



CODE OF CONDUCT

June 2025

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1. INTRODUCTION

This Code of Conduct (the Code) sets out the standards of conduct and integrity required by all City of Swan workers, i.e. employees, volunteers and contractors.

The Code applies in all work settings and includes events and activities that occur outside of business hours and/or away from the City of Swan premises, but where there is a workplace connection.

2. CITY OF SWAN VISION AND VALUES

The City of Swan is committed to its vision and values that will be displayed through our behaviours and actions.



Our Vision

One City, diverse people, cultures and places

The City of Swan aspires to be:

**A sustainable, thriving City of diverse people and places,
enjoying a great quality of life, health and wellbeing**



Our values

**Workers must act in accordance with the City's
values when carrying out their respective duties.**



Respect

We will work cooperatively with our City colleagues, community and stakeholders.

We will respect the individual, with an understanding of our diverse roles, while working and living in One City.



Excellence

We commit to providing excellent customer services with a “can do” approach. It is our “can do” attitude that is built into our actions and behaviours and allows us to be responsive to our changing environment.



Accountability

We will take responsibility for our actions and behaviour. We will be ethical and act with integrity. Our professional behaviour will be reflected in our open and transparent decision making. We will provide good governance that addresses legislative and organisational compliance.



Leadership

We will lead by example, with a professional pride in our City. We will set direction, provide guidance and help people to be the best they can be.



3. USING THE CODE

All workers must abide by the Code and display professional conduct at all times. Instances of non-compliance are considered a breach of the Code and may result in disciplinary actions.

Many of the matters covered by the Code are also the subject of detailed City policies, management practices, processes, standards, guidelines or legislation. These have been identified in specific sections of this Code for ease of reference; however, this is not an exhaustive list.

All policies, management practices, processes, standards, guidelines and legislation can be found on the City's policy and management practices SharePoint page. In the course of undertaking their duties at the City, workers must make themselves aware of all the relevant information in this regard.

Breaches of the Code require immediate attention, and workers have a duty to report known or suspected breaches of the Code to their Supervisor or Manager.

The City understands that the Code sets out standards of behaviour and that in some situations, the correct course of action might not be clear. Workers can seek advice on the operation of the Code from their Manager or the Human Resources team.

In some cases, breaches of the Code have disciplinary consequences – some of which are serious and warrant dismissal.

All alleged breaches of the Code will be managed in accordance with:

- The principles of procedural and substantive fairness
- The *Fair Work Act 2009*, where applicable (Cth)
- The Local Government Industry Award 2020 (Cth)

- The Corruption and Crime Commission Act 2003 (WA)
- A worker's contract of employment
- The City's Industrial Agreements
- The City's policies, processes and standards
- The Local Government Act 1995 (WA)
- The Industrial Relations Act 1979 (WA)
- The Parliamentary Commissioner Act 1971 (WA) (Reportable Conduct Scheme)
- The City's Just Culture Framework and/or
- All other relevant legislation.

Any queries regarding the Code can be directed to the relevant Manager or the Human Resources team.

Example

What happens if I breach the Code of Conduct?

There are different levels of breaches, from minor to serious. All alleged breaches will be dealt with professionally, confidentially and within the City's Just Culture Framework. Such action can vary from the issuance of a Letter of Expectation up to the termination of employment. Other disciplinary actions may include, but are not limited to, a verbal warning, redeployment, or a written warning. Noting that certain breaches must be reported to regulatory bodies such as the Corruption and Crime Commission (CCC), Public Sector Commission (PSC) and/or the Ombudsman.





4. ROLES AND RELATIONSHIPS AT THE CITY OF SWAN

The relationship between Council and workers is unique, and it is important that workers understand the roles and relationships that exist within the City in order to foster positive working relationships and achieve good governance.

The roles of Council, Council Members, the Mayor and the CEO are set out in the *Local Government Act 1995* (the Act).

Council Members and workers have different roles, and the City functions best when there is mutual respect for each other's roles and when they allow each other to perform their respective roles without interference.

4.1 Role of Council

The role of Council is to:

- (a) Ensure the proper governance of the City's affairs
- (b) Determine the services and facilities to be provided by the City
- (c) Plan strategically for the future of the City
- (d) Oversee the allocation of the City's finances and resources
- (e) Select the CEO, and
- (f) Determine the City's policies.

4.2 Role of Council Members

The role of a Council Member is to represent the interests of the community and to translate the community's needs and aspirations into the future direction of the City.

Pursuant to the Act, a Council Member:

- (a) Represents the interests of electors, ratepayers and residents of the City and takes account of the interests of other persons who work in, or visit, the district
- (b) Provides leadership and guidance to the community within the City's district
- (c) Facilitates communication between the community and Council

- (d) Facilitates and maintains good working relationships with other Council Members, the Mayor or President and the CEO
- (e) Participates in the City's decision-making processes at Council and committee meetings and
- (f) Performs such other functions as are given to a Council Member by the Act or any other written law.

4.3 Role of Mayor

The Mayor's role is to:

- (a) Preside at meetings in accordance with the Act and relevant policies and processes;
- (b) Provide leadership and guidance to the community within the City
- (c) Promote, facilitate and support positive and constructive working relationships among Council Members
- (d) Carry out civic and ceremonial duties on behalf of the City
- (e) Speak on behalf of the City
- (f) Act as the principal spokesperson for the City
- (g) Perform such other functions as are given to the Mayor by the Act or any other written law and
- (h) Liaise with the CEO on the City's affairs and the performance of its functions.

4.4 Role of Chief Executive Officer (CEO)

The CEO is the Council's principal advisor and, as such, performs the following functions:

- (a) Advises Council in relation to the functions of a local government under the Act and other written laws
- (b) Ensures that advice and information are available to the Council so that informed decisions can be made
- (c) Causes Council decisions to be implemented
- (d) Manages the provision of services and facilities that the Council has determined the City is to provide

- (e) Liaises with the Mayor on the City's affairs and the performance of its functions
- (f) Speaks on behalf of the City when approved by the Mayor
- (g) Is responsible for the employment, management supervision, direction and dismissal of other workers
- (h) Ensures that records and documents of the City are properly kept
- (i) Provides a safe working environment and
- (j) Performs any other function specified or delegated by the Council or imposed under the Act or any other written law as a function to be performed by the CEO.

4.5 Role of Workers

A worker is defined as an employee, volunteer and/or contractor.

In accordance with a worker's contract of employment or engagement, common law duties and legislative obligations, workers are required to:

- (a) Perform their duties with skill, honesty, care and diligence, using authority in a fair and equitable manner
- (b) Comply with all relevant legislation as well as policies, management practices, processes, and standards of the City
- (c) Comply with the City's Communications Agreement
- (d) Follow instructions and lawful and reasonable directions that relate to their employment and duties
- (e) Promote the best interests of the City and the community and
- (f) Liaise and work with the community and key stakeholders in an appropriate manner, in accordance with good governance and the Code, particularly where required as part of their professional duties.

In addition, every worker has a duty of care to ensure their own safety and health at work and avoid adversely affecting the safety or health of any other person through any act or omission at work.

4.6 Relationship between Council Members and workers

The City is a complex organisation with different roles in its governance structure. Therefore, it is critical for good governance in the City to maintain appropriate relationships between the Council Members, the CEO and workers.

The City has the best chance of achieving its objectives when the people in each of these roles respect each other and work collaboratively to achieve outcomes. The City's Values (as set out above) guide workers in their approach to working relations with others at the City.

