



MORAWA

SHIRE OF MORAWA

**EMPLOYEE
CODE OF CONDUCT**

ADOPTED 25 OCTOBER 2021



TABLE OF CONTENTS

MESSAGE FROM THE CEO	3
VISION AND VALUES	4
CODE OF CONDUCT	5
SCOPE	
DEFINITIONS AND TERMS USED	5
PURPOSE	6
OBJECTIVE(S)	6
ROLES OF EMPLOYEES	7
OBLIGATION OF EMPLOYEES	7
Principles affecting the employment of employees by the Shire	8
CONDUCT OF EMPLOYEES	8
Personal behaviour	8
Compliance with lawful orders	9
Bullying	
Inappropriate behaviour	9
COMMUNICATION AND OFFICIAL INFORMATION	10
Intellectual property	11
Personal communications and social media	11
USE OF SHIRE OF MORAWA RESOURCES	12
CONFLICT OF INTEREST AND GIFTS & BENEFITS	13
Conflict of interest	13
Financial interest	13
Disclosure of interests relating to meetings of Council	13
Gifts and hospitality	14
Reporting and management of code breaches and other wrongdoing	17
Allegations and complaints about employees	17
Allegations and complaints about the CEO	17
FRAUDULENT OR CORRUPT BEHAVIOUR	18
Reporting misconduct to the Corruption and Crime Commission or the Public Service Commissioner	18

<i>Public Interest Disclosure Act 2003</i>	19
Protection of persons reporting unacceptable or illegal behaviour	19
Whistle blower protection	20
P&C NOTES	21
DOCUMENT CONTROL	21
SUPPORTING PROCEDURES	21
AUTHORITY CEO ENDORSEMENT	21
REVIEW	21

MESSAGE FROM THE CEO

The Shire of Morawa's (the Shire) Code of Conduct is aligned to our foundational value that "We C.A.R.E about what we do" -

- Commitment
- Attitude
- Respect
- Excellence

As well as our foundational value we are also driven by our organisational values:

- We will be open and accountable
- We will have informed decision making
- We will be collaborative
- We will Listen Communicate and Respond

This Code of Conduct document outlines the ethical standards of behaviour that are expected of all employees of the Shire in performing their duties and responsibilities. Ethical behaviour defines who we are, how the community perceives us and how we treat each other.

If the Strategic Community Plan identifies how Shire services will be delivered, this Code identifies how employees should conduct themselves when delivering those services. It ensures we work to the highest standards of corporate governance. The Code also provides a framework for the broader issue of integrity expectations, ethical responsibility, and transparency and accountability within the Shire.

We might find ourselves in situations that test our values and our judgement. When we encounter these tests, we can rely on this Code. By following the Code, we indicate our commitment to our values.

Regardless of your role at the Shire, it's important for you to follow and uphold the Code. You can also feel empowered to hold others to account and call out unacceptable behaviour in a respectful way.

Please take the time to read this document and become familiar with your obligations. If you need further clarification on anything, please contact myself or another member of the senior management team.

SCOTT WILDGOOSE
CHIEF EXECUTIVE OFFICER

VISION AND VALUES

The Shire of Morawa's Strategic Community Plan outlines Our Vision for Morawa to be:

"A welcoming and inclusive community with diverse regional partnerships that have created a vibrant and growing economy."

The Shire of Morawa aspires to be guided by the following values:

- Innovative and creative
- Collaborative through partnerships
- Open and accountable
- Strong leadership, governed by informed decisions; and
- Listen, communicate and respond

At a foundational level the Shire looks for all employees to demonstrate C.A.R.E everyday – Commitment, Attitude, Respect and Excellence.

This Vision and Values establish the broad parameters within which Employees are expected to work to deliver the Council's Strategic Community Plan and Corporate Business Plan.

CODE OF CONDUCT

SCOPE

- This Code applies to employees and agency staff, volunteers and contractors.

DEFINITIONS AND TERMS USED

“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 refers to 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.

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

complaint means an expression of dissatisfaction made to the Shire, related to its products, services or staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required

(Source: *AS/NZS 10002:2014 'Guidelines for Complaint Management in Organisations'*)

fidelity means the implied duty for an employee to have regard to their employer's interests.

gift has the meaning given to that term in S 5.57 (*LGA*) 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*;
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (d) 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*]

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.

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

lawful order means the implied duty for an employee to carry out a lawful and reasonable direction from their employer.

local government property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government

[Section 1.4 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*]

Shire employee means a person —

- (a) employed by the Shire under section 5.36(1) of the *Local Government Act 1995*; or
- (b) engaged by the Shire under a contract for services.
- (c) engaged by the Shire on a voluntary basis.

