



City of
Bayswater

Code of Conduct

Revision History

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Table of Contents

1	MESSAGE FROM THE CHIEF EXECUTIVE OFFICER	1
2	INTRODUCTION	1
2.1	Legislative requirements to have a code of conduct.....	1
2.2	Application	2
3	CITY OF BAYSWATER VALUES.....	2
4	CODE OF CONDUCT.....	3
4.1	Role of Employees.....	3
4.2	Principles affecting employment by the City of Bayswater.....	3
4.3	Personal behaviour.....	4
4.4	Honesty and integrity	4
4.5	Performance of duties.....	4
4.6	Compliance with lawful and reasonable directions, decisions and policies	5
4.7	Administrative and Management Practices	5
4.8	Intellectual Property	5
4.9	Record keeping.....	5
4.10	Dealing with other employees	5
4.11	Interacting with community.....	5
4.12	Professional communications	6
4.13	Personal communications and social media.....	6
4.14	Personal presentation	6
4.15	Gifts	6
4.16	Conflict of interest	8
4.17	Secondary employment	8
4.18	Disclosure of financial interests.....	9
4.19	Employee's duty to disclose their interest in a matter being decided by Council	9
4.20	Use and disclosure of information	9
4.21	Improper or undue influence	10
4.22	Use of City of Bayswater Resources.....	10
4.23	Use of City of Bayswater's finances	11
5	REPORTING	11
5.1	Reporting of suspected breaches of the employee Code of Conduct	11
5.2	Handling of suspected breaches of the employee Code of Conduct	11
5.3	Reporting suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour ..	11
5.4	Handling of suspected unethical, fraudulent, dishonest, illegal behaviour	12
	APPENDIX I SOCIAL MEDIA STANDARD	13

1 Message from the Chief Executive Officer

The foundation of a successful organisation is a culture that is respectful and ethical, with values-based behaviours and an accountable mindset. These are the traits that determine the standards we uphold, and affect how we are perceived by the community and our colleagues.

The City of Bayswater employee Code of Conduct clearly defines the acceptable behaviours and actions of everyone employed by the City, and will help us align our organisational values with the Strategic Community Plan, within the legislative environment in which we operate.

The code has been designed to be practised hand in hand with our organisational values - which have been developed by staff to foster a positive, professional and considerate workplace.

Collectively, our values and the code provide a framework to guide high standards of integrity and the ethical behaviour of us all. I believe them to be the cornerstones for building constructive and positive relationships and will strengthen our understanding of what it means to work at the City of Bayswater.

I encourage each of you to not just read the Code but to embrace the true essence of its intention and take pride in yourself, your colleagues, and our organisation.

Jeremy Edwards

Chief Executive Officer

2 Introduction

The City of Bayswater employee Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of integrity and ethical responsibility, and encourages transparency and accountability. The Code expresses the City's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

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

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

2.1 Legislative requirements to have a code of conduct

S. 5.51A of the *Local Government Act 1995* requires the CEO to have a code of conduct for employees.

The detailed requirements are set out in part 4A of the *Local Government (Administration) Regulations 1996*, and those include defining what gifts are to be declared or are prohibited, when an employee's interest in a matter being considered by Council or Committee must be disclosed, the behaviour expected of an employee when performing their duties and how suspected breaches of the code of conduct are to be reported and managed. Employees should also be aware that part 4A also requires that information gained in the course of their employment is not to be improperly disclosed and that the City's resources are not to be improperly used for personal benefit.

Employees should make sure they are aware of their legal responsibilities under this Code and the relevant legislation.

2.2 Application

For the purposes of the Code, the term 'employee' includes persons employed by the City of Bayswater or engaged by the City of Bayswater under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities and on occasions when a link can be established between employment and the City of Bayswater, such as at social functions and social media.

This Code of Conduct replaces the Employee Code of Ethics adopted January 2013, effective from Monday 4 April 2022.

3 City of Bayswater Values

The values are guiding principles to help us choose how we work every day. They help us select the right way of working and support us in making sound decisions.

Values set the tone for our City's culture and when aligned with the standards in the Code of Conduct ensures we act ethically and with integrity. We all need to make sure our actions always reflect our values.

The City's values are:

Accountability - We do what we say we will do, the right way and on time. Working together we take responsibility and pride in delivering quality service in an efficient way.

Excellence - We are a 'can do' organisation where we are responsive, efficient, professional, friendly and positive, continually striving for service excellence.

Respect - We respect and care, promoting a positive, safe and inclusive workplace where people contribute and feel part of team, valued, listened to and acknowledged.

Innovation - We challenge the status quo through embracing change and thinking outside the box to broaden our horizons.

