



Code of Conduct - Staff

Agenda Attachment for Noting

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A Message from the Chief Executive Officer

As employees of the Shire of Kulin it is our responsibility to uphold the highest standards of ethical conduct, integrity, and compliance in all we do. The Shire of Kulin's Code of Conduct reflects our commitment to these values and serves as a guide for every decision we make.

Every employee, volunteer, contractor, and consultant plays a vital role in shaping our workplace culture and serving our community. The Code outlines the expected standards of behaviour and provides guidance for making the right decisions, even in challenging situations. By adhering to this Code, we uphold our commitment to excellence, protect the integrity of our public service, and ensure that we treat each other, and those we serve, with fairness and respect.

We encourage everyone to familiarise themselves with the Code of Conduct, live by its principles, and hold each other accountable. Together, we can ensure that the Shire of Kulin continues to operate with the highest ethical standards, delivering exceptional service to our community.

What is the Code of Conduct?

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

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

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

- better decision-making by local governments;
- greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the Local Government (Administration) Regulations 1996.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

Who does the code apply to?

For the purposes of the Code, the term employees includes persons employed by the Shire or engaged by the Shire under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. The Gifts requirements of this Code do not apply to the CEO.

Breaches of the Code

All reported breaches will be investigated in line with the principles of natural justice and human resource management practices. If a staff member is found to have violated the Code, the CEO will address the matter.

Should the CEO breach the Code, the Council will handle the situation according to established Industrial Relations procedures. All aspects of a report of a breach of this Code of Conduct must be kept strictly confidential by both the person making the report and the person in receipt of the report

Ethical Principles and Organisational Values

Integrity & Accountability

- Demonstrate moral behaviour free from corruption
- Take responsibility for roles and deliver to the best of one's abilities
- Adhere to corporate policies, procedures, and legislative requirements
- Hold others accountable for performance and behaviour

Customer Service

- Act in the community's best interest
- Provide accurate and consistent information
- Strive to maintain a consistently high standard of customer service
- Ensure timely, efficient, and accurate responses to customer and stakeholder

Teamwork, Collaboration & Respect

- Treat others with respect and value individual backgrounds, experiences, and opinions
- Engage and consult with others appropriately
- Share resources, ideas, and information
- Ensure each other's safety

Leadership & Improvement

- Create opportunities for consultation with the broad community
- Demonstrate leadership by promoting Council and community teamwork
- Lead by example, inspire others, and adapt to the ever-changing workplace environment
- Listen to feedback and maintain transparency in decision-making and communication

Reflection

If you believe that a behaviour, decision, or action does not align with our code and its values, it is your responsibility to voice that concern. You don't have to be directly impacted by an issue to raise it. If you're uncertain about how to interpret the code, please discuss these matters in person with your manager.

Use checklist below to support employees in case they are unsure of what to do or unsure if they need to speak up. If you answer yes to any of the following speak to your direct supervisor, an executive manager or the CEO.

- Does this action or behaviour fit with the Shire's values?
- Could the action or behaviour directly or indirectly endanger someone, cause an injury, or create an unsafe environment?
- Is the action or behaviour legal and in line with the Shire's policies, procedures and guidelines?
- Does the action or behaviour fit with my personal values?
- How would I feel if this became public knowledge?
- What does my gut tell me? Do I feel comfortable with my decision, or do I feel uneasy?

Conflicts of Interest

The community expects that the Shire's employees will perform their official duties in the public-interest and not improperly use their positions or authority for personal gain or to cause detriment to others.

A conflict of interest is a situation in which an employee of the Shire also has a personal or financial interest with another party that may impact their role or decision-making ability for the Shire. Actual, potential and perceived conflicts of interest can arise from several sources, including friends, relatives, close associates, financial investments, personal circumstances and past employment.

