

# Code of Conduct for Employees

Endorsed by:

Dean Unsworth  
**Chief Executive Officer**

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## A Message from the CEO

The Shire of Murray Code of Conduct for Employees has been implemented to ensure all employees understand and respect their roles and responsibilities, both individually and collectively to the Shire of Murray and its Community.

The Code of Conduct intent is to clearly outline and express the expectations and the behaviour standards of employees to support the principles of honesty, integrity and ethical behaviour. Employees should endeavour to provide effective local government functions and services to and for our community, by demonstrating:

- understanding;
- professionalism and excellence;
- engagement at all levels; and
- accountability and transparency.

The Code is driven by our Shire's REAL Values, and while it does not establish a rule for every situation an employee may face while performing their role and undertaking their duties it does provide the ethical framework for employee behaviour.

As a values-driven local government we must go beyond simply complying with minimum standards of personal conduct. We must continue to strive towards making every decision and every action one that we can be proud of. Every employee has a personal and professional accountability to act in accordance with the intentions of this Code of Conduct, to not condone adverse behaviours and to report breaches.

By working together as a cohesive and organised team, the organisation will continue to grow and develop to support the Community we serve.

Employees of the Shire are subject to the provisions of the Code of Conduct upon their acceptance of employment and while they remain employed by the Shire.



Dean Unsworth  
**Chief Executive Officer**

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# Introduction

## Purpose of the Code of Conduct

The Shire of Murray (**Shire**) Code of Conduct (**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 Shire'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 four principles of the *Local Government Act 1995 (Act)*:

- (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.

The code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and other legislation that affect employees while performing their duties and the Code does not override or affect those provisions or requirements.

## Statutory Environment

This Code addresses the requirement in section 5.51A of the Act for the Chief Executive Officer (**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 sets out the expected conduct of Employees. It does not replace the obligations set out in an Employee's Contract of Employment, the Act or any other relevant legislation, Council Policies, Management Practices and any associated procedures.

## Application of the Code

The Code applies to the CEO and all Employees of the Shire including any person employed on a permanent, temporary or casual basis of employment.

Clause 4.4 of the Code (Gifts), does not apply to the CEO as the CEO has additional responsibilities in accordance with the Act.

Employees of the Shire are subject to the provisions of the Code upon commencement of their employment and while they remain employed by the Shire

# Values

Shire of Murray Employees are expected to embrace the four REAL Values which underpin positive culture and behaviours.

The core values fundamental to all Employees are:



# Shire of Murray Code of Conduct

## Employee Responsibilities under the Code

- Read and understand the Code of Conduct for Employees.
- Complete Code of Conduct training.
- Speak up – do not ignore or condone when you witness, hear or suspect there is a breach of the Code. Report your concerns to your Supervisor or Human Resources.
- Follow all Council Policies, Management Practices and related procedures.
- Ask questions if you need further understanding of the Code.
- Comply with all federal and state laws, including work health and safety legislation.

## Leadership Responsibilities under the Code

In addition to the Employee Responsibilities, Organisational Leaders must:

- Promote and support the Code of Conduct.
- Lead by example, modelling the Shire Values and be a positive role model to others.
- Champion a culture of integrity and ethical behaviour.
- Create a safe environment for all.
- Take corrective and preventative actions when something is reported.
- Uphold the principles of employment under section 5.40 of the Act which provides:
  - (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 a local government 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.”

## General Principles of the Code

Employees will:

- (a) Act, and be seen to act, properly, professionally and to the best of their ability at all times;
- (b) Follow and comply with all reasonable and lawful directions including the requirements of any law, the terms of this Code and all policies, procedures and guidelines of the Shire;

- (c) Perform their duties impartially and in the best interests of the Shire uninfluenced by fear or favour;
- (d) Avoid damage to the reputation of the Shire;
- (e) Act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community;
- (f) Make no allegations which are untrue, improper or derogatory;
- (g) 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
- (h) Always act in accordance with their obligation of fidelity to the Shire.

## PART 1: Our Performance

### 1.1 Health and Safety

Employees are expected to understand their responsibilities and obligations under Work Health and Safety (WHS) legislation and the Shire's WHS procedures. Employee responsibilities include but are not limited to:

- Take practical steps and reasonable care to ensure your own health and safety and the health and safety of other around you while at work.
- Speak up about unsafe work practices and report unacceptable behaviour.
- Report near misses/accidents and incidents as well as hazards.
- Comply with all safety instructions specified by the Shire.
- Participate in all relevant training as required.

**Resource:**

Council Policy A7 – Work, Health and Safety

Management Practice - Fitness for Work and Procedure

### 1.2 Harassment and Bullying

Employees are entitled to a positive, healthy and safe work environment free from bullying, harassment, intimidation, threats, ridicule and physical violence. All employees have a responsibility to maintain a working environment free from negative and bullying behaviour.

**Resource:**

Harassment and Workplace Violence Management Practice

### 1.3 Equity, diversity and inclusion

The Shire is committed to fostering a work environment where everyone is treated equitably, diversity is valued, and everyone feels included and respected.



## 1.4 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 direct Supervisor, Manager, Director or the CEO, in accordance with this Code and any Shire policies, procedures, management practices or directions.

## 1.5 Fit for Work

It is important that we uphold a drug and alcohol-free workplace to ensure the safety of our Community and co-workers. The use of drugs or alcohol adversely impacts on-the-job safety, productivity, and attendance.

All Employees will ensure that the consumption of alcohol or legally obtainable substances does not affect their work performance or working relationships, their personal safety or that of others, or impact on official conduct at any time.