For more information, please refer to the Values Guide which provides examples of what is meant when each of the values is done well and employees are 'on track', and by contrast,

when demonstrated behaviours are 'off track' and could be improved. The Guide can be found on Baynet: [Values Guidebook Final.pdf \(bayswater.wa.gov.au\)](https://bayswater.wa.gov.au/ValuesGuidebookFinal.pdf)

As you read through the following sections, you are asked to make a series of commitments; please read carefully and if you have any questions, ask your line leader or a member of the People, Culture and Safety (PCS) team.

4 Code of Conduct

4.1 Role of Employees

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

5.41. Functions of CEO

The CEO's functions are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government Act 1995

4.2 Principles affecting employment by the City of Bayswater

The principles set out in section 5.40 of the Act apply to the employment of the City of Bayswater's employees:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*

- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

Local Government Act 1995

4.3 Personal behaviour

Employees must:

- (a) Act, and be seen to act properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the City of Bayswater
- (b) Perform their duties impartially and in the best interests of the City of Bayswater, 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 City of Bayswater as the employer, and the broader community
- (d) Make no allegations which are improper or derogatory
- (e) Refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment
- (f) Always act in accordance with the City's values as set out in section 3.

4.4 Honesty and integrity

- (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 dealings with each other
- (c) Report any dishonesty or suspected dishonesty on the part of any other employee to their line leader, People, Culture & Safety or the CEO, in accordance with this Code and the City of Bayswater's policies, management practices and procedures.

4.5 Performance of duties

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

4.6 Compliance with lawful and reasonable directions, decisions and policies

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such a direction, including but not limited to their line leader, a more senior leader or the CEO.
- (b) Employees must carry out lawful decisions and policies of the City of Bayswater, whether or not they agree with or approve of them.

4.7 Administrative and Management Practices

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

4.8 Intellectual Property

The Intellectual Property relating to work created and done in the course of your employment will belong to the City of Bayswater from its concept unless otherwise agreed by separate contract.

4.9 Record keeping

Individual employees are committing an offence under the State Records Act 2000, if they fail to keep a record in accordance with an agency's Record Keeping Plan.

In accordance with the State Records Act 2000, employees will:

- (a) Ensure complete and accurate local government records are created and maintained in accordance with the City of Bayswater's Recordkeeping Plan

4.10 Dealing with other employees

- (a) Employees must be aware of, and comply with their obligations under relevant law and the City of Bayswater's policies and management practices regarding workplace behaviour and occupational safety and health, as may be reviewed from time to time.
- (b) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (c) Employee behaviour must reflect the City of Bayswater's requirements for complying with discrimination, harassment and bullying legislation and should support the City's values and contribute towards creating and maintaining a safe, inclusive and supportive workplace.

4.11 Interacting with community

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

To view the Charter, go to [Customer Service Charter.pdf \(bayswater.wa.gov.au\)](https://bayswater.wa.gov.au/customer-service-charter.pdf) and for more information please contact the Coordinator Customer Services.

4.12 Professional communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the City of Bayswater's activities should reflect the status, values and objectives of the City of Bayswater.
- (b) Communications should be accurate, polite and professional.

The City's Written Style Guide provides comprehensive details on writing in practice and can be found on Baynet: [Written Style Guide 2021.pdf \(bayswater.wa.gov.au\)](https://bayswater.wa.gov.au/written-style-guide-2021.pdf)

4.13 Personal communications and social media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the City of Bayswater, Council Members, employees or contractors, that breach this Code.
- (c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

See also Appendix I – Social Media Standard

4.14 Personal presentation

The City provides a uniform for those with customer facing roles and the requirements are set out in the City's management practice for uniforms. For any role requiring personal protective clothing and equipment (PPCE), all items must be worn according to the City's Work Health and Safety guidelines.

Given the formality of Council meetings, appropriate professional dress standards are expected of the City officers for attendance at Council meetings and other similar formal meetings.

Employees are generally expected to adopt professional, neat and appropriate dress standards at all times.

4.15 Gifts

- a) The City recognises that in the course of dealing with members of the public or contractors, staff may be offered gifts, either as money or in some other form. This may be simply seen as an expression of appreciation for services provided but careful consideration needs to be

given to whether receiving such gifts has the potential to influence decision making, which would place the employee, and the City, in a difficult position.

