



**Code of Conduct**

**for**

**Employees,**

**Elected Members**

**and**

**Committee Members**

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## Introduction

In accordance with section 5.103 of the *Local Government Act 1995* every Western Australian local government is to prepare and adopt a code of conduct to be observed by Elected Members, Committee Members and employees.

The *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members* (the Code) has been adopted for this purpose and ensures the roles and responsibilities of Elected Members, Committee Members and employees are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

The Code sets out principles and standards of behaviour Elected Members, Committee Members and employees must observe when performing their duties and is intended to promote accountable and ethical decision-making. However the Code does not establish a rule for every situation an Elected Member, Committee Member or employee may face while performing their role and undertaking their duties on a daily basis.

The Code must be read in conjunction with the *Local Government Act 1995*, [the Local Government \(Administration\) Regulations 1996](#), the *Local Government (Rules of Conduct) Regulations 2007* and other legislation that affect Elected Members, Committee Members and employees while performing their role and duties and the Code does not override or affect those provisions or requirements. To aid understanding, relevant legislation has been referenced in the Code and provided by way of text boxes. These provisions do not form part of the Code and will be updated from time to time as legislation changes.

The Code must contain certain matters for employees as listed in Part 9 of the *Local Government (Administration) Regulations 1996*. It contains the primary and distinguishing values detailed in the City's *Strategic Community Plan – Joondalup 2022* as well as standards around personal behaviour, which if breached, may lead to reporting and action being taken under the Code. In view of this, the Code details explanatory matters around key areas of:

- professional conduct
- communication and official information
- use of City resources and information
- conflicts of interests and gifts and benefits
- reporting suspected breaches of the Code
- [other statutory reporting mechanisms](#).

Employees of the City of Joondalup (the City) are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the City.

## Values, principles and behaviour

### Values

The City's *10 Year Strategic Community Plan* (Joondalup 2022) articulates the City's vision as being '*A global City: bold, creative and prosperous*'.

In alignment with this vision, the City believes the following primary values should be inherent within any well-functioning and community-driven organisation:

- **Transparent** - We facilitate appropriate levels of scrutiny by recording our decisions and making them accessible.
- **Accountable** - We accept responsibility for our actions and decisions that are within our control.
- **Honest** - We earn and sustain public trust by being honest and open in all our actions and always acting in the public interest.
- **Ethical** - We demonstrate moral behaviour that is free from corruption.
- **Respectful** - We treat people fairly and objectively and without discrimination.
- **Sustainable** - We manage our natural resources and public assets adaptively, ensuring equitable outcomes for future generations.
- **Professional** - We demonstrate strong skills and good judgement and behaviour in delivering our services.

Joondalup 2022 has identified the following distinguishing values to guide the direction and operations of the City into the future:

- **Bold** - We will make courageous decisions for the benefit of the community and future generations.
- **Ambitious** - We will lead with strength and conviction to achieve our vision for the City.
- **Innovative** - We will learn and adapt to changing circumstances to ensure we are always one step ahead.
- **Enterprising** - We will undertake ventures that forge new directions for business and the local economy.
- **Prosperous** - We will ensure our City benefits from a thriving economy built on local commercial success.
- **Compassionate** - We will act with empathy and understanding of our community's needs and ambitions.

Elected Members, Committee Members and employees are to observe these values to enable the City to achieve its strategic objectives and organisational goals.

## **Behavioural principles**

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

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

## **Personal behaviour**

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

A breach or a suspected breach of the personal behaviours stated above may lead in action being taken under the provisions of this Code (see “Reporting breaches and suspected breaches of the Code”).

## Professional conduct

As Elected Members, Committee Members and employees, high standards of professional conduct ensure that a positive image of the City is conveyed when the City interacts with its stakeholders and the community. The conduct displayed should encourage fair, equitable and lawful operation of the City.

### Fraudulent and corrupt conduct

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the City, or results in a personal benefit, by deception or other means. and Corrupt conduct is behaviour that lacks virtue or integrity, including when an Elected Member, Committee Member or employee uses or attempts to use their position for personal advantage. The Criminal Code makes it illegal for a public officer (including an employee, Elected Member or Committee Member) to engage in fraud and/or corruption.

### Performance of duties

Elected Members, Committee Members and employees have a legal duty of fidelity to act in the best interests of the City.

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

Elected Members, Committee Members and employees must exercise reasonable care and diligence in the performance of their duties, being consistent in their decision-making and treating all matters on individual merits. Elected Members and Committee Members will be as informed as possible to enable them to perform their role and will treat all members of the community honestly and fairly.

