



# SHIRE OF KULIN

  

# POLICY MANUAL

## **INTRODUCTION**

This Shire of Kulin Policy Manual has been prepared to assist Council and staff to administer the Shire.

The manual is a compilation of policy on subject matters that form the basis of administrative decision making without the need to refer matters to the Council for a decision, before it can be enacted. It also enables Councillors and staff to readily answer questions raised by electors, the public and stakeholders about the usual business of the Shire.

As new policies are adopted, or existing policies are amended, the Manual is updated, maintaining the Shire's most recent view on how it will conduct business. Obviously, time changes the need for and relevance of policy responses. The Policy Manual framework allows the Council to design, recreate or update policy, without being overly influenced by current hot topics as it develops the best Shire response to matters at a policy level.

The use of policy in Local Government (LG) sits between statute and legislative requirements or the 'must do's and must comply' elements of its business and the operational procedures that provide a guide on the best way to conduct the operations. Therefore, in some ways it can sometimes be an expression of principle, culture and process and not a direct account of what the Council believes must be the order of the day.

Policy sometimes can be misinterpreted as having firm legal status like a statute or local law but this is not the case. More accurately, it is a stated combination of the what/how/where and when that the Council would like to see in its business practice and whilst case law may apply to some of these elements, policy is only a past resolution of the Council. Whilst having the status of a Council resolution, the effect of such can be changed by a new resolution or revision motion.

Policy's true purpose is to provide an outline and guidance of the Council expectation and response so that consistency of decision making can be achieved.

If the interpretation of policy identifies that the matter cannot be accurately understood or addressed, or that the policy takes away from the cultural or principled positions of the Council – then at those times review is required to again clarify what the Council's intent would be in those circumstances.

The Policy Manual therefore is reviewed annually by the Council and tested against live examples and current trends to ensure that the policies are still consistent with Council's current stance and preference.

Chief Executive Officer  
June 2026

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## **A1 CODE OF CONDUCT – ELECTED MEMBERS, COMMITTEE MEMBERS & CANDIDATES**

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### Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates

#### Policy Purpose:

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

### **Division 1 — Preliminary provisions**

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#### **1. Citation**

This is the Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates.

#### **2. Terms used**

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### **Division 2 — General principles**

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#### **3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

#### **4. Personal integrity**

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

#### **5. Relationship with others**

(1) A council member, committee member or candidate should —

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

## **Division 3 — Behaviour**

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### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

### **8. Personal integrity**

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

### **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and

- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

#### **11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

#### **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

#### **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

**14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

**15. Other provisions about complaints**

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

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## Division 4 — Rules of conduct

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Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

**16. Overview of Division**

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

**17. Misuse of local government resources**

- (1) In this clause —
- electoral purpose means 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;
- resources of a local government includes —
- (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**18. Securing personal advantage or disadvantaging others**

- (1) A council member must not make improper use of their office —
- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

**19. Prohibition against involvement in administration**

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

**20. Relationship with local government employees**

- (1) In this clause —  
local government employee means a person —
  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their 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 local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

**21. Disclosure of information**

- (1) In this clause —  
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, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;  
document includes a part of a document;  
non confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent 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.

## **22. Disclosure of interests**

- (1) In this clause —
  - interest —
    - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
    - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council 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) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

## **23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

## **A2 COMMON SEAL – AFFIXING OF**

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### Administration

**PREAMBLE:** Numerous agreements and contracts require the affixing of the Common Seal. This Policy and delegation to the CEO and the Shire President apply the affixing of the Common Seal as and when required.

**OBJECTIVE:** The Policy sets out the conditions that apply to the use of the Common Seal.

**POLICY:** The Shire President and Chief Executive Officer are authorised, when the situation demands, to sign and affix the Common Seal of the Shire of Kulin to documents. Where the contract or agreement is a continuation of an existing arrangement or previous Council resolution, Council's prior resolution is not required. Where a matter has not been before the Council on any previous occasion, Council resolution to affix the Common Seal is required.

All uses of the Common Seal including contracts or agreements of any nature are to be recorded in the Delegations Register and reported monthly to Council in the Compliance - Delegations Exercised Report.

**PROCESS:** Prior to the Common Seal being used for the first time on a contract or agreement, Council is to have resolved to enter into a contract or agreement.

The CEO is charged with the care of the Common Seal and is only to apply the Common Seal to documents at the same time and sitting as the Shire President.

Details of when the Common Seal has been used are to be recorded in the Delegation Register, and the Compliance - Delegations Exercised Report submitted for information monthly to the Council.

**HEAD OF POWER:** *Local Government Act 1995 Section 9.49A*

**DELEGATION:** To the CEO to permit the affixing of the Common Seal when required.

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## A3 CORPORATE PURCHASING CARDS

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### Administration

**PREAMBLE:** Corporate purchasing cards (including credit cards and fuel cards) are being used within Government as a purchasing resource. They can however expose the Shire to significant risk if not properly controlled and managed.

**OBJECTIVE:** To ensure the proper use and control of corporate purchasing cards and to comply with s6.5 (a) *Local Government Act 1995* and regulation 11 (1) (a) of the *Local Government (Financial Management) Regulations*.

**POLICY:** The use of corporate purchasing cards is at the Chief Executive Officer's discretion and shall not be used as a means to supersede the Shire's purchasing system and procedures; use of credit is a complementary function of purchasing. All purchases made on the Shire's corporate purchasing cards shall be for Shire business purposes only.

Corporate purchasing cards shall only be used for purchasing goods or services where expediency and processes do not allow the normal purchasing practices to apply e.g. over the phone purchases, payment for goods where seller requests immediate payment. In the case of purchases where it is still appropriate to issue a Shire order to record details of the purchase this should also be undertaken – indicating that payment has already been made by credit card.

Corporate purchasing cards must not be used for cash advances, including withdrawals of cash from a branch, ATM or merchant.