To support and maintain a safe workplace, Employees are to report to the workplace 'fit for work' and with the ability to perform the inherent requirements of their role without impairment.

Employees have a duty of care to report immediately to their Supervisor if they are aware that they or another Employee is/are not 'fit for work', which can include where an Employee is under the influence of alcohol and/or drugs, or the presence of illicit drugs within the workplace.

### Resource:

Management Practice - Fitness for Work

Management Practice - Loss of Driver's Licence

## 1.6 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects positively both on them and the Shire.

## 1.7 Management Practices

The Shire develops and endorses Management Practices to support employees with undertaking the duties. Employees must ensure compliance with any Management Practice and related administrative procedures.

## 1.8 Compliance with Lawful and Reasonable Directions, Decisions and Council Policies

Employees will:

- (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 Supervisors, Managers, Directors

and the CEO.

- (b) Give effect to lawful decisions and policies of the Council whether or not they agree with or approve of them.

## 1.9 Dress Standards

Staff uniforms are available and promote a high level of service delivery and enhances general workplace wellbeing. Positions that have a provided uniform that incorporates WHS requirements including PPE must be worn to ensure safe practices.

Employees are to use good judgement to appropriately represent the Shire when presenting for work. Dress standards should at a minimum be clean, neat and responsible to undertake your role safely and support a professional image to the community.

Employees are always required to wear their name badges and are to be visible without obstruction.

Where employees are in Shire uniform or in a work vehicle or in any other way are clearly identified as being employed by the Shire, then conduct must be to the standard outlined in this Code, including outside of work hours.

### Resource:

Management Practice – Staff Uniform

## PART 2: Our Relationships

Every Employee makes a valuable contribution towards achieving the Shire's strategic goals and objectives. The Shire expects all Employees to act with respect, perform to the very best of their ability, be accountable and lead by example to our community, each other and the organisation.

### 2.1 Dealings with other employees

Employees will:

- (a) Engage in behaviour which demonstrates this Code including treating other employees with respect, courtesy and professionalism.
- (b) Refrain from any behaviour that constitutes discrimination, bullying or harassment and contribute to and support maintaining a supportive and safe workplace.

### 2.2 Dealings with the Community

In delivering services for the community Employees must make every effort to be positive, helpful, efficient and effective when communicating and engaging with the Community.

Employees will:

- (a) Treat all members of the Community with respect, courtesy and professionalism.
- (b) Act consistently and without prejudice or favour and in accordance with law when carrying out statutory enforcement responsibilities.
- (c) Deliver Shire services in accordance with relevant policies and procedures, and any issues

will be resolved promptly, fairly and equitably.

### 2.3 Dealings with Council Members and Elections

Employees and Council Members must comply with Council Policy M4 – Council Member Communication with Shire Staff.

Employees will:

- (a) Demonstrate professionalism at all times when dealing with Council Members ensuring every interaction is polite and professional.
- (b) Ensure any request for information or support from Council Members must be made in accordance with the CEO and Council Communication Agreement.
- (c) Inform the CEO, where a Council Member contacts an Employee directly outside the Communication Agreement, and the employee will remove themselves from the request.
- (d) During Election periods, respect the democratic process by remaining impartial and not express public opinion for or against a candidate or matter in the election. Employees who are electors may cast their vote but must not express their vote or opinions publicly.

#### **Resource:**

Council Policy M4 – Council Member Communication with Shire Staff.

### 2.4 Professional and Personal Communication

Employees will:

- (a) not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Council Members, employees or contractors, which breach this Code.
- (b) Ensure personal 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*.

#### **Media Enquiries and Public Comment**

Being a public facing organisation, the delivery of correct key messages to the media, with a level of confidentiality, is vitally important.

The President and CEO are the only two individuals authorised to address the media on behalf of the Shire, unless another person has specific authority from the President or CEO to do so.

Requests for public comment or media enquiries should be directed to the Manager Communications and Marketing immediately.

#### **Social Media and Personal Views**

It is important that Employees recognise that their personal use of social media can affect the Shire's professional reputation and integrity if it does not align with the values of the Shire.

Employees will:

- (a) Ensure personal views remain private; and
- (b) Recognise that 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.
- (c) Identify personal views as their own, so they are not viewed in connection with or appear to be on behalf of the Shire.

**Resource:**

Management Practice – Social Media

## **PART 3: Our Use of Shire Resources and Information**

Employees have a responsibility to use Shire resources in an efficient and effective way that delivers maximum value to the community as whole.

Employees are provided with and given access to various resources to undertake their role and perform services for the Community. These resources including physical and non-physical property may consist of office space, equipment, tools, machinery, buildings, facilities, technology, software, office supplies, mobile phones, purchasing cards, vehicles, and many others.

Employees are not permitted to loan, sell, give away, or use any Shire Resources for any other commercial or personal use.

### **3.1 Responsible Use of Shire Resources and Assets**

Employees will:

- (a) be honest in their use of Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
- (c) not use the Shire'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).

**Resource:**

Management Practice - Vehicle Usage

Management Practice - Loss of Driver's Licence

Management Practice – Mobile Device

### **3.2 Responsible Use of Shire Finances**

Employees will:

- (a) Act responsibly and exercise sound judgment with respect to matters involving the Shires finances.