The relationship between Council and workers is critical to achieving good governance.

The focus of the Council and Council Members is on strategy, policy and outcomes. The role of workers is to focus on advice, implementation and the delivery of approved Plans such as the Community Strategic Plan, Corporate Business Plan and the Annual Service Plans of the respective and relevant Business Units.

A number of factors contribute to a good relationship between Council Members and workers. These include goodwill, a clear understanding of each other's roles, good communication, agreed structures and protocols, an appreciation of legislative requirements and clear delegations. This

supports an organisational culture for the City that promotes the respectful and fair treatment of the City's workers.

The CEO is in the first instance accountable to the Council for providing advice and the delivery of approved plans such as the Strategic Community Plan, Corporate Business Plan and the Annual Service Plan etc. Workers are accountable to the CEO through the organisation structure for the delivery of all agreed outcomes i.e. plans, strategies, KPIs etc. Workers are not accountable to the Council or to individual Council Members and are not required to take instructions from the Council or Council Members.

It should also be noted that the City also operates in a political environment in which it liaises with State and Federal politicians and stakeholders. Workers must not communicate with politicians (unless specifically approved) in regard to any City and/or Council matter and/or any other matter.

Relevant Documents

Local Government (Administration) Regulations 1996 section 19ADA

Communications Agreement*

Code of Conduct for Councillors, Committee Members and Candidates

Just Culture Framework





5. WORKING WITH CHILDREN

The City is committed to providing a safe environment for all ages. To achieve this, we are committed to embedding and maintaining a child safe culture through the implementation of the National Principles for Child Safe Organisations across all activities and services. This is to ensure that all workers comply with the National Principles for Child Safety Organisations.

5.1 Working with Children Check

The Working with Children Check (WWCC) is a compulsory screening requirement for workers engaging in child-related work in Western Australia (WA).

The Working with Children (WWC) Screening Unit is responsible for administering the WWCC in WA and the Christmas and Cocos (Keeling) Islands in accordance with the Working with Children (Screening) Act 2004.

Whilst the WWCC is a critical screening mechanism in terms of suitability of a person to engage in child-related work, it cannot be relied upon solely as a mechanism to prevent child harm in the workplace. The City of Swan, therefore, complies with all the existing WWCC requirements for people engaging in child-related work. (Noting that child-related work is any role that incorporates working with a person under the age of 18 years and can be known as youth work.)

For the purposes of the Code, the term “children and young people” refers to individuals aged 0 to 18 years.

5.2 Expectations for Working with Children and Young People

The expectations for Working with Children and young people are listed with more information provided in Annexure 1.

5.3 Parliamentary Commissioner Act 1971 – (Reportable Conduct Scheme)

The Reportable Conduct Scheme for Western Australia (the Scheme) commenced on 1 January 2023. The Scheme, contained in Division 3B of the *Parliamentary Commissioner Act 1971*, implements key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and provides that child abuse in organisations will always be:

1. Notified to an impartial and independent body
2. Investigated fully and
3. Dealt with to ensure children are protected from abuse within institutions.

The City is obligated to report any allegation and/or conviction.

Please see [Annexure 1](#) for more information.

If you believe an incident has occurred or you have been made aware of information that may be considered a reportable allegation or conviction, please report this information to Human Resources via available CiA form or in person, and/or the Ombudsman.



6. PROFESSIONAL BEHAVIOUR

The City is committed to creating a harmonious work environment free from harassment, sexual harassment, bullying, discrimination and victimisation both to those who work for the City and to those we serve, and to make impartial/unbiased decisions.

6.1 Expectations

The City expects its workers to:

- (a) Conduct themselves in a manner that is safe and, by their actions or inactions, not expose themselves or others to harm
- (b) Contribute to a harmonious and productive workplace
- (c) Treat members of the public and colleagues with courtesy, respect and dignity; free from harassment, discrimination and bullying as per definitions in MP-053
- (d) Act honestly, with integrity and professionalism, including in dealings with other local government workers and the broader community
- (e) Make decisions fairly, impartially and promptly, considering all relevant available information
- (f) Ensure the appropriate use and disclosure of information that is acquired in the performance of their duties
- (g) Comply with all lawful and safe work instructions and directions
- (h) Ensure all instructions and directions given to others are lawful, ethical, clear, reasonable and not in breach of this Code and
- (i) Not act in any way which could be regarded as harassment, specifically including sexual harassment or bullying at work or any circumstances which could be directly or indirectly associated with work, including but not limited to any work-related activity or function or on social media etc.

Workers who do not comply with any of the above expectations (a)-(i) breach this Code.

Relevant Documents

MP-053 Workplace Complaints, Discrimination, Harassment and Bullying

MP-001 Work Health, Safety, and Injury Management

Disability Access and Inclusion Plan

Integrity Principles

Capability, Accountability and Behaviour Framework

6.2 Fitness for Work

Workers have a duty of care to take reasonable care not to expose themselves or others to unnecessary safety and/or health risks. An important part of this duty is the worker's responsibility to ensure that they are in a fit state to work. Fit for work means a state of physical, mental and emotional health that enables a person to perform work in a manner that does not pose a risk, compromise or threaten the safety and health of themselves or others.

6.2.1 Drug and Alcohol Use

Substance misuse is not tolerated at the City.

The use of any illegal/illicit drugs constitutes a breach of the Fitness for Work Management Practice and may constitute serious misconduct. Workers found to be under the influence of any illegal substance will be subject to disciplinary action.

Workers found to be misusing registered medications, or in breach of any legislation, such as the *Road Traffic Act 1974*, may be subject to disciplinary action in line with the Fitness for Work MP-081 and Fitness for Work Procedure.

This includes and is not limited to cold and flu medication and medicinal cannabis.

The unauthorised use, consumption, cultivation/manufacture, possession or sale of any illegal/illicit drugs or synthetic substances constitutes a breach of the Code and may warrant summary dismissal for serious misconduct. It may also constitute a criminal activity requiring notification to the relevant authorities.

The City permits responsible drinking at approved functions and events only. The City does not allow a worker to be over the legal limit of their specific licence class (currently 0.05 BAL and 0.00 BAL, for example, for bus drivers and workers using plant that requires a heavy

rigid licence) during work time. The City will, from time to time, conduct random drug and alcohol testing.

Testing requirements are set out in the City's Fitness for Work Procedure and Fitness for Work Management Practice MP-081. City testing is urine-based and not saliva-based.

6.2.1.1 Prescribed Medications

The City recognises that, from time to time, workers may need to take medications (prescription or otherwise) under the guidance of a medical practitioner (including medicinal cannabis).

Medicinal cannabis is a legal form of cannabis product prescribed by an approved medical practitioner and dispensed by an approved pharmacist.

THC derived from Cannabis is a prohibited drug under the *Misuse of Drugs Act 1981 (WA)*, and it is an offence to drive with THC in your blood or oral fluid, even if medicinal cannabis is prescribed by an approved medical practitioner.

Medicinal cannabis, THC, and other cannabinoids are substances that the City considers affect a worker's ability to safely perform the inherent requirements of their role. This includes cannabidiol (CBD) products that may contain traces of THC.

Prescribed medications are not limited to medical cannabis. If a worker is taking any form of prescribed medications, the worker must follow the procedure outlined in the City's Fitness for Work Procedure and Fitness for Work Management Practice MP-081. Failure to do so is a breach of this Code.

