



Town of
Port Hedland

Town of Port Hedland Code of Conduct

For Council Members, Committee Members, Employees,
Contractors and Consultants

Table of Contents

1. Context	4
2. Definitions	5
2.1 Definitions	5
3. Working ethically	6
3.1 Working ethically with Each Other	6
3.2 Leading and engaging ethically with the Community	6
3.3 Ethical decision making	6
4. Our vision and values	7
5. Above and below the line	7
6. Roles and responsibilities	7
6.1 Role of Council Member	7
6.2 Role of Employees	8
6.3 Role of Council	8
6.4 Principles affecting the employment of employees by the Town	9
6.5 Relationships between Council Members and Employees	9
7. Professional conduct	10
7.1 Behavioural Principles	10
7.2 Personal Behaviour	10
7.3 Fraudulent and Corrupt Conduct	10
7.4 Improper or Undue Influence	11
7.5 Performance of Duties	11
7.6 Compliance with Lawful Orders	11
7.7 Administrative and Management Practices	12
7.8 Appointments to External Boards, External Committees and External Working Groups	12
7.9 Dress Standards	12
8. Communications	12
8.1 General	12
8.2 Computer Use	13
8.3 Social Media	13
9. Resources	14
9.1 Use of Resources	14
9.2 Travelling and Sustenance Expenses	14
9.3 Records Management	14
9.4 Confidential Information	14
9.5 Intellectual Property	15
10. Conflict of interest	15
10.1 Actual and Perceived Conflicts of Interest	15
10.2 Secondary Employment of Employees	15

10.3	Financial Interests	16
10.4	Disclosure of Interest.....	16
10.5	Disclosure of Information in Returns	17
10.6	Gifts and Benefits.....	17
10.6	Contributions to travel	19
11.	Breaches of the code.....	19
11.1	Breaches of the Code by Employees.....	19
11.2	Reporting Misconduct to the Corruption and Crime Commission	20
11.3	Public Interest Disclosure Act 2003	20
12.	Acknowledgement and acceptance	

1. Context

The Town of Port Hedland is one of the Pilbara's most beautiful, dynamic and vibrant local governments. Exemplary standards of ethical behaviour are expected from our Council Members, Committee Members, Employees, Contractors and Consultants to best serve the needs of our community.

In accordance with section 5.103 of the Act every Western Australian local government is to prepare and adopt a code of conduct to be observed by all Council Members, Committee Members and Employees. Compliance with the code enhances the community's confidence in the integrity of the Local Government.

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 Council Members, Committee Members and 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;
- 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.

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 Council Members, Committee Members, Employees, Contractors and Consultants.

2. Definitions

2.1 Definitions

Act means the Local Government Act 1995 as amended from time to time.

CEO means the Chief Executive Officer.

Code means the Town of Port Hedland Code of Conduct.

Committee Member means a person appointed to committees by Council in accordance with section 5.10 of the Act.

Consultant means a person who gives professional advice or provides a service to the Town of Port Hedland.

Contractor means a person who provides labour to perform a job (e.g. recruitment agency personnel).

Corruption and Crime Commission means the Commission established under section 8 of the Corruption, Crime and Misconduct Act 2003.

Council means the governing body of the Town of Port Hedland.

Criminal Code means the Criminal Code Act 1995.

Council Member means a person who holds the office of a Mayor or Councillor as defined under section 1.4 of the Act.

Employee means a person employed by the Town under section 5.36 of the Act.

Town means the Town of Port Hedland.

3. Working ethically

3.1 Working ethically with Each Other

All Council Members, Committee Members, Employees, Consultants and Contractors 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 as outlined in 6.0 Professional Conduct.

3.2 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 and Council Members, Committee Members, Employees, Consultants 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.

3.3 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:

1. 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?
2. 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 to guide the decision for Employees?
 - Discuss the situation and proposed course of action with the most appropriate person
3. Reflect
 - 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?
 - How would it look in the newspaper?
 - What would happen if everyone took this course of action or behaved in this way?
 - Would my actions be different if this were my money, my time, or my equipment?

4. Our vision and values

The Town's Strategic Community Plan articulates the Town's vision to create a nationally significant, friendly city that people are proud to call home.

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.