Financial and Proximity Interests

Employees must comply with the disclosure requirements for financial and proximity interests under the Local Government Act 1995. An employee who has a financial or proximity interest in a matter for which they provide advice or a report directly to Council or a Committee must disclose the nature of the interest when the advice or report is provided. An employee who has a financial or proximity interest in a matter relating to a power or duty delegated to them must not exercise that power or discharge that duty and must disclose the interest in accordance with the Act.

Interests Affecting Impartiality

An interest affecting impartiality is an interest that could, or could reasonably be perceived to, adversely affect an employee's impartiality, including an interest arising from kinship, friendship or membership of an association.

Employees must disclose the nature of an interest in a matter to be considered at a Council or Committee meeting:

- if attending the meeting – in writing to the CEO before the meeting, or at the meeting immediately before the matter is discussed; or
- if not attending but providing advice – in writing to the CEO before the meeting, or when the advice is given.

Where written notice is provided to the CEO, it must be provided to the person presiding at the meeting and brought to the meeting's attention before the matter is discussed. The nature of the interest must be recorded in the minutes.

Financial and proximity interests under section 5.60 of the Local Government Act 1995 are excluded from these requirements and are dealt with separately above.

An employee will not breach these requirements if they did not know, and could not reasonably have been expected to know, of the interest or that the matter would be discussed, provided the interest is disclosed as soon as possible after becoming aware of it.

Your responsibilities:

- Employees will ensure that personal interests do not improperly influence the impartial performance of their duties.
- Employees will disclose conflicts of interest as soon as required under this Code or legislation.
- Employees will not use their position, confidential information or Shire resources to obtain an improper advantage for themselves or another person.
- Employees will seek advice from their Manager or the CEO where they are uncertain whether an interest should be disclosed.
- Employees will comply with any reasonable arrangements put in place by the Shire to appropriately manage a disclosed conflict of interest.
- Employees exercising recruitment, procurement or other discretionary functions must disclose any actual, potential or perceived conflict involving relatives, friends, close associates or organisations with which they have a relevant connection before dealing with the matter.
- Managers and supervisors must disclose to the CEO any personal or intimate relationship with an employee where their position may give them supervisory, decision-making or other authority in relation to that employee.

Gifts

Employees of the Shire must not receive prohibited gifts from any persons associated with the Shire.

'Prohibited gifts' refers to any gift worth \$300 or more; or receiving several gifts from the same person or organisation within a 12-month period that are worth \$300 or more in total.

An 'associated person' is someone who is either undertaking, or seeking to undertake, an activity or business dealing with the Shire, or, who it is reasonable to believe is intending to undertake an activity with the Shire. For the purposes of this Code, a gift valued at \$50 or more but less than \$300 is a reportable gift. The threshold amount for a prohibited gift is \$300.

Accepting gifts from an external organization, contractor, or supplier can create the impression that it might influence your decisions or actions, even if that isn't your or the donor's intention. Perception matters in these situations. Gifts can include free or discounted items, hospitality, services, or benefits provided by someone outside the Shire of Kulin. Examples include meals, drinks, event tickets, conference fees, airline tickets or upgrades, accommodation, and gift baskets, as well as prizes won while conducting Shire of Kulin business. In general, it's usually best to politely refuse such offers.

In accordance with Regulation 19AF of the Local Government (Administration) Regulations 1996 the CEO has determined that a gift between \$50 and \$299 is a reportable gift and a gift \$300 or over is a prohibited gift.

Gift disclosures will be recorded in the Shire's Employee Gifts Register and retained in the Shire's records management system. The register will record the employee, donor, date, description and estimated value of the gift, and the action taken. Access to information contained in the register will be limited to the CEO and employees authorised by the CEO, except where disclosure is required or authorised by law. Information contained in the register may be used for compliance, audit, integrity, procurement and conflict-of-interest management purposes.