Corporate purchasing cards will not be used for personal purchases, and if this occasion arises by error, immediate repayment is required.

Corporate purchasing cards will only be issued with the approval of the Chief Executive Officer. Executive Managers and other staff may be authorised as cardholders at the CEO's discretion. All cardholders must sign the Shire's Purchasing Card Agreement, acknowledging their understanding and acceptance of the terms of use. The agreement must also be signed by the Chief Executive Officer.

Corporate purchasing cards may only be used for the purchase of food and beverages where the expenditure is directly related to official Shire business, such as staff meetings, official functions, travel, or approved community engagement activities, and must be supported by appropriate documentation and prior approval where required.

A "non-reward" business credit card shall be the preferred option offered by the Shire's banker, and if rewards are offered, all rewards remain the property of the Shire.

Cardholders are responsible for the physical and information security of the card in their possession and in the case of a lost, damaged or where fraudulent transaction appear as a transaction, the cardholder shall notify the Bank and the Executive Manager of Financial Services immediately. The card will be immediately cancelled and a new one issued as soon as practicable.

In the event that a cardholder resigns, takes extended leave, or transfers to a role where a corporate purchasing card is no longer required, the cardholder must notify the Executive Manager of Finance at least two (2) weeks prior to their departure or change in role. This allows sufficient time for cancellation of the card and reconciliation of all outstanding transactions and receipts.

All expenditure on corporate credit cards shall comply with delegation limits for Shire officers and GST Invoices and receipts of transactions shall be obtained by the card holder for monthly acquittal.

**PROCESS:** Upon receipt of monthly corporate purchasing card statements, the cardholder will acquit all expenditure made by producing all receipts. It is the responsibility of the cardholder to obtain documentation to acquit the corporate purchasing card transactions.

A register of card purchases shall be maintained by the cardholder and submitted with monthly receipts.

As part of the monthly accounts for payment processes, the Executive Manager of Financial Services will present the Purchasing Card Statements detailing acquittal transactions and balances to the Council as part of the monthly meeting Agenda.

Non-compliance with the intent, principles and acquittal of this policy will result in withdrawal of the purchasing card and, at the discretion of the Chief Executive Officer, disciplinary action.

**HEAD OF POWER:** *Local Government Act 1995, Section 2.7(2) (a) & (b) and Section 6.5(a). Local Government (Financial Management) Regulations 11(1) (a).*

## **A4 DISABILITY ACCESS AND INCLUSION**

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### **Administration**

**PREAMBLE:** The Shire of Kulin is committed to ensuring that the community is accessible for and inclusive of people with disability, their families and carers. Having an adopted Disability Access and Inclusion Plan (DAIP) of action forms part of this commitment.

**OBJECTIVE:** The Shire of Kulin interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities as other people in the community.

**POLICY:** The Shire of Kulin:

- recognises that people with disability are valued members of the community who make a variety of contributions to local, social, economic and cultural life;
- believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life;
- believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice;
- is committed to consulting with people with disability, their families and carers and where required, disability organisations to ensure that barriers to access are addressed appropriately;
- will ensure its agents and contractors work towards the desired outcomes in the DAIP;
- is committed to supporting local community groups and businesses to provide access and inclusion of people with disability.

**PROCESS:** The Shire of Kulin is also committed to achieving the seven desired outcomes of its DAIP. These are:

1. People with disability have the same opportunities as other people to access the services of, and any event by a public authority;
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority;
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it;
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority;
5. People with disability have the same opportunities as other people to make complaints to a public authority;
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority;
7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The CEO is authorised to review the DAIP and implement those actions that support the principles outlined and accommodate annual actions in the Budget and operational strategies of the Shire.

**HEAD OF POWER:** *Local Government Act 1995*; Disability Services Act 1993 and Shire of Kulin Disability Access and Inclusion Plan (DAIP) 2025 – 2030.

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## **A5 EQUAL OPPORTUNITY and HARASSMENT**

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### **Administration**

**PREAMBLE:** *The WA Equal Opportunity Act 1984* requires all local government authorities to prepare and implement an Equal Opportunity Management Plan in order to achieve the objects of the Equal Opportunity Act.

**OBJECTIVE:** To set out procedures through which the Shire of Kulin achieves compliance with Equal Opportunity legislation.

**PRACTICE:** The Shire of Kulin recognises its legal obligations under the Equal Opportunity Act 1984, and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of race, sex, age, marital status, pregnancy, impairment or disability, mental health status, religious or political convictions, family responsibilities and family status or gender history and sexual orientation.

The Shire of Kulin will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, age, language, ethnicity, political or religious convictions, sex, marital status, impairment or other unwarranted comment.

The Shire will constantly review policies, practices and guidelines to ensure that administrative behaviour does not result in the discrimination or harassment of its employees. Shire Plans will be assessed to ensure that strategic and operational outcomes do not limit the Shire's ability to remain committed to EEO ideals.

Shire staff have the established grievance procedure processes from which to lodge an EEO or harassment complaint and Shire stakeholders are able to lodge complaint under complaint handling processes.

**PROCESS:** The Shire will promote change and application by;

- All employment training will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements of such training.
- All promotional policies and opportunities will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability to meet the minimum requirements for such promotion.
- All offers of employment will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements of engagement.

### **HEAD OF POWER:**

- *Local Government Act 1995*
- *The WA Equal Opportunity Act 1984*
- *The Racial Discrimination Act (Cth) 1976*
- *The Sex Discrimination Act (Cth) 1984*
- *The Human Rights and Equal Opportunity Commission Act (Cth) 1987*
- *The Disability Discrimination Act (Cth) 1992*

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## **A6 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT**

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### **Administration**

**PREAMBLE:** This policy is designed to protect the interests of Council, members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

**OBJECTIVE:** To provide security, that in the event of legal proceedings or claims being taken against a Council member or staff member in the legal conduct of their duty, Council will financially support their response to the claims and or proceedings.