### Relationships between Elected Members, Committee Members and employees

Elected Members, Committee Members and employees must have mutual respect for the role that each party plays to achieve the City's corporate goals and implement the City's strategies. All parties need to understand each other's role as specified in the *Local Government Act 1995* and other legislation.

To achieve this, Elected Members and Committee Members must:

- (a) accept that their role is one of leadership, and not a management or administrative role
- (b) acknowledge that they have no capacity to individually direct employees to carry out particular functions
- (c) refrain from publicly criticising employees in a way that casts aspersions on their professional competence or credibility
- (d) ensure that no restriction or undue influence is placed on the ability of employees to give professional advice to Council.

Employees ought to recognise that an Elected Member's and a Committee Member's views and opinions often reflect valid community viewpoints that should be considered in conjunction with professional opinion. Employees are to make every effort to assist Elected Members and Committee Members in the performance of their role, and to achieve the satisfactory resolution of issues that may arise in the performance of that role.

Regulations 9 and 10 of the *Local Government (Rules of Conduct) Regulations 2007* apply to Elected Members in respect of involvement in the City's administration and relationships with employees:

**9. Prohibition against involvement in administration**

- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**10. Relations with local government employees**

- (1) A person who is a council member must not —
  - (a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.
- (2) Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means -
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use offensive or objectionable expressions in reference to a local government employee.
- (4) Subregulation (3)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**Compliance with lawful orders**

Elected Members, Committee Members and employees shall obey any lawful order given by any person having authority to make or give such an order.



### **Compliance with local laws and policies**

Employees must give effect to the adopted local laws and policies of the City. Elected Members and Committee Members are to consider the policies of the City to guide them in their decision-making responsibilities.

Elected Members and Committee Members must comply with the *City of Joondalup Meeting Procedures Local Law 2013* as a contravention may lead to disciplinary action being taken under the *Local Government Act 1995*.

### **Compliance with management protocols and procedures**

Employees must comply with the City's management protocols, procedures and administrative practices.

### **Appointments to external boards, committees and working groups**

Elected Members and employees representing the City on external organisations, boards, committees and working groups are to ensure that they:

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

## Communication and official information

### Communication and public relations

All aspects of communication by employees (including verbal, written, electronic or personal), involving the City's activities must be accurate, polite and professional.

As a representative of the community, Elected Members need to be not only responsive to community views, but communicate decisions of Council or a committee adequately, with good faith and not adversely reflect on those decisions externally.

Elected Members, Committee Members and employees must:

- (a) respect the decision-making processes within a local government which are based on a decision of the majority of the Council or a committee
- (b) not communicate information of a confidential nature until it is no longer treated as confidential (see "Use of information" in this Code)
- (c) comply with the *Local Government Act 1995* whereby information relating to decisions of Council are to be communicated in an official capacity only by:
  - (i) the Mayor (or his/her representative)
  - or
  - (ii) with the agreement of the Mayor, by the CEO (or the CEO's representative)
- (d) convey information concerning adopted policies, procedures and decisions of the City accurately.

Section 2.8(1)(d) of the *Local Government Act 1995* states the Mayor is to speak on behalf of the local government.

Section 5.41(f) of the *Local Government Act 1995* states the CEO can speak on behalf of the local government if the Mayor agrees.

## Use of City resources

### Use of resources

Elected Members, Committee Members and employees must:

- (a) be honest in their use of the City's resources and must not misuse them or permit their misuse by any other person or body
- (b) use the City's resources entrusted to them effectively and efficiently in the course of their duties
- (c) ensure the City's resources are to be utilised only for authorised activities.

Regulation 8 of the *Local Government (Rules of Conduct) Regulations 2007* states the following in respect of Elected Members using City resources:

#### **8. Misuse of local government resources**

A person who is a council member must not either directly or indirectly use the resources of a local government —

- (a) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*; or
- (b) for any other purpose,

unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.

### Reimbursement of expenses

Elected Members and employees may claim reimbursement of expenses only in accordance with the relevant legislative provision, policy or management protocol.

Section 5.98(2) of the *Local Government Act 1995* states an Elected Member who incurs an expense of a kind prescribed as being an expense –

- (a) to be reimbursed by all local governments
- or
- (b) which may be approved by any local government for reimbursement and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with section 5.98(3) of the *Local Government Act 1995*.

## Use of information

### Improper use of information

Elected Members, Committee Members and employees must not make improper use of any information acquired by the person in the performance of his or her functions under the *Local Government Act 1995* or any other written law.

Due discretion must be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Section 5.93 of the *Local Government Act 1995* prohibits an Elected Member, Committee Member or employee from making improper use of any information acquired in the performance by the person of his or her functions under the *Local Government Act 1995* or any other written law:

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

The penalty, on conviction, is a fine of \$10,000 or imprisonment for 2 years.