6.2.2 Mental and Physical Wellbeing

The City is committed to providing support to its workers living with disabilities and health concerns. Where practicable, the City accepts it has a duty to make reasonable adjustments to its workplaces to support people with different physical or cognitive requirements. Workers have a duty to notify the City of any such condition/s if it affects their ability to do their job.

Relevant Documents

MP-081 Fitness for Work

Fitness for Work Procedure

Medical Cannabis in the Workplace Information Sheet

6.3 Smoking and Vaping

All City-owned, controlled or managed buildings and other like facilities are declared smoke-free zones and smoking or vaping of tobacco products is prohibited.

Smoking or vaping is not permitted in City-owned or operated motor vehicles.

Smoking or vaping may be permitted in DESIGNATED SMOKING AND VAPING AREAS and open air locations provided the person smoking or vaping is at least 5 metres away from any building, part of a building, vehicle, plant, equipment and fuel refuelling point. Smoking or vaping is also prohibited where environmental tobacco smoke or vape inconveniences workers and members of the public or where it is likely to be drawn back into a building or workplace.

Smoking or vaping is permitted inside the Depot only where it is signposted DESIGNATED SMOKING AND VAPING AREA.

Smoking or vaping in prohibited areas is a breach of this Code.

6.4 Professional Presentation

The City needs to project a professional image to the public at all times. Workers are required to wear uniforms and Personal Protective Equipment (PPE) whenever prescribed. All workers should present at work, having attended to their personal hygiene, in clean, neat, professional clothing that is not offensive.

Where workers are in City uniform or are in a work vehicle or in any other way are clearly identified as being employed by the City, then their conduct must be to the standard outlined in this Code, even though it may be outside of work hours.

Any failure to comply with the requirements in clause 6.4 is a breach of this Code.

6.5 Weapons and Workplace Violence

The City's commitment to providing all workers with a safe working environment extends to any and all forms of weapons and workplace violence.

The City will not tolerate any level of violence or threat of violence in the workplace. Under no circumstances should any worker bring a weapon to work or threaten violence of any kind.

Such conduct constitutes a breach of the Code and may warrant summary dismissal for serious misconduct. It may also constitute a criminal activity requiring notification to the relevant authorities.

Any failure to comply with the requirements in clause 6.5 is a breach of this Code.





7. CONFLICT AND DISCLOSURE OF INTEREST

7.1 Conflict of Interest

A conflict of interest is a situation arising from a conflict between the performance of public duty and private or personal interests.

A conflict of interest arises in a situation where there is an actual, perceived or potential private or personal interest (such as investments, political views, relationships, voluntary work, membership of other groups or private employment) in a matter sufficient to influence or appear to influence objectivity when exercising work-related decisions or actions.

Workers should be impartial when performing all aspects of their duties. Having a conflict of interest is not necessarily wrong or unethical, but it needs to be specifically declared and managed in the interests of the City rather than the interests of the individual. If a worker is unsure of whether a conflict of interest exists, they should discuss it with a Manager as soon as they become aware that it may be an issue. A conflict situation may change over time and may need ongoing monitoring. For assistance in identifying and managing workers who may have a conflict of interest, please refer to MP-208 Managing Conflicts of Interest.

Any worker who has a personal interest in an issue they are dealing with must promptly advise their Manager, in writing, of the interest. Any future dealings on the matter, by the worker concerned, shall only be in accordance with their Manager's direction. Where a worker seeks information from the City that is publicly available, the worker must access that information through the public channel

available to all people and not through avenues available because of their employment with the City. Employees must not use their City email account for any personal matters relating to the City of Swan.

Conflicts affecting financial and impartiality interests are the subject of strict statutory controls and penalties. Certain categories of workers, particularly those with delegated authority, are required to lodge annual or primary returns. In addition, the Council or CEO has discretion, in the interests of openness and accountability, to require other categories of workers to lodge annual or primary returns.

The failure to declare a conflict of interest or having improper dealings on a matter where a worker has a conflict amounts to a breach of this Code.

The Declaration of Disclosure of Interests Form and General Conflict of Interest Declaration Form are available on the City's Intranet page.

Conflicts of Interest are recorded in the Conflict of Interest Register and maintained by the Governance business unit. All declaration forms and the Conflict of Interest Register will be stored in the City's record keeping system. The records will be retained and disposed of in accordance with the City's Record Keeping Plan.

7.2 Secondary Employment

Workers who are engaged in other paid or unpaid employment and/ or contract work, in addition to their employment at the City, must inform the City of this either at the commencement of their employment or when

the other work commences. If informing the City when other work commences, completion of the Secondary Employment declaration form must be completed and provided to their Supervisor, who will discuss with the Manager. In these situations, the worker should ensure that any secondary employment is in no direct or indirect conflict of interest with City business or with the substantive nature of the worker's role. It is also important to consider whether any additional work might negatively affect their work performance at the City. If in doubt about any potential conflict of interest, workers should contact their Supervisor.

A failure to declare secondary employment is a breach of this Code.

7.3 Disclosure of Interest (affecting impartiality)

Workers must disclose any interest that could, or may, adversely influence their objectivity in exercising official duties for the City. An interest could arise from family connections, associates, friendship, membership of an association, political views, voluntary work, private employment and/or investments. Disclosure in the general course of business must be made to a worker's Manager.

A failure to declare an impartiality interest is a breach of this Code

7.3.1 Disclosure of interest at Council or Committee Meetings

Where a worker has an interest in any matter to be discussed at a Council or committee meeting, at which they will be present, they must disclose the nature of the interest, either in a written notice to the CEO before the meeting or immediately before the matter is discussed at the meeting.

Alternatively, if a worker has given, or intends to give, advice in regard to any matter to be discussed at a Council meeting or Council-endorsed committee meeting, at which they will not be present, the worker must disclose the nature of any interest they may have in writing to the CEO before the meeting or at the time the advice is given.

These disclosure requirements are in addition to a worker's requirement to disclose direct or indirect financial, property and other interests under the Act and Local Government (Administration) Regulations 1996.

A failure to disclose an interest in accordance with clause 7.3.1 is a breach of this Code.

Examples

My de facto partner proposes to operate a business in the City and wishes to apply for a restaurant licence. Do I have a financial interest?

Yes. A de facto partner comes within the definition of "closely associated person" in section 5.62 of the Act, and you should therefore declare a financial interest and have no involvement in any dealings concerning the application.

I want my son to apply for a job at the City. Are there any particular things I should consider?

The Local Government Act clearly discourages nepotism. However, there is no reason why your son should not apply for the position, provided that your relationship is made quite clear to the relevant persons and you are not involved with the selection and recruitment process. Lobbying in support of your son is not permitted.

I have been asked to join the committee of a community-based group which is based in the City. The organisation has many dealings with the City and quite often applies for City grants. Should I accept the invitation?

No. There is a clear conflict of interest in such a situation. It would be different if your proposed membership of an organisation arose because you lived in the City and joined as a community member. In these circumstances, however, you must not be involved in any decision-making involving either the organisation or the City directly.

A company that supplies playground equipment to the City has offered me a scholarship to travel overseas and investigate the latest design trends in the provision of playground equipment. Should I accept the offer?

No. Acceptance of such a scholarship would be a conflict of interest with future dealings with the company. Any travel arrangements of this nature should be funded by the City or yourself personally.