### **POLICY: General Principles**

The Chief Executive Officer is authorised to obtain from Solicitors such legal advice and opinions as deemed necessary to enable the proper legal administration of Council's business. The CEO is delegated under the *Local Government Act 1995*, section 5.42 the authority to engage solicitors following consultation with the Shire President an authorisation to the value of \$5000 for legal advice in relation to the proper legal administration of the Shire.

The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly or against the interests of the local government and/or in bad faith.

The local government may provide such assistance in the following types of legal proceedings:

1. Proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
2. Proceedings brought against members or employees, this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
3. Statutory or other inquiries where representation of members or employees is justified.

The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

### **Repayment of Assistance**

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the local government.

Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The local government may take action to recover any such moneys in a court of competent jurisdiction.

**PROCESS:**

**Applications for Financial Assistance**

Decisions as to financial assistance under this policy are to be made by the Council.

A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.

Applications for financial support to the Council are to be accompanied by an assessment of the request along with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).

A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.

Where there is a need for the provision of urgent legal services before an application for financial assistance can be considered by Council, the CEO is delegated under the *Local Government Act 1995*, section 5.42 the authority to engage solicitors following consultation with the Shire President (and in the case of the Shire President seeking the financial support – the Deputy Shire President) an authorisation to the value of \$5000.

Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

**HEAD OF POWER:** Shire of Kulin - *Local Government Act 1995* Financial Provisions,

**DELEGATION:** To the CEO under LGA Section 5.42, authorisation (with conditions) to seek legal advice in connection with the proper legal administration of the Shire and to support urgent responses to claims for financial assistance to members and staff, advice to the value of \$5000, without reference to Council.

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## **A7 OCCUPATIONAL SAFETY & HEALTH POLICY**

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### **Administration**

**PREAMBLE:** The Shire of Kulin Occupational Safety and Health Manual provides the physical collection of processes, practice and procedures relating to health and safety at the Shire. As a governance commitment, the Council's adopted Shire Safety & Health Policy Statement details its obligation and duties towards Shire employees from the highest level in the organisation.

**OBJECTIVE:** To detail the Shire of Kulin Occupational Safety and Health Policy commitment and performance.

**POLICY:** The following statement forms the Shire of Kulin policy.

### **SAFETY AND HEALTH POLICY STATEMENT**

*The Shire of Kulin acknowledges its moral and legal responsibility to provide and maintain a work environment in which employees, contractors, customers and visitors are not exposed to hazards. This commitment extends to ensuring that the organisation's operations do not place the local community and visitors at risk of injury, illness or property damage.*

#### ***The Shire of Kulin will:***

- *Provide and maintain safe workplaces, safe plant and safe systems of work;*
- *Provide written procedures and instructions to ensure safe systems of work;*
- *Provide information, instruction, training and supervision to employees, contractors and customers to ensure that they are not exposed to hazards;*
- *Ensure compliance with legislative requirements and current industry standards;*
  
- *Provide support and assistance to employees.*

*All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews.*

*Management responsibilities include the following:*

- *The provision and maintenance of the workplace in a safe condition.*
- *Involvement in the development, promotion and implementation of safety and health policies and procedures with regular reviews of these.*
- *Training employees in the safe performance of assigned tasks.*
- *The provision of resources to meet the safety and health commitment.*

#### ***Employees are to:***

- *Follow all safety and health policies and procedures and acknowledge their duty of care to themselves, their co-workers and the general public.*
- *Ensure Shire procedures for accident and incident reporting are followed, reporting potential and actual hazards/accidents/incidents to your supervisor and elected safety and health representatives.*

*This policy is applicable to contractors and employees in all its operations and functions including those situations where employees are required to work off site.*

**PROCESS:** The Shire of Kulin Occupational Safety and Health Manual provides information on processes, reporting requirements, inspection schedules and review mechanisms.

The Occupational Safety & Health Manual is provided to all employees of the Shire and as a working document will receive formal review every two years as a minimum.

Specific sections of the Manual shall be updated and reviewed as required.

The processes allow for immediate amendment of the Manual if identified shortcomings require such, or as the 2-yearly review of the Occupational Safety & Health Manual takes place, under the authorisation of the CEO.

**HEAD OF POWER:** *Local Government Act 1995, Occupational Health and Safety Act 1984*

## **A8 PRIMARY DOCUMENTS**

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### **Administration**

**PREAMBLE:** To detail the primary source documents of the Administrative Guidelines and Operational Practices used by the Shire in the conduct of its business.

**OBJECTIVE:** To provide accurate reference to the documents and their updates, changes and reviews, presented in a concise accurate listing of the operationally preferred processes of the Shire. To have Council support and awareness for the majority of processes used by staff.

**PRACTICE:** The Primary Documents are to be regarded as the operational rules, administrative procedure, staff instructions, guidelines and reference material that apply to the conduct of Shire business. Whilst not backed with the direct authority of adoption as would Shire policy, the Primary Documents do have the standing of authority of the Council, having passed a resolution accepting the documents as working materials.

The Primary Documents impose procedural and administrative intent and requirements on the Shire staff, Shire residents, contractors and stakeholders alike, and may also contain reference to other legal obligations, applicable statutes, Shire policy, adopted Codes, Circulars and case law decisions.

The Primary Documents for the Shire of Kulin are;

- Shire of Kulin Administrative Procedures and Operational Guidelines (APOG) Manual
- Shire of Kulin Employee Induction

It is not the intention that the Primary Documents policy captures all operational and support documentation that applies to the business of the Shire as many additional documents are generated under other statutes. E.g. Town Planning Scheme No 2, Shire of Kulin Health Local Law.

Nothing in this policy prevents the Primary Documents from being amended, updated, altered, added to or changed as requirements of law may in fact require such. Any change must be consistent with the intent of producing sufficient documentation to allow staff to legally perform their duties and for the Council to express their desired operational approach.

