

City of Greater Geraldton Operational Policy

054 EMPLOYEE CODE OF CONDUCT

People, Safety and Wellbeing

OBJECTIVES

The objective of this policy is to provide employees of the City of Greater Geraldton (the City) with consistent standards of professional workplace conduct. The Code of Conduct (the Code) addresses the broader issues of ethical responsibility and encourages greater transparency and accountability at the City and applies to a wide variety of personnel who undertake work and/or represent the City in the course of their duties.

POLICY STATEMENT

The Code is complementary to the principles adopted in the *Local Government Act 1995* (LG Act) and Local Government Regulations. The Code incorporates four fundamental aims resulting in:

- better decision making by the City;
- greater community participation in the decisions and affairs of the City;
- greater accountability and transparency; and
- a more efficient and effective local government.

This Code provides a guide and a basis of expectations for employees, it encourages a commitment to ethical and professional behaviours and outlines the principles in which individual and collective Local Government responsibilities may be based.

POLICY DETAILS

1. Introduction

1.1. Why have a Code?

Section 5.51A of the LG Act requires the CEO to prepare and implement a code of conduct to be observed by employees of the local government.

During the course of carrying out public duties, employees will be required to interact with a broad range of individuals and groups from the general community, government agencies and commercial organisations. This interaction will result in employees coming into contact with and representing a broad range of interests.

The actions taken and decisions made by employees can affect the wellbeing, rights or entitlements of these interests, and as such, it is important that ethical standards are consistently applied, to ensure the best interests for all people within the City of Greater Geraldton.

This Code provides a guide to employees by clarifying those situations where the ethical aspects of public duty may not always be clear.

1.2. Who does this Code apply to?

This Code applies to all employees of the City. Due to the diverse nature of the City and the range of services provided, the term employees includes personnel engaged via a contract of employment (on a permanent, casual or temporary basis), an apprentice or trainee and any person engaged as a contractor, consultant or volunteer.

2. Values and Ethical Principles

Values

These values establish the broad parameters within which employees are expected to work in order to deliver the Council's Strategic Plan. The City's values are:

2.1. Service

- We will make our customers the focus of everything we do
- Our service will be fair, flexible, innovative and reliable
- We will show genuine concern for our customers

2.2. Trust

- We will make trust the foundation of all relationships
- We will rely and depend upon each other
- Our communications will be open and genuine

2.3. Accountability

- We will honour our commitments
- We will take responsibility for our own actions
- We won't blame others
- We will hold each other accountable for our performance and behaviour

2.4. Respect

- We will treat others like we would like to be treated
- We will listen before we talk
- We will seek and value the contributions of others

2.5. Solidarity

- We will be united in our decisions
- We will be united in our actions
- Our strength will come from interdependence

Ethical Principles

This Code is governed by three ethical principles:

2.6. Justice

A responsibility to:

- be fair and equitable in our treatment of others and not treating people as a means to an end;
- use and share power for the common good of both individuals and society; and
- avoid discrimination, abuse or exploitation of others.

2.7. Respect for persons

A responsibility to:

- respect the rights of individuals and groups allowing them their opinion and their right to be different;
- enable and empower others to achieve their potential by promoting their physical, mental and social well-being; and
- encourage honest working relationships by being truthful and sincere when dealing with others.

2.8. Responsible care

A responsibility to:

- contribute to the well-being of individuals and society by exercising due diligence and a duty of care to others;
- treat others as they would like to be treated by doing good and not doing harm;
- uphold the rights of those who are unable to do so and advocating for others where required; and
- protect and responsibly manage the resources of the City.

3. Conflict and Disclosure of Interests

3.1. Conflict of Interest

3.1.1. Employees must ensure there is no actual or perceived conflict of interest between their personal interests and the impartial performance of their public duties.

3.1.2. Employees must not improperly use their position or authority for personal gain or to cause detriment to others.

3.1.3. A conflict of interest may arise when an employee has a personal or financial interest that could affect, or be perceived to affect, their ability to make objective decisions on behalf of the City. Actual, potential, or perceived conflicts may stem from a range of circumstances, including relationships with friends, relatives or close associates; financial interests; personal circumstances; previous employment; or private interests such as investments, political affiliations, volunteer activities, memberships, or private work.