This is the Town of Port Hedland way, expressed in our Code. All Employees, Contractors and Consultants have an obligation to know and understand not only the guidelines contained in the Code, but also the values upon which they are based.

5. Above and below the line

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 in achieving our vision and creating a cohesive, productive and positive workplace.

These behaviours also act as a framework for Employees to be able to 'call out' other Employees if they observe their behaviour dropping below the line. Similarly they also provide opportunities to reward Employees who consistently behave above the line.

Refer to appendices 12.1, 12.2 and 12.3 for official documents on Vision, Values and Above and Below the Line Behaviours.

6. Roles and responsibilities

6.1 Role of 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.

The Role of Council Members as set out in section 2.10 of the Act is as follows:

"A Councillor —

- (a) Represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;

(d) participates in the local government’s decision-making processes at council and committee meetings; and

(e) performs such other functions as are given to a Councillor by this Act or any other written law.”

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government’s finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents’ concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

6.2 Role of Employees

The role of employees is determined by the functions of the CEO as set out in section 5.41 of the Act: - *“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.”



6.3 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.”

6.4 Principles affecting the employment of employees by the Town

The following principles, set out in section 5.40 of the Act, apply to the employment of the Town's employees:

- a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- c) employees are to be treated fairly and consistently; and
- d) there is to be no unlawful discrimination against employees or persons seeking employment by the Town on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- f) such other principles, not inconsistent with this Division, as may be prescribed.

6.5 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. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

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

7. Professional conduct

7.1 Behavioural Principles

For the purposes of the Code, the following principles, as set out in the *Local Government (Rules of Conduct) Regulations 2007*, are to guide the behaviours of Council Members, Committee Members, Employees, Consultants and Contractors while performing their role at the Town:

- a) act with reasonable care and diligence;
- b) act with honesty and integrity;
- c) act lawfully;
- d) avoid damage to the reputation of the Town;
- e) be open and accountable to the public;
- f) base decisions on relevant and factually correct information;
- g) treat others with respect and fairness; and
- h) not be impaired by mind altering substances.



7.2 Personal Behaviour

Council Members, Committee Members, Employees, Contractors and Consultants will:

- a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code;
- b) perform their duties impartially and in the best interests of the Town 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 and the community;
- d) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment; and
- e) always act in accordance with their obligations of fidelity to the Town and in line with any relevant policies, protocols and procedures.

Council Members and Committee Members will represent and promote the interest of the Town, while recognising their special duty to their own constituents.

7.3 Fraudulent and Corrupt Conduct

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the Town and corrupt conduct is behaviour that lacks virtue or integrity, including when a Council Member, Committee Member, Employee, Contractor or Consultant uses or attempts to use their position for personal advantage.

The Criminal Code makes it illegal for a public officer to engage in fraud and/or corruption.

Council Members, Committee Members, Employees, Contractors and Consultants are required to consult the relevant Council Policy in relation to fraud and corruption.

7.4 Improper or Undue Influence

Council Members, Committee Members, Employees, Contractors and Consultants will not take advantage of their position to improperly influence other 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.

Council Members, Committee Members and Employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council Members, Committee Members, Employees, Contractors and Consultants shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

7.5 Performance of Duties

While on duty, Employees will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Employees, Contractors and Consultants 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.

Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

7.6 Compliance with Lawful Orders

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

Council Members, Committee Members and Employees will give effect to the lawful decisions and policies of the Local Government, whether or not they agree with or approve of them.

Contractors and Consultants are required to comply with lawful direction given in accordance with their contract of engagement.

7.7 Administrative and Management Practices

Council Members, Committee Members, Employees, Contractors and Consultants will ensure compliance with proper and reasonable practices and conduct, and professional and responsible management practices.

7.8 Appointments to External Boards, External Committees and External Working Groups

Council Members and Committee Members representing the Town on organisations, external boards, external committees and external working groups are to ensure that they:

- a) clearly understand the basis of their appointment
- b) provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation
- c) represent the Town's interests on all matters relating to that organisation, while maintaining confidentiality.

Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

7.9 Dress Standards

Council Members, Committee Members and Employees are expected to comply with neat and responsible dress standards at all times. Accordingly – Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual Employees.