- (b) Use Shire finances only within the scope of their authority.
- (c) Comply with their financial management responsibilities under the *Local Government (Financial Management) Regulations 1996* and any other statutory obligation.
- (d) Comply with the Council Policy G11 - Purchasing, and all systems and procedures established by the CEO in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Act with all care, skill, diligence, honesty and integrity when using Shire finances.
- (f) Ensure that any use of Shire finances is appropriately documented in accordance with any relevant policy and procedure or purchasing system, including the Shire's Recordkeeping Plan.

**Resource:**

Council Policy G11 – Purchasing

Management Practice – Corporate Credit Card Use

Management Practice – Grant Administration

Management Practice – Petty Cash

**Procuring Goods and Services**

The Shire is committed to achieving the best value for money when procuring goods and services and employees must ensure compliance with Council Policy G11 – Purchasing.

When purchasing goods and services Employees will:

- (a) Obtain the required quotations.
- (b) Ensure a fair, open and accurate procurement process.
- (c) Carefully consider the terms and conditions imposed on the Shire before entering into a commitment with a Supplier.
- (d) Only act within the scope of the employees purchasing authority.

**Resource:**

Council Policy G11 – Purchasing

### **3.3 Use and Disclosure Shire Information**

All Shire Employees should take care to protect the unauthorised access or use of information.

Employees will:

- (a) Only access, use or disclose information held by the Shire except as directly required for, and in the course of, the performance of their duties.
- (b) Handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code and any relevant Shire's policies and procedures.
- (c) Never destroy records without appropriate approvals.
- (d) Not access, use or disclose information to gain improper advantage for themselves or

another person or body.

- (e) Prevent the misuse of personal information of the community and employees.
- (f) Maintain the required levels of confidentiality with regards to records and information.

Employees and employees ceasing employment with the Shire will not remove from the Shire's care and control the resources such as documents, materials, manuals or other information. These items remain the property of the Shire at all times.

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

- is authorised by the CEO or the CEO's delegate; or
- is permitted or required by law.

**Resource:**

Council Policy A5 – Information Services

Management Practice – Restrictions on Access to Information

### 3.4 Confidentiality and Privacy

Employees will:

- (a) Not divulge information deemed confidential or sensitive, other than as required by law or where proper written authorisation is given.
- (b) Not discuss or share a person's private or personal information except where authorised.
- (c) Not use information obtained through employment with the Shire for direct or indirect personal or commercial gain, or to do harm to others.
- (d) Not make any inappropriate or disparaging remarks, unsubstantiated allegations, or personal opinions on documents, recognising that any document (including digital communication) may be accessible under the *Freedom of Information Act 1992*.

### 3.5 Entering into Contracts and other Commitments

Signing a contract or entering a commitment on behalf of the Shire, is a serious matter.

Employees will:

- (a) Not enter into any agreement or commitment unless authorised to do so in accordance with the Council Policy G1 – Execution of Documents.
- (b) Ensure a full understanding of the nature and extent of the commitment should be understood including any legal consequences or risks.
- (c) Ensure any contract or commitment has the endorsement of their Supervisor or Executive Leadership prior to signing.

**Resource:**

Council Policy G1 – Execution of Documents

Management Practice - Drafting and Signing of Shire Correspondence

### 3.6 Intellectual Property (IP)

Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire upon its creation, unless otherwise agreed by separate contract. IP includes Shire software, copyrights, patents, trademarks, trade secrets, inventions and other confidential or proprietary information.

Employees will:

- (a) Ensure the records of the Shire created as a consequence of employment remain the absolute property of the Shire.
- (b) Protect the Shire's IP rights, taking care not to disclose such material.
- (c) Protect and respect the IP rights of others.
- (d) Not infringe copyright law, including the IP, of any individual or organisation.

For example, Employees must not store or copy audio, video or image files, printed media or software without the appropriate license or approval.

- (e) Seek and obtain written permission before copying, quoting or reproducing the work of another. A citation or acknowledgement of the source is required.

### 3.7 Use of Information Technology Resources

The Shire network and assets should only be used for legal and authorised purposes. Use of Information Technology resources is not private and may be monitored, retained or reviewed.

Employees will:

- (a) take all due care to maintain the security and privacy of Shire technology resources.
- (b) Not share passwords.
- (c) Not forward internal emails to external recipients without approval.
- (d) Not forward emails containing inappropriate or offensive material.
- (e) Undertake training as provided to understand responsibilities.

### 3.8 Recordkeeping

The Shire is committed to making and keeping full and accurate records of its business transactions and activities in accordance with legislation, to demonstrate and support decision making and record the performance of the organisation's functions.

Corporate records provide the evidence of actions taken and where decisions are made. It is acknowledged, that sound records management practices will contribute to the overall efficiency and effectiveness of Shire.

Employees will:

- (a) Ensure complete and accurate records are created and maintained in accordance with the Shire's Recordkeeping Plan and the *State Records Act 2000*.
- (b) Not falsify, destroy, alter, damage, back-date or remove records or public information purposely, and take reasonable care to ensure it does not happen inadvertently.

- (c) Capture, organise and securely store records and comply with the Shire's recordkeeping policies and procedures.

**Resource:**

Council Policy A4 – Records Management

Management Practice – Removal of Physical Files (Records) from the Shire Premises

Shire of Murray Record Keeping Plan

## PART 4: Our Decision Making

To maintain a high level of community trust and confidence, the way Employees conduct themselves impacts directly on that level of trust. Being accountable and ethical in all that Employees do and the decisions they make, also impacts on that trust.

Accountable and ethical decision-making is about making decisions and taking actions that can be justified and accurately explained. Accountable and ethical decision-making is also about putting the public interest first and ensuring that we fulfil our public duty to the highest standards.