I am having a tough time financially and wish to take a second job for a short time to get on top of my mortgage repayments. How should I approach this?

The issue here is whether or not the second job would affect your ability to carry out your duties at the City competently and in an impartial manner. At the least, you need to notify the City of the second job. If you believe you may have difficulty meeting expectations of performance, or there could be a potential conflict of interest, then you should discuss this issue with your Supervisor, who will discuss it with the Manager and, if necessary, seek the CEO's approval.

In my new community development role with the City, I have been asked to join the committee of a community organisation. Should I accept?

The preferred practice is for City workers not to become directly involved in community organisations in this manner, particularly as members of committees of such organisations. Participation, as a member, could involve a certain degree of decision-making and therefore would potentially be a conflict of interest. However, in special circumstances, it may be permissible to join such committees in an 'ex officio' non-voting capacity. In these circumstances, you should exclude yourself from the relevant part of any meeting that involves any issue concerning the City.

The situation is quite different if you wish to join a community-based group or organisation in your capacity as a community member (i.e. because you live within the City's boundaries) as part of the local community concerned. Again, you should avoid any situation where a conflict of interest with the City potentially arises (e.g. by excluding yourself from part of a meeting).

I wish to submit a paper I have prepared for publication in a professional journal. The paper, in part, includes a case study based on the experience of the City. Is it necessary to get any approval or permission for this?

In normal circumstances, the City would be delighted that you are extending your

professional development in this way. As a matter of courtesy, it would be appropriate for you to seek your Manager's approval of your proposal beforehand. This would allow your Manager to acknowledge any potential conflicts of interest.

You have invested in a property development that is occurring within the City. There have been some holdups with the development, and you want to know where it is at. You send an email, on your work email, to someone within the City who is involved in the development approval process. All of the information you are asking for can be publicly obtained. Have you done anything wrong?

It is okay for you to ask questions to the City in relation to the development, but you should not do this using your work email.

Relevant Documents

Local Government Act 1995 - Part 5, Division 6, sections 5.70 and 5.17

Local Government (Administration) Regulations 1996 – regulation 34C

MP-208 Managing Conflicts of Interest

Conflict of Interest Register

City's Record Keeping Plan

General Conflict of Interest Declaration Form

Disclosure of Interests Form

Governance Framework

7.4 Political Affiliation

A worker's right to maintain political convictions or to be a member of a political party is respected. However, all advice given by workers in the course of their employment must be given in such a way that is impartial and does not reflect any political association or desire.

Where a worker is in a position of conflict between their personal political beliefs and their professional duties, they must disclose this conflict to their Supervisor, who will discuss it with the Manager and act in accordance with the Manager's instructions.

Where a worker speaks or acts publicly when exercising their right to express their political convictions, they should ensure that it is clear that they are doing so in their personal capacity and not as a representative of the City.

A worker breaches this Code if they engage in behaviour that contravenes the requirements in clause 7.4.

7.4.1 Local Government Elections

Staff have an administrative role in support of the WA Electoral Commission, which conducts the election on behalf of the City. Staff must not get involved in the elections other than as part of an authorised administrative function.

Section 4.94(c) of the *Local Government Act 1995* provides that a local government worker must not canvass at any election of the local government of which they are a worker.

Relevant Documents

Pol-C-169 Election Caretaker Provisions

7.5 Gifts

Workers must not accept prohibited gifts.

'Prohibited gifts' refers to any gift worth \$300 or more from an associated person, or accepting several gifts from the same associated person within a 12-month period that are worth more than \$300 in total.

An 'associated person' is someone who is either undertaking, or seeking to undertake, an activity or business dealing with the City, or, who is reasonably expected to undertake an activity with the City.

Workers may be able to accept a gift if it is not a prohibited gift, with the exception of some Business Units that have a no gifts policy. All workers must carefully consider the appropriateness of accepting any gifts and check with their Supervisor prior to accepting a gift.

For a gift worth less than \$50, such as a pen, chocolates, a bottle of wine, etc. there is no requirement for this to be reported.

For a gift worth between \$50 and \$300, workers must notify their Manager and the Executive Manager Governance of the details of the gift within 10 days of the acceptance of the gift.

The gifts declaration form is available on the City's Intranet page.

In addition to the requirement to disclose the gift, please note the following additional legislative requirements:

- a) You will be required to disclose an interest relating to this gift in respect to a matter to which you may provide advice or a report, directly or indirectly, to the Council or a Committee of Council
- b) If you have been delegated a power or duty, you must not exercise that power or discharge any duty in relation to any matter where you have received a gift from a person associated with that matter and will disclose to the CEO the nature of the interest as soon as practicable after becoming aware of the interest.

A worker breaches this Code if they engage in behaviour that contravenes the requirements in clause 7.5.

Relevant legislation

Local Government Act 1995 – sections 5.62(1A), 5.68(1C), 5.71B(2) and (4), 5.87A(3) and 5.87B(3)

Local Government (Administration) Regulations 1996 – Part 4A and 6

Note: This does not apply to the CEO. The CEO has different compliance obligations.

The following obligations are applied to a worker acting as Chief Executive Officer in accordance with POL-C-183 Temporary Employment or Appointment of Acting CEO.

Where a gift is received by a worker in their capacity as CEO:

- a) The legislative requirements in regard to the CEO shall apply for the period in which they are acting
- b) 'Prohibited gift' provisions do not apply for the period in which they are acting
- c) The worker shall still complete and submit the worker notification of gift form, in addition to the CEO notification of gift form (if required)
- d) The worker shall comply with the worker disclosure requirements in regard to any gift received while acting as CEO (over \$50) when in their substantive role.

Examples

If I accept a gift from a supplier valued at \$60 and I am offered a further gift to the value of \$300 from the same supplier within a one-year period, am I able to accept it?

No. The total value of the gifts received from the same person exceeds \$300, which is not permissible.

You are offered 4 tickets to the races, including food and drinks. The tickets are valued at \$60 each, and they have been offered to you by a person who works for a cement contracting company that the City uses. Can you accept the tickets?

Yes, the total value of the gifts is less than \$300. You can accept them, but you must notify your Manager and Executive Manager Governance using the gift declaration form within 10 days of receiving the gift.

A worker is offered the use of a digger from one of the City's contractors, to use on their private property that they are in the midst of building as a holiday home. The worker uses the digger on several occasions but never receives any payment. Have they done anything wrong?

Yes, the provision of a service is considered a gift, and it would be reasonable to assume that the use of a digger would constitute more than \$300 worth of services, and it is therefore a prohibited gift.

You receive a Christmas gift from a client, which is a Myer gift voucher valued at \$100. Are you allowed to accept it?

Yes. The total value of the gift is less than \$300. You can accept it, and you must notify your Manager and Executive Manager Governance using the gift declaration form within 10 days of receiving the gift.

An IT company takes the Manager-Information Services out for dinner on several occasions. As a thank you for the City using the IT company, the Manager-Information Services receives two box tickets for the MCG to watch the Cricket. The Manager- Information Services accepts the box tickets and takes one of their Executive team members with them. Was it okay for the Manager- Information Services to use the tickets?

No, the value of the tickets would have exceeded the \$300 limit, and they should have sent a polite thank you and returned the tickets.



8. FRAUDULENT AND CORRUPT BEHAVIOUR

The City has a zero tolerance approach to fraud, corruption and misconduct. All allegations of such behaviour will be investigated and subject to disciplinary action, including possible dismissal.