3.1.4. While having a conflict of interest is not inherently wrong, it must be appropriately identified, disclosed, and managed in the best interests of the City. Any conflict of interest may influence or appear to influence an employee's impartiality when carrying out their duties and the Local Government Act 1995 and Regulations outline the legislative requirements for employees in disclosing and managing conflicts of interest.

3.2. **Additional Work Outside of the City**

As per section 19ADA of the *Local Government (Administration) Regulations 1996*; an employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO. This applies to all employees engaged by the City.

3.2.1. Secondary employment includes paid or unpaid work the employee undertakes in addition to their position with the Local Government.

3.2.2. Examples of secondary employment include:

- undertaking paid employment with another organisation
- running a business
- assisting or running a family business
- maintaining a professional practice or consultancy
- undertaking contract work
- being on an external boards, committees, working groups or undertaking work experience, and;
- volunteering for a community organisation, charity or professional association.

3.2.3. An employee must avoid and appropriately resolve any conflict or incompatibility between the employee's private or personal interests and the impartial performance of their public or professional duties.

3.2.4. Secondary employment can lead to conflicts of interest and/or conflicts of duties. An employee must not use Local Government time, resources, or information obtained from the Local Government in the course of secondary employment. An employee must not take advantage of their position at the Local Government for the benefit of their secondary employment.

3.2.5. An assessment of secondary employment will be undertaken annually during the employee's performance review or more regularly if required, to minimise risks including but not limited to:

- the creation of an actual or perceived conflict of interest between official and private business interests
- misuse of the City's resources such as telephones, email and office stationery and material
- unauthorised use of information and intellectual property
- absenteeism due to competing commitments

- diminished work performance resulting from tiredness, distraction or time pressures
- the potential for an increased load on co-workers who must cover the reduced performance of an employee, and
- adverse effects on the public's perception of the integrity of the City.

3.2.6. Employees with approval to engage in secondary employment have a duty to notify the CEO of any change in circumstances which might give rise to a conflict of interest, incompatibility with the City's employment or any real or perceived adverse impact on their performance of professional duties.

3.2.7. Employees must seek approval to represent the City on external organisations, boards, committees and working groups and ensure that they:

- Clearly understand the basis of their appointment.
- Provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation.
- Represent the City's interests on all matters relating to that organisation, while maintain the confidentiality requirements of the City.

3.2.8. An employee who engages or continues to engage in secondary employment after being informed that their application has been denied, may be subject to disciplinary action including but not limited to, termination of employment.

3.2.9. In some circumstances the City may be obliged to notify the Public Sector Commission or the Corruption and Crime Commission if the secondary employment arrangement requires further investigation.

3.3. Land Development Interests

This clause is not applicable to contractors, consultants or volunteers.

Employees will be required to lodge written notice with the CEO describing any intention to undertake dealing in land within the local government area, other than purchasing the principal place of residence, which may otherwise be in conflict with the Council's functions.

3.4. Recruitment Interests

Employees who exercise recruitment or other discretionary functions must make a disclosure to the Human Resources Team (which may be escalated up through to their Director if required) if the process involves relatives or close friends, and subsequently if deemed appropriate, disqualify themselves from the process altogether.

3.5. Public Duty

Public duty is the obligation employees have when carrying out their official duties. On these occasions employees are expected to ensure that their professional duty is deemed to be their first priority. This should be demonstrated by:

- being impartial and unbiased;
- acting fairly and justly;
- being accountable and transparent;
- doing their job effectively and efficiently; and

- behaving in accordance with this Code.

3.6. Financial Interest

- 3.6.1. A financial interest exists when it is reasonable to expect that if a matter is dealt with by the City in a particular way, an employee could result in a financial gain, loss, benefit or detriment for themselves or a close associate.
- 3.6.2. Financial Interests are not just situations where money changes hands but can also involve anything with financial value such as owning property, business partnerships, positions in a company, election donations, shares, debts, hospitality and gifts.
- 3.6.3. Employees must comply with the laws governing financial interests, including the disclosure of financial interests, as set out in Division 6 of the LG Act.
- 3.6.4. The onus is on employees to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists and whether any statutory exemption applies.

3.7. Interest

For the purposes of this Code, the meaning of interest is:

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; (see regulation 19AA of the *Local Government (Administration) Regulations 1996*, Part 4A).

3.8. Requirements to Disclose

This clause may not be applicable to contractors, consultants or volunteers.