- b) Just as importantly, the perception of any influence may damage the reputation of the City and the employee.
- c) A basic rule to consider is that an employee is prohibited from using their position to obtain personal benefits, which may include sponsored travel and hospitality, or gifts to an Employee's immediate family.
- d) The detailed requirements on this issue are set out in the Local Government (Administration) Regulations 1996, and the key considerations are 'Notifiable Gifts' and 'Prohibited Gifts'.
- e) Notifiable Gifts are gifts which can be accepted under certain conditions, including that they are recorded on the City's gift register. Notifiable gifts are those that are valued at between \$50 - \$300. Employees should be aware that the requirement will also apply to gifts given to the employee by the same person within a period of 6 months that are in total, worth between \$50 and \$300.
- f) The City maintains a Gift Register and in considering whether to receive Notifiable Gift, employees should be aware that the Gift Register is on the City's website.
- g) Employees may choose not to accept the Notifiable Gift.

The following matrix provides practical examples of how gifts are to be considered, and what action should be taken:

Description of gift	Value	Action required	Considerations
Employee receives a bottle of wine from a contractor or supplier.	\$15	Can be accepted. Not in itself a notifiable gift.	Employee may choose to record it on the gift register anyway (discretionary) as the value of a notifiable gifts includes other such gifts within a 6-month period.
Employee meets with a consultant (working lunch) and his or her meal is paid for by the consultant.	\$55	Can be accepted but must be recorded as a notifiable gift.	Employee may choose not to accept the notifiable gift as the gift register is published on the City's website which may create a perception there could be a conflict of interest.
Employee is offered a free weekend away by a supplier or contractor	\$450	Cannot be accepted as over \$300 (prohibited gift)	Employee does not have discretion as to whether or not to accept the gift.

Employee receives a box of chocolates from a customer in appreciation for service provided.	\$5	Can be accepted. Not in itself a notifiable gift.	Employee may choose not to record it as it is a 'one-off' token and unlikely to exceed the \$50 notifiable value within 6 months.
Employee receives concert tickets from a regular customer	\$200	Can be accepted but must be recorded as a notifiable gift.	Employee may choose to accept the notifiable gift but will need to carefully consider that another gift from the same person within the next 6 months will (when the combined value is considered) exceed the \$300 limit and therefore become a prohibited gift.

4.16 Conflict of interest

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and maintaining impartiality in their work-related decision making.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the City of Bayswater, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees are required to advise the CEO where they intend to undertake dealing in land which is within the City of Bayswater (other than purchasing a principal place of residence)
- (d) Employees who carry out a 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.
- (e) Employees will conduct themselves in a non-political manner and refrain from activities which could cast doubt on their neutrality and impartiality while acting in their professional capacity.

4.17 Secondary employment

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

Employees must:

- a) Carefully consider whether any other employment outside their City of Bayswater employment may adversely affect the performance of their City duties and responsibilities, affect the reputation of the City or may give rise to a conflict of interest.

- b) Seek authorisation prior to engaging in any outside employment or other professional activity.

Casual employees are not required to seek the approval but should consider any potential for conflict of interest.

More information is contained in the Secondary Employment Management Practice.

4.18 Disclosure of financial interests

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees who have been delegated a power or responsibility, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

4.19 Employee's duty to disclose their interest in a matter being decided by Council or at a Committee

- a) If an employee has an interest in a matter being decided by Council or at one of the Committees, that interest must either be disclosed before the meeting to the CEO, or at the meeting before the item is discussed.
- b) Employees are required to disclose any interest that could directly, or may reasonably be perceived to, affect the employee's impartiality on the issue and could include an interest in a matter due to family, personal friendship or membership of an association.
- c) An interest could be financial (direct or indirect) or a proximity interest on a land matter, for example if it relates to the zoning or use of land adjacent to the employee's own property.

Details of how to determine if a person has an interest in matter are provided in sections 5.60 – 5.73 of the *Local Government Act 1995* and the City's Governance team can also provide guidance.

4.20 Use and disclosure of information

- (a) Employees must not access, use or disclose information held by the City of Bayswater except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle responsibly all information obtained, accessed or created in the course of their duties, and in accordance with this Code, the City of Bayswater's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the City of Bayswater.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.

- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
 - (i) Is authorised by the CEO or the CEO's delegate; or
 - (ii) Is permitted or required by law.
- (f) Confidential information provided to employees for the purpose of performing their duties or work created by the employee as part of their duties shall remain the property of the City of Bayswater. Any City intellectual property must not be removed by the employee at end of the employment contract.

4.21 Improper or undue influence

- (a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.
- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, financial or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

4.22 Use of City of Bayswater Resources

- (a) In this clause –

City of Bayswater resources includes local government property and services provided or paid for by the City of Bayswater;

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

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

[Section 1.4 of the *Local Government Act 1995*]

- (b) Employees will:
 - (i) Be honest in their use of the City of Bayswater resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body
 - (ii) Use the City of Bayswater resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
 - (iii) Not use the City of Bayswater's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

4.23 Use of City of Bayswater's finances

- (a) Employees are expected to act with integrity and sound judgment in all matters involving the City of Bayswater's finances.
- (b) Employees will use City of Bayswater finances only within the scope of their authority, as defined in the City's Delegated Authority Register, policies and procedures, the accounting standards and the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (c) Employees who have purchasing authority will act within the limits of the City of Bayswater's Purchasing Policy, and associated management guidelines and procedures.