8. Communications

8.1 General

All aspects of communication by Employees, Contractors and Consultants (including verbal, written, or electronic), that occurs in the course of the Employee's employment should be accurate, polite and professional.

As a representative of the community, Council Members and Committee Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;

- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

8.2 Computer Use

The Town provides technology systems, devices and facilities to all Employees, Contractors and Consultants to allow them to perform their duties. When using these systems, devices and facilities. Employees, Contractors and Consultants are expected to adhere to our ICT Usage Agreement.

Computer use which would breach this Code includes but is not limited to:

- a) not respecting the rights and privacy of others;
- b) sending offensive or anonymous messages;
- c) accessing pornographic, offensive or inappropriate material;
- d) violating copyright of other people's intellectual property;
- e) degrading, corrupting or damaging hardware, software, data, equipment of the integrity of the network;
- f) installing unauthorised software (including demo versions);
- g) using network resources in a manner that contradicts network administrator instructions;
- h) altering the configuration of the network without the approval of the network administrator;
- i) using the Town's Computer equipment for any illegal activity; and
- j) using the Town's Computer equipment with malicious intent towards the Town or any person.

The Town reserves the right to monitor all hardware devices and software logs. All Internet web sites accessed by Employees, Contractors and Consultants are subject to security monitoring.

This section applies to Council Members when using Town of Port Hedland systems, devices and facilities.

8.3 Social Media

Comments via social media platforms, even on "private" forums, may be the same as making those comments to the media or at a public forum.

Whilst personal use of social media is not directly be a matter of concern to the Town, Council Members, Committee Members, Employees, Contractors and Consultants should strive to conduct themselves appropriately online at all times, ensuring that their participation is not likely to draw negative attention to themselves or the Town.

Social media use which would breach this Code includes but is not limited to:

- a) disparaging another Council Member or Employee on any social media site;
- b) sharing information that may be considered confidential or intellectual property;
- c) bringing the Town into disrepute;
- d) bullying or harassing other Council Members or Employees.



9. Resources

9.1 Use of Resources

Council Members, Committee Members, Employees, Contractors and Consultants will:

- a) be honest in their use of the Town's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Town's resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Town 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).

9.2 Travelling and Sustenance Expenses

Council Members and Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy, awards, Internal Operating Procedures and the provisions of the Local Government Act.

Contractors and Consultants may claim reimbursement of expenses in accordance with the contract they are engaged on.

9.3 Records Management

All Council Members, Employees, Consultants and Contractors must fully comply with the requirements of the *State Records Act* and the Town's Record Keeping Procedure. All correspondence pertaining to business operations must be appropriately filed in the Town's Central Record System.

9.4 Confidential Information

Council Members, Committee Members, Employees, Contractors and Consultants shall not use confidential 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 Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council Members and/or Employees of the Town (and in the case of Employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council Member or Employee from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

9.5 Intellectual Property

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

10. Conflict of interest

A conflict of interest occurs where a personal interest is in conflict with the public interest.

10.1 Actual and Perceived Conflicts of Interest

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

In applying this requirement:

- a) 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 Local Government, without first making disclosure 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.
- b) Council Members, Committee Members, Employees, Contractors and Consultants will lodge written notice with the CEO describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- c) Council Members, Employees, Contractors and Consultants 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.
- d) 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.

10.2 Secondary Employment of Employees

Additional employment outside of the Town may place Employees at risk of being conflicted or impeded in the ability to carry out their public duties. Employees must avoid any conflict of interest, whether real or perceived, between their primary employment with the Town and any other potential employment. For further information refer to the relevant Town Internal Operating Procedure (IOP).

10.3 Financial Interests

Council Members, Committee Members, Employees, Contractors and Consultants must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the Act. Sections 5.59-5.90 of the Act establishes the requirements for disclosure of financial interests (including proximity interests).

The onus is on the individual to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists, and whether any statutory exemption applies.

10.4 Disclosure of Interest

For the purposes of the Code, an “*interest*” means:

“an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association” (see regulation 34(C)(1) of the Local Government (Administration) Regulations 1996 and regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007).

A person 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) unless it was not reasonably practicable to give prior written notice, at the meeting immediately before the matter is discussed.