- 3.8.1. An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by that person must disclose the nature of the interest:
- in a written notice given to the CEO before the meeting; or
 - at the meeting immediately before the matter is discussed.
- 3.8.2. 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 must disclose the nature of any interest he or she has in the matter:
- in a written notice to the CEO before the meeting; or
 - at the time the advice is given.
- 3.8.3. Subclauses 3.8.1 and 3.8.2. do not apply to an interest referred to in section 5.60 of the Act.
- 3.8.4. An employee is excused from the requirement to disclose an interest if the failure to disclose occurs because the person:
- did not know he or she had an interest in the matter; or

- did not know the matter in which he or she 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 that matter.

The disclosure of an interest does not necessarily affect the ability of the employee to discuss the matter.

3.9. Notice and Recording

3.9.1. Where an interest is disclosed in a written notice given to the CEO before a meeting, then:

- before the meeting the CEO is to ensure that the notice is given to the person who is to preside at the meeting; and
- at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates, is discussed; and
- where an interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the interest must be recorded in the minutes of the meeting.

3.10. Disclosure of information in Primary and Annual Returns

3.10.1. "Designated Employees" must provide primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the LG Act.

3.10.2. For these purposes a "designated employee" is defined in section 5.74 of the LG Act to mean:

- the CEO;
- an employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the LG Act;
- an employee who is a member of a committee comprising Council Members and employees; and
- an employee nominated by the City to be a designated employee.

4. Personal Benefit

4.1. Disclosure of confidential information

Employees must not disclose to another person, unless it is required for the performance of their duties at the City, written or oral information that is provided to them, or obtained by them, in confidence or, in the case of a document, marked confidential.

4.2. Improper use of information

Section 5.93 of the LG Act prohibits an employee from making improper use of any information acquired in the performance by the person of any of his or her functions under the LG Act or any other written law:

- to gain directly or indirectly an advantage for the person or any other persons; or
- to cause detriment to the local government or any other person.

The penalty, on conviction, is imprisonment for 24 months and a fine of \$24 000.

4.3. Improper use of position

An employee must not make improper use of his or her office or position:

- to gain directly or indirectly an advantage for him or her, or for any other person; or
- to cause detriment to the City or any other person.

4.4. Improper or undue influence

Employees must not take advantage of their positions to improperly influence any other person;

- to gain directly or indirectly an advantage for him or her, or for any other person; or
- to cause detriment to the City or any other person.

4.5. Gifts

4.5.1. Application

This clause does not apply to the CEO and will only be applicable to contractors, consultants or volunteers if they are receiving a gift in their capacity as a City employee.

4.5.2. 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
- (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);

[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 \$50 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 \$50 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 sub clause (c);

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

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

4.5.3. Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996*, the CEO has chosen not to determine a lesser amount.

- (a) Employees must not accept a prohibited gift from an associated person.
- (b) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (c) and within 10 days of accepting the gift.
- (c) 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.
- (d) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with sub clause (c).
- (e) The CEO will arrange for the register maintained under sub clause (d) to be published on the City's official website.
- (f) 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.

5. Conduct of Employees

5.1. Objectives

As employees, high standards of professional conduct will ensure that a positive image of the City is conveyed when the City interacts with its stakeholders and the general public. The conduct displayed should encourage fair, equitable and lawful management and operation of the City.

5.2. Values

As an employee, adherence to the City's values should be maintained at all times as per section 2.1 of this policy.

5.3. Personal Behaviour

Employees shall:

- 5.3.1. Act and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- 5.3.2. Perform their duties impartially and in the best interests of the City uninfluenced by fear or favour;
- 5.3.3. Act in good faith and in the interests of the City and the community;
- 5.3.4. Not make 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 a reasonable person unwarranted offence or embarrassment; and
- 5.3.5. Always act in accordance with their obligations to the City and in line with relevant policies and procedures.

5.4. Expected Behaviours

The following is an outline of the behaviours employees are expected to display at all times when representing the City:

- 5.4.1. Whilst at work or representing the City, give the whole of his or her time and attention to the business of the City, and ensure that his or her work is carried out efficiently, economically and effectively.
- 5.4.2. Carry out lawful directions given by any person having authority to give such directions;
- 5.4.3. Give effect to the lawful policies, decisions, and practices of the City, regardless of whether or not the employee personally agrees with or approves of them.