Changes proposed that deliver consequences that vary from the general thrust of the Primary Documents, require reference to Council for approval.

**PROCESS:** The Shire of Kulin will table the Primary Documents every two years in June for the Council to adopt. The noted delegations and the detailed authorities would then be confirmed via the adoption by Council resolution of the Delegation Register.

**NOTE:** The CEO will maintain a listing of all Primary and Secondary Documents that impact on the operations of the Shire and table this at Policy Review.

**HEAD OF POWER:** *Local Government Act 1995*

## **POLICY MANUAL PRIMARY AND SECONDARY DOCUMENTS LISTING**

### **PRIMARY DOCUMENTS - SHIRE OF KULIN**

Shire of Kulin Policy Manual 2017 - adopted 14<sup>th</sup> June 2017, reviewed May 2023

Shire of Kulin Administrative Procedures & Operational Guidelines (APOG) Manual 14<sup>th</sup> June 2017, reviewed May 2023

Shire of Kulin Community Strategic Plan 2017 ed. Review February 2022

Shire of Kulin Corporate Business Plan 2017 ed. Review February 2022

Shire of Kulin Employee Induction Checklist created February 2024

### **SECONDARY DOCUMENTS – SHIRE OF KULIN**

Shire of Kulin Workforce Plan.

Shire of Kulin Asset Management Plan

Shire of Kulin Long Term Financial Plan.

Shire of Kulin Contracts and Legal Documents Register

Shire of Kulin Complaints Register

Shire of Kulin Corporate Style Guide

Shire of Kulin Customer Service Charter

Shire of Kulin Delegation Register

Shire of Kulin Disability Access and Inclusion Plan (DAIP)

Shire of Kulin Equal Employment Opportunity Plan

Shire of Kulin Freedom of Information Statement

Shire of Kulin Gifts Register

Shire of Kulin Induction and Training Procedure ed

Shire of Kulin Management Orders (Landholdings) & Vesting Orders Register

Shire of Kulin Pecuniary Interest Register

Shire of Kulin Recordkeeping Management Plan

Shire of Kulin Safe Work Method Statements (as listed) 108, 109, 110.

Shire of Kulin Town Planning Scheme No 2

Shire of Kulin Classification Guide

Kulin Child Care Management Committee Policies & Procedures

Freebairn Recreation Centre Club Policy Manual & Constitution

Kulin Community Resource Centre Australia Day Event Procedure

OPSSC Public Interest Disclosure Act 2003 Guidelines

## **A9 PUBLIC INTEREST DISCLOSURE**

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### **Administration**

**PREAMBLE:** The Shire of Kulin is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. To support Staff who make Public Interest Disclosures the Shire has both Policy and Practice adopted to encompass its commitment to the Act.

### **OBJECTIVE:**

The object of the Act is to:

- facilitate the disclosure of public interest information;
- provide protection for those who make disclosures; and
- provide protection for those who are the subject of a disclosure.

This is achieved by:

- protecting the person making the disclosure from legal or other action;
- providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure.

### **POLICY:**

The Shire of Kulin does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Kulin and its officers, employees and contractors.

It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.

The Shire of Kulin will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire of Kulin does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The Shire has adopted internal procedures to provide for the manner in which the Shire of Kulin will comply with its obligations under the Public Interest Disclosure Act 2003. They provide for the manner in which:

- disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer should be a senior officer within the Shire of Kulin).
- the PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- the PID Officer may take action following the completion of the investigation.
- the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence.
- the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.
- records as to public interest disclosures shall be maintained and reporting obligations complied with.
- providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

The rights and obligations created by the PID Act are described in the Shire of Kulin Public Interest Disclosure Procedures document detailed in the Primary Document policy.

**Note: PID Act procedure manual can be found in the Primary and Secondary Documents listing.**

**HEAD OF POWER:** *Local Government Act 1995*

## **A10 REGIONAL PRICE PREFERENCE POLICY**

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### **Administration**

**PREAMBLE:** To provide for a price preference framework for the purchase of goods and services from local Shire of Kulin suppliers.

**OBJECTIVE:** The policy aims to deliver a higher than average take-up of local supply, by detailing the extent of consideration the local suppliers will receive as opposed to non-local supply.

In terms of definition; local versus non-local can be determined from the originating source of the goods or service, as opposed to the Shire of Kulin based supplier of such goods and service.

### **PRACTICE:**

#### **General Purchasing (other than Tenders)**

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the goods or services required that are located within the Shire of Kulin.

#### **Tenders – Regional Price Preference**

That a Regional Price Preference will be provided to businesses operating within the boundary of the Shire of Kulin for all goods and services in accordance with Regulation 24D of the Local Government (Function and General) Regulations 1996.

- Up to 10%-where the contract is for goods and services, up to a maximum reduction of \$50,000 on total cost.
- Up to 5%-where the contract is for construction (building) services, up to a maximum price reduction of \$50,000, or
- Up to 10% where the contract is for goods or services (including construction services), up to a maximum price reduction of \$500,000 if the Local Government is seeking tenders for the first time, due to goods or services previously being undertaken by the Shire of Kulin.

A copy of this policy must be supplied with each tender document.

The Regional Price Preference Policy will apply to all tenders unless otherwise resolved by Council and information that outlines the power of the Council to make that decision is to be included in the Tender advertising and specifications. (i.e. the lowest or any Tender not necessarily accepted)

### **Other**

When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Kulin and the product quality is comparable.

5% for any purchase up to \$3,000

2% for any purchase between \$3,001 and \$49,999

**HEAD OF POWER:** *Local Government Act 1995, Regulation 24D of the Local Government (Function and General) Regulations 1996.*

**Note:** Regional Price Preference Policy was advertised in the Narrogin Observer in July 2017 accordance with the requirements of the *Local Government Act 1995* and formally adopted by resolution 12/0917.