Your responsibilities:

- Employees must not accept a prohibited gift from an associated person.
- Employees of the Shire may be able to accept a gift if it is not a prohibited gift. The Shire asks all employees to carefully consider the appropriateness of accepting any gifts. For a gift worth less than \$50, such as a hat, pen or chocolates, there is no requirement for this to be reported.
- For a gift valued at \$50 or more but less than \$300, employees are required to notify the Chief Executive Officer of the details of the gift within 10 days of accepting the gift.

Fraud, Corruption and Misconduct

The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are unacceptable and the Shire adopts a zero tolerance approach towards such behaviour. All allegations of fraudulent and corrupt conduct will be investigated and may result in disciplinary action including possible dismissal.

Fraud is any intentional act of deception, dishonesty, or misrepresentation carried out by an individual or group to unlawfully obtain money, property, or an advantage. Examples of fraud may include:

- falsifying documents,
- manipulating procurement processes,
- misusing public resources (including both financial and property resources),
- submitting false invoices or expense reports for reimbursement,
- claiming for or being paid for hours not worked,
- incorrectly claiming sick leave.

Corruption is the abuse of power or position by officials for personal gain or the benefit of others, typically through dishonest or unethical actions usually for self-benefit. Examples of corruption include:

- accepting money or gifts from individuals or companies in exchange for favourable treatment, such as approving permits, contracts, or zoning changes,
- favouring relatives or friends in hiring practices, promotions, or awarding contracts, regardless of qualifications,
- contractors providing a portion of their earnings back to employees in exchange for securing government contracts or favourable terms,
- using your position to improperly influence tender or grant decisions.

Misconduct is inappropriate, unethical, or unlawful behaviour by an employee that violates established policies, procedures, or legal requirements.

Your responsibilities:

- Employees must not engage in unethical, dishonest, fraudulent, corrupt or illegal behaviour
- Employees must report any suspected breach of this Code or suspected unethical, dishonest, fraudulent, corrupt or illegal behaviour

Suspected breaches of this Code or suspected unethical, dishonest, fraudulent, corrupt or illegal behaviour can be reported verbally or in writing to:

- Your direct supervisor
- Any Executive Manager
- The CEO
- Public Sector Commission for minor misconduct
- Corruption and Crime Commission for serious misconduct.
- Ombudsman Western Australia for matters governing administration affecting individuals.

Personal Behaviour

Employees at the Shire of Kulin are expected to uphold high standards of behaviour by acting with honesty, integrity, and impartiality in all aspects of their professional duties and personal conduct.

Employees will:

- act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies and directives of the Shire;
- perform their duties impartially and in the best interests of the Shire, uninfluenced by fear or favour;
- maintain the confidentiality of all sensitive information obtained through their employment, ensuring that such information is not disclosed to unauthorised persons both during and after their employment with the Shire of Kulin,
- act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community;
- make no allegations which are improper or derogatory (unless true and in the public interest);
- refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- always act in accordance with their obligation of fidelity to the Shire.
- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- be frank and honest in their official dealing with each other;
- report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this Code and the Shire's
- While on duty, employees will give their whole time and attention to the Shire's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire.
- Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager, Manager or the CEO.
- Employees will give effect to the lawful decisions and policies of the Shire, whether or not they agree with or approve of them.
- Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire's relevant policies and procedures.

Workplace Health & Safety

The Shire has a duty of care to ensure a safe and healthy work environment for all. Employee wellbeing is everyone's responsibility. We endeavour to create an all-inclusive culture where our people can thrive. We are committed to establishing a workplace environment that is safe and free of health risks. Workplace health and safety (WHS) includes both physical and mental health.

Your responsibilities:

- Employees have a duty to take care of their own health and safety and we expect them to take all relevant safety precautions in the execution of their work. This includes attending all relevant training and being fit to perform all duties in their position.
- Employees must be fit for work when you perform your duties at the Shire of Kulin.
- Employees must take reasonable care for the health and safety of others who may be affected by your actions.
- Employees should always wear protective clothing and safety equipment to ensure the safety of all, and report any hazards or incidents in accordance with the Shire's incident reporting procedure.

