EMPLOYEE CODE OF CONDUCT



Reviewed February 2026

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DATE	REVIEW / CHANGES
18 March 2025	Version 1, Adopted 18 March 2025
17 February 2026	Version 2, Reviewed 17 February 2026

CODE OF CONDUCT – STATUTORY ENVIRONMENT

This Code of Conduct observes statutory requirements of the Local Government Act 1995 (s. 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (regs 34B and 34C), Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code of Conduct Regulations)

WHAT IS THE CODE OF CONDUCT

The Council is the elected body responsible for the administration of the local government in accordance with the applicable legislation. It must do that in the best interests of the local community as well as the public in general. The conduct of Council employees must not only be based upon the highest ethical principles, it must be seen to be consistent with those principles.

The Code of Conduct therefore provides a *framework for behaviour* that must be observed in the wide range of interactions and scenarios experienced in the conduct of local government activities on a daily basis.

This Code of Conduct provides staff in the Shire of Mukinbudin with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in the Shire of Mukinbudin.

WHY HAVE A CODE OF CONDUCT?

A Code of Conduct is a significant guide to the local government, necessary due to the particular relationships and responsibilities that arise from being a public institution.

Local Government Employees are custodians of public resources and trust. In order to continue the effective and efficient administration of this public institution, a set of standards is important to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

AIM OF A CODE OF CONDUCT

This Code seeks to provide a framework within which Council employees should operate to ensure accountability to the community.

The Code complements (and does not in any way substitute for) legislation applicable to local government. It provides guidance to parties involved in, empowered by and entrusted by public duty and public office, particularly in regard to conflicts that may arise in the performance of duties in the sphere of government and public administration.

The Code provides a guide and a basis of expectations for staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

The Code recognises local government duties, responsibilities and values in relation to access, equity and open and accountable government. Therefore, the Code purports to cultivate, advocate and develop within local government an awareness of propriety with public administration.

ENFORCEMENT OF THE CODE

Any Council employee having concerns with regard to an actual perceived, potential, intended or unintended breach of either specific provisions or the spirit of the Code of Conduct, or any provisions of the *Local Government Act 1995* or such regulations or local laws created thereunder, should discuss those concerns with the Chief Executive Officer.

Such reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken.

Any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirements and the local government's responsibilities as an employer.

It should be noted that the *Corruption and Crime Commission Act 2003* requires the reporting to the Commission by all public sector agencies of suspected "misconduct" within their agency. Definition of "misconduct" is provided in the Act and appears as an annexure to this Code.

1 ROLES

1.1 Role of Staff

The role of staff is determined by the functions of the CEO as set out in s5.41 of the *Local Government Act 1995*;

> "The CEO's functions are to –
> (a) Advise the Council in relation to the functions of a local government under this Act and other written laws;
> (b) Ensure that advice and information is available to the council so that informed decisions can be made;
> (c) Cause council decisions to be implemented;
> (d) Manage the day to day operations of the local government;
> (e) Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
> (f) Speak on behalf of the local government if the mayor or president agrees;

(g) Be responsible for employment, management supervision, direction and dismissal of other employees (subject to s5.37(2) in relation to senior employees);
(h) Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
(i) Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

1.2 Principles affecting employment by the Shire of Mukinbudin

The principles set out in section 5.40 of the Act apply to the employment of the Shire of Mukinbudin's employees:

(a) employees are to be selected and promoted in accordance with the principles of merit and equity; and

(b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and

(c) employees are to be treated fairly and consistently; and

(d) there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and

(e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and

(f) such other principles, not inconsistent with this Division, as may be prescribed.

1.3 Role of Council

The Role of Council is in accordance with s2.7 of the *Local Government Act 1995;*

"(1) The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –

(a) Oversee the allocation of the local government's finances and resources; and
(b) Determine the local government's policies."

2 CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

(a) Staff 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) Staff will not engage in private work with or for any person or body with

an interest in a proposed or current contract with the Council, 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.

(c) Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

(d) Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

(e) Staff 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-discriminatory legislation.

2.2 Outside Employment

An employee must not engage in any form of outside employment with another organisation, whether paid or unpaid, without the prior written approval of the Chief Executive Officer (CEO). Outside employment must not conflict, or be reasonably perceived to conflict, with the employee's duties, obligations, or the interests of the Local Government, nor adversely affect the employee's performance.

Employees must ensure compliance with the principles affecting employment under section 5.40 of the *Local Government Act 1995 (WA)* and must avoid any actual, potential, or perceived conflict of interest. An employee must not use Local Government time, resources, information, or their position for the benefit of any outside employment.

Approval may be withdrawn or varied at any time and employees must promptly disclose any change in circumstances relating to approved outside employment. Failure to comply with this clause may result in disciplinary action, up to and including termination of employment.

Please refer to the "Application for outside Employment Form" for the full list of activities that constitute outside employment. This form can be obtained from the Manager of Corporate Services.

2.3 Financial Interest

(a) Staff will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.
(b) Staff who have been delegated a power or duty, have been nominated as "designated employees" or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

2.4 Disclosure of Interests Relating to Impartiality

[interest —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

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

(a) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:

(i) in a written notice given to the CEO before the meeting; or

(ii) at the meeting immediately before the matter is discussed.

(b) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:

(i) in a written notice given to the CEO before the meeting; or

(ii) at the time the advice is given.

(c) A requirement described under (a) and (b) excludes an interest referred to in Section 5.60 of the Act.

(d) An employee is excused from a requirement made under (a) or (b) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:

(i) that they had an interest in the matter; or

(ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.