## A11 PROCUREMENT PURCHASING AND TENDERS

*Policy originally A21 in APOG Manual*

### Administration

**PREAMBLE:** The Shire of Kulin is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This practice statement provides the Shire of Kulin with a more effective way of purchasing goods and services, ensures that purchasing transactions are carried out in a fair and equitable manner and strengthens integrity and confidence in the purchasing system.

The practice should deliver value for money, compliance, heightened governance, environmental impact analysis and when followed offer a degree of risk minimisation via sound probity principles.

**OBJECTIVE:** Firstly, to provide compliance with the *Local Government Act 1995 and the Local Government Act (Functions and General) Regulations, 1996* (as amended in March 2007) and to deliver a best practice approach and procedures to internal purchasing for the Shire of Kulin.

### PRACTICE: ETHICS & INTEGRITY

All officers and employees of the Shire of Kulin shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Kulin.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Kulin Regional Price Preference Policy and the Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Kulin by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

**Value for money is an overarching principle** governing purchasing that allows the best possible outcome to be achieved for the Shire of Kulin. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

## **SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Kulin is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Kulin sustainability objectives.

Practically, sustainable procurement means the Shire of Kulin shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary;
- demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- demonstrate environmental best practice in water efficiency;
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;

For new buildings and refurbishments – where available use renewable energy and technologies.

## **PROCESS:**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

| Amount of Purchase   | Model Policy                                                                                                                                                               |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Up to \$5,000        | Direct purchase from suppliers not requiring any quotations, although one verbal quote could be obtained in most instances.                                                |
| \$5,001 - \$19,999   | At least one written quote is required.                                                                                                                                    |
| \$20,000 - \$49,999  | Obtain at least two written quotations but where suppliers/contractors are available a minimum of three is required.                                                       |
| \$50,000 - \$249,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$250,000 and above  | Conduct a public tender process.                                                                                                                                           |

\* Note: For purchase of specific plant and machinery parts up to value of \$5,000 refer to “Sole Source of Supply” criteria.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

## **Up to \$5,000**

Goods and services valued at up to \$5,000 do not require the conduct of a competitive process, although one verbal quote could be obtained in most instances, and the purchase must represent value for money.

However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains a sample form for recording verbal quotations.

### **\$5,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$19,999. At least one written quote is required.

The general principles for obtaining the quotation are:

- ensure that the requirement / specification is clearly understood by the Shire of Kulin employee seeking the quotations;
- ensure that the requirement / specification is clearly, accurately and consistently communicated in writing to each of the suppliers being invited to quote;
- where only one written quote is obtained both an Executive Manager and the CEO must sign the purchase order.

Record keeping requirements must be maintained in accordance with record keeping policies.

### **\$20,000 to \$49,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$49,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase). Where sufficient suppliers or contractors are unavailable the requirement shall be two written quotations.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are;

- an appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;
- the request for written quotation should include as a minimum:
  - Written Specification/Scope of Work;
  - Selection Criteria to be applied;
  - Price Schedule;
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

*Note: The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.*

## **\$50,000 to \$249,999+**

For the procurement of goods or services where the value exceeds \$50,000 but is less than \$249,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

NOTES: The general principles relating to written quotations are;

- an appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;
- the request for written quotation should include as a minimum:
  - Written Specification/Scope of Work;
  - Selection Criteria to be applied;
  - Price Schedule;
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

Note: *The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.*

### **Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- an emergency situation as defined by the *Local Government Act 1995*;
- the purchase from a prequalified panel of suppliers, a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- the purchase is under auction which has been authorised by Council;
- the contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### **Anti-Avoidance**

The Shire of Kulin shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000 thereby avoiding the need to publicly tender.

### **Tender Criteria**

The Shire of Kulin shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

### **Advertising Tenders**

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;

Detailed information shall include;

- such information as the Shire of Kulin decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Shire of Kulin has decided to submit a tender; and
- whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

### **Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Kulin not to compromise its duty to be fair.

### **Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

### **Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Kulin. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Kulin Officers present at the opening of tenders.

### **No Tenders Received**

Where the Shire of Kulin has invited tenders, however no compliant submissions have been received; direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$50,000 & \$250,000 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

### **Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Kulin by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

### **Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Kulin may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

### **Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Kulin and tenderer have entered into a Contract, a minor variation may be made by the Shire of Kulin

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

### **Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- the name of the successful tenderer
- the total value of consideration of the winning offer
- the details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

### **Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- tender documentation;
- internal documentation;
- evaluation documentation;
- enquiry and response documentation;
- notification and award documentation.

For a direct purchasing process this includes:

- quotation documentation;
- internal documentation;
- order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Kulin internal records management policy.

### **HEAD OF POWER:**

*Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).*

|                                                                                                                                               |                                     |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------|
| SHIRE OF Shire of Kulin                                                                                                                       |                                     |               |
| VERBAL & WRITTEN QUOTATION FORM (\$5,000 - \$19,999)                                                                                          |                                     |               |
|                                                                                                                                               |                                     |               |
| <b>Action REQUIRED</b>                                                                                                                        |                                     |               |
| Procurement Description<br>Description of purchase/service _____                                                                              |                                     |               |
| Project Number (If applicable): _____                                                                                                         |                                     |               |
| Quotation and Evaluation<br>Selection Criteria (Note – at this level, it may be sufficient to just quote ‘value for money’)<br>_____<br>_____ |                                     |               |
| The following suppliers were asked to quote as per Shire policy                                                                               |                                     |               |
| Date                                                                                                                                          | Company/Contact Name/Contact Number | Amount Quoted |
|                                                                                                                                               |                                     | \$            |
|                                                                                                                                               |                                     | \$            |
|                                                                                                                                               |                                     | \$            |
|                                                                                                                                               |                                     | \$            |
| The recommended quote is _____ For an amount of \$ _____                                                                                      |                                     |               |
| Justification: _____                                                                                                                          |                                     |               |
|                                                                                                                                               |                                     |               |
| Signed _____ Date     /     /                                                                                                                 |                                     |               |
| Name / Title Contract Officer / s                                                                                                             |                                     |               |
| Contract Award                                                                                                                                |                                     |               |
| Purchase Order Issued. (Goods/minor services only) or     Purchase Order Number: _____                                                        |                                     |               |
| Letter of Appointment (Services) Acknowledged by Contractor &     Yes <input type="checkbox"/>                                                |                                     |               |
| filed) or                                                                                                                                     |                                     |               |
| Letter of Engagement (Consultancy) (Acknowledged by     Yes <input type="checkbox"/>                                                          |                                     |               |
| Consultant & filed).                                                                                                                          |                                     |               |
| Is the Contractor a small business? (i.e. employs less than 20 people) Yes/No                                                                 |                                     |               |
| Other                                                                                                                                         |                                     |               |
| Signed _____ Date     /     /                                                                                                                 |                                     |               |
| Approving Officer                                                                                                                             |                                     |               |