In practice this mean Employees will:

- (a) Ensure actions and decisions are impartial and unbiased.
- (b) Act fairly and justly, abiding by principles of due process and natural justice.
- (c) Be accountable and transparent.
- (d) Perform duties effectively and as efficiently as possible.
- (e) Consider the risk to Shire, each other and the Community.
- (f) Behave in accordance with legislation and the Shire's code.
- (g) Declare any actual or potential conflicts of interest.

**Resource**

Appendix 3 – Decision Making Guide

### 4.1 Managing Conflicts of Interest

Conflicts of interests may arise from a number of sources, including but not limited to friends, relatives, close associates, financial investments, gifts, past employment.

Conflicts of interest can be actual, perceived or potential:

- An **actual** conflict of interest may arise when an employee is asked to make a decision that directly affects or impacts their personal or private interests.
- A **perceived** conflict of interest is where an employee's decision could be questioned based on a personal or private interest that may not actually have impacted any decision.
- A **potential** conflict of interest arises where an employee has private interests that could conflict with their official duties in the future, or where an employee has competing interests because they hold more than one official role or duty.



Employees will ensure that they are aware of their actual, perceived or potential conflicts of interest between their personal interests and the impartial fulfilment of their professional duties.

The primary goal in managing any conflict of interest is to ensure that decisions are made, and are seen to be made, in a transparent manner, on proper grounds, for legitimate reason, in good faith and in the best interests of both the Shire and community.

There are both legislative and operational requirements for disclosures by Employees

To manage conflicts of interest, Employees will:

- (a) Where practical, ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first 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) Must comply with the *Local Government (Functions and General) Regulations 1996*, in any instance where they are involved in any manner with tendering for a Council contract. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.
- (d) Lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (e) When carrying out recruitment or any other discretionary function will 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.
- (f) 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.

## Resource

*Governance Procedure – Managing Conflicts of Interest*

## 4.2 Secondary Employment

Secondary employment refers to a situation where a person works for the Shire but also engages in paid work for another organisation (private or public). It includes operating a private business and providing paid consultancy services as well as partnerships and directorships of companies.

An employee must not engage in secondary employment, without receiving the prior written approval of the CEO. The CEO will consider:

- Any possible interference with the completion of their duties, including safety and wellbeing; and
- Where there is any possibility of any conflict of interest.

Should there be any conflict of interest that cannot be managed, the CEO may decline to provide permission.

Secondary employment does not include Defence Reservist, volunteer community or emergency service activities, unless the activities may impact on the health and wellbeing on the Employee.

### **Resource**

Secondary Employment Form

## **4.3 Providing Advice to Council**

Employees will disclose financial, proximity and impartiality interests as contained within the 5.60, 5.60A and 5.60B of the Act.

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. If an Employee has a Financial or Proximity Interest this must be declared prior to providing advice or developing a report for Council.

### **Providing Advice to Council (Council Reports)**

Employees who have given or will give advice in respect of any matter to be discussed at a Council or Committee meeting that they are not attending must disclose this interest:

- In a written notice given to the CEO before the meeting; or
- At the time the advice is given.

### **Attending Council Meetings**

Employees with an interest in any matter to be discussed at a Council or Committee meeting that they are attending must disclose this interest:

- In a written notice given to the CEO before the meeting; or
- At the meeting immediately before the matter is discussed.

### **Resources:**

Disclosure of Interest Form

## **4.4 Gifts and Hospitality**

Occasionally, Employees may be offered gifts as a consequence of undertaking their duties. Usually these will be a token of appreciation and carry no expectation. In other cases, accepting a gift could give the impression an Employee will favour a particular person, business or organisation when making decisions.

Under this Code, 'gifts' include anything of financial value that you are offered without providing the gift giver something of similar value in return. Examples include goods, services, gift vouchers, discounts, hospitality, accommodation, flights, money and other benefits.

Under no circumstances will an Employee solicit gifts.

The CEO has determined that the reportable gift threshold amount for Employees will be:

**Reportable Gifts** - \$50 up to \$300 - value of a single gift or multiple gifts from the same giver within a 12 month period.

*Where a reportable gift is received, the Employee must make a conflict of interest disclosure prior to undertaking any decisions regarding activities involving the gift giver within 12 months of the gift received (Refer to Section 4.1 Managing Conflict of Interest).*

**Prohibited Gifts** - \$300 and over - value of a single gift or multiple gifts from the same giver within a 12 month period.

- A gift of money or equivalent of money for any value, such as cash, cheques, shares, gift cards or any items easily converted to cash

**Non Reportable Gifts** - \$49 and under - value of a single gift or multiple gifts from the same giver within a 12 month period.

Reportable **and** Prohibited Gifts whether accepted or declined must be disclosed to the CEO within 10 Days of receipt.

The definitions related to Gifts have the meanings given as in the *Local Government (Administration) Regulations 1996*.

**Resource:**

Governance Guide: Gifts received from Employees

#### 4.5 Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Employees should be committed to ensuring high standards of integrity and accountability by demonstrating professional behaviour consistent with our values and this Code, and operating in an environment of openness, probity, and accountability.

Employees will not commit, ignore or encourage any acts of fraud, bribery, corruption, misconduct or criminal behaviour no matter what value:

**Corruption** The dishonest activity of an Employee acting contrary to the interests of the Shire or abusing their position of trust to gain a personal benefit or cause detriment to another person or entity.

**Bribery** Where someone is persuaded by gifts, payments or other personal favours to behave improperly, to do something that they shouldn't do, or to not do something that they should.