In addition, 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 must disclose the nature of any interest he or she 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 person is only excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

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

If a person makes a disclosure in a written notice given to the CEO before a meeting to comply with the requirements above, 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;
- b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present; and
- c) the nature of the interest is to be recorded in the minutes of the meeting.

10.5 Disclosure of Information in Returns

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

For these purposes, a *relevant person* is defined in section 5.74 of the Act to mean a person who is a Council Member of a designated employee.

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.

10.6 Gifts and Benefits

Elected Members, Chief Executive Officer and Employees must not seek (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Town. Elected Members, Chief Executive Officer and Employees must only accept gifts in accordance with this Code and the relevant Town IOP.

Section 5.57 of the *Local Government Act 1995*, and Regulation 34B 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.

Elected Members and Chief Executive Officer

Elected Members and the Chief Executive Officer are required to disclose gifts or contributions to travel received in their capacity as a council member or Chief Executive Officer and:

- Is valued over \$300; or
- Has a cumulative value that exceeds \$300 in a 12 month period from the same donor.

Elected members and Chief Executive Officer, a *gift* is an excluded gift if:

- a) The gift is less than \$300;
- b) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and

- c) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
- d) a gift from WALGA, Australian Local Government Association Limited, Local Government Professionals Australia WA, a department of the Public Service, a government department of another State, a Territory or the Commonwealth, a local government or regional local government.

In accordance with sections 5.68 and 5.69 of the Act, if the amount of the gift is less than \$1,000, the Council may allow the disclosing Elected Member to participate in meetings. If an interest valued at over \$1,000 is disclosed, the Council or Chief Executive Officer may apply to the Minister to allow the disclosing member to participate in meetings or parts of meetings relating to that matter.

All gift declarations by Elected Members and the Chief Executive Officer are required to be recorded on the Town's Gift Register and published on the Town's website within 10 days of receipt.

Employees

Employees, a *gift* does not include:

- a) a gift from a relative as defined in section 5.74(1) of the Act;
- 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 or the Local Government Professionals Australia WA.

Employees must not accept a prohibited gift from 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.

For these purposes a *prohibited gift*, in relation to a person who is an employee, means:

- a) a gift worth \$300.00 or more; or
- b) a gift that is one of two or more gifts given to the Employee by the same person within a period of six months that are in total worth \$300.00 or more.

Employees may accept a 'notifiable gift.' However, if he or she accepts a notifiable gift from 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 intended to undertake an activity involving a local government discretion he or she must notify the CEO within 10 days of receiving the gift.

For these purposes a *notifiable gift*, in relation to a person who is an employee, means:

- a) a gift worth between \$50.00 and 300.00; or
- b) a gift that is one of two or more gifts given to an Council Member, employee, contractor or consultant by the same person within a period of six months that are in total worth between \$50.00 and \$300.00.

Employees are to complete a gift declaration form within 10 days of receiving the gift or travel contribution, and submit the 'Gift Declaration Form for Employees' to the Chief Executive Officer.

10.6 Contributions to travel

Under section 34D of the Local Government (Administration) Regulations and section 13 of the Local Government (Rules of Conduct) Regulations 2007 , a travel contribution means a financial or other contribution that has been made to any travel undertaken by the person.

Council Members, Employees, Contractors and Consultants are not required to disclose a travel contribution if —

- a) the contribution was made from Commonwealth, State or local government funds; or
- b) the contribution was made by a relative of the person; or
- c) the contribution was made in the ordinary course of an occupation of the person which is not related to the person's duties as a council member; or
- d) the amount of the contribution did not exceed \$200 unless —
- e) the contribution was one of 2 or more contributions made by one person at any time during the year; and
- f) (ii) the sum of those 2 or more contributions exceeded \$200; or
- g) the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.

All gifts and contributions to travel are to be declared within 10 days of receipt.

11. Breaches of the code

11.1 Breaches of the Code by Employees

Any Employee who has reason to believe that the personal behaviour of an Employee, Contractor or Consultant breaches the standards of conduct set out in the Code is required to raise the matter with their supervisor or the Manager Human Resources, who will consider the matter and deal with it in accordance with the investigation process set out in the Internal Operating Procedures of the Town.