5 Reporting

5.1 Reporting of suspected breaches of the employee Code of Conduct

As public officers, employees have an obligation to report misconduct.

Employees must report suspected breaches of the Code to their line leader, People, Culture & Safety, any senior leader the CEO or via the specific misconduct reporting avenues:

- (a) Email – misconductreporting@bayswater.wa.gov.au
- (b) Phone – misconduct reporting hotline – 0447 319 614 (monitored from 9am to 4pm Monday to Friday, outside these hours please report to your line leader).

Workplace safety and health matters should be reported in CiAnywhere - MySafety.

The City's People, Culture and Safety team can provide further guidance on those procedures.

5.2 Handling of suspected breaches of the employee Code of Conduct

Suspected breaches of the Code will be dealt with in strict confidence. Suspected breaches will generally be investigated internally.

5.3 Reporting suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour

Employees must also report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour. This can be done in a number of ways:

- (a) To their line leader, a senior leader, or the CEO
- (b) By email or phone (see Section 5.1), or
- (c) Using the City of Bayswater Public Interest Disclosure (PID) procedures
- (d) Directly to the Corruption and Crime Commission (serious misconduct) or to the Public Sector Commission (minor misconduct)

For more information, please refer to the link on Baynet: [Public Interest Disclosure \(bayswater.wa.gov.au\)](https://bayswater.wa.gov.au/public-interest-disclosure) or speak to a member of the Governance team.

5.4 Handling of suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour

In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:

- (i) The Corruption and Crime Commission, in the case of serious misconduct; or
- (ii) The Public Sector Commissioner, in the case of minor misconduct.

Appendix I Social Media Standard

Purpose

The purpose of this standard is to define what is expected, in relation to the personal and (authorised) business use of social media.

Definition

Social media is a collective term for websites and applications which focus on communication, community-based input, interaction, content-sharing and collaboration. Social networking, advertising and community groups are among the different types of social media.

Platforms include, but are not limited to:

- Social networking sites such as Facebook, Instagram, Snapchat, LinkedIn, Twitter, Pinterest, Yammer and WhatsApp
- Video sharing sites such as Flickr, YouTube, Vimeo and TikTok
- Blogging platforms such as WordPress, Blogger and Tumblr
- Discussion forums such as Reddit, Yahoo! Groups and Google Groups
- On-line encyclopaedias such as Wikipedia
- Any other sites that enable users to publish comments and/or images.

The City of Bayswater requires that all employees and trusted third parties think about the consequences of their actions before use of any social media. For more information please refer to Section 4.13 in the employee Code of Conduct.

Employees who are required to use social media as a part of their role and responsibilities will have such requirements documented within their job description. For all other employees, the use of social media (unless a part of your documented duties) during working hours must be minimal and must not impact on working duties. Employees should be aware there are systems in place to track and monitor access to and time spent using City owned information systems, such as Litmos, social media platforms and any internet use.

The use of a person's private social media when outside of work has the potential to impact the operations, reputation or security of the City of Bayswater and as such the following controls apply to all employees when using social media in or out of the working environment:

Prohibited use of social media includes, but is not limited to communication that includes:

- Revealing information about the City or its operations
- Disclosure of information about an employee, or a member of the community, obtained through work
- Comments that could be taken to be an opinion of the City
- Comments which may be considered rude, offensive, bullying, threatening, harassing or discriminatory against an employee, and/or
- Comments which have the potential to adversely affect the reputation of the City
- Conduct or content of a sexual nature.

For example, the City uses YouTube to live stream council meetings. This platform has the option for those in attendance to add comments during the meeting. Any comments whether as an employee or as an individual that could be deemed to be the opinion of the City to have the potential to damage the reputation of the City would result in action.

All employees are to be aware that:

- No one may not use the City's logo or other branding elements on personal social media accounts (including within the background of photographs)
- Employees must make clear any views expressed are their own and not those of the City
- Employees are not to use a work email address to register personal social media accounts.

Engaging in any use of online electronic communication which is prohibited as detailed above may be considered a breach of the City's employee Code of Conduct and may be subject to disciplinary action.

An employee who is unsure regarding actions or communications that may be considered inappropriate are to seek guidance from their line leader, the Manager People, Culture and Safety or from the Manager Digital Services and Solutions.