### Confidential information

Elected Members, Committee Members and employees must not disclose to another person, written or oral information that is provided to them, or obtained by them, in confidence, or derived from a confidential document, or acquired at a closed Council meeting or committee meeting which is not open to the public.

A confidential document means a document marked by the CEO to clearly show that the information in the document is confidential and is not to be disclosed.

A closed meeting means a council meeting or committee meeting that is closed to members of the public under section 5.23(2) of the *Local Government Act 1995*.

A Committee Member or employee is not prevented from disclosing information:

- (a) to an officer of the Department of Local Government, Sport and Cultural Industries ~~and Communities~~
- (b) to the Minister for Local Government
- (c) to a legal practitioner for the purpose of obtaining legal advice  
or
- (d) if the disclosure is required or permitted by law.

Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits an Elected Member from disclosing confidential information, or information acquired at a closed meeting:

**6. Use of information**

(1) In this regulation —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

**non-confidential document** means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

The *City of Joondalup Meeting Procedures Local Law 2013* provides how confidential documents and information at meetings are to be marked.

## Conflicts of interests

### Guiding principles

The nature of the City's business is conducive to conflicts of interests arising between an Elected Member, Committee Member and employee's personal interests and the performance of their public or professional duties. Genuine or perceived conflicts of interests may arise from a number of sources, including friends, relatives, close associates, financial investments, past employment and the like.

Although there is no right way to identify conflicts of interest, a good starting point is to consider the following principles:

- Public duty versus private interests

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

- Potentialities

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

- Perception

*How will my involvement in the decision/action be viewed by others? Are there risks associated for me/my organisation?*

- Proportionality

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

- Presence of mind

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

- Promises

*Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?*

## Conflict of interests

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

In applying this requirement:

- (a) employees must lodge written notice with the CEO describing an intention to undertake a dealing in land within the district or which may otherwise be in conflict with the City's functions (other than purchasing or leasing their principal place of residence)
- (b) employees who exercise a recruitment or other discretionary function must make written disclosure to the ~~CEO~~ Manager Human Resources before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons during the recruitment or other matter requiring a discretionary function
- (c) employees, who form part of a tender evaluation panel and who believe they have a conflict of interest with a tenderer, must make written declaration to the Director Corporate Services stating their conflict of interest prior to receiving copies of the respondents' offers and the associated evaluation documents, and will remove themselves from the process where it is assessed by the Director Corporate Services that a conflict arises that may question their impartiality
- ~~(e)~~ (d) employees are encouraged to refrain from partisan political activities which could cast doubt on their neutrality and impartiality in carrying out their public duties and functions commenting publicly where it can potentially affect the impartial performance of their role or the positive image of the City.

## Private work of employees

Additional employment outside of the City may place employees at risk of being conflicted or impeded in the ability to carry out their public duties. Employees must avoid any conflict of interest whether real or perceived between their primary employment with the City and any other potential employment.

The definition of outside employment includes paid employment with another organisation, running a business, maintaining a professional practice or consultancy and being a director of an organisation. It may include voluntary activities if those activities have the potential to affect employment with the City.

Full time and part time ~~Ee~~ employees who are considering engaging in employment outside the City (including employment during leave breaks) must seek written approval of the ~~CEO~~ Manager Human Resources before doing so. Casual employees are not required to seek the approval of the Manager Human Resources.

## Financial interests

Elected Members, Committee Members and employees must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the *Local Government Act 1995*.

Sections 5.59-5.90 of the *Local Government Act 1995* establish the requirements for disclosure by Elected Members, Committee Members or employees of financial interests (including proximity interests).

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

### **Impartiality interests for employees**

For the purposes of the Code, an ***impartiality interest*** means:

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

An ‘impartiality interest’ does not include a ‘financial interest’ that is subject to the requirements of the *Local Government Act 1995*.

An employee who has an impartiality interest in any matter to be discussed at a Council or committee meeting attended by that person must disclose the nature of the impartiality interest:

- (a) in a written notice given to the CEO before the meeting
- or
- (b) at the meeting immediately before the matter is discussed.

In addition, an employee who has given, or will give, advice in respect of any matter to be discussed at a Council or committee meeting not attended by the employee must disclose the nature of any impartiality interest he or she has in the matter:

- (a) in a written notice given to the CEO before the meeting
- or
- (b) at the time the advice is given.

An employee is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

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

The *City of Joondalup Meeting Procedures Local Law 2013* provides for how Committee Members are to disclose interests that may affect impartiality at meetings.



