City of Greater Geraldton
a vibrant future

Operational Policy

054 EMPLOYEE CODE OF CONDUCT

Corporate and Commercial Services

OBJECTIVES

The objective of this policy is to provide employees of the City of Greater Geraldton with consistent standards of professional workplace conduct. The Code of Conduct addresses the broader issues of ethical responsibility and encourages greater transparency and accountability at the City of Greater Geraldton.

POLICY STATEMENT

The Code of Conduct is complementary to the principles adopted in the *Local Government Act 1995* 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 of Conduct applies to all employees of the City of Greater Geraldton. The Code of Conduct 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 of Conduct?

Section *5.103(1) of the Local Government Act* states that, "every local government is to prepare or adopt a Code of Conduct to be observed by employees."

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 action 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 of Conduct 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 of Conduct Apply to?

This code of conduct applies to all employees who are employed by the City of Greater Geraldton.

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 of Conduct is also 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 of Greater Geraldton.

3. CONFLICT AND DISCLOSURE OF INTERESTS

3.1 Conflict of Interest

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

3.2 Additional Work Outside of the City

3.2.1. Employees wishing to undertake additional employment or other paid duties outside of the City of Greater Geraldton must first obtain the written approval of the Chief Executive Officer.

3.2.2. An Employee shall not accept or continue to hold an office, post or position under the government or a paid office, post or position in or under any local government or regional local government or the council of a local government or regional local government or any other public body corporate.

3.2.3. Employees should not accept or continue to hold or discharge the duties of, or be employed in a paid position in connection with any banking, insurance, mining mercantile or other commercial business, whether it be carried on by any corporation, company, firm or individual.

3.2.4. Employees must seek approval to represent the City on external organisations, boards, committees and working group 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 maintaining the confidentiality requirements of the City.
- If the appointment to a board is not approved by and representing the City then the employee must complete a "notification of other employment application" and ensure any time spent is in their own time.

3.3 Land Development Interests

Employees will be required to lodge written notice with the Chief Executive Officer 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 their Director 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 of Conduct.

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 a 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 Local Government Act 1995.

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 Impartiality Interests

For the purposes of this Code of Conduct, the meaning of impartiality is:

"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" (see regulation 34(C) (1) of the *Local Government Act (Administration) Regulations 1996* and regulation 11(1) of the *Local Government (Rules of Conduct) Regulations 2007).*

3.8 Requirements to Disclose

3.8.1. An employee who has an impartiality interest in any matter to be discussed at a Council or Committee meeting attended by that person must disclose the nature of the impartiality 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 impartiality 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. An employee is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- did not know he or she had an impartiality interest in the matter; or
- did not know the matter in which he or she has an impartiality interest would be discussed at the meeting and the person discloses the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

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

3.9 Notice and Recording

3.9.1 Where an impartiality 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.
- Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality 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 Local Government Act 1995.

3.10.2 For these purposes a "designated employee" is defined in section 5.74 of the Local Government Act 1995 to mean:

- 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 elected 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 Local Government Act 1995 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 Act 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 a fine of $10,000 or imprisonment for 2 years.

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 – Employees

Definitions:

In this clause, and in accordance with Regulation 34B of 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;

"gift" has the meaning given to that term in S 5.82(4) except that it does not include:

(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;

(d) a gift from WALGA , *the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072);*

"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.

4.5.1. A person who is an employee is to refrain from accepting a prohibited gift from a person who:

- is undertaking or seeking to undertake an activity involving a local government discretion; or
- it is reasonable to believe is intending to undertake an activity involving a local government discretion.

4.5.2. A person who is an employee and who accepts a notifiable gift from a person who:

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

is to notify the CEO, in accordance with item (4.5.3) and within 10 days of accepting the gift, of the acceptance.

4.5.3. The notification of the acceptance of a notifiable gift must be in writing and include:

- the name of the person who gave the gift; and
- the date on which the gift was accepted; and
- a description, and the estimated value, of the gift; and
- the nature of the relationship between the person who is an employee and the person who gave the gift; and
- 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 6 month period.

4.5.4. 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 item (4.5.3).

4.5.5. The CEO is to publish an up-to-date version of the register on the local government's official website.

4.5.6. This clause does not apply to gifts received from a relative (as defined in s.5.74 (1) (see definitions) of the Local Government Act 1995; or an electoral gift (to which other disclosure provisions apply).