PURPOSE

- The purpose of the Code of Conduct is to provide Employees and Volunteers with consistent guidelines for an acceptable standard of professional conduct, the broader issue of ethical responsibility, and transparency and accountability within the Shire of Morawa workforce environment.
- The code is established pursuant to the *Local Government Act 1995* (LG Act) and is consistent with the requirements of *The Local Government (Administration) Regulations 1996* and other applicable laws.

OBJECTIVE(S)

- This Code of Conduct (the Code) provides Employees and Volunteers of the Shire of Morawa 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 by the Shire, while supporting the positive performance behaviours expressed through the Shire's values.

- The Code provides a guide and a basis of expectations for Employees and Volunteers performing their work on behalf of the Shire.
- The Code is complementary to the principles adopted in the Local Government Act and Regulations, which incorporates four fundamental aims to result in:
 - a) better decision-making by local governments;
 - b) greater community participation in the decisions and affairs of local governments;
 - c) greater accountability of local governments to their communities; and
 - d) more efficient and effective local government.
- It encourages a commitment to ethical and professional behaviour and outlines principles on which individual and collective local government responsibilities may be based. It also clarifies that breaches of the code are treated seriously, and in accordance with the Shire's Disciplinary Practices.

ROLES OF EMPLOYEES

- The role of employees is determined by the functions of the CEO as set out in S 5.41 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 the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(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."

OBLIGATION OF EMPLOYEES

- The obligation for employees to observe a Code of Conduct arises from –
 - a) the Local Government Act 1995 s.5,51 A (4)),
 - b) the Local Government (Administration) Regulations 1996 Part 4A. 19AA to 19AF, and
 - c) the terms and conditions of their employment with the Shire.

- The observance of Council policies and Shire management practices is a key responsibility of any employee, and any breach of those responsibilities could incur disciplinary action, including termination, via the management framework established in accordance with the CEO's responsibilities under Section 5.41(g) of the Local Government Act 1995.

Principles affecting the employment of employees by the Shire

- The following principles, set out in section 5.40 of the Act, apply to the employment of the Shire's employees:
 - a) employees are to be selected and promoted in accordance with the principles of merit and equity;
 - b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
 - c) employees are to be treated fairly and consistently;
 - d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground;
 - 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."

CONDUCT OF EMPLOYEES

- The Shire expects its employees to carry out their functions diligently, with integrity and due regard for their obligations and responsibilities, consistent with applicable laws, policies, management practices and procedures.
- It is expected that decisions and conduct of the Shire's employees will be well-informed and fair, and made in the best interest of the welfare and rights of the community.
- At all times Shire employees must show Commitment to their role, a positive and constructive Attitude, Respect the work of the Shire and each other, and make striving to achieve Excellence part of every day behaviour.

Personal behaviour

- Employees will:
 - a) act within the limits of their delegation, consistently with the terms of the code, the law, and the Shire's policies, management practices and procedures
 - b) perform their duties and provide advice honestly, impartially and in the best interests of the Shire and community
 - c) comply with all lawful and administrative practices that are consistent with the Shire's policies, management practices and procedures
 - d) treat members of the public, fellow employees and Council members with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare
 - e) Behave in a manner that is professionally appropriate and enhances rather than detracts from a productive, comfortable, and safe working environment for their colleagues.
 - f) report to the workplace fit for work, which includes being appropriately attired and not being under the influence of alcohol or other drugs while at the workplace
 - g) always act in accordance with their obligation of fidelity to the Shire.

- h) report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this code and the Shire of Morawa's policies.
- i) while on duty, give their time and attention to the Shire's business and ensure that their work is carried out efficiently and effectively, and that their standard of work reflects favourably both on them and on the Shire.

Compliance with lawful orders

- Lawful orders provided to direct reports are to be followed. Doubts concerning the appropriateness of orders are to be raised with the direct superior of the person who provided the order.
- Employees will give effect to the lawful policies of the Shire, whether or not they agree with or approve of them.

Bullying

- The Shire aims to provide a fair and supportive work environment free from bullying, harassment, and discrimination, that promotes personal respect, as well as providing physical and emotional safety for all employees.
- Bullying is repeated unreasonable, inappropriate or aggressive behaviour that is directed towards an individual or group and creates a risk to health or safety. It may take the form of physical, verbal or non-verbal conduct which is unwarranted by the individual targeted. The Shire is committed to providing a safe work environment that is free from bullying. If a Shire employee witnesses any form of bullying, they have a responsibility to report it.
- Bullying behaviour breaches this Code and is also prohibited by the *Occupational Safety and Health Act 1984* (in relation to conduct within a workplace or during the course of employment) and other legislation. Bullying includes both direct and indirect actions and both are in breach of this Code.