The City expects workers to:

- a) Not engage in fraud, criminal or corrupt conduct
- b) Report any fraudulent, corrupt behaviour or instances of misconduct
- c) Report any breaches of the Code and
- d) Commit to supporting a strong culture and sound governance to prevent, detect and respond to fraud and misconduct.

Relevant Documents

POL-C-164 Fraud and Corruption Control



9. PRIVACY AND RESPONSIBLE INFORMATION SHARING

The effective operation of the City, amongst others, requires transparency in the collection, dissemination and use of information at the City.

The City therefore values and respects the privacy of the people and organisations we deal with and is committed to protecting the privacy of information by complying with the *Privacy and Responsible Information Sharing Act 2024*.

The City has adopted an Information Statement, which informs workers and members of the general public of:

- a) The type of information that must be made available, and to whom
- b) The type of information that the City has voluntarily made accessible to members of the public
- c) The type of information that the City will not allow to be disclosed without specific permission and
- d) How this information is obtained, used and stored.

All workers must comply with the Information Privacy Principles and Responsible Information Sharing Principles in the *Privacy and Responsible*

Information Sharing Act 2024 when making decisions as to whether personal and government information may be accessed by third parties.

Workers are subject to contractual obligations regarding confidentiality and the use of all the City's information. This means that workers must not use any City information obtained in the course of their employment, or after their employment has ceased, for personal gain or benefit, nor should they pass it on to others who may use it in such a way, unless the disclosure is:

- a) Required by law
- b) Made as part of the proper performance of their duties as a worker or
- c) Agreed to by the City.

Information that is otherwise publicly available may be disclosed.

Workers who fail to comply with obligations of confidentiality breach this Code.

Examples

A friend of mine is having problems with their next-door neighbour. I am able to access information from City records that I believe might be of interest and benefit to my friend. Should I provide this information?

No. Although there is a lot of information that is generally accessible by the general public and okay for you to release, information of a confidential nature must not be imparted to anyone unless you are authorised to do so. You should only access information in the workplace that is required for your own work purposes. If your friend requests any information, then your course of action would be to put them in touch with the responsible staff member.

How do I know whether information is confidential or not? (That is, can it be released to members of the public or not?)

Generally speaking, documents are confidential if they concern matters such as industrial/personnel matters, legal matters, internal working documents/discussion papers and those matters which are prescribed in section 5.23 of the Act. If you are unclear whether the information is of a confidential nature, consult your supervisor.

I have been asked to carry out a survey that requires the collection of personal information from participants. Can I store the personal information and use it to contact participants in the future for follow-up research?

You need to advise participants of the purpose for which you are collecting the personal information and how the information will be used. If you did not inform the participants at the time of the survey that there would be future research projects, then you will not be able to store personal information for that purpose.

Relevant Documents

Privacy and Responsible Information Sharing Act 2024

The Federal Government's Privacy Act 1988 (Cth)

Data Breach Forms

9.1 Intellectual Property

A worker who has left the employment of the City is not permitted to retain copies of computer programs, files, documents, or other information and records, containing the City's information. All work executed or created by a worker in the course of their employment is the property of the City; that is, the City is the owner of the intellectual property concerned, unless a prior written agreement has been made with the City.

Workers who engage in behaviour the subject of clause 9.1 breach this Code.

Example

As part of my job, I have developed a tender specification for widgets. I have been approached by a private company asking for my permission to use this specification. Is it OK for me to give them the information?

You do not own the intellectual property (copyright) in the specification. This belongs to the City. Any arrangements for its use by the company should be subject to an agreement between the company and the City.

9.2 Public Comment

From time to time, a worker may be approached by the media for comment about City activities. Only those authorised by the CEO have approval to respond to any enquiry from the media without directing it, in the first instance, to the Manager, Communications and Engagement. This includes providing "on" or "off the record" comments to the media on matters pertaining to the City and Council.

The City of Swan has a social media presence. Only those authorised to add content to these platforms may do so. Otherwise, social media is not an approved form of communication. It is a breach of the Code to make disparaging remarks or display offensive/inappropriate images about the City and/or its workers, Council Members, contractors or consultants on any private social media sites.

Workers who engage in behaviour the subject of clause 9.2 breach this Code.

Examples

I've received a call from a journalist about a work issue that I have some knowledge of. What should I do?

You should refer the matter in the first instance to the City's Manager Communications and Engagement, who will handle the query. This will ensure calls from the media are handled in a consistent manner.

One of the staff took a photo at the staff Christmas party of two workers kissing and then posted it on their social media page with the caption, "Look what Joe and Mary got up to at the City of Swan's Christmas party". Was it okay for this to be posted?

No, the images are in relation to two staff members at the City, and the whole feel of the post could present the City and the two workers in a negative light.

A worker who is also a union member is involved in a dispute with the City about a particular safety issue. The worker feels like the City is not managing it properly, and so they write a press release that they send out via the union. Is this behaviour okay?

No, the worker has released confidential information to the media and should have pursued the official channels available to them to have the matter resolved.

Relevant Documents

POL-C-159 Social Media

POL-C-134 Media Protocols

Social Media Usage Protocols





10. RECORD KEEPING AND USE OF INFORMATION

It is important when preparing any document that may become part of the public record that only facts are recorded and no personal opinions or disparaging remarks. Actions and decisions should be recorded to assist transparency.

Any records that are created or received must be protected and managed with care and in accordance with the *State Records Act 2000 (WA)*. Public records must not be falsified, destroyed, altered, backdated or damaged.

A worker must not record a conversation, either visually or using a listening device, with another worker, Council Member, contractor or consultant without their knowledge and consent. If a worker does record a conversation without the consent of the other party to the conversation, then the worker can be subject to disciplinary action up to and including dismissal. An exception is where the recording is reasonably necessary for the protection of the lawful interests of a party to the conversation, such as where a worker is being harassed, bullied or discriminated against.

The privacy of workers is respected, and information contained in their HR file must be kept in strict confidence. Any worker may view their HR file under supervision with Human Resources.

Workers who engage in behaviour the subject of clause 10 breach this Code.

Examples

A local business has sent me a brochure detailing the products and services they provide. Do I need to capture it for my records?

If you use the information as the basis for spending City money, then yes, you should capture it.

A worker has been told that someone made a complaint against them and that information has ended up in their HR file without them having the chance to respond. Can they ask to look at their HR file?

Yes. The City allows workers to look at their HR file. In addition, a negative decision about someone cannot be made and end up in their HR file without them first having the right to respond to the allegations.

Relevant Documents

MP-055 Records Management

City of Swan Record Keeping Plan



11. USE OF THE CITY'S RESOURCES

Workers must assist in ensuring that the City's resources are used effectively and economically. City property, assets, funds, facilities and services must only be used for authorised purposes.

When using City assets, workers must:

- Keep all items issued to them secure and in good order, and not leave portable equipment visible in motor vehicles
- Not remove assets from the City's premises other than in accordance with the City's policies
- Be scrupulously honest in their use
- Not misuse them or permit their misuse by another person
- Use them effectively and economically in the course of their duties
- Not use them for private purposes (other than as part of a contract of employment) unless properly authorised and approved and
- Report immediately any damage, loss or faults.

Workers who misuse or abuse the City's assets or are negligent in securing City property may have usage withdrawn or be directed to cover any costs associated with the abuse or negligence. Appropriate disciplinary action may also be taken against that worker.

