



Town of Port Hedland Code of Conduct

For Employees, Consultants,
Contractors and Volunteers

August 2024



Town of
Port Hedland



Acknowledgment of Country

The Town of Port Hedland would like to acknowledge the Kariyarra, Ngarla and Nyamal people as the Traditional Custodians of the Town of Port Hedland lands. We recognise their strength and pay our respects to their Elders past and present. We extend that respect to all Aboriginal and Torres Strait Islander people of the local community and recognise their rich cultures and their continuing connection to land and waters.

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CEO Message

Together, we strengthen our Community for a positive future that is vibrant, caring, connected and inclusive. And how we do that, matters.

Our decisions and actions are guided by our values, and our above and below the line behaviours provide a benchmark to review, and if necessary, adjust behaviour in the workplace.

Our Code of Conduct guides how we create a workplace where everyone feels respected and safe to speak up if they see something that might contradict our values or this Code. I am personally committed to making sure we embody the strong ethical behaviour captured in this important document.

In a service-led organisation, it is important that we all ensure this Code and our values are embedded into our culture. This will facilitate pride in the work we deliver, while strengthening trust and confidence across our community.

Carl Askew

Chief Executive Officer

Context

The Town of Port Hedland Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct and behaviour expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability.

The Code is an important element of good governance of the Town by positively shaping the culture of the organisation. It provides a mechanism for the establishment and maintenance of an ethical culture through a committed self-regulatory approach which enables Employees to uphold the standard of conduct expected of them.

The Code is complementary to the principles adopted in the Local Government Act and associated regulations which aim to achieve:

- (a) Better decision-making by local governments;
- (a) Greater community participation in the decisions and affairs of local governments;
- (a) Greater accountability of local governments to their communities; and
- (a) More efficient and effective local government.

While the document provides a broad range of guidance about the standards of conduct, it cannot address every situation that we are likely to encounter.

As such this document is not a substitute for our responsibility and accountability to exercise judgement regarding appropriate conduct. The Code is relevant for all Employees, Consultants, Contractors and Volunteers.

Statutory Environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

Application

The Code applies to all Town of Port Hedland Employees, Consultants, Contractors and Volunteers, while on the Local Government's premises or while engaged in Local Government related activities.

Working Ethically

Working ethically with Each Other

All Employees, Consultants, Contractors and Volunteers are expected to treat each other and members of the public in a respectful, professional, fair and courteous manner at all times in the workplaces.

Leading and engaging ethically with the Community

The Town is committed to provide strong leadership and is focused on strengthening our community. Our organisation is governed in an ethically responsible manner where Employees, Volunteers and Contractors must act to ensure that the Town can meet all of its legislative and community obligations in accordance with defined service levels. Employees should facilitate community engagement and civic participation and promote a positive representation of our community and Town services.

Ethical decision making

Ethics are the values and principles that guide behaviour and decision making. There may be situations which arise during the course of employment or public duty which give rise to ethical dilemmas or where the answer is not always clear.

As a guide in deciding on a course of action, it is helpful to follow the below steps:

CLARIFY

- What are the facts?
- What are the consequences of an action? What are the consequences of non-action?
- Who is involved?
- Are there any legal issues I have to take into account?

CONSULT

- Consult the Town's Strategic Community Plan which articulates our values
- Consider if the Code of Conduct or any other relevant policy requires certain behaviour
- Is there an Internal Operating Procedure (IOP) to guide the decision for Employees?
- Discuss the situation and proposed course of action with the most appropriate person

REFLECT

- How would it look in the newspaper?
- Would my actions be different if this were my money, my time, or my equipment?
- Do I need more facts, guidance, or clearer assessment?
- Is there an alternative action that does not pose an ethical conflict?
- Will it reflect negatively on the Town?
- What would happen if everyone took this course of action or behaved in this way?





Vision, Values and Behaviours

Vision

The Town of Port Hedland's vision is to become Australia's leading Port town, embracing community, culture and environment.

Town's Strategic Community Plan articulates the Town's vision to be Australia's leading Port Town embracing community, culture and environment.

Values

Our core values help us to achieve this vision:

- **QUALITY:** We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.
- **UNITY:** We work as one team and actively share our ideas and information across the organisation.
- **INTEGRITY:** We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.

Above and Below the Line Behaviours

Our above and below the line behaviours provide a benchmark for employees to review and if necessary, adjust their behaviour in the workplace.