## **A12 TEMPORARY EMPLOYMENT OR APPOINTMENT OF AN ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER**

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### **Administration**

**PREAMBLE:** The Chief Executive Officer is responsible for the management of the local government's administration. During any period of absence, arrangements are required to ensure continuity of operations and the lawful exercise of the Chief Executive Officer's functions.

**OBJECTIVE:** To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* that details the Shire of Kulin's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

### **PRACTICE:**

#### Definitions

**Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

**Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

#### Appointment of Acting CEO – Leave Periods up to Six Weeks

For periods of planned or unplanned leave not exceeding six weeks, the Chief Executive Officer may appoint an Acting CEO from among the Executive Management Team of the organisation.

In determining the appointment, consideration may be given to:

- operational requirements;
- employee capability and experience;
- availability; and
- where appropriate, equitable access to professional development opportunities.

The Chief Executive Officer is to advise Council Members of the appointment and the period of appointment as soon as practicable.

#### Appointment of Acting CEO – Leave Periods Greater than Six Weeks

For periods of planned or unplanned leave exceeding six weeks and less than twelve months, Council will appoint an Acting CEO by resolution.

Council may:

- appoint an internal employee as Acting CEO; or
- undertake an external recruitment process in accordance with the principles of merit and equity under the *Local Government Act 1995*.

The Shire President, in consultation with the Chief Executive Officer or relevant Executive Manager, will coordinate the preparation of the necessary Council reports and appointment documentation.

#### Appointment of Temporary CEO – Vacancy in the Position

Where a vacancy exists in the substantive position of Chief Executive Officer, Council may appoint a Temporary CEO by resolution pending recruitment and commencement of a permanent Chief Executive Officer.

Council may:

- appoint an internal employee as Temporary CEO;
- appoint an interim Temporary CEO while a recruitment process is undertaken; or
- undertake an external recruitment process in accordance with the principles of merit and equity under the *Local Government Act 1995*.

### Remuneration and Conditions

Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% of the cash component only of the substantive CEO's total reward package.

Council retains the right to amend or terminate any Acting or Temporary CEO appointment by resolution, subject to contractual and legislative requirements.

### **PROCESS:**

- The appointment of the Acting Chief Executive Officer is to be made in writing.
- The Acting Chief Executive Officer is to exercise the powers and perform the functions of the Chief Executive Officer for the duration of the appointment.
- Relevant staff and Council are to be notified of the appointment.

**DELEGATION:** The Chief Executive Officer is authorised to appoint a suitably qualified officer to act in the position of Chief Executive Officer during a period of absence of up to six weeks. Where practicable, the Chief Executive Officer will consult with the Shire President and advise Council of the appointment.

**HEAD OF POWER:** *Local Government Act 1995 5.39C*

## **A13 ELECTED MEMBERS RECORDS – CAPTURE AND MANAGEMENT**

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**PREAMBLE:** State Records Office policy imposes the obligation on elected members and the Shire of Kulin under the State Records Act in relation to the recordkeeping requirements of local government elected members.

**OBJECTIVE:** To assist elected members to manage the official records created or received in the course of their role as an elected member with the Shire of Kulin. It aims to assist them to meet obligations with regard to the capture and management of records.

**PRACTICE:** Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO for storage.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:-

*“communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of business”*

In effect, any form of record which may affect the accountability or contribute to a decision or action made as an elected member must be retained. These records may be:-

- Physical – letter, handwritten note, photo, complaint
- Electronic – email, document sent as an attachment, digital photo
- Audio – message left on phone

The records are not only those received but those created:-

- a note of a conversation where someone asked you to pursue a matter
- a letter written in your capacity as elected member
- an email sent in your capacity as an elected member

The Shire of Kulin to enable the facilitation of this will:-

- Provide a collection point readily accessible to each elected member to deposit the required materials
- Materials collected will be separated according to elected member and financial year
- For electronic records (emails, digital photos etc) a storage device suitable for backup of all electronic records will be provided annually
- Where a copy of the record is to be retained by the elected member, photocopying or other duplication will be provided without charge.

Access to the records created may be required, and is to be facilitated by the CEO:-

- As permitted under various legislation
- By order of an authorised body such as the Standards Panel
- By a representative of an authorised body

**HEAD OF POWER:** *Local Government Act 1995* State Records Office Policy

## **A14 TEMPORARY ACCOMMODATION**

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### **Administration**

**PREAMBLE:** This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park or camping ground.

**OBJECTIVE:** A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without Shire approval. A person staying in temporary accommodation on a property for more than 5 nights per 28 days consecutive period requires Shire approval.

The Shire can approve one temporary accommodation application for up to 24 months per allotment. An applicant may reapply after 24 months to renew their application.

The Shire may consider an additional temporary accommodation application on the same lot, but the maximum term for any additional application is 3 months. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

If an applicant is seeking to camp on a State or Federal reserve, approval must be obtained from the relevant authority who manages that land.