11.1 Computer and Other Communications Resources

Generally, the use of the City's computer or communications resources, such as phones, by workers is restricted to employment-related purposes. However, limited personal use of these facilities is also permitted, provided it does not interfere with the performance of a worker's duties and responsibilities and does not involve illegal, unethical or unacceptable use or behaviour.

Workers must take all due care to maintain the security and privacy of these resources by:

- Not sharing your password;
- Locking your computer when you leave your workstation;
- not forwarding internal emails to external recipients without appropriate approval;
- not forwarding emails containing inappropriate or offensive material.

This list is not exhaustive.

Misuse of assets may amount to misconduct and result in disciplinary action.

Examples

I have a second-hand car that I wish to sell. I'm sure I will get a good response from other City workers through the City's email system. Is this acceptable?

No. These types of emails create unnecessary congestion on the City's network. The City provides public folders on Microsoft Outlook specifically for this purpose.

I have a 50-page university assignment that I need to have three bound copies of. Is it acceptable to use the City's photocopying and binding facilities?

The City does allow staff acting reasonably to use City equipment for personal use on a limited basis. Check first with your supervisor to ensure your request will not exceed the acceptable limit.

Relevant Documents

POL-C-159 Social Media

MP-019 Acceptable Use of Computing and Communications Facilities

MP-069 Information Security

Draft Management Practice Asset Disposals*

11.2 Motor Vehicles

City vehicles used by workers for City business must be operated in accordance with the City's Motor Vehicle Management Practice. Smoking or vaping is not permitted in City vehicles.

Where a motor vehicle is required for City business, workers are to use City motor vehicles only. Workers must endeavour to obtain a City motor vehicle; however, where none are available, workers must obtain approval from their Manager to use their private motor vehicles as per MP-115 Motor Vehicle.

Any parking, speeding or other infringements incurred by the driver of a City vehicle are the responsibility of that driver. All accidents involving City vehicles or City workers on City business are to be reported immediately to the relevant Supervisor or Manager.

Relevant Document

MP-115 Motor Vehicle

11.3 Financial Management

The CEO has delegated authority to specific roles and incumbents to make financial decisions on behalf of the City, including but not limited to investing City funds and purchasing. Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the City's finances. Employees must ensure they abide by thresholds and processes as outlined in the City's Procurement Policy as per clause 11.5 and 11.6 and City Financial policies.

Employees who make financial decisions on behalf of the City must retain a record of all transactions, receipts and documents as proof of the expenditure/decision. All audit directives must be complied with as per clause 11.4 to 11.6.

Relevant Documents

Local Government (Administration) Regulations 1996 section 19AE(2)

POL-C-018 Investment of Surplus Funds

POL-C-116 Procurement

City of Swan Delegation of Authority (including Council-appointed authorised persons & officers)

11.4 Corporate Credit Cards

Corporate credit cards are issued to authorised individuals for the payment of specified business expenses in accordance with the City's procurement policies and credit card processes.

11.5 Contractual and Other Commitments

Signing a contract or entering into a commitment on behalf of the City is a serious matter. Workers should not enter into any agreement or commitment unless authorised to do so.

A full understanding of the nature and extent of the commitment should be achieved in all arrangements or transactions that have legal consequences. Workers should obtain advice or clarification from their Supervisor or Manager, who can seek advice internally through the Governance legal team.

* Draft Management Practice Asset Disposals scheduled to be finalised in August 2025

Examples

I have negotiated a contract arrangement with a software supplier for the purchase of a visitor booking system. I have been provided with a contract document which has to be signed on behalf of the City. Can I sign this document?

Some documents are required to be executed under a common seal. Such a document is subject to a procedure that requires signature by the CEO, the Mayor and the common seal applied.

Other documents, which do not require execution under seal, should be referred to either a Manager or an Executive Director for authority to sign. If in doubt about the execution requirements of a particular document, please seek the advice of your immediate supervisor or the Governance team.

Relevant Document

City of Swan Delegation of Authority Register (including Council-appointed authorised persons & officers)

Guideline – Execution of City Documents

11.6 Tendering and Contracts

The City is committed to ‘best value for money’ when procuring goods and services through any competitive process involving the calling of expressions of interest, public tenders and quotations. Workers engaged in procurement should ensure they obtain value for money and are accountable for their actions.

The City has internal processes to achieve value for money and compliance with the requirements of the Local Government (Functions and General) Regulations 1996 and Council Policy. Workers must comply with City processes for procurement to ensure that they achieve value for money and comply with all requirements.

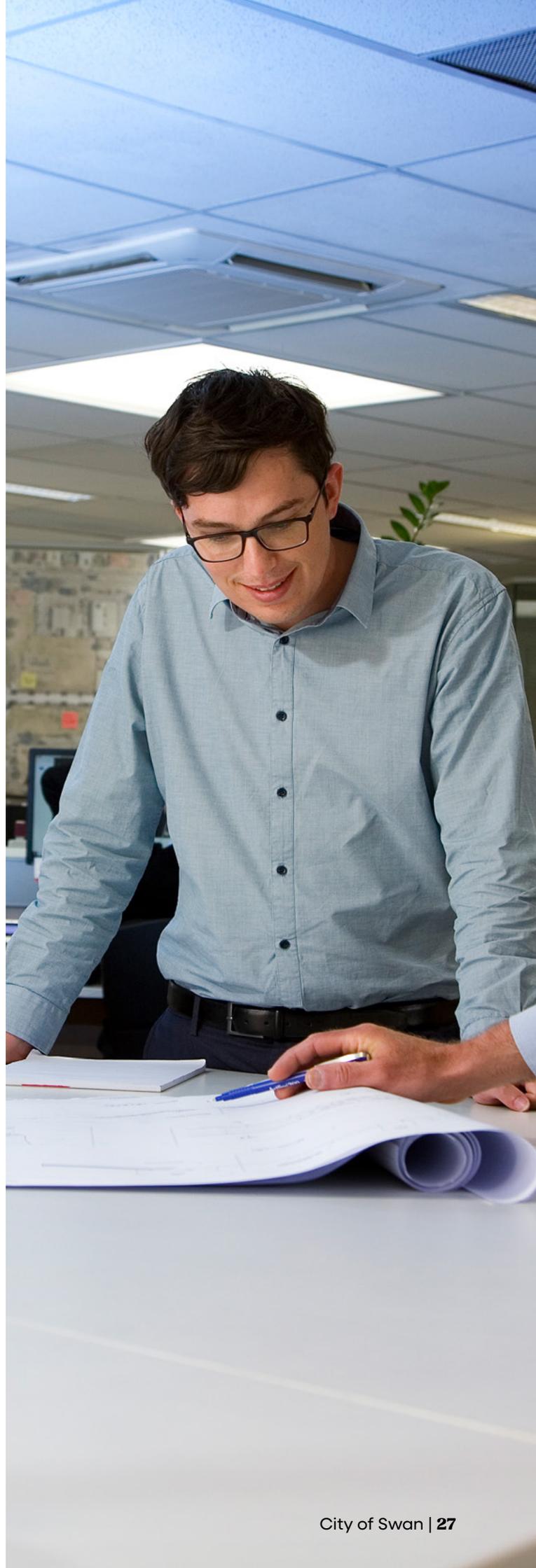
Relevant Documents

Local Government Act 1995 section 3.58

Local Government (Functions and General) Regulations 1996

POL-C-116 Procurement

Disposal of Assets Process





12. BREACHES OF THE CODE OF CONDUCT

12.1 Compliance

It is each worker's responsibility to ensure they are familiar with the City's policies, management practices, processes, standards and relevant legislation.