Respect, Harassment, Discrimination and Bullying

The Shire expects all employees to contribute to a safe, respectful and inclusive workplace. Discrimination, harassment, sexual harassment, bullying, victimisation, workplace violence and aggression, and other inappropriate or unlawful workplace behaviour will not be tolerated.

Detailed definitions and requirements relating to inappropriate workplace behaviour are contained in HR18 Workplace Behaviour (Harassment, Discrimination & Bullying). Complaints or reports concerning this behaviour will be managed in accordance with HR6 Employee Complaint Management.

Your responsibilities:

Employees will:

- treat other employees and members of the community with respect, courtesy and professionalism;
- not engage in discrimination, harassment, bullying, victimisation or other inappropriate or unlawful workplace behaviour;
- report behaviour they reasonably believe may breach this Code or HR18 to a Manager as soon as practicable;
- respect the confidentiality of workplace complaints and avoid gossip or inappropriate discussion concerning complaints; and
- comply with the Shire's workplace behaviour, work health and safety and complaint management requirements.

Cultural Awareness

The Shire is committed to fostering an inclusive workplace where cultural diversity is respected and celebrated. Employees are expected to demonstrate cultural awareness in all interactions.

Cultural awareness means being sensitive to the differences and similarities between two cultures when communicating or interacting with members of other cultural groups. Cultural sensitivity involves instilling values, attitudes, and knowledge that display openness and respect for different cultures, religions, languages, manner of dress, and communication styles.

Your responsibilities:

- Treat all colleagues, clients, and stakeholders with dignity and respect, regardless of their cultural background, ethnicity, religion, or beliefs.
- Avoid discriminatory, prejudiced, or culturally insensitive language or behaviour
- Use respectful and inclusive language in all forms of communication.
- Be mindful of cultural differences in communication styles and body language.
- Avoid stereotypes, assumptions, or generalisations about individuals or groups.
- Be open to different perspectives and approaches during team discussions or projects.
- Address cultural misunderstandings respectfully and constructively.
- Reflect cultural awareness and sensitivity in interactions with external stakeholders, clients, and the community.
- Employees are required to participate in cultural awareness and diversity training to enhance their understanding and ability to work inclusively.

Drugs, Alcohol and smoke-free environment

Employee wellbeing is most important to us. We expect that everyone working for and at the Shire will be fit for work. Employees must function at acceptable levels and not be affected by alcohol, drugs or other substances. If employees are affected by alcohol or drugs, they should not be at work, with no exceptions. At times, employees are invited to attend Shire-sponsored and external events where alcohol is served. Employees must not return to work if they have consumed alcohol.

If alcohol is consumed at these events, employees must conduct themselves in accordance with this Code of Conduct.

Providing a safe and healthy workplace includes providing a smoke-free environment which means all Shire buildings, facilities and vehicles are smoke-free up to and including five metres of any entry point.

Your responsibilities:

- If you are affected by alcohol or drugs, you must not be at work.
- If you are in attendance of a Shire of Kulin event where alcohol is served responsible alcohol consumption is expected. The Shire has a zero-tolerance policy for excessive or disruptive behaviour caused by intoxication.

Do not smoke or use an e-cigarette within any of the Shire of Kulin's premises or vehicles, or within five metres of any entry point to the Shire's premises and vehicles.

Procurement

The Shire of Kulin employees understand that the money we spend on behalf of the Shire is money which belongs to the public. Those exercising their authority to purchase must conform to the purchasing threshold requirements detailed in the Procurement Policy and always seek best value for money from suppliers. We expect that employees will build trusted and honest relationships with suppliers and that all business conduct will be managed in a fair and equitable manner.