Inappropriate behaviour

- An employee must not discriminate against or harass any person.
- Discrimination is dealt with by the *Equal Opportunity Act 1984* (and other legislation) and means treating someone less favourably than another, in circumstances that are the same (or are not materially different), on the basis of a ground such as race, sex, impairment, age, religious or political conviction, family status, pregnancy or gender identification. The Shire has detailed practices regarding this matter that can be used as a guide for Employees and Contractors. (*OSH020 Unhealthy and Hazardous Workplace Behaviour Prevention*)
- Harassment includes any unwelcome behaviour that offends, humiliates or intimidates a person. Generally, unlawful harassment occurs when someone is subjected to prohibited behaviour under anti-discrimination legislation.
- If a Shire employee witnesses any form of discrimination or harassment, they have a responsibility to report it.

COMMUNICATION AND OFFICIAL INFORMATION

- The Shire deals with a large amount of information, some of which is intended to be available to assist and inform the general public, and some of which is confidential, concerning dealings between individuals and the Shire.
- The community expects that information on which public officers base their advice and decisions is accurate and reliable, while confidential information is securely stored and appropriately accessed.
- Employees must not use Shire information, inclusive of confidential information, for personal, commercial or political gain for themselves or others, or improperly to the detriment to the Shire or others.
- To ensure integrity, security and appropriate communications of Shire information, employees will specifically:
 - a) Ensure that information obtained or created in the course of their employment is trustworthy and accurate
 - b) Ensure that information is accurately recorded and stored consistently with relevant laws and the Shire's recordkeeping plan
 - c) When making recommendations to, and determinations on behalf of the Shire, apply due diligence in the collation and assessment of relevant information
 - d) Only use any information acquired as a result of their employment or engagement by the local government impartially and in good faith
 - e) Not make improper use of any information acquired as a result of their employment or engagement by the Shire to gain advantage or cause detriment for anyone
 - f) Not misrepresent Shire policy or use organisational information improperly to gain advantage for someone
 - g) Not disclose any information discussed during a confidential session of a Council meeting unless it ceases to be confidential
 - h) Exercise caution when participating as private citizens in public debate and commentary so as not to be perceived as representing the Shire, unless authorised.
 - i) All aspects of communication by staff (including verbal, written, physical or personal), involving Local Government activities, should reflect the status and objectives of the Shire. Communications should be accurate, polite and professional and in accordance with the Shire's Management practices.
 - j) Not present the Shire, other employees, Council or Council members in a negative light or defamatory manner

Intellectual property

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

Personal communications and social media

- The Shire of Morawa embraces the use of social media as a corporate communications and community-building tool. However, all employees need to use good judgment about what material appears online, and in what context.
- Personal communications and 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.
- 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 Shire, its Council Members, employees or contractors, which breach this Code of Conduct.
- Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be reported under the Public Sector Management Act 1994, in accordance with the Corruption, Crime and Misconduct Act 2003.

USE OF SHIRE OF MORAWA RESOURCES

- The community expects public officers to perform their duties efficiently and utilise public resources prudently. Purchases and use of goods and services should only be made in the public interest and be appropriately recorded.
- Employees should play their role in protecting the assets of the Shire, which include, but are not limited to, employees' time, credit cards, office and computer equipment, mobile telephones, motor vehicles, sport and recreation facilities, tools and machinery, real property, personal protective equipment.
- To ensure integrity in dealing with matters related to Shire resources employees will ensure:
 - a) effective, economical and honest use and management of local government resources in the course of their duties
 - b) compliance with applicable legislation, and policies and procedures when using or committing local government resources
 - c) no improper use of public resources for direct or indirect personal gain or in such a way as to improperly cause a detriment, whether financial or otherwise
 - d) no use of public resources for partisan political purposes
 - e) operation, maintenance and secure storage of equipment and property in accordance with manufacturer specifications and its value
 - f) email/internet must only be used for legitimate Council business or in accordance with procedures set for this type of infrastructure
 - g) reporting any damage to, or loss of, property or equipment immediately to management
 - h) a conservative and proportionate approach to expenditure on hospitality in the course of local government business and ensuring that expenditure complies with Shire policies.