These behaviours are based on the vision and values of the Town of Port Hedland and are designed to help us achieve our vision and create a cohesive, safe, productive and positive workplace.

These behaviours act as a framework for employees to be able to 'call out' other employees if they observe behaviour dropping below the line.

Refer to Appendix C for official documents on Above and Below the Line Behaviours.





Roles



Role of Employees

The role of Employees is determined by the functions of the Chief Executive Officer, as set out in Section 5.41 of the *Local Government Act 1995*:

“The Chief Executive Officer’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 Section 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 Chief Executive Officer.”



Role of a Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

Role of Council

The Role of the council is in accordance with section 2.7 of the Act:


- 1) The council —
 - (a) governs the local government's affairs; and
 - (b) 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."

Relationships between Council Members and Employees


An effective Council Member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies.

Council Members observe their statutory obligations which include, but are not limited to, the following –

- (a) their role is a leadership, not a management or administrative one;
- (b) they have no capacity to individually direct Town employees to carry out particular functions;
- (c) refraining from publicly criticising Town employees in a way that casts aspersions on their professional competence and credibility.



Professional Conduct, Personal Benefit and Use of Local Government Property



As local government employees, high standards of professional conduct ensure that a positive image of the Town of Port Hedland is conveyed when the Town interacts with its stakeholders and the community.

Fraudulent and Corrupt Conduct

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the Town, or results in a personal benefit, by deception or other means. Corrupt conduct is behaviour that lacks virtue or integrity, including when a local government employee uses or attempts to use their position for personal advantage.

The Criminal Code makes it illegal for a public officer (including a local government employee), to engage in fraudulent and/or corrupt conduct.

Performance of Duties

While on duty, employees will give their whole time and attention to the Town of Port Hedland'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 Town of Port Hedland.

Local government employees must exercise reasonable care and diligence in the performance of their duties, being consistent in their decision-making and treating all matters on individual merits. The CEO and local government employees must furnish Council Members with all information, as prescribed by law, required for them to perform these duties.

Q A colleague asked Keely to change some information on an invoice, but no documentation was received to reflect the change. Should Keely make the changes requested?

A No. Transactions are to be recorded and processed ethically and honestly. Keely should ask her colleague to provide the supporting documentation, and if they do not provide it, the manager should be notified.

Q I've been asked to check the finance figures for the annual report. I am confident that I have found an error but I am worried about alerting the team to it as my manager submitted the information and I do not want to have a negative relationship with my manager and the wider team. What should I do?

A You were asked to check the figures and you need to disclose information on any errors found. If you do not share the error, you are not only performing in your role but you are also putting the Town at risk. You should talk to your manager about what you have found.



Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Town of Port Hedland's Recordkeeping Plan.

Intellectual Property

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

Q

Bill carries out his daily duties and keeps most records online, however, he also has some information on post-its and in a notebook. Some of these notes include decisions that his line leader has verbally made. Are these notes and post-its considered records?

A

Yes. These notes are records and should be kept. Ideally Bill should liaise with the Records team to ensure any business decisions are captured and recorded in the Town's Corporate Record Management System.



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, financially 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.



Rowena knows which company is likely to be awarded a large tender contract. Rowena thinks that the project is going to deliver positive economic outcomes for the Town and is keen on buying shares in the company. Is it ok to secure shares in this company before the tender outcome is announced?



No. As a Town employee, Rowena has access to confidential information and cannot buy or sell investment shares until relevant information has been made public. This action can be considered as insider trading and is illegal.



Use of Town of Port Hedland Resources

(a) In this clause –

Town of Port Hedland resources includes local government property and services provided or paid for by the Town of Port Hedland;

local government property has the meaning given to it in the Act.

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*]

(b) Employees will:

- (i) be honest in their use of the Town of Port Hedland resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (ii) use the Town of Port Hedland's resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
- (iii) not use the Town of Port Hedland's resources (including the services of employees) 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 CEO).



Jordan will not have access to work email and systems when he is away overseas and has given his login details to a colleague to check his emails for important messages and get system updates. Can this be done?



No. You should never share your login details with anyone.



Maya needs to make an urgent online bank transfer to send a deposit for a real estate purchase. Is it ok to make this transfer on a work computer during a break?



It is ok to occasionally use Town resources for personal use, as long as it does not interfere with your job responsibilities and is done during non-working hours.

