



City of Rockingham

Code of Conduct Employees



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1. Message from the CEO

1.1

What makes City of Rockingham (the City) a trusted and valued organisation?

It is not just the services we deliver to the community that define us, it's also the way we go about our work, and the integrity of our actions. Acting with integrity is a cultural trait that guides the way we work. It strengthens our reputation as a local government that delivers quality outcomes for our community while pursuing what is 'right' in our decision making. Acting with integrity is an essential ingredient to our success.

We all face situations where the right thing to do is not obvious. That is where our Code of Conduct can help. It is always here as your guide to preserving our reputation and living our City values. While the Code cannot address every situation specifically, it can show you where to go for guidance when the answer is not clear. Essentially the Code outlines the importance of protecting confidentiality and maintaining official lines of communication, in addition to safeguarding the City's assets, maintaining accurate records, and avoiding any conflicts of interest (perceived or actual).

The Code will help define what the City expects of you as an Employee. This will include:

- always conducting yourself honestly and ethically
- upholding the City's values and protecting our reputation
- making good decisions every day
- complying with written laws and the standards that apply to us as a local government authority in Western Australia.

The Code also offers a timely reminder of the City's commitment to "Work Safe, Go Home Safe" and the fundamental role that all Employees play in looking out for the welfare of themselves and all other Employees.

1.2

Roles and responsibilities – Employees

As Employees, each of us has as a responsibility to:

- know, understand and abide by the Code
- read the Code and follow it, along with any other policies that apply to your job
- think before you act
- use good judgment, being honest and ethical in every action you take. If you are asked to violate the Code, do not do it
- report concerns as soon as possible using the resources available to you
- pay close attention to any activity that is inconsistent with our Code, our policies or the law
- understand and follow laws that apply to your job and our business
- stay alert
- work safe, go home safe.

1.3

Roles and responsibilities – Directors, Managers, Coordinators and Supervisors

If you are a Director, Manager, Coordinator or Supervisor – you have the following additional responsibilities under the Code:

- You will be expected to promote the Code and make sure it is considered as part of any decision making processes you utilise with your team.
- Be informed, ensure you keep across changes to the City’s policies and procedures and make your team aware of them.
- Recognise that you may not always find the answers that you need in the Code, so know where to go for answers when there are questions.
- Expect the best and accept no less than complete compliance to the Code.
- Discuss the importance of ethics and compliance and let Employees know you expect them to always do what is right.
- Be responsive and create a “speak up” culture.
- Encourage Employees to come to you with questions or concerns.
- Listen to them carefully and offer guidance when they need help, including identifying available resources for reporting.
- Also, try to create an environment where Employees feel they can bring their concerns to management.

I appreciate not every situation is straight forward and simple, so when you have any doubts about whether your conduct is in line with what the City expects of you, please seek assistance or guidance before you act.

NOTE:

City of Rockingham Council Members, Committee Members and Candidates are subject to a separate Code of Conduct which can be found on the City of Rockingham website rockingham.wa.gov.au.



Michael Parker, Chief Executive Officer

2. Introduction

The Code provides Employees with clear guidelines for the standards of professional conduct 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 expresses the City's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995 (Act)* and associated regulations, which incorporate four fundamental aims:

- (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.*

2.1 Ethical responsibility

"Ethics is knowing the difference between what you have the right to do and what is right to do"¹ – or, in other words, "just because the City has the power to do something, does not mean that it should".

Drawing the line can sometimes be difficult, in which case you should ask yourself:

- Am I doing the right thing?
- How would others judge my actions?
- How could my actions impact on others?
- Should I discuss this with someone else?
- Is there a better way to handle this?

If in doubt, seek assistance or guidance before you act.

¹Chief Justice of the U.S. Supreme Court Potter Stewart

2.2 Conflict of interest

The community expects that City Employees will perform their official duties in the public interest and that they will not improperly use their position or authority for personal gain or to improperly cause detriment to others².

Actual, potential and perceived conflicts of interest can arise from a number of sources, including friends, relatives, close associates, financial investments, personal circumstances and past employment.

The Public Sector Commission has posed the following questions which can help when assessing whether a conflict of interest exists:

Public duty versus private interest

Do I have personal or private interests that may conflict or be perceived to conflict with my public duty?

Potential

Could there be benefits for me now or in the future that could cast doubt on my objectivity?

Perception

Remembering that perception is important, how will my involvement in the decision or action be viewed by others? Are there risks associated for me or my organisation?

Proportion

Does my involvement in the decision appear fair and reasonable in all the circumstances?

Presence of mind

What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

2.3 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 other written laws. Employees should ensure that they are aware of their statutory responsibilities under the Act and other written laws.

²Public Sector Commission.