**Fraud** Is dishonest activity that is intentional and for a purpose. It includes activity where deception is used, including falsifying or concealing documents or information or improper use of information for a personal benefit.

**Theft** Unauthorised use or taking of Shire money or property without permission with an intent to permanently deprive the Shire.

Employees must report any knowledge or suspicion of corruption, bribery, fraud or any criminal behaviour, refer to Clause 5.2.

## 4.6 Securing Personal Advantage or Disadvantaging Others

An Employee will not make improper use of their position to:

- (a) gain directly or indirectly an advantage for the Employee or any other person; or
- (b) cause detriment to the Shire or any other person.

Employees should not personally benefit from Shire business. This extends to the use of personal reward cards, including but not limited to Frequent Flyer, FlyBuys, Everyday Rewards, Airline Programmes, vouchers, promotions or discounts. Any purchases made in relation to Shire business remain the property of the Shire. Redemption of rewards or vouchers for personal use is a personal benefit and will be considered misconduct.

## 4.7 Improper or Undue Influence

Employees will:

- (a) Not take advantage of their position to improperly influence Council Members or other 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) Not take advantage of their positions to improperly disadvantage or cause detriment to the Shire of Murray or any other person.

## 4.8 Personal Dealings with the Shire

Employees may need to deal personally with the Shire (for example as a rate payer or users of Shire services or facilities). Employees must not expect or request preferential treatment for themselves or their family because of their position. At all times Employees, must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

# PART 5: Our Accountability

Breaches, or suspected breaches, of the Code will be taken seriously.

In the cases of suspected misconduct or suspected serious misconduct, the Shire may be required to report to the Public Sector Commission (**PSC**), or the Corruption and Crime Commission (**CCC**) in accordance with the Shire's obligations under the *Corruption, Crime and Misconduct Act 2003* (**CCM Act**).

Employees must report any breach or suspected breach of this Code, even if they do not have all the facts. The Shire will follow the relevant Policy, Management Practice, and/or Procedure to appropriately manage breaches or suspected breaches.

## 5.1 Speaking Up

It is important everyone feels safe to speak up without fear. You do not need to know all the facts to report a concern. The Shire considers retaliation against someone for making a report, a breach of the Code. Making a false, deliberately misleading or vexatious complaint is also a breach of the Code.

A person who has reason to believe that an Employee has contravened a provision of this Code may report or make a complaint and have the matter investigated by completing the Code of Conduct for Employees Complaint Form, Appendix 2 and email to [ceo@murray.wa.gov.au](mailto:ceo@murray.wa.gov.au). If you do not feel comfortable making a report to the CEO or the complaint involves the CEO you may report to your Supervisor, Manager, Director or the Manager Human Resources or Manager Governance.

Complaints involving unethical, fraudulent, dishonest, illegal or corrupt behaviour may be minor or serious misconduct and will be reported to relevant agencies, refer to section 5.2

Any report received will be dealt with in accordance with the relevant Shire's policies and procedures, depending on the nature and severity of the suspected breach.

**Resource:**

Management Practice – Dispute Resolution and Grievance

Appendix 2 - Code of Conduct Employee Complaint Form

## 5.2 Misconduct

Employees must report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, as detailed in Clause 4.5.

In accordance with the CCM Act, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that CCM Act, the CEO will notify:

- (a) the CCC, in the case of serious misconduct; or
- (b) the PSC, in the case of minor misconduct.

Employees, or any person, may also report suspected serious misconduct directly to the CCC or suspected minor misconduct directly to the PSC Commissioner.

Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, refer to 5.4 for more information.

**Resource**

Management Practice - Misconduct

## 5.3 Breach of the Code

An employee who breaches this Code may be subject to disciplinary action, in accordance with the Shire's established processes and procedures, which may result in employment being terminated.

The Shires Misconduct Management Practice and Procedure HR021 outlines the process to deal with contraventions of the Code.

**Resource:**

Management Practice - Misconduct

Management Practice – Dispute Resolution and Grievance

## 5.4 Public Interest Disclosure

The Shire has implemented a Public Interest Disclosure process to provide a confidential mechanism for investigating misconduct allegations or improper conduct and other 'public interest information' as defined in the *Public Interest Disclosure Act 2003 (PID Act)*.

The PID Act facilitates the disclosure of public interest information and provides protection for those making such disclosures and those who are the subject of disclosures. The PID Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken and protection for persons who make disclosures.

Employees should immediately report to the CEO or to the appointed Public Interest Disclosure (PID) Officers any instance of misconduct or improper conduct that they suspect may have occurred.

Alternatively, Employees may choose to report a PID directly to the Public Sector Commissioner. Employees should call the Advisory Line on (08) 6552 8888 for further information.

It is important to understand the rights and responsibilities in the process. This information is outlined in [Don't be afraid to speak up](#), available from the Public Sector Commission website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

### **Resource:**

Shire of Murray Public Interest Disclosure Procedure

## Definitions

In this Code, unless the contrary intention appears:

<b>Act</b>	<i>Local Government Act 1995;</i>
<b>Associated Person</b>	<p>means a person who is:</p> <ul style="list-style-type: none"> <li>• undertaking or seeking to undertake an activity involving local government discretion; or</li> <li>• it is reasonable to believe they are intending to undertake an activity involving local government discretion.</li> </ul> <p><i>activity involving local government discretion</i> means an activity that cannot be undertaken without an authorisation from the Shire or an activity occurring by way of a commercial dealing with the Shire of Murray. I.e., a decision by the Shire is required</p> <p><i>Example of Associated Person</i></p> <ul style="list-style-type: none"> <li>• People seeking a permit, development approval or licence from the Shire</li> <li>• The Shire's suppliers or those considering bidding or quoting to become suppliers</li> <li>• Sponsorship or grant applicants and recipients</li> </ul>
<b>CEO</b>	Chief Executive Officer of the Shire of Murray
<b>Code</b>	This Code of Conduct
<b>Community</b>	Ratepayer, resident, business, groups, association within the district of Murray
<b>Conflict of interest</b>	a situation in which a person's professional decision-making ability could be, or could be seen to be, influenced by their personal interests
<b>Council</b>	The governing body of the Shire of Murray
<b>Council Member</b>	Person who holds the Office of the President or a Councillor
<b>Employee</b>	A person – <ul style="list-style-type: none"> <li>(a) employed by the Shire under section 5.36(1) of the LG Act; or</li> <li>(b) engaged by the Shire under a contract for services.</li> </ul>
<b>Financial Interest</b>	Financial interest has the meaning given in sections 5.60A and 5.61 of the Act. A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person
<b>Gift</b>	Gift has the meaning given in section 5.57 of the Act and includes: <ul style="list-style-type: none"> <li>(a) The conferral of a financial benefit (including a disposition of</li> </ul>

	<p>property) from one person in favour of another person, unless adequate financial consideration (in money or money's worth) is given;</p> <p>(b) A travel contribution. 'Financial benefit' means that:</p> <p>i) there must be a determinable financial value to the gift assessed objectively according to market value; or</p> <p>ii) the gift must be physical goods or property.</p> <p>'Travel contribution' means a financial or other contribution made by one person to travel undertaken by another person.</p> <p>'Travel' includes any accommodation incidental to a journey</p>
<b>Organisational Leaders</b>	Includes all supervisors of staff such as Coordinators, Managers, Executive and the CEO.
<b>Proximity Interest</b>	<p>Proximity interest has the meaning given in section 5.60B of the Act.</p> <p>a person has a proximity interest in a matter if the matter concerns —</p> <p>(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or</p> <p>(b) a proposed change to the zoning or use of land that adjoins the person's land; or</p> <p>(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.</p> <p>Adjoins includes properties that have a boundary with your property (or someone you are Closely Associated with) and those directly across the road from your property (or someone you are Closely Associated with). Development of land means the development, maintenance or management of the land or of services or facilities on the land</p>
<b>Shire</b>	Shire of Murray



## Resources

The Key Resources provided in the Code are not exhaustive and are subject to change. Where possible the Code will be updated with any amended reference however Employees should not rely on the Resource list provided and view the Policy or Practice directly. Employees should ensure they are aware of and understand any other resources that may impact on their actions and decision making.

### SHIRE RESOURCES:

<b>Council Policies</b> <a href="#">Available via the Shire of Murray Website</a>	<ul style="list-style-type: none"> <li>• Policy A7 – Work, Health and Safety</li> <li>• Policy M4 – Council Member Communication with Shire Staff.</li> <li>• Policy G11 – Purchasing</li> <li>• CEO and Council Communication Agreement.</li> <li>• Policy A5 – Information Services</li> <li>• Policy A4 – Records Management</li> <li>• Policy G1 – Execution of Documents</li> </ul>
<b>Management Practices</b> <a href="#">Available via Shire Intranet (Not available to public)</a>	<ul style="list-style-type: none"> <li>• Vehicle Usage</li> <li>• Loss of Driver’s Licence</li> <li>• Mobile Device</li> <li>• Fitness for Work</li> <li>• Harassment and Workplace Violence</li> <li>• Fitness for Work</li> <li>• Loss of Driver’s Licence</li> <li>• Staff Uniform</li> <li>• Restrictions on Access to Information</li> <li>• Social Media</li> <li>• Removal of Physical Files (Records) from the Shire Premises</li> <li>• Corporate Credit Card Use</li> <li>• Grant Administration</li> <li>• Petty Cash</li> <li>• Drafting and Signing of Shire Correspondence</li> <li>• Dispute Resolution and Grievance</li> <li>• Misconduct</li> <li>• Public Interest Disclosure Procedure</li> </ul>
<b>Governance Guides</b>	<ul style="list-style-type: none"> <li>• Governance Guide – Managing Conflicts of Interest</li> <li>• Governance Guide: Gifts received from Employees</li> <li>• Appendix 3 – Decision Making Guide</li> </ul>
<b>Forms</b>	<ul style="list-style-type: none"> <li>• Secondary Employment Form</li> <li>• Disclosure of Interest Form</li> <li>• Appendix 1 – Code of Conduct Employee Declaration Form</li> <li>• Appendix 2 - Code of Conduct Employee Complaint Form</li> </ul>

### EXTERNAL RESOURCES

<b>Health and Safety</b>	<ul style="list-style-type: none"> <li>• <a href="#">Work Health and Safety Act 2020</a></li> <li>• <a href="#">Work Health and Safety (General) Regulations 2022</a></li> </ul>
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### Harassment and Bullying

- [Equal Opportunity Commission](#)
- [Fair Work Ombudsman: Bullying and Harassment](#)

### Speaking Up

- Breaches of the Local Government Act 1995 – <https://www.dlgirs.wa.gov.au>
- Corruption and Crime Commission: [Report Misconduct | CCC | Corruption and Crime Commission](#)
- Public Sector Commission: Minor Misconduct by Public Officers [Reporting minor misconduct](#)

## Commencement Date

This Code is in effect on and from the date endorsed by the Shire of Murray Chief Executive Officer.