Use of the Shire of Morawa's Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving The Shire's finances.
- (b) Employees will use the Shire's finances only within the scope of their authority, as defined in their position description.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees 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) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of the Shire's finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

CONFLICT OF INTEREST AND GIFTS & BENEFITS

Conflict of interest

- Employees will ensure that any conflict of interest between their personal interests and the impartial fulfilment of their professional duties is declared.
- Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, 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. Any secondary employment by an employee must be approved by the Chief Executive Officer.
- Employees who own or are closely associated with a business from which the Shire purchases or intends to purchase goods and/or services will disclose any such interest on an annual basis.
- Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- Employees 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.
- Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination, and this is supported by anti- discriminatory legislation.

Financial interest

- Employees will apply the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.
- Sections 5.59-5.90 of the *Local Government Act 1995* establish the requirements for disclosure by employees of financial interests (including proximity interests).
- 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.

Disclosure of interests relating to meetings of Council

- A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - a) in a written notice given to the CEO before the meeting; or
 - b) at the meeting immediately before the matter is discussed.
- A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -

- a) in a written notice given to the CEO before the meeting; or
 - b) at the time the advice is given.
 - A requirement described under items 52. and 53 above excludes an interest referred to in S 5.60 of the *Local Government Act 1995*.
 - An employee is excused from a requirement made under 52 or 53 to disclose the nature of an interest because they did not now and could not reasonably be expected to know:
 - a) that they had an interest in the matter; or
 - b) 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.
 - If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items 52 and 53, then -
 - a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
 - If:
 - a) to comply with a requirement made under item 52, the nature of a person's interest in a matter is disclosed at a meeting; or
 - b) a disclosure is made as described in item 55 (b) at a meeting; or
 - c) to comply with a requirement made under item 56 (b), 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.

Gifts and hospitality

- Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined \$0 as the threshold amount for prohibited gifts.

Prohibited gifts

- An employee of the Shire must not accept a prohibited gift from an associated person.
- Prohibited gift in relation to a person who is an employee, means -
 - (a) any gift not identified as an acceptable gift under these provisions.
- In general, employees must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward or donation) for themselves, or for any other person or body, as a result of their role with the Shire.

Acceptable gifts

- Gift has the meaning given to that term in S 5.57(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; or
 - 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).
 - e) Events and Hospitality determined beneficial to the purpose of the Shire

Events and hospitality

- This section addresses employee attendance at any events, including concerts, conferences, functions or sporting events free of charge or part of a sponsorship agreement not paid for by the Shire.
- The purpose of the clause is to provide transparency about the attendance at events by employees.
- Any offer to attend an event or receive hospitality must be approved by the Chief Executive Officer.
- Attendance will only be approved if there is a clear benefit to the Shire. Employees shall avoid hospitality where a favour is expected in return, or which falls outside the normal pattern of hospitality appropriate to the employees' position/responsibilities.
- Where the value of the event exceeds \$300, or the invitations received from a donor has exceeded \$300 over a twelve-month period, the Shire will make a determination as to whether there is a clear benefit to the Shire of the employees' attendance at the event.
- The employee is responsible for declaring any offer of an event as a gift whether accepted or declined.
- An event attendance register listing events attended or declined by employees in their employment capacity, where they have been invited or received tickets, regardless of value. Employees are required to declare their event attendance within ten (10) days.

Employee declaration and event register

- Employees are required to declare the following information on the register:
 - a) who invited the member or provided the tickets to the event
 - b) the description of the event
 - c) the location of the event
 - d) the date of the event
 - e) the role that the employee fulfilled at the event (i.e. presenter, observer or participant)
 - f) the benefit of the employee attending the event for the Shire of Morawa
 - g) the dollar value of the person attending the event (if any)

HOW TO REPORT A BREACH GUIDELINES

Reporting and management of code breaches and other wrongdoing

Through their ethical decisions and conduct, including the decision to report wrongdoing, employees can play their part in preventing breaches of the code.

Reports of suspected breaches and wrongdoing will be treated seriously, dealt with confidentially and appropriate action will be taken.

Allegations and complaints about employees

Any person who has reason to believe that the personal behaviour of an employee breaches the standards of conduct set out in this Code, may refer the matter to the CEO through their Manager, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the Shire, and any applicable law concerning Employees.

The Shire maintains Grievance Investigation and Resolution policies, see the Policy Manual for further details.

Allegations and complaints about the CEO

Any person who has reason to believe that the personal behaviour of the CEO breaches the standards of conduct set out in this Code, may refer the matter to the Executive Manager Corporate and Community Services (EMCCS). The EMCCS is to refer breaches of a serious nature to the Shire President.