3. City's RESPECT Values

All of the City's Employees are collectively working together to help achieve the Community's Aspirations as detailed in the Strategic Community Plan 2019-2029. The City's RESPECT Values help to guide the way employees engage with one another and those we serve. Employees must uphold the RESPECT values and are assessed against those values in their annual performance review. The City's RESPECT values are:



Recognition:

We encourage positive feedback, recognising and celebrating each other's contribution and achievements, no matter how small.



Empowerment:

We make considered and informed decisions, supported by training, encouragement and being able to learn from our experiences.



Ethics:

We know the difference between right and wrong, and recognise the importance of honesty and ethical behaviour.



Communication:

We expect to be kept informed about important issues and we commit to always listening, asking questions and sharing information.



Service:

We always aim to deliver excellent service to our customers, stakeholders and fellow staff.



Teamwork:

We work together both within and across teams, help out whenever we can, and understand that it's not just about "our team".



Professional development:

We commit to learning and training activities that assist our personal and professional development and create pathways for promotion within the organisation.



4. Code of Conduct

4.1 Role of Employees

The role of Employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

5.41. Functions of CEO

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 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 CEO.*

Local Government Act 1995

4.2 Principles affecting employment by the City

The principles set out in section 5.40 of the Act apply to the employment of the City's Employees.

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its 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 Work Health and Safety Act 2020; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed*

Local Government Act 1995

4.3 Health and Safety

Employees must:

- (a) take reasonable care for their own health (both physical and psychological) and safety;
- (b) take reasonable care that their acts or omissions do not adversely affect the health and safety of other Employees;
- (c) comply, so far as they are reasonably able, with any reasonable instruction that is given by the City to allow the City to comply with *Work Health and Safety Act 2020*;
- (d) comply with any policy or procedure of the City relating to health or safety at the workplace that has been notified to Employees; and
- (e) wear personal protection equipment when required to do so by any policy or procedure of the City or when directed to do so by the CEO or a Director, Manager, Coordinator or Supervisor.

4.4 Honesty and Integrity

Employees must:

- (a) comply with the terms of the Code, written laws and all policies and procedures of the City and the Council as varied from time to time;
- (b) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (c) be frank and honest in their official dealings with other Employees;
- (d) identify and appropriately manage any conflict of interest;
- (e) act in good faith (i.e. honestly, for a proper purpose, and without exceeding their powers) and in the interests of the community;
- (f) base decisions on relevant and factually correct information;
- (g) ensure that information obtained by them in the course of their employment is accurate and soundly based;
- (h) when making recommendations and determinations on behalf of the City, apply due diligence in the collation and assessment of relevant information;
- (i) perform their duties impartially and in the best interests of the City, and the community, uninfluenced by fear or favour; and
- (j) report any dishonesty or possible dishonesty on the part of any other Employee to their Supervisor, Coordinator, Manager, Director or the CEO in accordance with this Code and the City's policies.

4.5 Personal Behaviour

Employees must:

- (a) act in accordance with their obligation of fidelity to the City;
- (b) act in accordance with the trust placed in them as an Employee of the City;
- (c) treat other Employees and persons with whom the City has dealings with respect, courtesy and professionalism;
- (d) act in a manner that will not cause damage to the reputation of the City;
- (e) act, and be seen to act, properly, professionally and in accordance with any professional codes of conduct and ethical standards relating to their profession;
- (f) maintain accreditation with any professional association or body, where accreditation is required for the Employee to undertake their duties on behalf of the City or where benefits may accrue to the City if such accreditation is maintained;
- (g) not engage in conduct that may cause any reasonable person unwarranted offence or embarrassment; and
- (h) report to the workplace 'fit for work', which includes not being impaired by alcohol or drugs.

4.6 Performance of Duties

While on duty, Employees must give their whole time and attention to the City'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 City.

4.7 Compliance with Lawful and Reasonable Directions, Decisions and Policies

Employees must:

- (a) 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 Supervisor, Coordinator, Manager, Director or the CEO; and
- (b) give effect to the lawful decisions and policies of the City, whether or not they agree with or approve of them.

4.8**Administrative and Management Practices**

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

4.9**Intellectual Property**

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

4.10**Recordkeeping**

Employees must ensure complete and accurate local government records are created and maintained in accordance with the City's Recordkeeping Plan, policies and procedures.

4.11**Dealing with Other Employees**

- (a) Employees must 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 written laws and the City's policies regarding workplace behaviour and work health and safety, including, but not limited to:
 - (i) Council Policy – Equal Opportunity
 - (ii) Council Policy – Occupational Safety and Health
 - (iii) Executive Policy – Dress Code and Uniforms
 - (iv) Executive Policy – Drug and Alcohol
 - (v) Executive Policy – Grievance Resolution
 - (vi) Executive Policy – Loss of Drivers Licence
 - (vii) Executive Policy – Misconduct Reporting
 - (viii) Executive Policy – Mobile Telephones
 - (ix) Executive Policy – National Police Clearance
 - (x) Executive Policy – Records Management
 - (xi) Executive Policy – Sexual Harassment
 - (xii) Executive Policy – Workplace Bullying
 - (xiii) Executive Policy – Workplace Health and Safety
- (c) Employee behaviour must reflect the City's values and contribute towards creating and maintaining a safe and supportive workplace.