### **PRACTICE/PROCESSES:**

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form (available from the Shire) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- ▪ Residential
- ▪ Rural Townsite
- ▪ Rural
- ▪ General Industry
- ▪ Commercial

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power
- potable water
- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receipt of an application and fee, the Environmental Health Officer will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period by an authorised officer.

Approval can be for a maximum period for 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

**DELEGATION:** Nil

**HEAD OF POWER:**

*Local Government Act 1995*

*Caravan and Camping Ground Act 1995*

*Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)*

*Health (Miscellaneous Provisions) Act 1911*

Building Code of Australia / National Construction Code

Shire of Kulin Local Planning Scheme No 2

## **A15 COUNCILLOR FEES, ALLOWANCES AND REIMBURSEMENT OF EXPENSES**

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### **OBJECTIVE**

To clearly outline the fees, allowances and entitlements available to Councillors to support them in effectively fulfilling their role as an Elected Member.

### **PREAMBLE**

The Shire of Kulin will provide meeting attendance fees, allowances and reimbursement of expenses to Elected Members in accordance with the *Local Government Act 1995*, associated Regulations, and determinations of the Salaries and Allowances Tribunal (SAT).

Elected Members receive a monthly sitting fee in recognition of their role and responsibilities, including attendance at Council and committee meetings, participation in portfolio responsibilities, and involvement in Shire-related activities.

Where an Elected Member is formally appointed by Council to represent the Shire as a delegate at external meetings, the Elected Member may be entitled to claim an additional meeting attendance fee in accordance with SAT determinations.

All fees and payments made under this policy will be within the limits prescribed by the Salaries and Allowances Tribunal.

### **PRACTICE/PROCESS**

#### **Sitting Fees**

Elected Members will receive a monthly sitting fee, set at approximately the 95th percentile of the range prescribed by the Salaries and Allowances Tribunal for a Band 4 local government.

The sitting fee is paid six monthly in arrears and recognises attendance at Council and committee meetings, participation in portfolio responsibilities, and involvement in Shire-related activities.

#### **External Delegate Meetings**

Where an Elected Member is formally appointed by Council as a delegate to represent the Shire at an external meeting, the Elected Member may be entitled to claim a meeting attendance fee.

External delegate meetings include, but are not limited to:

- WALGA Zone meetings;
- Regional Road Group meetings;
- regional local government meetings (RoeROC);
- Ministerial meetings; and
- other meetings where the Elected Member is representing the Shire as an appointed delegate.

Meeting attendance fees for external delegate meetings will be set the 95th percentile of the permitted range specified by the SAT for a Band 4 local government.

#### **Annual Allowance – President and Deputy President**

The Shire President will receive an annual local government allowance in addition to any meeting attendance fees and reimbursement of expenses.

The annual allowance for the Shire President will be set at 40% of the maximum annual allowance prescribed by the Salaries and Allowances Tribunal for a President of a Band 4 local government, rounded to the nearest dollar.

The Deputy Shire President will receive an annual allowance equal to 25% of the annual allowance paid to the Shire President, rounded to the nearest dollar.

### **Information and Communication Technology (ICT) Allowance**

The Information and Communication Technology (ICT) allowance is determined each year by Council and adopted as part of the annual Budget, and is within the range determined by the Salaries and Allowances Tribunal.

The ICT allowance covers:

- telecommunication expenses;
- ICT hardware (e.g. laptop or tablet)
- consumable supplies;
- non-standard software or hardware; and
- provision of an internet connection and data plan.

### **Travel**

Elected members who incur travel costs while using their privately owned vehicle are entitled to be reimbursed for travel expenses incurred because of the member's attendance at a Council meeting, or a meeting of a committee of which they are a member.

Elected members attending meetings or representing the Shire at meetings or events outside of the Shire of Kulin are encouraged to use a Shire vehicle.

Travel by private vehicle will be reimbursed at the rate prescribed in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021, as referenced in the Salaries and Allowances Tribunal Determination.

### **Meals and Accommodation**

Elected Members attending meetings, training or conferences outside the Shire may be provided with reasonable accommodation and meals where required.

Accommodation and registrations must be pre-approved by the Chief Executive Officer and booked through the Executive Support Officer.

### **Childcare Costs**

Elected Members who incur childcare costs as a direct result of attending Council or committee meetings are entitled to reimbursement of the actual cost per hour or the maximum amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

Childcare costs will not be reimbursed where care is provided by an immediate family member or a person residing at the same premises.

### **Non-Councillor Representation**

Where a non-elected representative is appointed by Council to represent the Shire on an external body or committee, Council may determine an appropriate reimbursement or payment, separate to councillor entitlements, having regard to the nature of the role and associated responsibilities.

The Salaries and Allowances Tribunal framework applies to elected members only; however, Council may separately determine appropriate reimbursement or payment arrangements for non-councillor representatives appointed to act on behalf of the Shire.

### **Independent Audit, Risk and Improvement Committee Members**

#### **Meeting Attendance Fee**

Council will pay a meeting attendance fee to a person appointed as the Independent Presiding Member or Independent Deputy Presiding Member of the Audit, Risk and Improvement Committee.

The meeting attendance fee will be determined by Council through the annual budget and set within the range prescribed by the Salaries and Allowances Tribunal for Independent Audit, Risk and Improvement Committee members.

In determining the fee, Council will have regard to the skills, experience and responsibilities required of the role.

### **Reimbursement of Expenses**

Council will reimburse reasonable expenses incurred by the Independent Presiding Member or Independent Deputy Presiding Member as a direct result of attending committee meetings, including:

- travel costs; and
- childcare costs,

in accordance with the Salaries and Allowances Tribunal determination and relevant legislation.