## Notice and recording

Where an impartiality interest is disclosed by an employee in a written notice given to the CEO before a meeting, then:

- (a) before the meeting the CEO is to ensure that the notice is given to the person who is to preside at the meeting
- (b) at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.

Regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* contain the provisions relating to Elected Members disclosing impartiality interests:

### 11. Disclosure of interest

- (1) In this regulation -  
**interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest -
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subregulation (2) does not apply if —
  - (a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or
  - (b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then -
  - (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before

a matter to which the disclosure relates is discussed.

(6) If -

(a) under subregulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or

(b) under subregulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

### **Disclosure of information in returns**

Elected Members and 'designated employees' must provide primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the *Local Government Act 1995*.

For these purposes, a **designated employee** is defined in section 5.74 of the *Local Government Act 1995* to mean:

(a) the CEO

(b) an employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the *Local Government Act 1995*

(c) an employee who is a member of a committee comprising Elected Members and employees

(d) an employee nominated by the City to be a designated employee.

## Declaration of Gifts and benefits from persons having dealings with the City

### General provisions

~~In general, Elected Members, Committee Members and employees must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the City.~~

~~In particular, employees, other than the CEO or Directors, must not accept any act of hospitality without prior approval of the CEO or a Director, as appropriate.~~

~~Despite the general presumption against seeking or accepting gifts or acts of hospitality, Elected Members, Committee Members and employees may accept some types of gifts which are excluded from this Code's coverage.~~

For the purposes of the Code, a **gift** has the ~~extended~~ meaning set out in section 5.82(4) of the *Local Government Act 1995* and includes as follows:

*“any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.”*

There are two key elements to the definition of a 'gift'. These are:

- (1) the disposition of property, or the conferral of any other financial benefit
- (2) the absence of 'consideration', or anything less than 'fully adequate' consideration, (in terms of money or money's worth) passing from the recipient to the donor.

However, a **gift** does not include a gift from a relative as defined in section 5.74(1) of the *Local Government Act 1995*.

- ~~(a) a gift from a relative as defined in section 5.74(1) of the *Local Government Act 1995*~~
- ~~(b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*~~
- ~~— or~~
- ~~(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training.~~

Section 5.74(1) of the *Local Government Act 1995* states the following:

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

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

Examples of gifts are:

- ~~(a) a tangible item, such as a bottle of wine or a book~~
- ~~(b) a contribution towards the provision of accommodation~~
- ~~(c) an act of hospitality, such as payment for a meal or an invitation or tickets to a function or event~~
- ~~— or~~
- ~~(d) discounts on a provider's products.~~

Elected Members and employees must not seek (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role at the City.

If a gift is offered from a foreign dignitary, the gift should be accepted politely on behalf of the City and provided to the CEO at the first possible opportunity. At the CEO's discretion, these gifts will be placed in an appropriate location within the City and/or registered in the City's memorabilia collection.

Nothing in this Code prevents a gift from being received:

- ~~(a) on behalf of the City, where it is retained by the City~~
- ~~— or~~
- ~~(b) by an Elected Member, Committee Member or employee under and in accordance with the terms of a sponsorship or other commercial arrangement with the City.~~

~~For example, a ticket to attend a VIP event that is given to an Elected Member or employee will not be a 'gift' (and, therefore, will not be subject to the gift provisions of this Code) if it is given because of a contractual obligation to give it under a sponsorship agreement with the City. However, a ticket that is given voluntarily, over and above any contractual obligation will be a gift (if it otherwise satisfies the definition of 'gift' referred to earlier) and, if so, will be subject to the gift provisions of this Code.~~

The value of a gift can be estimated if the Elected Member or employee believes its value is low. However, if it is believed its value approaches the thresholds detailed in this Code or the *Local Government (Rules of Conduct) Regulations 2007*, the precise value of the gift should be ascertained before accepting to ensure compliance with this Code and the *Local Government (Rules of Conduct) Regulations 2007*.

It is also important to ensure that the full value of the gift is taken into account including all hidden costs in association with acts of hospitality. (For example, if invited to a box at a sporting event, the cost is not just the cost of an entry ticket but a proportion of the cost of the box and the hospitality provided.) It would also include the cost of the attendance of a partner or guest at an event, should that person be invited to accompany the City's representative.