FRAUDULENT OR CORRUPT BEHAVIOUR

Community confidence in Shire decision making can be lost when fraudulent or corrupt behaviour occurs.

To ensure against the risk of fraudulent or corrupt behaviour Shire employees are required to:

- not engage in any fraudulent or corrupt behaviour
- report any information about actual or potentially fraudulent, corrupt or illegal activities to their Manager, Chief Officer of the Functional Area or Chief Executive Officer
- abide by local government codes, policies, management practice and procedures.

Reporting misconduct to the Corruption and Crime Commission or the Public Service Commissioner

The CEO, being a 'Principal Officer of a Notifying Authority' (for the purposes of the *Corruption and Crime Commission Act 2003*) has a statutory obligation to report to the Corruption and Crime Commission any allegation of misconduct, or any situation that otherwise comes to his or her attention involving misconduct, where it is of relevance or concern to the CEO in his or her official capacity.

Any Employee, or any other person, may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds may concern misconduct that has occurred, is occurring, or may occur.

Public Sector Commission (PSC)

Minor misconduct is dealt with by the Public Sector Commission.

Report suspected minor misconduct online:

<https://www.wa.gov.au/organisation/public-sector-commission/report-minor-misconduct-public-officers>

Alternatively matters can be lodged by email or post by downloading the misconduct report form.

http://www.wa.gov.au/sites/default/files/2020-06/misconduct_report_form.docx

PSC Contact Details:

Website: <https://www.wa.gov.au/organisation/public-sector-commission>

Email: minormisconduct@psc.wa.gov.au

Phone: 08 6552 8888

Mail: Locked Bag 3002, WEST PERTH WA 6872

Address: Dumas House, 2 Havelock Street, West Perth WA 6005

Corruption and Crime Commission (CCC)

Serious misconduct is dealt with by the Corruption and Crime Commission.

Report suspected serious misconduct online: https://www.ccc.wa.gov.au/report_misconduct

Alternatively matters can be lodged by email or post by downloading the report form.

<https://www.ccc.wa.gov.au/sites/default/files/Serious%20Misconduct%20Report%20Form.pdf>

CCC Contact Details:

Website: <https://www.ccc.wa.gov.au/>

Email: reportcorruption@ccc.wa.gov.au

Phone: 1800 803 186

Mail: PO Box 330, Northbridge Post Shop WA 6865

Address: Level 5, 45 Francis Street, Northbridge WA 6003

Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* facilitates the reporting of public interest information and provides protection for those who report this information under that Act. Employees are encouraged to contact the Shire's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.

A person who makes an appropriate disclosure of public interest information to the Shire'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, is not, for doing so, liable: to any disciplinary action under a written law;

- a) to be dismissed;
- b) to have his or her services dispensed with or otherwise terminated; or
- c) 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).

Protection of persons reporting unacceptable or illegal behaviour

The CEO is to ensure that Employees who report unacceptable or illegal behaviour (that is, whistle blowers) are not in any way disadvantaged or victimised because of their actions. The CEO's action is limited to matters for which he/she has responsibility and/or jurisdiction to act.

Whistle blower protection

A commonly accepted definition for “whistle blowing” is the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices.

The *Corruption, Crime and Misconduct Act 2003* provides protection for witnesses who voluntarily report allegations of misconduct or corrupt conduct to the Corruption and Crime Commission.

The CEO has an obligation to ensure employees, or others who report illegal or unacceptable behaviour are not in any way compromised, disadvantaged or persecuted.

References:

Corruption, Crime and Misconduct Act 2003: State Law Publisher.

P&C NOTES

Induction, Annual Review, Event Disclosure Form

DOCUMENT CONTROL

DATE	CHANGES	MADE BY	AUTHORISED BY

SUPPORTING PROCEDURES

Related management practices

TBD

The Shire's Customer Service Charter

Related legislative provisions

Local Government Act 1995 and Regulations

Occupational Safety and Health Act 1984

Fair Work Act 2009

Freedom of Information Act 1992

Corruption, Crime and Misconduct Act 2003

Public Sector Management Act 1994

State Records Act 2000

Disabilities Services Act 1993

Equal Opportunity Act 1984

Public Interest Disclosure Act 2003

AUTHORITY

Scott Wildgoose, Chief Executive Officer

CEO ENDORSEMENT

25 October 2021

REVIEW

Yearly review for format/titles & roles Process

Review every three years