The Town has an obligation to fully investigate all allegations of inappropriate behaviour and/or misconduct, including a breach of this Code, and will do so in line with Internal Operation Procedures. All allegations of false or vexatious allegations of a breach of this Code will also be investigated in line with Internal Operating Procedures.

An allegation of a breach of this Code made by an Employee who is subject to a performance management process or who is being investigated for misconduct will not interfere with that process or investigation. The performance management process or investigation will continue as the allegation is dealt with in accordance with this Code and Internal Operating Procedures.

The Code of Conduct Complaint Form (see 12.4) may also be completed.

11.2 Reporting Misconduct to the Corruption and Crime Commission

The Corruption and Crime Commission (CCC) deals with allegations concerning serious misconduct in Local Governments in Western Australia. Reports that involve minor misconduct are dealt with by the Public Sector Commission (PSC).

The CEO, being a 'principal officer of a notifying authority' has a statutory obligation to report to either the CCC or PSC:

- a) any allegation of misconduct;
- b) any situation that otherwise comes to his or her attention involving misconduct, where the CEO suspects on reasonable grounds concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity; or
- c) is likely to occur.

Notwithstanding this, any Employee, Contractor or Consultant may report directly to the CCC any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:

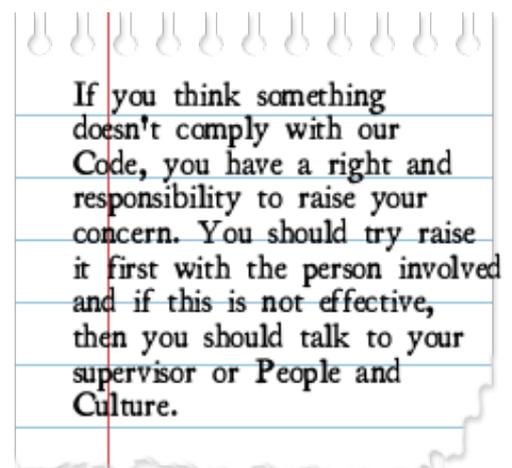
- a) has or may have occurred;
- b) is or may be occurring;
- c) is or may be about to occur; or
- d) is likely to occur.

11.3 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.

The Town:

- a) does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Town, by Employees, Contractors or Consultants;
- b) is committed to the aims and objectives of the Public Interest Disclosure Act 2003;
- c) strongly supports disclosures being made by Employees as to corrupt or other improper conduct so will take all reasonable steps to provide protection for Employees who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure; and
- d) does not tolerate any of its Employees; Contractors or Consultants engaging in acts of victimisation or reprisal against those who make public interest disclosures.



Employees, Contractors and Consultants are encouraged to contact the Town's nominated Public Interest Disclosure Officer to seek guidance on their disclosure

12. Acknowledgement and acceptance

As a condition of employment all Employees are required to sign a Code of Conduct declaration.
Code of Conduct declaration Employees, Contractors and Consultants:

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.

Code of Conduct acknowledgement Council Members and Committee Members:

Council Members and Committee Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

Name:

Signature:

Date:

