a notifiable gift, for themselves or for any other person or body, from a person who has undertaken business with SMRC within the last 12 months. This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the *Local Government Act*) or an electoral gift (to which other disclosure provisions apply).
- f. The CEO is to maintain a register of notifiable gifts and record in it all details of notifications given to comply with a requirement made under item e., including the date of entry into the Register.
- g. This clause does not prevent the acceptance of a gift on behalf of the SMRC in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the SMRC, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the SMRC.

4.0 PERSONAL BENEFIT

4.1 Use of Confidential Information

Employees will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organization.

4.2 Use of SMRC Resources

Employees will:

- a. Be scrupulously honest in his or her use of the SMRC's resources and must not misuse them or permit their misuse;
- b. Use SMRC resources entrusted to them effectively and economically in the course of their duties and

- c. Not use the SMRC's resources (including the services of the SMRC's employees) for private purposes, unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

4.3 Misuse of SMRC Resources

Employees will not either directly or indirectly use the resources of the SMRC:

- a. For the purpose of persuading Councillors or Committee Members to vote in a particular way on an issue; or
- b. For any other purpose, unless authorised under the *Local Government Act*, or authorised by the Council or the CEO, to use the resource for that purpose.

4.4 Securing personal advantage or disadvantaging others

Employees will not make improper use of the employee's position:

- a. to gain directly or indirectly an advantage for the person or any other person; or;
- b. to cause detriment to the council or any other person.

4.5 Intellectual Property

All Intellectual Property remains exclusive property of the Southern Metropolitan Regional Council upon its creation unless otherwise agreed by a separate contract.

4.6 Improper or Undue Influence

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

5. MATTERS NOT DEALT WITH BY THIS CODE

5.1 The Act

Certain conduct and actions by employees constitute an offence under the *Local Government Act* and are not dealt with by this Code.

6. CONTRAVENTION OF THIS CODE

6.1 Procedure for making and dealing with a complaint involving alleged Misconduct, Fraud or Corruption

A person who has reason to believe that an employee has contravened a provision of this Code should refer to the Misconduct, Fraud & Corruption Prevention Policy and Investigation Guidelines.

7. REFERENCES & REVIEW

Statutory Compliance	<ul style="list-style-type: none"> ▪ Local Government Act 1995 ▪ Local Government (Rules of Conduct) Regulations 2007 – Reg 11 & 12 ▪ Local Government (Administration) Regulations 1996 (Regs 34B and 34C) 	
Organisational Compliance	<ul style="list-style-type: none"> ▪ Misconduct, Fraud & Corruption Prevention Policy ▪ Employment Contracts, Awards or SMRC RRRC Enterprise Agreement 2013 	
Approved by	Regional Council Resolution Meeting 27 April 2017	
Next Revision Date	April 2019	
Related Documents	<ul style="list-style-type: none"> • Misconduct, Fraud & Corruption Investigation Guidelines • Misconduct, Fraud & Corruption Prevention Plan • Dress Code for Employees 	
Policy Administration	Responsible Officer	Review Cycle
Corporate Services	Executive Manager Corporate Services	Biennial
Risk Rating	Low	
Location of document	SMRC Website – Key Documents - Policies SMRC Website – Members Area Staff Intranet SMRC, 9 Aldous Place, Booragoon – Corporate Services RRRC, 350 Bannister Road, Canning Vale – staff lunch room	

DOCUMENT CONTROL REGISTER

Date	Review		Author	Resp Officer	Council
2007/03	Original	1	MAF	MAF	29/03/2007
2008/11	Review	2	HRO	MAF	
2011/08	Update	3	CSM	DCS	27/10/2011
2013/10	Review	4	EMCS	EMCS	24/10/2013
2015	Review	5	EMCS	CEO	26/11/2015
2017	Review	6	EMCS	CEO	27/04/2017