## Endorsement



Dean Leonard Unsworth  
Chief Executive Officer

Date: 1 December 2025

Document Control							
Document Responsibilities:							
Owner:	Chief Executive Officer		Owner Business Unit:	Manager Governance Office of Chief Executive			
Reviewer:	Manager Governance		Decision Maker:	Chief Executive Officer			
Compliance Requirements:							
Legislation:	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a>						
Other:	Misconduct Management Practice and Procedure HR021						
Organisational:	Governance						
Document Management:							
Risk Rating:	High	Review Frequency:	Biennial	Next Due:	November 2027	Records Ref:	D25/48917
Version #	Decision Reference:		Synopsis:				
1.	ELT Approval - 17 November 2025		New Code of Conduct adopted and revoked D24/7288				

## Appendix 1 – Employee Declaration

### EMPLOYEE CODE OF CONDUCT DECLARATION

- I confirm that I have access to a copy of this Code of Conduct. I accept that it is my responsibility to read the document and follow the standards of conduct and behaviour set within the Code.
- If I do not understand any of the content contained in the Code, I accept that it is my responsibility to seek clarification from my Line Manager or People and Culture
- I accept that I will be required to complete mandatory Code of Conduct training to enhance my understanding of the conduct and behaviours expected of me as an Employee of the Shire of Murray.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 – Complaint Form

### CODE OF CONDUCT COMPLAINT FORM

**Note to person making the complaint:**

This form must be completed if you wish to make a complaint about an employee of the Shire of Murray 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 CEO (or President in the instance of the complaint being about the CEO).

They will then, together or independently, determine the complaint.

**Note to the person receiving the complaint form:**

Any information provided on this form MUST NOT be sent or divulged in any way to the person who is the subject of the complaint.

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

**What is the name of the Employee who you allege has breached the Code of Conduct?**

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

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**What date do you allege the breach occurred?**

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**How do you allege the breach occurred? (add additional sheets as required)**

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**Were there any witnesses to the alleged breach?**

Yes  No  Unsure

**Are the witnesses willing to provide information to assist in resolving the complaint?**

Yes

No

Unsure

**If so, what are the name(s) and contact details of witnesses**

Name: \_\_\_\_\_

Contact Details: \_\_\_\_\_

Name: \_\_\_\_\_

Contact Details: \_\_\_\_\_

Name: \_\_\_\_\_

Contact Details: \_\_\_\_\_

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

Yes

No

N/A

Signature: \_\_\_\_\_

Name\*: \_\_\_\_\_

Contact Details:

Phone: \_\_\_\_\_

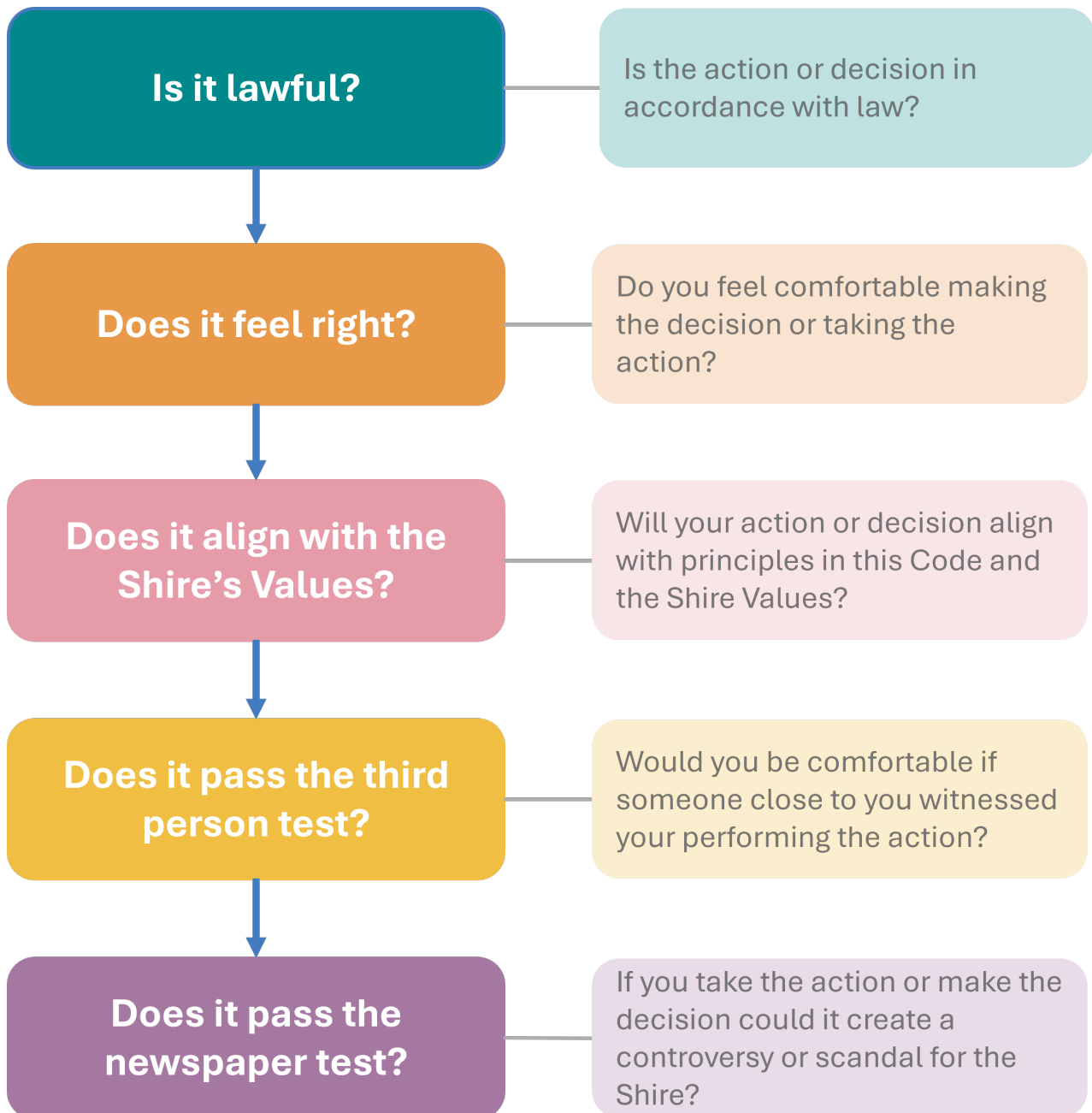
Email: \_\_\_\_\_

*\* If you wish to remain anonymous, the Shire will do its best to review and action the complaint, however action will only be taken as far as it is possible to do so with no resolution response will be provided to you.*

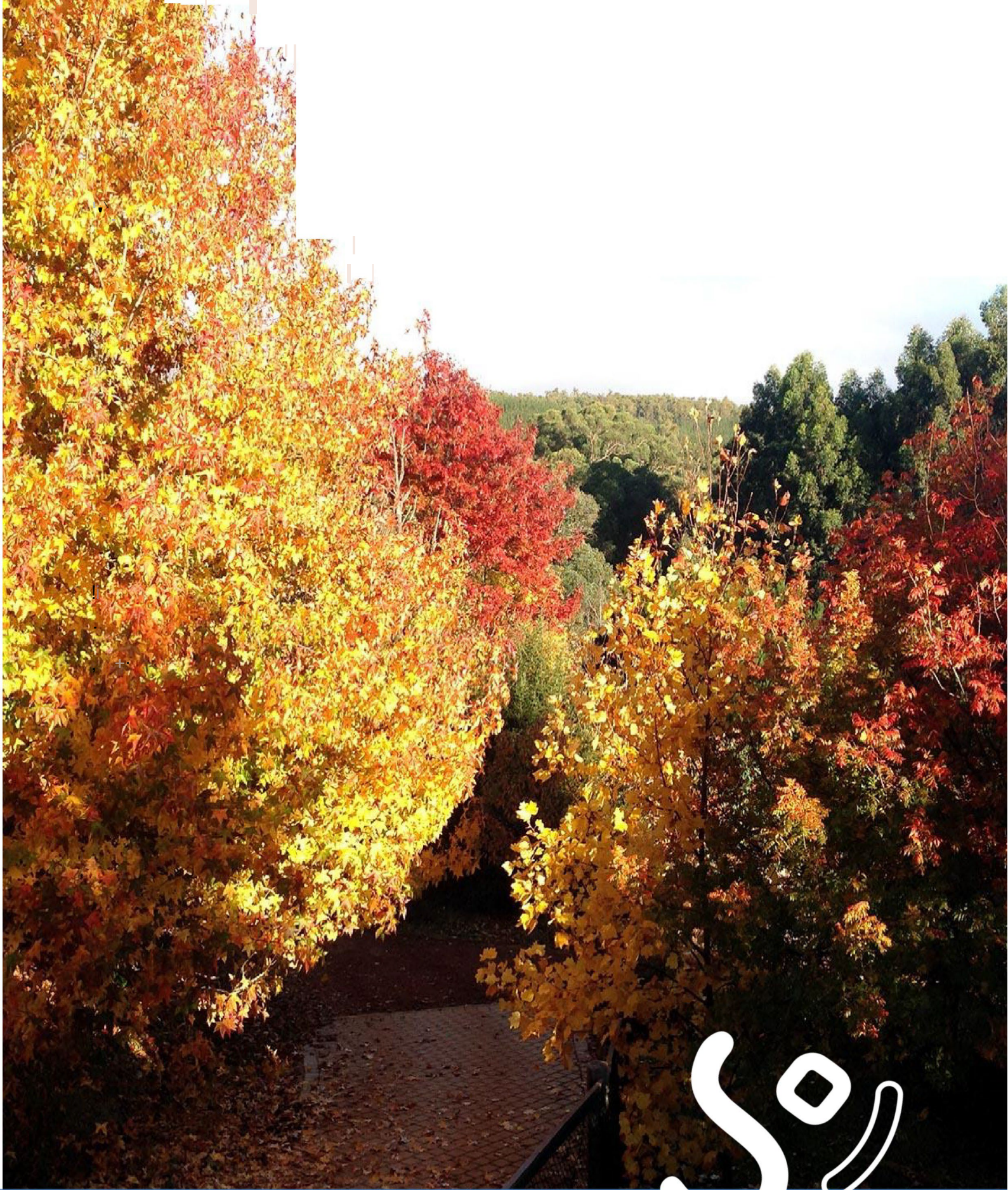
Date: \_\_\_\_\_

## Appendix 3 – Decision Making Guide

When an Employee is unsure if a decision or action aligns with this Code or that it may affect the Shire in any capacity, directly or indirectly they should consider following this flowchart:



If an Employee is still unsure or hesitant, then the Employee should seek advice on the decision or action with their Supervisor.






# Shire of Murray

## Administration Office

1915 Pinjarra Road, Pinjarra WA 6208  
PO Box 21 Pinjarra WA 6208

T: (08) 9531 7777

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   @ShireofMurray

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