Workers must ensure that they are aware of and adhere to all City policies and management practices, including but not limited to those relating to health and safety, equal opportunity, workplace behaviour, privacy and disclosure of breaches which have the potential to put the safety of themselves or others at risk.

In addition, workers must comply with any lawful and reasonable instruction given to them by those who have the authority to do so. Should a worker have any doubts as to the appropriateness of any such instruction being given, the matter should be taken up with their Supervisor or Manager or the person who gave the instruction.

Failure to abide by and comply with any City policy or management practice, or lawful and reasonable instruction, may result in disciplinary action, including, but not limited to, counselling, verbal and written warnings or termination of employment.

12.2 Performance

Workers have a responsibility to ensure that they carry out their work to the required/ agreed standard efficiently, economically and effectively.

Where a worker is underperforming, that is, where a worker fails to attain or maintain the standard of performance expected by the City, then the worker will be performance managed.

12.3 Misconduct and Serious Misconduct

Misconduct can be classified as either 'misconduct' or 'serious misconduct'.

Misconduct and serious misconduct are breaches of conduct or behavioural standards required by the City. The level of conduct or behaviour required by the City is set out in:

- This Code
- The City's Industrial Agreements
- Individual workers' employment contracts
- The City's policies, management practices, standards, guidelines and processes and
- Relevant legislation, including but not limited to the Industrial Relations Act 1979 (WA), equal opportunity legislation and work health and safety legislation, and the *Corruption, Crime and Misconduct Act 2003*.

12.3.1 Misconduct

Misconduct is any inappropriate conduct or unsatisfactory behaviour which may be directly or indirectly work-related and can generally be addressed internally through counselling or disciplinary action.

Misconduct is also when a public officer engages in conduct/behaviour that:

- Negatively affects the honest or impartial performance of the functions of a public officer
- Involves the performance of functions in a manner that is not honest or impartial
- Involves a breach of the trust placed in the public officer or
- Involves the misuse of information or material, for the benefit or detriment of the public officer or another person, that is in connection with their functions as a public officer and
- Could constitute behaviour for which termination is a reasonable option.

Examples of misconduct include, but are not limited to:

- The use of abusive or offensive language
- Inappropriate use of the City's resources
- Any form of discrimination or harassment/ bullying at work or work-related events; failure to comply with the lawful and reasonable direction of a Supervisor or Manager
- Breach of the duty of good faith to the City
- Absenteeism without reason and notification within the timeframes required
- A contravention of a worker's duties under section 28A of the *Work Health and Safety Act 2020 (WA)* and
- Failure to comply with policies, processes, procedures, instructions and/or legislation.

In the situations described above, the City may notify the Public Sector Commission of the misconduct.

In addition, misconduct may include, but is not limited to:

- Consuming or being under the influence of drugs or alcohol during work hours in breach of this Code
- Unlawful use or disclosure of confidential information
- Failure to disclose conflicts of interest
- Discrimination and/or harassment at work or work related events
- If a worker is unfit and/or unsafe to drive (e.g. loss of all demerit points, a series of driving incidents).

12.3.2 Serious Misconduct

Serious misconduct is any unsatisfactory or inappropriate conduct of a serious nature that requires a formal investigation and may lead to disciplinary action, including termination of employment.

Serious misconduct includes, but is not limited to, when a public officer:

- Acts corruptly or fails to act in the course of their duties or
- Corruptly takes advantage of their position for the benefit or detriment of any person or
- Commits an offence which carries a penalty of two or more years imprisonment or
- Commits fraud, corruption, unlawful use or disclosure of information or fails to disclose conflicts of interest or
- Commits a breach of the duty of good faith to the City or
- Conduct themselves in a way that means they cannot safely drive (e.g. loss of all demerit points, a series of driving incidents) or
- Conduct themselves in a way that causes an imminent risk to health or safety.

The City has a duty to notify the Crime and Corruption Commission (CCC), (and possibly the Police) and/or the Public Sector Commission (PSC) where it has a reasonable suspicion that misconduct and/or serious misconduct

has or may have occurred. Following a formal investigation either by the CCC/PSC, the City, or an investigator, disciplinary action up to and including termination may occur.

Examples of serious misconduct include, but are not limited to:

- Abuse of public office
- Blackmail
- Bribery
- Deliberately releasing confidential information
- Extortion, obtaining or offering a secret commission
- Fraud
- Theft
- Forgery
- Perverting the course of justice
- An offence related to an electoral donation
- Loss of revenue of the state by tax evasion
- Wilful or deliberate behaviour by a worker that is inconsistent with the continuation of the contract of employment or
- Conduct that causes serious and imminent risk to:
 - (i) The health or safety of a person or
 - (ii) The reputation, viability or operational service delivery or continuity of the employer's business.

12.4 Investigating Allegations of Misconduct and Serious Misconduct

All allegations of misconduct, or serious misconduct, will be dealt with either formally or informally, in accordance with the City's policies, management practices, processes and with consideration of procedural and substantive fairness and natural justice. The following key principles also apply.

(a) Confidentiality

Only the people directly involved in the matter or the investigation of an allegation of misconduct will have appropriate access to the relevant information.

Anyone found to have engaged in gossip or innuendo involving an allegation of misconduct is at risk of disciplinary action and possibly legal action under the laws of defamation.

The City considers confidentiality one of the most important aspects of dealing with complaints and/ or allegations of misconduct. However, in some circumstances, information may not be able to be kept confidential, such as where physical threats are involved or legislation otherwise requires disclosure (e.g. Crime and Corruption Commission notification).

(b) Respectful

Everyone involved in an investigation into complaints and/or allegations of misconduct will be treated with dignity and respect throughout the investigation process. Similarly, everyone involved in an investigation is required to treat each other with dignity and respect.

(c) Fair and impartial

All relevant parties will have the opportunity to share and disclose all information regarding the complaints and/or allegations. No assumptions of guilt or otherwise will be made, and no action will be taken until all relevant information has been collected and considered.

(d) Supportive

No action will be taken against anyone for making, or helping someone to make, an allegation of misconduct. The City will take all reasonable steps to support anyone making an allegation of misconduct and to ensure they are not victimised. Where appropriate, investigations may be conducted under the Public Interest Disclosure legislation, which provides added protections to those making complaints ("whistleblowers").

The City's Employee Assistance Program provider and Peer Support Group will be available during an investigation to provide support and guidance to workers and other parties involved in the investigation, where required.

(e) Promptness

All investigations will be dealt with as promptly as possible.

Where appropriate, the City may also appoint an independent investigator to conduct a comprehensive independent investigation.

12.5 Suspension from Employment

Depending on the nature of the allegations, it may be appropriate to suspend a worker from employment during the investigation.

Where this occurs, the worker will be notified of any suspension in writing, including the relevant details of the allegation/s and the investigation process.

12.6 Disciplinary Outcomes

If it is found that a worker is guilty of the alleged misconduct, the Manager Human Resources (or delegate), in consultation with the worker's Manager or Supervisor, and the CEO if necessary, must consider what disciplinary action is warranted, taking into account any mitigating circumstances.