### **Notifiable gifts for employees**

~~An~~ Committee Member or employee may accept a 'notifiable gift' ~~However, if he or she accepts a notifiable gift from a person who:~~

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

~~he or she must notify the CEO within 10 days of accepting the gift.~~

For these purposes:

- (a) a **notifiable gift** means:
  - (i) a gift worth between \$50 and \$300
  - or
  - (ii) a gift that is one of two or more gifts given to an Elected Member, Committee Member or employee by the same person within a period of six months that are in total worth between \$50 and \$300.
- (b) **activity involving a local government discretion** is an activity:
  - (i) that cannot be undertaken without an authorisation from the City
  - or
  - (ii) by way of a commercial dealing with the City;

(c) a **gift** has the meaning set out in section 5.82(4) of the *Local Government Act 1995* except that it does not include:

- (i) a gift from a relative as defined in section 5.74(1) of the *Local Government Act 1995*
- (ii) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*
- (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training;
- or
- (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072).

Within 10 days of accepting a notifiable gift, the employee must notify the CEO in writing of the acceptance of a notifiable gift must be in writing and which must include the following information:

- (a) the name of the person who gave the gift
- (b) the date on which the gift was accepted
- (c) a description, and the estimated value, of the gift
- (d) the nature of the relationship between the person who is ~~an member, Committee Member~~ or employee and the person who gave the gift
- (e) if the gift is a notifiable gift under (ii) of the definition of a notifiable gift (whether or not it is also a notifiable gift under (i) of that definition):
  - (i) a description
  - (ii) the estimated value
  - (iii) the date of acceptance,of each other gift accepted within the six month period.

Employees, other than the CEO, Directors and Managers, must not accept any act of hospitality that constitute a “notifiable gift” (such as meals and lunches), without prior approval of the CEO or a Director, as appropriate. Any approval must be recorded in the City’s Record Keeping System.

It is advisable that the details of any gift received from a person is recorded (either as a required notification or as a personal note) in case that same person provides two or more gifts within a six month period, which may put the aggregated value of all gifts received between the \$50 and \$300 value threshold.

Any ‘notifiable gift’ received by a ‘designated employee’ between the value of \$200 and \$300 will also be required to be disclosed in accordance with the requirements set out in section 5.82 of the *Local Government Act 1995* (see “Declaration of other Gifts and Contributions to Travel: Elected Members and Designated Employees” section of this Code).

### **Prohibited gifts for employees**

~~An Committee Member~~ or employee must not accept a prohibited gift from a person who:

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

For these purposes:

- (a) **a prohibited gift** means:
  - (i) a gift worth \$300 or more

or

- (ii) a gift that is one of 2 or more gifts given to the member or employee by the same person within a period of 6 months that are in total worth \$300 or more.

(b) **activity involving a local government discretion** is an activity:

- (i) that cannot be undertaken without an authorisation from the City
- or
- (ii) by way of a commercial dealing with the City;

(c) a **gift** has the meaning set out in section 5.82(4) of the *Local Government Act 1995* except that it does not include:

- (i) a gift from a relative as defined in section 5.74(1) of the *Local Government Act 1995*
- (ii) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*
- (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training;
- or
- (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072).

~~Any gift valued at \$300 or more should be declined politely. If it is considered inappropriate to reject a gift worth \$300 or more (such as in the case of a gift from a foreign dignitary), the gift should be received on behalf of the City and provided to the CEO at the first possible opportunity. At the CEO's discretion, these gifts will be placed in an appropriate position within the City and/or registered in the City's memorabilia collection.~~

~~The value of a gift can be estimated if the Elected Member, Committee Member or employee believes its value is low. However, if it is believed its value approaches \$300, the precise value of the gift should be ascertained before accepting to ensure compliance with this Code.~~

~~It is also important to ensure that the full value of the gift is taken into account including all hidden costs in association with acts of hospitality. (For example, if invited to a box at a sporting event, the cost is not just the cost of an entry ticket but a proportion of the cost of the box and the hospitality provided.) It would also include the cost of the attendance of a partner at an event, should the partner be invited to accompany the City's representative.~~

~~Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits an Elected Member from accepting a prohibited gift (see below).~~

**Notifiable gifts and prohibited gifts for Elected Members**

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* contain the requirements relating to prohibited gifts and the acceptance of notifiable gifts by an Elected Member as detailed below.



## 12. Gifts

(1) In this regulation —

**activity involving a local government discretion** means an activity —

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

**gift** has the meaning given to that term in section 5.82(4) of the Act except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1) of the Act; or
- (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- (d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072).

**notifiable gift**, in relation to a person who is a council member, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth between \$50 and \$300;

**prohibited gift**, in relation to a person who is a council member, means —

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth \$300 or more.

(2) A person who is a council member must not accept a prohibited gift from a person —

- (a) who is undertaking or seeking to undertake; or
- (b) who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion.

(3) A person who is a council member and who accepts a notifiable gift from a person —

- (a) who is undertaking or seeking to undertake; or
- (b) who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with subregulation (4).