Whilst representing the City, employees must ensure they do not;

- 5.4.4. Display any behaviours considered to be verbally aggressive, intimidating or derogatory to a fellow employee, Council Member, or member of the general public, including offensive language;
- 5.4.5. In any way, physically harm, or threaten to physically harm an employee, Council Member or member of the general public;
- 5.4.6. Attend the workplace, or represent the City whilst intoxicated or under the influence of prohibited drugs or other mind altering substances.

5.5. Inappropriate Behaviour

5.5.1. Employees must observe the requirements of Anti-Discrimination and Equal Employment Opportunity legislation in their dealings with each other, and members of the community. This means it is unlawful to discriminate against a person on the grounds of gender, sex, marital status, pregnancy, potential pregnancy, sexual orientation, family responsibility, race, religion, political conviction, impairment, age or transgender.

5.5.2. Employees are bound by City policy in relation to Equal Employment Opportunity, Discrimination and Harassment in the workplace.

5.5.3. Examples of inappropriate behaviour include:

- bullying and intimidation;
- offensive language and excessive swearing;
- suggestive comments and jokes;
- habits designed to deliberately annoy;
- making jokes at someone else's expense; and
- beginning or engaging in the spreading of rumours or gossip calculated to offend or upset.

5.6. Honesty and Integrity

5.6.1. Employees must:

- observe the highest standards of honesty and integrity;
- bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of the CEO;
- bring to the notice of the CEO any dishonesty or possible dishonesty on the part of any member or employee (other than the CEO); and
- be frank and honest in their dealings with each other.

5.6.2. A notice under paragraph 5.6.1 (dot point two) must be given strict confidentiality and the City will give appropriate support to all parties during an investigation.

5.7. Compliance with local laws and policies

Employees must comply with the City's management practices and administrative procedures, regardless of whether or not they agree with or approve of them.

5.8. Contact with the media

5.8.1. The media includes all traditional forms of media and extends to dealings with reporters from newspaper, television and radio, as well any contribution made to social media sites such as, but not limited to Facebook, Instagram, Snapchat, LinkedIn and X.

5.8.2. Personal communications and media 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.

- 5.8.3. The Mayor is the principal spokesperson for the City as outlined in the Act. Employees are not to express a view, attitude or stance on behalf of the Council, at any time, without prior approval from the Mayor.
- 5.8.4. 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 Local Government, its Council Members, employees or contractors, which breach this Code.
- 5.8.5. Employees who speak publicly against any Council resolution without authorisation to do so, could be seen as using the information improperly and risk causing detriment to the City.
- 5.8.6. Employees must comply with all City Policies, including but not limited to *033 Communications and Media* and *052 Acceptable Use of Office Equipment, Electronic Communications and the Internet*.

5.9. Corporate Image and Style

This clause may not be applicable to contractors, consultants or volunteers.

5.9.1. A standard corporate image reflects the City's professionalism. As such employees must ensure:

- The City's corporate brand is reflected consistently in all materials published by employees. The corporate style guide contains information about the City's logo and communications involving large scale media campaigns. To ensure consistency is maintained in all City communications, the City's formal style guide must be followed when writing and formatting letters, facsimiles, internal reports and agendas. The style guide includes information about how to access standard templates. Employees must ensure all corporate documents are prepared using these standard templates. The Executive Office Team should be consulted to ensure that compliance is maintained at all times.
- Employees are expected to be neatly and smartly dressed at all times in attire that meets a professional standard when representing the City. The City's dress standards are outlined in *Operational Policy 025 Corporate Indoor Clothing Standards*. Clothing with offensive words or images is not to be worn whilst representing the City at any time.

5.10. Confidentiality

5.10.1. Confidential information should remain confidential unless release is required by law.

5.10.2. Employees shall not use confidential information to gain improper advantage for themselves, or for any other person or body.

5.10.3. Employees who access confidential information or confidential documents during the course of their employment must not release the information to any other person, except if required by law or otherwise. Serious breaches of confidentiality may result in disciplinary action. The consequences for a breach of confidentiality will vary according to the severity of the breach.

5.10.4. Confidentiality requirements continue to apply during employment and remain binding after employment with the City ceases, regardless of the reason for separation. Former employees must not use or disclose any confidential information gained through their role, except where authorised by the City or required by law.

5.11. Security

5.11.1. Security protocols exist to protect employees and the City's assets and information. They must be observed at all times.