Your responsibilities:

- Employees exercising purchasing authority will read and comply with the Shire's Purchasing Policy, and the systems and procedures established.
- Employees will use Shire finances only within the scope of their authority, as defined in their position description and Shire policies, procedures and administrative practices.
- Employees will act with care, skill, diligence, honesty and integrity when using the Shire's finances
- Ensure that all procurement decisions and actions are documented and justifiable. Employees involved in purchasing must be accountable for their actions and decisions.
- Officers must provide purchase orders, adhere to budget allocations and ensure invoices are verified and forwarded for payment in a timely manner.
- Treat all suppliers and contractors equally, providing them with the same information and opportunities to compete.
- Assess and mitigate risks associated with the procurement activity, including financial, legal, and reputational risks, to protect the Shire's interests.
- Ensure the use of a Shire issued credit card is for Shire related expenditure and in accordance with the Shire's credit card policy.

Record Keeping

Effective records management is essential for accountability, compliance, efficiency, preservation of history, disaster recovery, and improved service delivery. Our employees have a legal obligation to maintain and protect the Shire's records and must ensure they manage information in accordance with the Shire's Recordkeeping Plan.

Employees must collect, access, use, store and disclose personal information in accordance with the Privacy and Responsible Information Sharing Act 2024, the Information Privacy Principles and the Shire's Privacy and Responsible Sharing of Information Policy.

Your responsibilities:

- Read the recordkeeping plan and be aware of your recordkeeping responsibilities and the recordkeeping system. Seek assistance and clarification if required.
- Identify significant records in all formats and ensure these are registered in the records system.
- Not destroy an official record of the Shire of Kulin.
- Not access or use information that is not required for me to do my role.
- Not falsify, destroy, alter or damage records or back date information.
- Comply with our record keeping plan and the State Records Act 2000.

Privacy and Information Management

The Shire is committed to protecting Personal Information and managing information responsibly. Employees must comply with the Privacy and Responsible Information Sharing Act 2024, the Information Privacy Principles and the Shire's Privacy and Responsible Sharing of Information Policy.

Your responsibilities:

- Only collect Personal Information where it is necessary for the performance of the Shire's functions or your duties.
- Only access, use or disclose Personal Information for the purpose for which it was collected, or where otherwise authorised or required by law.
- Take reasonable steps to protect Personal Information from loss, misuse or unauthorised access or disclosure.
- Take reasonable steps to ensure Personal Information used in carrying out your duties is accurate, complete and current.
- Handle and store Personal Information in accordance with the Shire's Privacy and Responsible Information Sharing Policy, Recordkeeping Plan and relevant procedures.
- Promptly report any suspected loss, unauthorised access or disclosure of Personal Information to the CEO in accordance with Shire procedures.
- Seek advice from your Manager or the CEO if you are unsure about the appropriate collection, use or disclosure of Personal Information.

Secondary Employment

Employees employed by the Shire under section 5.36(1) of the Local Government Act 1995 must disclose to the CEO any employment they hold outside the Shire and must obtain the CEO's prior written approval before commencing new outside employment.

Working for another employer might create situations where personal interests conflict with official duties. In addition to this, secondary employment can detract from the time and energy needed to effectively perform primary job responsibilities. Fatigue or divided attention may lead to decreased productivity and poor job performance in your Shire of Kulin role.

In some cases, secondary employment might involve access to confidential or sensitive information. There's a risk that this information could be unintentionally shared or misused in the second job, breaching confidentiality agreements and legal obligations. Even if no wrongdoing occurs and the employee has good intentions, engaging in secondary employment may give the public or other Shire of Kulin employees the perception of bias, favouritism, or conflicting priorities.

Secondary Employment (continued)

Your responsibilities:

- It is your responsibility to avoid and appropriately resolve any conflict or incompatibility between your private or personal interests and the impartial performance of your public or professional duties.
- If seeking secondary employment, the following needs to be considered before asking for approval:
 - If the organisation, company or person you will be working with is in a contractual relationship with the Shire.
 - If the Shire is in a regulatory relationship with the organisation, company or person you will be working with.
 - Whether the hours of work conflict with your duties at the shire or your health and safety.
 - Sufficient rest time is available away from both forms of work to enable you to present to work fit and alert, and able to work efficiently and to the standard required.
 - Whether your duties in the secondary employment require release of confidential information which is known to you, but not available to the general public.
- Whether there is any other conflict of interest, or potential conflict of interest between your duties at the Shire and your duties at the secondary employment.