(4) Notification of the acceptance of a notifiable gift is to be in writing and is to include —

- (a) the name of the person who gave the gift; and
- (b) the date on which the gift was accepted; and

- (c) a description, and the estimated value, of the gift; and
  - (d) the nature of the relationship between the person who is a council member and the person who gave the gift; and
  - (e) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
    - (i) a description; and
    - (ii) the estimated value; and
    - (iii) the date of acceptance,of each other gift accepted within the 6 month period.
- (5) The CEO must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.

It is advisable that the details of any gift received from a person is recorded (either as a required notification or as a personal note) in case that same person provides two or more gifts within a six month period, which may put the aggregated value of all gifts received over the notifiable gift or prohibited gift value thresholds.

Any ‘notifiable gift’ received by an Elected Member between the value of \$200 and \$300 will also be required to be disclosed in accordance with the requirements set out in section 5.82 of the *Local Government Act 1995* (see “Declaration of other Gifts and Contributions to Travel: Elected Members and Designated Employees” section of this Code).

### **Register of notifiable gifts and prohibited gifts**

The CEO must maintain a register of notifiable gifts and record any details of notifications given to comply with the requirement of the Code and the *Local Government (Rules of Conduct) Regulations 2007*.

For better transparency Elected Members and employees are encouraged to record the required details of any gifts declined in the register.

## Declaration of other Gifts and Contributions to Travel: Elected Members and Designated Employees

### Disclosure of gifts in annual returns

~~Elected Members and 'designated employees', as defined in section 5.74 of the Local Government Act 1995, should also remember to disclose gifts, in an annual return, received and valued at over \$200, that are not covered by the Local Government (Rules of Conduct) Regulations 2007 (for Elected Members) or this Code (for employees).~~

### Gifts and contributions to travel

Elected Members and 'designated employees' are also required to disclose certain gifts and contributions to travel in accordance with the requirements set out in sections 5.82 and 5.83 of the Local Government Act 1995.

A **designated employee**, as defined in section 5.74 of the Local Government Act 1995, means:

- (a) the CEO
- (b) an employee, other than the CEO, to whom any power or duty has been delegated
- (c) an employee who is a member of a committee comprising council members and employees
- (d) an employee nominated by the local government to be a designated employee.

A contribution to travel will be something that facilitates such a journey(s) and may include the following:

- airline ticket price
- visa fees
- travel insurances
- accommodation.

Section 5.82 of the Local Government Act 1995 contains the requirements for the disclosure of gifts for Elected Members and designated employees (termed a "relevant person") as follows:

#### 5.82. Gifts

- (1A) A relevant person is to disclose each gift received by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.
- (1) The disclosure is to include the following —
  - (a) a description of the gift;
  - (b) the name and address of the person who made the gift;

- (c) the date on which the give was received;
- (d) the estimated value of the gift at the time it was made;
- (e) the nature of the relationship between the relevant person and the person who made the gift.
- (2) Nothing in this Subdivision requires a relevant person to disclose a gift received by the person if —
  - (a) the amount of the gift did not exceed the prescribed amount unless —
    - (i) the gift was one of 2 or more gifts made by one person at any time during a year; and
    - (ii) the sum of those 2 or more gifts exceeded the prescribed amount;
  - or
  - (b) the donor was a relative of the person.
- (3) For the purposes of this section, the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as being an amount equal to the value of the property or the financial benefit at the time the gift was made.
- (4) In this section —

**gift** means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

Section 5.83 of the *Local Government Act 1995* contains the requirements for the disclosure of contributions to travel for Elected Members and designated employees (termed a “relevant person”) as follows:

### **5.83. Contributions to travel**

- (1A) A relevant person is to disclose each financial or other contribution that has been made to any travel undertaken by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the contribution by the relevant person.
- (1) The disclosure is to include the following —
  - (a) a description of the contribution;
  - (b) the name and address of the person who made the contribution;
  - (c) the date on which the contribution was received;
  - (d) the estimated value of the contribution at the time it was made;
  - (e) the nature of the relationship between the relevant person and the person who made the contribution;