4.5.7. This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

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, Elected 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, elected 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 on 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 and Twitter.

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 principle spokesperson for the City as outlined in the Local Government Act 1995. 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, it's Council Members, employees or contractors, which breach this Code of Conduct.

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.

5.9. Corporate Image and Style

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

- The City's corporate brand must be 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 OP025 – Corporate Indoor Uniforms and Operational Policy OP029 Outdoor Clothing and Personal Protective Equipment. 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. 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.

5.11. 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 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 end 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 Elected Members and Employees

Employees will make every effort to assist elected 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 elected members in relation to carrying out particular tasks;
- Deal directly with an elected member about administrative matters; or
- In their professional capacity publicly criticise elected members or the organisation in such a way that bring either party's professional reputation into disrepute.

6. BREACHES AND MISCONDCUT

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 of Conduct:

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

6.2.2. Therefore, the City of Greater Geraldton must notify the Public Sector Commission of all reasonable suspicions of minor misconduct and the CCC of all reasonable suspicions of serious misconduct.

6.2.3. The CEO, being the "Principal Officer" of a notifying authority (for purposes of the Corruptions and Crime Commission Act 2003) 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 Corruption and Crime Commission Act 2003.

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;

- 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;
- 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;
- Constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;
- 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
- 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:
- an offence against the Statutory Corporations (Liability of Directors) Act 1996 or any other written law; or
- 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. Public Interest Disclosure

6.4.1. The Public Interest Disclosure Act 2003 facilitates the reporting of public interest information and provides protection for those who report this information under the Act.

6.4.2. 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 members, employees or contractors;

- is committed to the aims and objectives of the Public Interest Disclosure Act 2003;
- strongly supports disclosures being made by 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 members, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.
- 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.

6.4.3. 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 Public Interest Disclosure Act 2003:

- 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 and Crime Commission Act 2004.*

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 elected members and employees; and
- An employee nominated by the City to be a designated employee.

Elected Member means a person who holds the office of Councillor on a council.

Employee means:

- A person who employed on a permanent, casual or temporary basis
- A person by whom work is done under a contract of employment;
- An apprentice or trainee;
- Person employed as a contractor, consultant or volunteer.

Gift means

- conferral of a financial benefit (including a disposition of property) made by one 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
- 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. S 5.57

It does not include:

A gift from a relative as defined in S 5.74(1); in relation to a relevant person, means any of the following;

- 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;
- the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in the above, 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; or a gift that must be disclosed under Regulation 30 B of the Local Government (Elections) Regulations 1997; or
- a gift from a statutory authority, government instrumentality or non-profit association for professional training; a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072);

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

Impartiality 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 (see regulation 34(C) (1) of the *Local Government Act (Administration) Regulations 1996* and regulation 11(1) of the *Local Government (Rules of Conduct) Regulations 2007).*

Notifiable Gift in relation to a person, who is an employee, means a gift worth between $50 and $300, or a gift that is one of 2 or more gifts given by the same person within a period of six (6) months that in total are worth between $50 and $300.

Prohibited Gift in relation to a person, who is an employee, means a gift worth $300 or more, or a gift that is one of 2 or more gifts given by the same person within a period of six (6) months that are in total worth between $50 and $300.

Regulations mean *Local Government (Rules of Conduct) Regulations 2007.*

ROLES AND RESPONSIBILITIES

The Manager Organisational Development 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 their employment with the City.

WORKPLACE INFORMATION

- *Equal Opportunity Act 1984*
- *Local Government Act 1995 (Disclosure of Financial Interest)*
- *Local Government (Official Conduct) Amendment Act 2007*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Local Government Act 1995 Division 9 "Conduct of certain officials" section 5.103 & 5.104 and 5.105.*
- *Public Interest Disclosure Act 2003*
- *Corruption, Crime and Misconduct Act 2003*
- *Defamation Act 2005*

POLICY ADMINISTRATION

Directorate		Officer	Review Cycle	Next Due
Corporate and Commercial Services		Manager Organisational Development	Triennial	25 July 2022
Version	**Decision Reference**	**Date**	**Comment (if applicable)**	
3.	EMT603	15 November 2017	Amended to reflect changes to legislation	
3.	N/A	14 March 2018	Administrative Update – Spelling/wording	
3.	N/A	30 April 2018	Administrative Update – Spelling 4.5.1	
4.	EMT813	25 July 2019	Review	
5.	EMT958	21 October 2020	Review	