Depending on the seriousness of the misconduct (or serious misconduct), disciplinary action may include, but is not limited to:

- (a) Counselling, including training in specific policies and processes
- (b) Recorded (verbal) warning
- (c) Issuing a formal written warning
- (d) Demotion or redeployment (if permitted by contract or agreed to by the worker as an alternative to termination)
- (e) Terminating employment with notice (or pay in lieu) or
- (f) Summary termination of employment without notice (or pay in lieu).

Relevant Documents

Respect at Work Act 2022

POL-C-164 Fraud and Corruption Control

MP-053 Workplace Complaints, Discrimination, Harassment and Bullying

Employee Assistance Program provider information



13. MAKING A COMPLAINT

The City takes any alleged breaches of the Code seriously and encourages any person who has reasonable grounds to believe a worker of the City has committed a breach of this Code to make a complaint in accordance with the City’s policy that is relevant to the alleged breach.

If you believe a breach of the Code has occurred, report this information to the Manager Human Resources or delegate via email or in writing.

Relevant Documents

Local Government (Administration) Regulations 1996 “subsection 19AE(2)(c)(d)”

POL-C-171 Complaints Management

MP-053 Workplace Complaints, Discrimination, Harassment and Bullying

13.1 Corruption, Crime and Misconduct Act 2003

The *Corruption, Crime and Misconduct Act 2003* states that matters of misconduct and/or corruption must be reported to the Corruption and Crime Commission, and matters of misconduct must be reported to the Public Sector Commission.

Misconduct under the *Corruption, Crime and Misconduct Act 2003* may differ from ‘misconduct’ as set out in section 11 of the Code. If in doubt, workers should speak to their Supervisor or Manager, or alternatively, the Manager Human Resources.

Workers should be aware that the CEO is required to notify the Corruption and Crime Commission of serious misconduct and the Public Sector Commission of any matter that they suspect, on reasonable grounds, to be minor misconduct by a public officer that includes, but is not limited to:

- Behaviour that is not honest and impartial
- Misuse of information they have access to in their role for personal benefit and
- Breaches of trust placed with an employee by their employer.

If you believe a breach of the code has occurred, report this information to the Manager Human Resources or delegate via email or in writing.

Relevant Documents

POL-C-164 Fraud and Corruption Control
Fraud and Corruption Control Framework

13.2 Public Interest Disclosure Act 2003

Workers should be aware of the *Public Interest Disclosure Act 2003 (WA)*, which provides people (“whistleblowers”) who make disclosures of public interest information with certain immunities, protections and remedies, as well as imposes certain responsibilities.

The *Public Interest Disclosure Act 2003* provides legal protection from civil, criminal or disciplinary action to those people who expose improper or corrupt behaviour in the course of their duties.

If you believe a breach of the code has occurred, report this information to the Manager Human Resources or delegate via email or in writing.

Relevant Document

Public Interest Disclosure Act Guidelines



Annexure 1

5.2 Expectations of Workers Who Engage in Child-Related Work

- a) Hold a valid WWC card
- b) Provide a copy of a valid WWC card to the City of Swan
- c) Produce the valid WWC card on request
- d) Hold a valid National Police Clearance not more than 12 months old
- e) Act in accordance with the City of Swan's policies and processes relating to the safety and wellbeing of children and young people at all times
- f) Behave respectfully, courteously and ethically towards children and young people, and their families and towards other workers
- g) Listen and respond to the views and concerns of children and young people, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well
- h) Promote the human rights, safety and wellbeing of all children and young people in the City of Swan
- i) Demonstrate appropriate personal and professional boundaries
- j) Consider and respect the diverse backgrounds and needs of all children and young people
- k) Create an environment that promotes and enables participation for children and young people, and is welcoming, culturally safe and inclusive for them and their families
- l) Involve children and young people in making decisions about activities, policies and processes that concern them wherever possible
- m) Contribute, where appropriate, to the City of Swan management practices, discussions, learning and reviews about safety and wellbeing for children and young people
- n) Identify and mitigate risks to the safety and wellbeing of children and young people as required by the City of Swan's risk assessment and management practices or processes
- o) Respond to any concerns or complaints of harm or abuse promptly and in line with the City of Swan's processes for receiving and responding to complaints
- p) Report all suspected or disclosed harm or abuse as required by legislation and by the City of Swan management practices or processes on internal and external reporting
- q) Comply with legislation and the City of Swan management practices and processes on record keeping and information sharing
- r) Not engage in any unlawful activity with or in relation to children and young people
- s) Not engage in any activity that is likely to physically, sexually or emotionally harm any child or young person
- t) Not unlawfully discriminate against any child or young person, or their family members
- u) Not be alone with children and young people unnecessarily
- v) Not arrange personal contact, including online contact, with youth while working for a purpose unrelated to the City of Swan activities
- w) Not disclose personal or sensitive information about children and young people, including their images, the child or young person and their parent or legal guardian consent or unless required to do so by the City of Swan management practices and processes on reporting
- x) Not use inappropriate language in the presence of children and young people or show or provide a child or young person with access to inappropriate images or material
- y) Not work with children and young people while under the influence of alcohol or prohibited drugs and
- z) Not ignore or disregard any suspected or disclosed harm or abuse.

Workers who do not comply with any of the above expectations (a)-(z) breach this Code.

5.3 Parliamentary Commissioner Act 1971 – (Reportable Conduct Scheme)

The Reportable Conduct Scheme for Western Australia (the Scheme) commenced on 1 January 2023. The Scheme, contained in Division 3B of the *Parliamentary Commissioner Act 1971*, implements key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and provides that child abuse in organisations will always be:

1. Notified to an impartial and independent body
2. Investigated fully and
3. Dealt with to ensure children are protected from abuse within institutions.

The City is obligated to report any allegation and/or conviction of/for:

1. Sexual offences, including misconduct
2. Physical assault
3. Significant neglect of a child
4. Any behaviour that causes significant emotional or psychological harm to a child and
5. Other prescribed offences.

A reportable allegation is any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme has engaged in reportable conduct or conduct that may involve reportable conduct.

A reportable conviction is a conviction for an offence of a sexual nature committed against, with, or in the presence of a child.

If you believe an incident has occurred or you have been made aware of information that may be considered a reportable allegation or conviction, please report this information to Human Resources via the available CiA form or in person, and/or the Ombudsman.

5.4 Professional Relationships, Boundaries and Positive Role Modelling

Working with children or young people is a professional relationship, intentionally limited with clear boundaries to keep children and young people safe. It is important to acknowledge that when working with children and young people, there are discrepancies in relationships of power and authority. As such, it is vital that workers maintain professional boundaries at all times.

Boundaries must be made clear to the youth accessing City services, activities and events.

Establishing clear boundaries means not engaging in the following behaviours during work hours or after work hours:

- a) Providing youth with any personal information, including but not limited to phone numbers, social media accounts and addresses
- b) Adding or following youth as “friends” on any social media platforms
- c) Messaging youth outside of approved work-related communication in any form (personal text messages, social media messaging, etc.)
- d) Disclosing to youth locations or events you will be at in your personal life (i.e. festivals, community events)
- e) Taking youth in your personal vehicle
- f) Lending or gifting youth money and vice versa
- g) Engaging in activities with youth outside of work
- h) Engaging in any activity that may be a conflict of interest
- i) Smoking near or around youth and
- j) Physical contact is to be avoided.

Workers must ensure that they remain professional and that professional boundaries are adhered to with youth at all times. Workers who engage in behaviours listed in (a)-(j) breach this Code.

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0006HR-2025