<p>(f) <u>a description of the travel;</u></p> <p>(g) <u>the date of travel.</u></p>	
<p>(2) <u>Nothing in this Subdivision requires a relevant person to disclose a financial or other contribution to any such travel undertaken by a person if —</u></p> <p>(a) <u>the contribution was made from Commonwealth, State or local government funds; or</u></p> <p>(b) <u>the contribution was made by a relative of the person; or</u></p> <p>(c) <u>the contribution was made in the ordinary course of an occupation of the person which is not related to his or her duties as a council member or employee; or</u></p> <p>(d) <u>the amount of the contribution did not exceed the prescribed amount unless —</u></p> <p>(i) <u>the contribution was one of 2 or more contributions made by one person at any time during a year; and</u></p> <p>(ii) <u>the sum of those 2 or more contributions exceeded the prescribed amount;</u></p> <p><u>or</u></p> <p>(e) <u>the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.</u></p>	
<p>(3) <u>For the purposes of subsection (2)(d) the amount of a contribution (other than a financial contribution) is to be treated as being an amount equal to the value of the contribution at the time the contribution was made.</u></p>	
<p>(4) <u>In this section —</u></p> <p><b><u>political party</u></b> <u>means a body or organization, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the election to the Parliament of the Commonwealth or of the State of a candidate or candidates endorsed by it or by a body or organization of which it forms part; and</u></p> <p><b><u>travel</u></b> <u>includes accommodation incidental to a journey.</u></p>	
<p><u>The prescribed amount, for the purposes of sections 5.82 and 5.83 of the <i>Local Government Act 1995</i> is detailed in regulations 25 and 26 of the <i>Local Government (Administration) Regulations 1996</i> as follows:</u></p>	
<p><b><u>25. Amount of gift prescribed (Act s. 5.82(2)(a))</u></b></p>	
<p>(1) <u>The amount of a gift prescribed for the purposes of section 5.82(2)(a) is as follows —</u></p> <p>(a) <u>\$500 for an annual return lodged under section 5.76 before 1 January 2000;</u></p> <p>(b) <u>\$200 for an annual return lodged under section 5.76 during the period beginning on 1 January 2000 and ending immediately before commencement day;</u></p> <p>(c) <u>\$200 for a disclosure made under section 5.82 on or after commencement day.</u></p>	

(2) In subregulation (1) —

**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2016* regulation 7 comes into operation.

**26. Amount of contribution to travel prescribed (Act s. 5.83(2)(d))**

(1) The amount of a contribution to travel prescribed for the purposes of section 5.83(2)(d) is as follows —

(a) \$500 for an annual return lodged under section 5.76 before 1 January 2000;

(b) \$200 for an annual return lodged under section 5.76 during the period beginning on 1 January 2000 and ending immediately before commencement day;

(c) \$200 for a disclosure made under section 5.83 on or after commencement day.

(2) In subregulation (1) —

**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2016* regulation 7 comes into operation.

Section 5.74(1) of the *Local Government Act 1995* provides for the definition of a 'relative' as follows:

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

(a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;

(b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

**Register of gifts and contributions to travel**

Under section 5.89A of the *Local Government Act 1995* the CEO is to keep a register of gifts and contributions to travel made by Elected Members and designated employees and is to make that register available for public inspection and on the City's website.

Section 5.89A of the Local Government Act 1995 contains the requirements for the keeping of a register for gifts and contributions for travel:

**5.89A. Register of gifts and contributions to travel**

- (1) A CEO is to keep a register of gifts and contributions to travel.
- (2) The register is to contain a record of the disclosures made under sections 5.82 and 5.83.
- (3) The register is to be in the form that is prescribed (if any).
- (4) The CEO is to make the register available for public inspection.
- (5) The CEO is to publish the register on the local government's official website.
- (6) As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.
- (7) Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure —
  - (a) to be kept by the CEO; and
  - (b) to be made available for public inspection.

**~~Disclosure of election campaign contributions~~**

~~All electoral candidates must comply with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* in disclosing electoral donations or 'gifts'. A candidate must disclose to the CEO information about any electoral or related gift with a value of \$200 or more that is promised or received within six months before the relevant election day.~~

~~Requirements relating to the disclosure of electoral gifts are set out in the *Local Government (Elections) Regulations 1997*, particularly Part 5A.~~

## Reporting breaches ~~and suspected breaches~~ of the Code

### Breaches of the Code by employees

Any person who has reason to believe ~~that the personal behaviour~~ of an employee breaches the standards of conduct set out in the Code, may refer the matter to the CEO or the Manager Human Resources, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the City and any applicable law concerning employees.

Any person who has reason to believe ~~that the personal behaviour~~ of the CEO breaches the standards of conduct set out in the Code, may refer the matter to the Director Governance and Strategy, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the City and any applicable law.

Each report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.