(e) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (a) or (b), then:

(i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.

(f) If:

(i) to comply with a requirement made under item (a), the nature of an employee's interest in a matter is disclosed at a meeting; or

(ii) a disclosure is made as described in item (d)(ii) at a meeting; or

(iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

2.5 Use and Disclosure of Information

(a) Employees must not access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.

(b) Employees will handle all information obtained, accessed or created in the

course of their duties responsibly, and in accordance with this Code, the Shire's policies and procedures.

(c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.

(d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.

(e) Nothing in this section prevents an employee from disclosing information if the disclosure:

(i) is authorised by the CEO or the CEO's delegate; or

(ii) is permitted or required by law.

3 PERSONAL BENEFIT

3.1 Use of Confidential Information

Staff 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 organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Record Keeping

Staff will ensure that complete and accurate local government records are created and maintained in accordance with the Shire of Mukinbudin's Record Keeping Plan.

3.4 Improper or Undue Influence

a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.

c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

3.5 Gifts and Bribery

Regulation 34B of the *Local Government (Administration) Regulations 1996* outlines the following;

"34B. Codes of conduct (gifts) — s. 5.103(3)
(1) In this regulation —

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;

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

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

(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;*

In relation to a local government employee, this means —
(a) a gift worth the threshold amount of $300 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]

An Employee is to refrain from accepting a prohibited gift from an ***associated person****.*

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.

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 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) –

(1) A description; and

(2) The estimated value; and

(3) The date of acceptance,

Of each other gift accepted within the 6-month period*.*

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

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

(a) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with the requirements in Clauses i-v under ***reportable gift***

(b) The CEO will arrange for the register maintained under subclause (a) to be

published on the Shire's official website.

(c) 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.

4 CONDUCT OF STAFF

4.1 Personal Behaviour

(a) Staff will;
  (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
  (iii) Act in good faith (i.e. Honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
  (iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  (v) Always act in accordance with their obligation of fidelity to the Local Government.

(b) When engaging in any communication using Social Media platforms in either a professional or personal capacity, staff should have regard to the Shire's "Social Media Policy" (1.15), which offers guidance and advice on responsibility and appropriate usage.

4.2 Honesty and Integrity

Staff 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 any dishonesty or possible dishonesty on the part of any other staff member.

(c) Be frank and honest in their official dealing with each other.

4.3 Performance of Duties

(a) While on duty, staff 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 Local Government.

(b) Staff wishing to undertake employment additional to duties performed for the Shire of Mukinbudin must first obtain the approval of the CEO. No other employment shall compromise the duties performed for the Shire of Mukinbudin.

4.4 Dealing with Other Employees

(a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.

(b) Employees must be aware of, and comply with their obligations under relevant law and the Shire of Mukinbudin's policies regarding workplace behaviour and occupational safety and health.

(c) Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.

4.5 Dealing with the community

(a) Employees will treat all members of the community with respect, courtesy and professionalism.

(b) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

4.6 Compliance with Lawful Orders

(a) Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

(b) Staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.7 Administrative and Management Practices

Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.8 Corporate Obligations

(a) Standard of Dress
Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

(b) Communication and Public Relations

(i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

(ii) Before commencing any communications or public relations activities, consideration should be given to the Shire's "Communication and Social Media Policy" (3.6), which offers guidance and advice on responsibility and appropriate usage.

5 DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Staff will;

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

5.2 Use of Local Government Finances

(a) Staff are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.
(b) Staff will use the Shire's finances only within the scope of their authority, as defined in their position descriptions, and policies and procedures.
(c) Staff with financial management responsibilities will comply with the requirements of the Local Government (Financial Management) Regulations 1996.
(d) Staff exercising purchasing authority will comply with the Shire's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the Local Government (Financial Management) Regulations 1996.
(e) Staff will act with care, skill, diligence, honesty and integrity when using local government finances.
(f) Staff will ensure that any use of the Shire's finances is appropriately documented in accordance with the relevant policy and procedure, including where appropriate the Shire's Recordkeeping Plan.

5.3 Travelling and Sustenance Expenses

Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

5.4 Access to Information

(a) Staff will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.

6 BREACHES AND ENFORCEMENT OF CODE OF CONDUCT

6.1 Reporting Alleged Breaches of the Code

(a) Employees will report an alleged breach of the Code to their Supervisor, or Manager or CEO depending on the circumstances.
(b) Employees will report an alleged breach by the Chief Executive Officer to the President.

6.2 Responsibility for Upholding the Code

(a) The President is responsible for dealing with alleged breaches of the Code by the Chief Executive Officer.

(b) The Chief Executive Officer is responsible for dealing with an alleged breach by an employee.

6.3 Dealing with Alleged Breaches

(a) All alleged breach will be investigated promptly while the issue is current.

(b) The investigation of an alleged breach will be dealt with in a sensitive nature, guided by the principles of natural justice and will be investigated in confidence.
(c) When investigating an alleged breach, the investigator will maintain all records of the investigation.

(d) A breach of the Code will be dealt with in a manner that is deemed appropriate by the investigator taking into account the nature and the seriousness of the breach.

(e) After investigating the breach, the investigator will advise the relevant parties of the outcome.

6.4 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

(a) Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

ANNEXURE – DEFINITIONS

Corruption & Crime Commission Act, 2003

Section 4. Term used: misconduct

Misconduct occurs if —

(a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment;

(b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person;

(c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or

(d) a public officer engages in conduct that —

(i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct;

(ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial;

(iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or

(iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute —

(v) [deleted]

(vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or 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 public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).