Use of Town of Port Hedland Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Town of Port Hedland's finances.
- (b) Employees will use Town of Port Hedland finances only within the scope of their authority, as defined in the Town of Port Hedland's delegations register.
- (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 Town of Port Hedland's Procurement 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 Town of Port Hedland finances is appropriately documented in accordance with the relevant policy and procedure, including the Town of Port Hedland's Recordkeeping Plan.

Q Mick has lost some of the receipts he needed to claim expenses. He has other receipts from personal use that he could use to make up the right total. Mick won't be claiming any additional compensation. Is this ok?

A No. It will mean that the Town's finance reports are not accurate. Town employees need to take responsibility for looking after all receipts. Please speak to the finance team if receipts are misplaced.



Dealing with the Community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) All Town of Port Hedland services must be delivered in accordance with the Customer Service Charter, relevant policies and procedures, and any issues resolved promptly, fairly and equitably.



As part of an upgrade of IT equipment at the Town, James suggests donating the old equipment to some local not-for-profit organisations. Is this permitted?



All donations must be approved in advance. There may be implications to ensure all information is cleared from the device and that the appropriate disposal process is also followed through from a financial perspective. James should check with his manager for approval.

Conduct of Employees



Personal Behaviour

Employees will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies and procedures of the Town of Port Hedland;
- (b) perform their duties impartially and in the best interests of the Town of Port Hedland, uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Town of Port Hedland and the community;
- (d) make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) 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
- (f) always act in accordance with their obligation of fidelity to the Town of Port Hedland.



A team took part in a conference which involved staying overnight and having dinner at the conference hotel. One of the team members consumed a lot of alcohol and started behaving badly, telling stupid jokes and being aggressive with the hotel staff. What should I say to him about his behaviour?



Although the incident took place during the evening, your team member was still representing the Town. His behaviour was not acceptable. Mention this to your line manager or HR.

Bullying, Harassment, Sexual Harassment and Discrimination in the Workplace

- (a) Bullying, harassment, sexual harassment or discrimination of a person in the workplace is an offence and will not be tolerated. The Town has a detailed Internal Operating Procedure in regards to this matter that can be used as a guide for local government employees.
- (b) All employees in Australia are covered by the federal anti-discrimination legislation, which includes the *Racial Discrimination Act 1975* (Cth), the *Disability Discrimination Act 1992* (Cth), the *Sex Discrimination Act 1984* (Cth), and the *Age Discrimination Act 2004* (Cth). All employees employed in Western Australia will also be covered by the *Equal Opportunity Act 1984* (WA).
- (c) A person must not bully, harass or discriminate against another person (within the meaning of relevant legislation) in the workplace.
- (d) A person must not support others who bully, harass or discriminate against another person in the workplace.

Bullying

Bullying and harassment can be discrimination when it happens because of someone's disability, race, sexual orientation, age, physical features or any other protected attribute under the *Equal Opportunity Act 1984 (WA)*. Bullying and harassment can be verbal, physical or in writing, and includes behaviour that intimidates, degrades or humiliates another person. This can be a form of unfavourable treatment covered by the law.

Harassment

A person must not harass another person in the workplace.

Workplace harassment is unwelcome conduct from a boss, co-worker, group of co-workers, vendor, or customer whose actions, communication, or behaviour mocks, demeans, puts down, disparages, or ridicules another person.

Psychosocial Safety

It is important that everyone feels safe in the workplace. This safety includes having psychosocial safety. If you as an employee reports faulty brakes as a safety hazard then you also need to be empowered to report behaviours that impact your psychosocial safety like bullying and harassment.

Sexual Harassment

A person must not sexually harass another person in the workplace.

All persons are covered by the *Sex Discrimination Act 1984* (Cth) and *Equal Opportunity Act 1984* (WA).

Section 28A of the *Sex Discrimination Act 1984* (Cth) defines 'sexual harassment' as when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to a person. This occurs in circumstances where it is possible that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can be overt, covert, or subtle and include:

- (a) comments about a person's private life or the way they look;
- (b) sexually suggestive behaviour, such as leering or inappropriate staring;
- (c) unwelcome brushing up against someone, touching, hugging or kissing;
- (d) sexually suggestive comments or jokes;
- (e) displaying screen savers, photos, calendars or objects of a sexual nature;
- (f) repeated requests to go out;
- (g) requests for sex;
- (h) sexually explicit emails, text messages or posts on social networking sites; or
- (i) sexual assault.