Use of Public Resources

The Shire provides us the tools and equipment we need to do our jobs effectively. Job-related assets can include both physical and non-physical property. It may consist of the office space, facilities and buildings that we work in; the technology, such as software; hardware such as desktops, laptops, mobile phones or other devices; Shire vehicles, machinery and equipment; and credit cards, office supplies and money. It may also include intellectual property, such as the ideas we create individually and collectively.

Your responsibilities:

Assets:

- Employees must be honest in your use of the Shire's resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- Employees must use the Shire's resources entrusted to you effectively, economically, in the course of your duties and in accordance with relevant policies and procedures; and
- Employees must not use the Shire's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).
- The use of all Shire vehicles is subject to the MV Policy. Anyone who uses Shire property for any purpose other than to complete their job, without the appropriate authorisation or consent, will be in breach of this Code.

Finances:

- Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire's finances.
- Employees will use Shire finances only within the scope of their authority, as defined in [position descriptions, policies and procedures, administrative practices].
- Employees with financial management responsibilities will comply with the requirements of the Local Government (Financial Management) Regulations 1996.
- Employees exercising purchasing authority will comply with the Shire's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the Local Government (Financial Management) Regulations 1996.
- Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- Employees will ensure that any use of Shire's finances is appropriately documented in accordance with the relevant policy and procedure, including the Shire's Recordkeeping Plan.

Serving our Community

Our community is the reason why we are here. It is the reason why we do what we do. As Shire employees, we must live our values and follow this Code every day when serving members of the public and delivering our services. It is our role to make it easier for people to interact with the Shire and deliver services in a way that is expected of us and maintains the Shire's reputation, while maximising value for our customers.

Your responsibilities:

- Employees will treat all members of the community with respect, courtesy and professionalism.
- Be open, honest, and transparent with members of our community.
- Be inclusive of all members of the community by removing or reducing barriers to participation.
- As required, interact with children and young people in an age-appropriate and respectful manner, maintaining the highest levels of standard and professional conduct in all interactions.
- All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

Interacting with children and young people

In the context of this Code, 'child' refers to a person who is under the age of 18. The Shire expects all employees to interact with children in an age-appropriate and respectful manner.

The Shire determines whether a particular position or placement requires a Working with Children Check (WWCC). Employees in these positions must obtain and maintain a valid WWCC to work in these positions. Any allegations or incidents of child abuse will be treated seriously and in accordance with the law. Our employees must maintain the highest standards of professional conduct in their interactions with children and young people. Our behaviour must be in the best interest of the child.

Your responsibilities:

- Employees must maintain the highest standards of professional conduct in their interactions with children and young people. Our behaviour must be in the best interest of the child
- As required, interact with children and young people in an age-appropriate and respectful manner, maintaining the highest levels of standard and professional conduct in all interactions.

Professional, Personal and Social Media Communications

As a public-facing organisation, the Shire must maintain transparency while protecting confidentiality. Only the President or CEO are authorised to deliver key messages to the media on the Shire's behalf, unless they delegate this responsibility to another employee or Elected Member. This policy applies to all forms of media, including traditional outlets, online platforms, and interactions with journalists.

Employees are prohibited from making any public comments about the Shire, whether through the media or social media, and are not permitted to discuss the Shire's activities, plans, or opinions.

Your responsibilities:

- Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Council Members, employees or contractors, which breach this Code.
- All aspects of communication by employees (including verbal, written and electronic), involving the Shire's activities should reflect the status, values and objectives of the Shire.
- Communications should be accurate, polite and professional.

Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the Corruption, Crime and Misconduct Act 2003.

Reporting breaches and suspected breaches of the Code

Employees who become aware of conduct they reasonably believe may breach this Code should report the matter to their Supervisor, Manager, Grievance Officer or CEO. A complaint concerning the CEO should be referred to the Shire President.

Complaints and alleged breaches of this Code will be assessed and managed in accordance with HR6 Employee Complaint Management and the principles of procedural fairness and natural justice.

Information relating to a complaint or alleged breach must be treated confidentially and only disclosed where reasonably necessary for the management or investigation of the matter, or where disclosure is authorised or required by law.

Employees who make a complaint or participate in an investigation in good faith must not be victimised or disadvantaged because of their involvement.

Where an alleged breach may constitute unethical, fraudulent, dishonest, illegal or corrupt behaviour, the matter will also be dealt with in accordance with the applicable statutory reporting requirements.

Performance concerns that do not involve an alleged breach of this Code or misconduct will be managed in accordance with HR25 Under Performance Management.

Corruption, Crime and Misconduct Act 2003

The CEO has a mandatory requirement to report any reasonable suspicions of serious misconduct, on the part of Councillors or employees to the Corruption and Crime Commission (CCC). Minor misconduct, which is the type of misconduct that should be so significant that, if proven, could reasonably lead to termination of a person's employment, is to be reported to the Public Sector Commission.

It is the responsibility of the CEO to make informed decisions about whether a suspected misconduct on the part of employees should be treated as a serious or minor matter, and reported to the Corruption and Crime Commission or the Public Sector Commission respectively.

An elected member, officer or any other person may report any reasonable suspicions of serious misconduct on the part of Councillors or employees directly to the CCC, or minor misconduct on the part of employees directly to the PSC.

Related Policies and Guidelines

This Code should be read in conjunction with relevant Shire policies, procedures and guidelines, including:

HR6 Employee Complaint Management – provides the process for raising, assessing, investigating and resolving workplace complaints and alleged breaches of this Code.

HR18 Workplace Behaviour (Harassment, Discrimination & Bullying) – provides detailed requirements and definitions relating to discrimination, harassment, bullying, victimisation and other inappropriate workplace behaviour.

HR25 Under Performance Management – provides the process for identifying and managing employee underperformance and performance improvement.

Relevant Legislation

This Code should be read in conjunction with applicable legislation, regulations, industrial instruments and Shire policies and procedures.

Employees are responsible for ensuring they understand and comply with the legislative requirements relevant to their duties. Where there is any inconsistency between this Code and legislation, the legislation prevails.

Relevant legislation includes, but is not limited to:

Local Government Act 1995

Sets out the legislative framework for local government in Western Australia, including the roles and responsibilities of employees, employment principles, employee Codes of Conduct, disclosure of interests and other integrity requirements.

Local Government (Administration) Regulations 1996

Part 4A prescribes the matters that must be addressed in the Employee Code of Conduct, including gifts, impartiality interests, outside employment and employee behaviour.

Local Government (Financial Management) Regulations 1996

Sets requirements relating to financial management, internal controls and the proper use and management of local government finances.

Local Government (Functions and General) Regulations 1996

Contains requirements relevant to local government procurement, tenders and commercial dealings.

Corruption, Crime and Misconduct Act 2003

Establishes obligations relating to the identification, reporting and management of suspected serious and minor misconduct involving public officers.

Public Interest Disclosure Act 2003

Provides a framework for making and managing public interest disclosures and protections for persons who make disclosures in accordance with the Act.

State Records Act 2000

Establishes requirements for the creation, management, retention and disposal of government records.

Work Health and Safety Act 2020

Establishes duties and responsibilities for maintaining a safe and healthy workplace and protecting workers and other persons from health and safety risks.

Equal Opportunity Act 1984

Prohibits unlawful discrimination and provides protections against discrimination and harassment in employment and other areas.