5.11.2. The City's computer network has different levels of security set to protect unauthorised access. Employees provided with access to the City's computer network should choose passwords that cannot be easily determined. Passwords must not be disclosed to others. Attempts must not be made to discover the passwords of others.

5.11.3. Employees must keep building access cards safe at all times. Cards must not be misused or lent to others. Lost cards should be reported immediately to the Land and Property Services Team.

5.11.4. Employees must ensure City assets in their possession or being used by them are secure at all times. This is particularly relevant for portable and electronic devices such as mobile phones, laptops and I-Pads.

5.12. Use of City Resources

Employees must:

- be honest in their use of City resources and must not misuse them or permit their misuse by any other person or body;
- use City resources entrusted to them effectively and efficiently in the course of their duties; and
- ensure only reasonable personal use of City resources (e.g. email, internet) as described in Operational Policy 006 *Mobile Devices* and Operational Policy 052 *Acceptable use of Office Equipment, Electronic Communications and the Internet*.

5.13. Relationships between Council Members and Employees

Employees will make every effort to assist Council Members in the performance of their roles, and to achieve the satisfactory resolution of issues that may arise in the performance of their official role. However, employees must ensure that they do not:

- take individual direction from Council Members in relation to carrying out particular tasks;
- deal directly with a Council Member about administrative matters; or
- in their professional capacity publicly criticise Council Members or the organisation in such a way that bring either party's professional reputation into disrepute.

It is acknowledged that at times employees may hold positions within the community in addition to their role with the City. Employees must remain mindful of the obligations and expectations of them in their capacity of a City employee and must ensure it is clear to other

parties when they are acting in their capacity of a City employee and when they are undertaking the duties of an alternate position.

6. Breaches, Misconduct and Reporting

6.1. Breaches

A person may report a breach, or suspected breach, of this Code:

- by a member or an employee (other than the CEO) – to the CEO; or
- by the CEO – to the Mayor.

Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.

6.2. Reporting breaches and suspected breaches of the Code

6.2.1. Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO, in accordance with the City's Operational Policy 047 – *Grievance Management & Investigation*.

6.2.2. From the 1 July 2015, the *Corruption, Crime and Misconduct Act 2003* (CCM Act) made the Public Sector Commission (PSC) responsible for the oversight of minor misconduct of public officers. The Corruption & Crime Commission (CCC) retains responsibility for the oversight of serious misconduct and corruption.

6.2.3. Therefore, the City must notify the PSC of all reasonable suspicions of minor misconduct and the CCC of all reasonable suspicions of serious misconduct.

6.2.4. The CEO, being the "Principal Officer" of a notifying authority (for purposes of the CCM Act) has a statutory obligation to report as soon as is practicable after becoming aware of any matter that concerns misconduct as defined under section 4 of the CCM Act.

6.3. Misconduct

6.3.1. Misconduct means misconduct as defined in section 4 of the CCM Act.

6.3.2. Misconduct means conduct of a person, that does or could adversely affect the honest and impartial discharge of functions or exercise of powers of authority of the council, and that could be a disciplinary breach providing reasonable grounds for terminating the person's services or a criminal offence.

6.3.3. Misconduct occurs if:

- an employee corruptly acts or corruptly fails to act in the performance of the functions of their employment; or
- an employee corruptly takes advantage of their office as an employee to obtain a benefit for themselves or for another person or to cause a detriment to any person; or
- an employee whilst acting or purporting to act in their official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- an employee engages in conduct that —
 - adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority regardless of

whether or not the employee was acting in their capacity at the time of engaging in the conduct; or

- o constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
- o constitutes or involves a breach of the trust placed in the employee by reason of his or her office or employment as an employee; or
- o involves the misuse of information or material that the employee has acquired in connection with his or her functions, whether the misuse is for the benefit of the employee or the benefit or detriment of another person, and constitutes or could constitute —
- o a disciplinary offence providing reasonable grounds for the termination of employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a person whose employment could be terminated on the grounds of such conduct).

6.3.4. Examples of Misconduct Include:

- misappropriation of funds;
- theft of government assets, including information;
- deliberately failing to declare conflicts of interests;
- abuse of position;
- unauthorised access to or disclosure of confidential information; or
- allegations involving improper practices.