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is behaviour that is not mutually agreed upon.

Some types of sexual harassment may also be offences under criminal law. These include indecent exposure, stalking, sexual assault and obscene or threatening communications, such as phone calls, letters, emails, text messages and posts on social networking sites.



Tim is at an after work social event with colleagues where food and alcohol are being served. Tim overhears his colleague, Tony, making sexually suggestive 'jokes' to another colleague, Jules. Jules is noticeably upset by the 'jokes' being made. What should Tim do?



Tim should consider stepping in to the conversation and ask Tony to stop making inappropriate comments. Tim could also check-in with Jules to see if she is 'ok'. Tim should report this interaction to his line leader or HR.

Discrimination

- (a) A person must not discriminate against another person in the workplace.
- (b) If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.
- (c) In most cases, bullying behaviour is persistent and happens over a period of time. However under the *Equal Opportunity Act 1984* (WA), this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Honesty and Integrity

Employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in their official dealing with each other; and
- (c) 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 Town of Port Hedland's Internal Operating Procedures.



Sasha often makes comments that stereotype her fellow employees based on their nationality. When reminded that her comments are not appropriate and she should discontinue saying these comments, Sasha says she was just joking. What should be done?



Stereotyping (even if framed as a joke) is a barrier to having an inclusive environment and can be a form of discrimination. This situation, or any concern about inappropriate, illegal or non-inclusive behaviour, should be reported to Sasha's line manager or Human Resources.



Compliance with Lawful and Reasonable Directions, Decisions and Internal Operating Procedures

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager or the CEO.
- (b) Employees will give effect to the lawful decisions and Internal Operating Procedures of the Town of Port Hedland, whether or not they agree with or approve of them.

Administrative and Management Practices

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

Professional Communications

All aspects of communication by employees (including verbal, written and electronic), involving the Town of Port Hedland's activities should reflect the status, values and objectives of the Town, and be accurate, polite and professional.

Q A journalist has called Sarah about a story circulating about a Town project. Sarah took the opportunity to update the journalist with what she had heard about the situation to make sure the correct details were covered. Should Sarah have done this?

A No. Only official representatives of the Town can make a public statement to the media. If you receive a request for information from the media (radio, TV, newspaper) please contact the Media and Communications team as soon as possible.



Personal Communications and Social Media

- (a) 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.
- (b) 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 Town of Port Hedland, its Council Members, employees or contractors, which breach this Code.
- (c) 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 notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.
- (d) All public messaging must be in accordance with the Town of Port Hedland's relevant Internal Operating Procedure.



My colleague is very engaged on social media and is always commenting on local community news and updates. I recently saw that he posted his views on current Town plans for a major project. While he hasn't detailed that he works for the Town in the post, most local people would know his role at the Town. What should I do?



When participating in social media comments, employees must make it clear that they are expressing their own personal views, and take precautions to ensure that these are not in any way mistaken for views of the Town. Employees are also required to keep confidential information private. You should raise this issue with your colleague first, as he may not have realised how his actions could be interpreted. If necessary, you may decide to discuss it with your manager.

Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times.

Conflict and Disclosure of Interest



Conflict of Interest

- (a) Employees will ensure that there is no actual (potential or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
 - (b) 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 Town of Port Hedland, without first disclosing the interest to the CEO. 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) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Town of Port Hedland, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
 - (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (potential or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
 - (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.
 - (f) Employees have an obligation to disclose any romantic, family, marital, de facto or other form of close personal relationship with an employee, manager, director or councillor and are required to adhere to the Town of Port Hedland's relevant Internal Operating Procedure.
- Q My partner works for one of the Town's contractors. We don't talk about the project as her role is not directly involved. A colleague has suggested I could be in a compromising situation. What should I do?
 - A While you believe that there is not an actual conflict, it is important to ensure that there is no perceived or potential conflict of interest. You should disclose the information to your line manager and follow the required process to disclose and manage any conflicts of interest.
 - Q I do volunteer work with a local not-for-profit organisation and I was recently offered a paid position to work on a casual basis. The Town has recently supported the organisation with grant funding. Can I take on a second job if it doesn't impact my working hours at the Town?
 - A Probably. But because the not-for-profit organisation has received financial support from the Town, you should check with your manager before you accept the position. All secondary employment opportunities need to be disclosed and approved by the Town, prior to accepting an additional position.



Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO and must adhere to the Town of Port Hedland's relevant Internal Operating Procedure.

Financial Interests

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees 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.



I am planning to start a small business, selling a service for events that I have developed on weekends. What conflict of interest concerns should I consider?



It depends on your new business. If it does not impact with your time employed at the Town and you are not using any of the Town's resources or stakeholder relationships to support of your business, it should be ok. However, you should advise your line manager of your plans and complete the required disclosure to ensure any conflicts of interest are recorded and managed and that your secondary employment is assessed and approved, prior to you starting your business.

Use and Disclosure of Information

- (a) Employees must not access, use or disclose information held by the Town of Port Hedland 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, and the Town of Port Hedland's relevant Internal Operating 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 Town of Port Hedland.
- (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.

Q A media outlet wants to interview a Leisure Centre member and wants their contact information. It is for a good news story so is it ok to email the journalist the email and phone number of the Leisure Centre member?

A No. We do not disclose personal information without the written consent of the member. The better option is to pass the journalist's details to the member.

Q The team would like to send a colleague a surprise present to her home for a milestone birthday. I asked Human Resources to give me her personal address but they say they can't tell me, because that would be infringing her right to privacy.

A The Human Resources department's response is totally appropriate – all employee personal data has to remain strictly confidential.

Disclosure of Information in Returns

A designated employee must provide primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the Act.

For these purposes, a designated employee is defined in section 5.74 of the Act to mean:

- a) the CEO;
- b) an Employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the Act;
- c) an Employee who is a member of a committee comprising Council Members and Employees; and
- d) an Employee nominated by the Town to be a designated employee.

Q

My son is looking at applying for a tender for his business to become a supplier for the Town. What should I do if he is successful?

A

If you have any decision-making authority in the supplier selection process or if you have a connection with your son's company, a conflict of interest exists. Even if you do not have any decision making authority, the connection may be perceived as a conflict of interest. You should report the circumstances to your line manager and complete the required process to disclose and manage any perceived, potential or actual conflict of interest.



Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

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*]

- (b) 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:
 - (iii) in a written notice given to the CEO before the meeting; or
 - (iv) at the meeting immediately before the matter is discussed.
- (c) 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.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not know 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.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), 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.
- (g) If:
 - (i) to comply with a requirement made under item (b), 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 (e) (ii) at a meeting; or
 - (iii) to comply with a requirement made under item (f)(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.

Gifts and Benefits



In order to maintain the Town's good governance practices, all employees are required to declare an interest when a gift is received and adhere to the Town of Port Hedland's relevant Internal Operating Procedure.

This clause does not apply to the CEO.

Section 5.57 of the *Local Government Act 1995*, and Regulation 19AF of the *Local Government (Administration) Regulations 1996* provide the following definitions:

Definition	Meaning
‘Gift’	(a) A 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 (b) A travel contribution.
‘Travel’	Includes accommodation incidental to a journey;
‘Travel Contribution’	Means a financial or other contribution made by one person to travel undertaken by another person.
‘Notifiable Gift’	(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 12 months that are in total worth between \$50 and \$300.
‘Prohibited Gift’	(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 12 months that are in total worth \$300 or more.

Employees do not need to declare gifts received from any of the following:

- Relatives;
- A statutory authority;
- A government instrumentality;
- Non-profit associations for professional training;
- WALGA;
- Australian Local Government Association Limited (ABN 31 008 613 876); or
- Local Government Professionals Australia WA (ABN 91 208 607 072).

Employees are not to accept any gift valued at \$300 or more; or 2 or more gifts from the same person within a period of 12 months that are in total worth \$300 or more.

Employees are required to notify the CEO of the details of the gift within 10 days of the acceptance of the gift. This can be done via the Town’s gift disclosure form in the online governance system, Attain. Once the gift disclosure form is submitted to the CEO, it will be recorded in the Town’s Record Keeping System. This information will be used as required by law, for purposes related to the dealings between the associated person and the Town, or purposes related to the employee only. The record will be retained and disposed of in accordance with the Town’s Record Keeping Plan.

Q A supplier to the Town has offered me a personal discount to help him sell off superseded stock. Can I take up this offer and share the deal with my colleagues and family?


A No. Any offer extended to you that is not offered to the public is not acceptable.