4.12 Dealing with Community

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

4.13 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 City, its Council Members, Employees, contractors or members of the community, which breach this Code.
- (c) Employee comments which become public and breach this Code, 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*.

4.14 Personal Presentation

Employees must comply with professional, neat and responsible dress standards at all times, in accordance with the City's relevant policies and procedures.

4.15 Gifts

- (a) **Application:**
This clause does not apply to the CEO (who is covered under other legislative requirements).
- (b) **Definitions:** In this clause:
 - (i) **activity involving a local government discretion** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

activity involving a local government discretion means an activity –

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

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

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

associated person means a person who —

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

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

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

gift —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

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

gift means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or

- (b) a travel contribution;

travel includes accommodation incidental to a journey;

travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]

relative, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the *Local Government Act 1995*]

(iv) prohibited gift has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

prohibited gift, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

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

(v) reportable gift means:

- 1. a gift worth more than \$50 but less than \$300; or
- 2. 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.

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

threshold amount, for a prohibited gift, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

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

- (c) In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined the threshold amount for prohibited gifts is \$300.
- (d) Employees must not accept a prohibited gift from an associated person.
- (e) An Employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
- (f) The notification of the acceptance of a reportable gift must be in writing and include all of the following details:
 - (i) the name of the person who gave the gift;
 - (ii) the date on which the gift was accepted;
 - (iii) a description, and the estimated value, of the gift;
 - (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 1 of 2 or more accepted from the same person within a period of one year:
 - (1) a description;
 - (2) the estimated value; and
 - (3) the date of acceptance, of each other gift accepted within the one year period.
- (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
- (h) The CEO will arrange for the register maintained under subclause (g) to be published on the City's official website.
- (i) 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.

4.16 Conflict of Interest

- (a) Employees must ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees must not engage in private work with or for any person or body with an interest in a proposed or current contract with the City, 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 must lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the City, 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 must disclose any actual (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 must 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.

4.17 Secondary Employment

An Employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

4.18 Disclosure of Financial Interests

- (a) All Employees must 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.

4.19

Disclosure of 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 must 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.
- (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 must 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 must 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.

4.20**Use and Disclosure of Information**

- (a) Employees must not access, use or disclose information held by the City except as directly required for, and in the course of, the performance of their duties.
- (b) Employees must handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the City'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 City.
- (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 required by law.

4.21**Improper or Undue Influence**

- (a) Employees must 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, monetary 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.

4.22 Use of City Resources

- (a) In this clause, **City resources** includes local government property and services provided or paid for by the City.

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*]

Employees must:

- (i) be honest in their use of the City's resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (ii) use the City'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 City'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).

4.23 Use of City Finances

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

4.24

Reporting of Suspected Breaches of the Code of Conduct

Employees may report suspected breaches of the Code to their Supervisor, Coordinator, Manager, Director or the CEO, in accordance with the City's Executive Policy – Misconduct Reporting.

4.25

Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code must be dealt with in accordance with the relevant City policies and procedures, depending on the nature of the suspected breach.

4.26

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

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their Supervisor, Coordinator, Manager, Director or the CEO in accordance with City's Executive Policy – Misconduct Reporting.
- (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 must 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 City's Public Interest Disclosure Procedures, published on the City's website.

4.27

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

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

Definitions and other information

Definitions

Act - means the *Local Government Act 1995*.

Breach - means a breach of the Code.

Code - means this Code of Conduct for Employees

CEO - means the Chief Executive Officer of the City of Rockingham.

Employee - means a person who undertakes paid work for the City of Rockingham.

Written law - means all legislation for the time being in force and all subsidiary legislation for the time being in force.

Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

Local Government (Financial Management) Regulations 1996

Corruption, Crime and Misconduct Act 2003

Other Relevant Policies/ Procedures/ Key Documents

City of Rockingham Employee Handbook

Council Policy – Equal Opportunity

Council Policy – Occupational Safety and Health

Executive Policy – Dress Code and Uniforms

Executive Policy – Drug and Alcohol

Executive Policy – Grievance Resolution

Executive Policy – Loss of Drivers Licence

Executive Policy – Misconduct Reporting

Executive Policy – Mobile Telephones

Executive Policy – National Police Clearance

Executive Policy – Records Management

Executive Policy – Sexual Harassment

Executive Policy – Workplace Bullying

Executive Policy – Workplace Health and Safety

Responsible Division

General Management Services

Review Date

August 2023