6.3.5. Every employee has a responsibility not to engage in misconduct and to not act corruptly or fraudulently, to actively prevent or detect these activities and to immediately report them if detected.

6.4. **Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

6.4.1. Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, or the CEO in accordance with *City's Operational Policy 047 – Grievance Management & Investigation*.

6.4.2. 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:

- the Corruption and Crime Commission, in the case of serious misconduct; or
- the Public Sector Commissioner, in the case of minor misconduct.

6.4.3. 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.

6.4.4. 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.

6.5. 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 Fraud and Corruption Control Plan* and where relevant, in accordance with the lawful directions of the appropriate statutory body.

6.6. Public Interest Disclosure

6.6.1. The *Public Interest Disclosure Act 2003* (PID Act) facilitates the reporting of public interest information and provides protection for those who report this information under the PID Act.

6.6.2. The City:

- does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the City, by its Council Members or employees;
- is committed to the aims and objectives of the PID Act;
- strongly supports disclosures being made by Council Members or employees as to corrupt or other improper conduct;
- will take all reasonable steps to provide protection to members and employees who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure; and
- does not tolerate any of its Council Members or employees engaging in acts of victimisation or reprisal against those who make public interest disclosures.
- Council Members and employees are encouraged to contact the City's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.

6.6.3. A person who makes an appropriate disclosure of public interest information to the City's nominated Public Interest Disclosure Officer under section 5 of the PID Act:

- incurs no civil or criminal liability for doing so; and
- is not, for doing so, liable:
 - to any disciplinary action under a written law;
 - to be dismissed;
 - to have his or her services dispensed with or otherwise terminated; or
 - for any breach of duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person (section 13).

KEY TERM DEFINITIONS

Act means the *Local Government Act 1995*

Activity involving local government discretion means an activity -

- that cannot be undertaken without an authorisation from the local government; or
- by way of a commercial dealing with the local government;

Breach means a breach of the Code of Conduct

CEO means the Chief Executive Officer

City means the City of Greater Geraldton

Code means the City of Geraldton Code of Conduct for employees

Confidential Document – means documents either:

- Marked by the CEO to clearly show the information in the document is not be disclosed; or
- Provided at a closed meeting; or
- Designated confidential by resolution of council or special committee.

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

Corruption and Crime Commission means the Commission established under section 8 of the *Corruption, Crime and Misconduct Act 2003*

Designated Employee under section 5.74 of the *Local Government Act 1995* means:

- The CEO;
- An employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the Act;
- An employee who is a member of a committee comprising Council Members and employees; and
- An employee nominated by the City to be a designated employee.

Council Member means an elected mayor or a councillor on the City of Greater Geraldton Council.

Employee means:

- A person who is engaged via a contract of employment on a permanent, casual or temporary basis
- An apprentice or trainee;
- A person engaged by the City as a contractor, consultant or volunteer.

Gift means (see Section 4.5 of this policy, this also includes a gift or a prize received while attending or conducting City business).

Mayor means a mayor elected by electors of the district of the City of Greater Geraldton

Regulations means the applicable *Local Government (Administration) Regulations 1996*.

ROLES AND RESPONSIBILITIES

The Manager People, Safety & Wellbeing is responsible for implementing this Operational Policy. This operational policy represents the formal policy and expected standards of the City. Employees who display actions that are contrary to the standards outlined above, may invoke disciplinary action up to and including termination of employment/engagement with the City.

WORKPLACE INFORMATION

Equal Opportunity Act 1984

Local Government Act 1995 (Disclosure of Financial Interest)

Local Government (Administration) Regulations 1996

Local Government Act 1995

Public Interest Disclosure Act 2003

Corruption, Crime and Misconduct Act 2003

Defamation Act 2005

Public Sector Management Act 1994

Statutory Corporations (Liability of Directors) Act 1996

City of Greater Geraldton Fraud and Corruption Control Plan 2022

Operational Policy 006 Mobile Devices

Operational Policy 025 Corporate Indoor Clothing Standards

Operational Policy 033 Communications and Media

Operational Policy 052 Acceptable Use of Office Equipment

Operational Policy 047 Grievance Management & Investigation

POLICY ADMINISTRATION

Directorate	Officer	Review Cycle	Next Due
Corporate Services	Manager People, Safety and Wellbeing	Biennial	2028
Version	Decision Reference	Synopsis	
8.	EMT26/005 21 January 2026	Policy Review	