Q Daniel is responsible for organising business travel for the executive team which includes booking flights, hotels and meetings. A hotel chain that Daniel regularly books with has offered a free weekend stay to say thanks. Is this ok?

A No. Accepting the offer can make it difficult to remain impartial when future hotel accommodation is organised. It is important to remember that even the perception of a conflict of interest is inappropriate and should be avoided.



Breaches of the Code



Employees must report suspected breaches of the Code to their Manager, any Director or the CEO, in accordance with the Town of Port Hedland's relevant Internal Operating Procedure.



Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

- (a) Employees must report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their Supervisor, Manager, or the CEO in accordance with Town of Port Hedland's relevant Internal Operating Procedure.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
 - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
 - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Town of Port Hedland's Public Interest Disclosure Procedures, published on the Town of Port Hedland's website.

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

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the relevant Town of Port Hedland Internal Operating Procedure, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

Appendices

Appendix A

Acknowledgment and Acceptance

As a condition of employment all Employees are required to sign a Code of Conduct declaration.

Code of Conduct declaration for Employees, Volunteers and Contractors:

In signing in the space available below, I acknowledge that I have been provided with a copy of the Town of Port Hedland Code of Conduct, understand the content and agree to abide with the standards of behaviour.

I understand that failure to comply with the Town of Port Hedland Code of Conduct and their behaviour principles will be considered as a breach of the Town of Port Hedland policy and will be investigated in accordance with Internal Operating Procedures and an appropriate consequence being applied. The consequences for Employees may range from a verbal warning through to the termination of my employment for serious or repeated breaches.

Name: _____

Signature: _____

Date: _____

Appendix B

Code of Conduct Complaint Form

This Form may be completed if you wish to lodge a complaint about an Employee, Consultant, Contractor or Volunteer who you believe has breached this Code. All information on the form must be provided before the complaint can be assessed.

After all information has been provided, sign and date the form and submit to the Manager Human Resources. The complaint will be dealt with in accordance with the relevant Town of Port Hedland Internal Operating Procedure.

1. What is the name of the Employee, Consultant, Contractor or Volunteer who you allege has breached the Code of Conduct?

2. Which section of the Code of Conduct do you allege has been breached?

3. What date do you allege the breach occurred?

4. How do you allege the breach occurred?

5. Were there any witnesses to the alleged breach?

6. If so, what are the name(s) of the witnesses?

7. Have you attached all relevant and additional information which may assist in resolving the complaint?

Name: _____


Signature: _____

Date: _____

Contact Details: _____

Appendix C

Above and Below the Line Behaviours


INTEGRITY	
Behaviours ABOVE the line	<ul style="list-style-type: none">✓ I show respect for the ideas of others✓ I take ownership and responsibility for my actions and performance✓ I maintain professionalism at all times✓ I behave ethically and honestly at all times✓ I encourage and openly accept feedback from others✓ I treat people with respect
	
Behaviours BELOW the line	<ul style="list-style-type: none">✗ I manipulate others to get what I want✗ I don't take ownership of decisions✗ I am not reliable✗ I look to blame others or make excuses✗ I have poor professional boundaries✗ I am disrespectful in my dealings with others

UNITY

- ✓ I contribute to creating a positive and fun work environment
- ✓ I welcome new team members
- ✓ I work collaboratively with all business units
- ✓ I communicate openly and honestly
- ✓ I do not judge and treat everyone equally
- ✓ I am committed to working towards a common goal
- ✓ I actively work towards creating a strong safety culture

QUALITY

- ✓ I approach difficulties as challenges and new opportunities
- ✓ I actively initiate, share and develop new ideas and opportunities
- ✓ I positively engage in change management processes
- ✓ When a problem is identified, I am part of the solution
- ✓ I celebrate success
- ✓ I take pride in what I do and produce high quality work
- ✓ I actively seek opportunities to further develop my skills
- ✓ I provide constructive feedback on new processes and ideas

- 
- ✗ I only care about my own job tasks
 - ✗ I discriminate and treat others unfairly
 - ✗ I don't care about workplace safety and the wellbeing of others
 - ✗ I am negative and moody

- ✗ I deliberately resist change and new ideas
- ✗ I am negative and cynical about new ideas or processes
- ✗ I don't try and find answers to solutions
- ✗ I do the bare minimum required



Town of Port Hedland

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Town of
Port Hedland