Privacy and Responsible Information Sharing Act 2024

Establishes requirements relating to the collection, use, disclosure, storage and protection of personal information by public entities.

Working with Children (Screening) Act 2004

Establishes screening and Working with Children Check requirements for persons undertaking prescribed child-related work.

Relevant Legislation (continued)**Industrial Relations Act 1979**

Provides the legislative framework for industrial relations and employment matters within the Western Australian industrial relations system.

Legislative references

References in this Code to legislation include that legislation as amended or replaced from time to time, together with any regulations or other subsidiary legislation made under it.

Employees should refer to the current version of legislation available through the Western Australian Legislation website and seek guidance from their Manager, Executive Manager or Chief Executive Officer where clarification is required.

Agenda Attachment for Noting

kulin
shire
council

the kulin region

Code of Conduct Complaint Form - Alleged Breach by an Employee

This form is to be used by employees who wish to formally report an alleged breach of the Employee Code of Conduct. The Shire is committed to maintaining a respectful, fair, and ethical workplace and encourages staff to report concerns in a timely and constructive manner.

All complaints will be treated seriously and in line with the Shire’s grievance and disciplinary procedures.

Please complete all sections of this form to the best of your ability. If you require assistance completing the form, please contact

Name of employee/s who you believe has breached the code of conduct:

Section of the Code of Conduct do you believe has been breached:

When the breach happened:

Details of the breach: (please attach additional pages if required)

Were there any witnesses to the breach? Yes ☐ No ☐

Are the witnesses willing to provide information to assist in resolving the complaint? Yes ☐ No ☐

If so, please provide details of witnesses below:

Name: Ph No:

Name: Ph No:

Are you providing any additional information with your complaint form? If yes, details: Yes ☐ No ☐

Your details:

Name: Ph No:

Sign: Date:

Employee Disclosure of Gifts Declaration Form

The receipt of gifts can create perceived or actual conflicts of interest. Shire of Kulin employees must comply with the Employee Code of Conduct and applicable legislation when offered or accepting gifts.

Under the Shire of Kulin Employee Code of Conduct, gifts valued at \$50 or more but less than \$300 are reportable and must be declared to the Chief Executive Officer within 10 days of acceptance. A prohibited gift is a gift valued at \$300 or more, including where gifts from the same person or organisation total \$300 or more within a 12-month period. Employees must not accept a prohibited gift from an associated person.

An associated person is a person who is undertaking, seeking to undertake, or reasonably believed to be intending to undertake an activity or business dealing involving the Shire. If you are unsure whether a gift may be accepted or must be declared, seek advice from the CEO before accepting it.

Employee making the disclosure:

Position:

Person who provided the gift (Name and Organisation)

Relationship with gift provider:

Date gift received:

Estimated value of gift:

Have you received any other gifts from this person or organisation within the previous 12 months? If yes, provide details (dates, value of gifts)

Yes

No

Was this gift accepted? (Provide any additional details below)

Yes

No

Declaration
I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

Recipient Signature:

CEO Acknowledgment

Date:

Date:

Code of Conduct - Employee Declaration

Your details:

Full Name:

Job Title:

Date of Declaration:

Declaration Statement

I confirm that I have received and read the Shire’s Employee Code of Conduct.

Yes

No

I understand the standards of behaviour expected of me and agree to abide by the principles, responsibilities, and requirements set out in the document. I understand that any breach of this Code may result in disciplinary action, up to and including termination of employment, in accordance with applicable policies and procedures.

Yes

No

I acknowledge that I have had the opportunity to ask questions and seek clarification about any parts of the Code of Conduct that I do not understand.

Yes

No

Signatures

Employee Signature:

Manager Signature:

Manager Name:

Date:



38 Johnston Street, Kulin WA 6365
PO Box 125, Kulin WA 6365
T:08 9880 1204
E: enquiries@kulin.wa.gov.au
W: www.kulin.wa.gov.au

Agenda Attachment for Noting