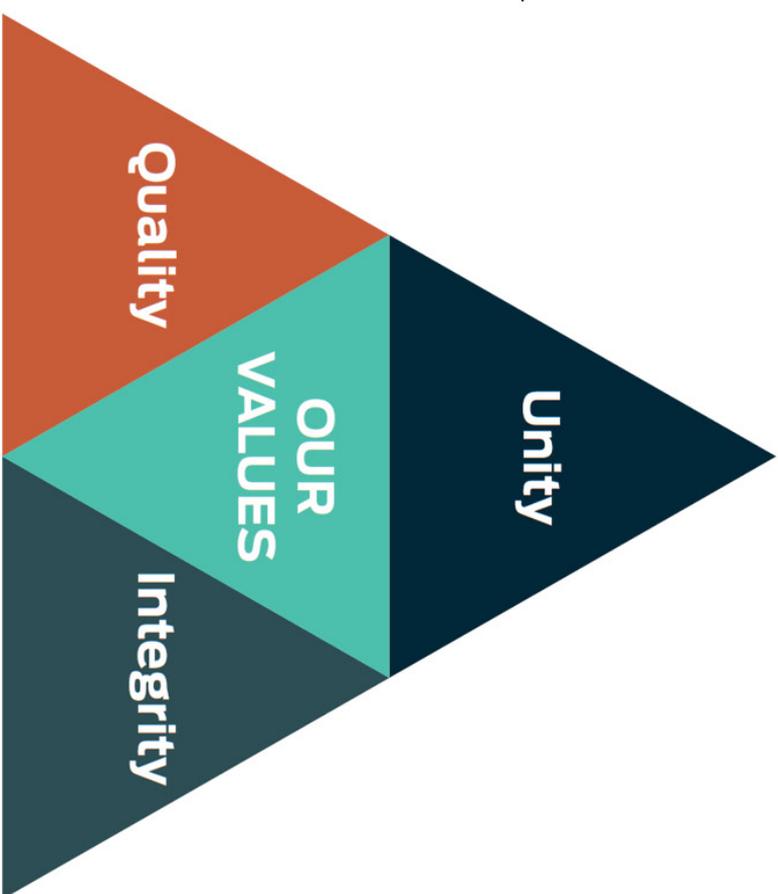


Our Vision and Values

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

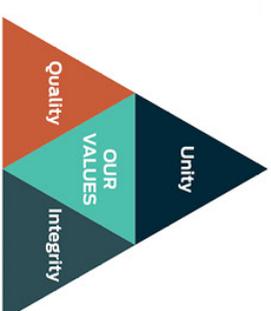


Our Values in Action



TOWN OF
Port Hedland

This document is based on our values and it takes them to the next level, demonstrating our values in action. Each employee has an obligation to know and understand not only the guidelines contained in this document, but also the values on which they are based. We also have an obligation to comply with the spirit of the document and encourage others to do the same. As individuals we are encouraged to raise any issues and concerns through the appropriate channels. 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.



Integrity <i>We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.</i>	<ul style="list-style-type: none"> • Avoid and disclose any conflict of interests, always acting in the best interests of the Town • Maintain confidentiality • Do not misuse or permit the misuse of company information, funds, resources, equipment and facilities • Make no allegations which are false or offensive • Refrain from any form of conduct which may bring the Town into disrepute
Unity <i>We work as one team and actively share our ideas and information across the organisation.</i>	<ul style="list-style-type: none"> • Exercise fairness, equity, courtesy, consideration and sensitivity in dealing with customers, employees and other stakeholders • Take responsibility for your own safety and the safety of others • Be frank, respectful and honest in dealings and communications with each other • Contribute to a positive working environment • Interact respectfully and professionally with Elected Members
Quality <i>We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.</i>	<ul style="list-style-type: none"> • Perform duties with skill, honesty, care and diligence • Abide by policies, procedures, legislation, instructions and lawful direction • Openly share ideas and collaborate with others • Strive to achieve a consistently high level of work

Breaches

It is the responsibility of each of us to follow the guidelines outlined in this document consistently and appropriately. When non-compliance is reported or otherwise suspected, steps will be taken to investigate and address the situation. Those who violate these guidelines will be subject to disciplinary action up to and including dismissal. Disciplinary measures may also apply to individuals who approve or enable the violations.

In signing in the space available below, I acknowledge that I have been provided with a copy of this document, understand the content and agree to abide with the standards of behaviour.

Employee Name:	Employee Signature:
Date:	Position:

Our Values in Action

V 1.3

Page 1 of 1

ABOVE AND BELOW THE LINE BEHAVIOURS



INTEGRITY

- ✓ 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 ABOVE the line

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

Behaviours BELOW the line

- ✗ 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

- ✗ 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**

Code of Conduct Complaint Form

This form may be completed if you wish to complain about an Employee, Contractor or Consultant who you allege has breached the Code of Conduct. All information requested on the form must be provided before the complaint can be processed.

After all information has been provided, sign and date the form and submit to the Manager People & Culture Support. He/she will then contact you and the complaint will be dealt with the Internal Operating Procedures.

All information requested below must be provided by the person making the complaint:

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

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

What date do you allege the breach occurred?

How do you allege the breach occurred?

(Please use additional sheets if required.)



Town of
Port Hedland

Code of Conduct Complaint Form

Were there any witnesses to the alleged breach?

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

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

Signature

Date

Full Name

Telephone Contact