### Breaches of the Code by Elected Members and Committee Members

~~A breach by an Elected Member of the Local Government (Rules of Conduct) Regulations 2007 may be reported to the City's Complaints Officer (the CEO) in accordance with the prescribed Complaints Form as determined from time to time. Such complaints will be dealt with under Division 9 of Part 5 of the Local Government Act 1995.~~

Any person who has reason to believe ~~that the personal behaviour~~ of an Elected Member breaches the standards of conduct set out in the Code, other than those matters set out in the *Local Government (Rules of Conduct) Regulations 2007*, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

Any person who has reason to believe ~~that the personal behaviour~~ of a Committee Member breaches the standards of conduct set out in the Code, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

The CEO may, in appropriate cases, refer a breach of the Code relating to values or behaviour (other than any alleged breach of any law) by an Elected Member to an independent mediator who will attempt to resolve the matter via a mediation process. If a matter is referred for mediation each party is to engage in the process in good faith.

A breach by an Elected Member of the Local Government (Rules of Conduct) Regulations 2007 may be reported to the City's Complaints Officer (the CEO) in accordance with the prescribed Complaints Form as determined from time to time. Such complaints will be dealt with under Division 9 of Part 5 of the Local Government Act 1995.



## Other Statutory Reporting Mechanisms

### ~~Reporting misconduct to the Corruption and Crime Commission~~ Corruption, Crime and Misconduct Act 2003

~~The CEO, being a 'principal officer of a notifying authority' (for the purposes of the *Corruption and Crime Commission Act 2003*) has a statutory obligation to report to the Corruption and Crime Commission:~~

~~(a) — any allegation of misconduct~~

~~—— or~~

~~(b) — any situation that otherwise comes to his or her attention involving misconduct, where the CEO suspects on reasonable grounds concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity.~~

~~Notwithstanding, any Elected Member, Committee Member, employee or any other person may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:~~

~~(a) — has or may have occurred~~

~~(b) — is or may be occurring~~

~~(c) — is or may be about to occur~~

~~—— or~~

~~(d) — is likely to occur.~~

Under section 45H of the *Corruption, Crime and Misconduct Act 2003*, the CEO (being a principal officer of a notifying authority) is required to notify the Public Sector Commission (PSC) of all reasonable suspicions of minor misconduct in writing.

Under section 28 of the *Corruption, Crime and Misconduct Act 2003* the CEO is also required to notify all reasonable suspicions of serious misconduct to the Corruption and Crime Commission (CCC).

The CEO must make an informed decision about whether a matter constitutes minor or serious misconduct as defined in the *Corruption, Crime and Misconduct Act 2003*, and notify either the PSC or the CCC accordingly.

Under the *Corruption, Crime and Misconduct Act 2003*, anyone can report any reasonable suspicion of minor misconduct involving a public officer to the PSC, or alternatively any reasonable suspicion of serious misconduct to the CCC.

Further details on the process of reporting misconduct or serious misconduct can be found at the respective websites of the PSC or CCC.

Section 4 of the *Corruption, and Crime and Misconduct Commission Act 2003* defines the instances when 'misconduct' occurs:

#### 4. Term used: misconduct

Misconduct occurs if —

- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) a public officer engages in conduct that —
  - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
  - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
  - (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
  - (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,and constitutes or could constitute —
  - (v) ~~an offence against the Statutory Corporations (Liability of Directors) Act 1996 or any other written law; or~~
  - (vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

Section 3 of the *Corruption, and Crime and Misconduct Commission Act 2003* defines 'serious misconduct' as misconduct of a kind described in section 4(a), (b) or (c) of the *Corruption, and Crime and Misconduct Commission Act 2003*.

#### Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* facilitates the reporting of public interest information and provides protection for those who report this information under that Act. This legislation is commonly known as 'whistle-blower' legislation.

A public interest disclosure is a disclosure which is made by a person who discloses to the City's nominated Public Interest Disclosure Officer, information which tends to show that the City, or an employee or a contractor of the City, may be involved in activity which constitutes:

- improper conduct
- action which may constitute an offence under a written law
- substantial, unauthorised or irregular use of or mismanagement of public resources
- a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment  
or
- a matter of administration which could be investigated by the Ombudsman.

The disclosure must relate to the performance of a function of the City or employee. Conduct which may be criminal, but is unrelated to the performance of a public function, is not covered by the Act.

The City:

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

~~Elected Members, Committee Members and employees are~~ Any person is encouraged to contact the City's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms.

A person who makes an appropriate disclosure of public interest information to the City's nominated Public Interest Disclosure Officer under section 5 of the *Public Interest Disclosure Act 2003*:

- (a) incurs no civil or criminal liability for doing so
  - (b) is not, for doing so, liable:
    - (i) to any disciplinary action under a written law
    - (ii) to be dismissed
    - (iii) to have his or her services dispensed with or otherwise terminated
- or

- (iv) for any breach of duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person (section 13).

A person who makes a false or misleading disclosure commits an offence and is liable to a significant fine or a term of imprisonment.