### **Head of Power**

#### *Local Government Act 1995*

- Section 5.98 – Fees, expenses and allowances for council members
- Section 5.99 – Annual fees in lieu of meeting attendance fees
- Section 5.99A – Allowances in lieu of reimbursement of expenses
- Section 5.100 – Fees for committee members (including non-councillor members)

#### *Local Government (Administration) Regulations 1996*

- Regulation 30 – Prescribed meetings (including WALGA Zone and Regional Road Group meetings)
- Regulation 31 – Expenses to be reimbursed (including childcare and travel)
- Regulation 32 – Additional expenses approved by local government

#### *Local Government (Council Member Fees, Allowances and Expenses) Regulations 2005*

#### *Salaries and Allowances Act 1975*

#### *Local Government Determination 2026*

- Part 6 – Meeting attendance fees (Council, committee and prescribed meetings)
- Part 7 – Annual allowances (President and Deputy President)
- Part 8 – Expenses to be reimbursed (including childcare and travel)

#### *Local Government Officers' (Western Australia) Award 2021*

- Motor vehicle allowance (cents per kilometre rate)

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# **G1 PRIVACY AND RESPONSIBLE INFORMATION SHARING POLICY**

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## **Governance**

### **Introduction and Legislative Context**

#### **1.1 Purpose**

The Shire is committed to ensuring all reasonable steps are taken so that the collection, use, disclosure and handling of all Personal Information by the Shire aligns with the relevant Australian Privacy Principles and the obligations and requirements of the legislation regarding the PRIS Act.

The purpose of this policy is to provide guidelines for the responsible management of Personal Information and data as required by the *Privacy and Responsible Information Sharing Act 2024* (WA) ("PRIS Act") and the Australian Privacy Principles by the Shire of Kulin ("the Shire").

The policy summarises how the Shire:

1. Collects, manages and stores Personal Information in accordance with the requirements of the PRIS Act;
2. Responds to and prevents breaches of the PRIS Act;
3. Provides individuals with information on how their Personal Information is handled and how they can access, update or request correction of their Personal Information;
4. Supports responsible sharing of Personal Information.

#### **1.2 Information Privacy Principles**

The PRIS Act includes 11 Information Privacy Principles ("IPP's") that guide how an IPP entity (which includes the Shire) must handle Personal Information.

A summary of the IPP's is set out below:

##### **1. Collection of Personal Information**

Must be fair, lawful and necessary for the Shire's work.

##### **2. Source of Personal Information**

To be collected directly from the individual unless impractical.

##### **3. Notification of Collection**

An individual must be informed what is being collected and the purpose and receive an explanation of their rights.

##### **4. Use and Disclosure**

Personal Information must only be used or shared for the purpose for which it was collected (unless an exception applies).

##### **5. Data Quality**

Reasonable steps must be taken to keep the Personal Information accurate, complete and current.

##### **6. Data Security**

Personal Information must be protected from misuse, loss or unauthorised access.

##### **7. Access to Personal Information**

Individuals have the right to see their Personal Information (with some exceptions).

##### **8. Correction of Personal Information**

Individuals have the right to request corrections to ensure their Personal Information is accurate.

##### **9. Identifiers**

Limits apply to using government-issued identifiers (e.g. Medicare numbers).

## 10. Anonymity and Pseudonymity

Individuals have the right to stay anonymous or use a pseudonym where possible and legal.

## 11. Cross-border Disclosure

Personal Information must not be sent outside Australia unless proper protections are in place.

## 2. Extent of Policy

This policy applies to Personal Information collected, stored and managed by the Shire and extends to all employees, elected members of Council, volunteers and third parties contracted by the Shire who have access to and/or are responsible for handling of the Personal Information on behalf of the Shire.

## 3. Defined Terms

The table below has been developed to assist in explaining and summarising some key terms used in this policy. *(It is not necessarily a verbatim restatement of the law and reference to the relevant section of the PRIS Act or other relevant legislation should be observed for full definitions).*

| Term                        | Definition or Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Section of PRIS Act                    |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>PRIS Act</b>             | <i>Privacy and Responsible Information Sharing Act 2024 (WA) and Privacy and Responsible Information Sharing Bill 2024 (as relevant)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                        |
| <b>Personal Information</b> | <p>A summary of the meaning of Personal and Sensitive information about an identified individual appears below.</p> <p><b>The full definition appears in PRIS Act.</b></p> <p><b>Personal Information</b> means information or an opinion about an identified individual, regardless of its truth or format.</p> <p><b>Personal Information</b> includes but is not limited to names, address, telephone numbers, email addresses, date of birth and rates records.</p> <p><b>Sensitive Information</b> is a subset of Personal Information. It includes details about an individual's racial or ethnic origin, political opinions or associates, religious or philosophical beliefs, membership or associations in trade unions, sexual orientation or practices, criminal record, health or genetic information and some examples of health, generic or biometric information (e.g. biometric templates or data used for verification).</p> | Section 4                              |
| <b>IPP Entity</b>           | A public sector body and certain contracted service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Section 6(1)(d) of the <i>PRIS Act</i> |

|                                      |                                                                                                                                                                                                                                              |                                                                                 |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|                                      | providers who must comply with the IPP's.                                                                                                                                                                                                    | <i>(the Shire of Kulin is an IPP Entity being a local government authority)</i> |
| <b>IPP or IPP's</b>                  | The eleven (11) Information Privacy Principles which outline how IPP entities must handle Personal Information.                                                                                                                              | Schedule 1 of the PRIS Act                                                      |
| <b>Privacy Officer</b>               | A designated senior official within a government or public entity with statutory responsibility for ensuring the organisation complies with State privacy laws, manages data breaches and co-ordinates with the Information Commissioner.    | Section 151(1)                                                                  |
| <b>Information Sharing Officer</b>   | A designated senior official within a government or public entity with statutory responsibility for overseeing and managing the responsible sharing of data of the organisation.                                                             | Section 210(1)                                                                  |
| <b>Collection Notice</b>             | An official statement given to an individual by a government agency or contracted service provider when collecting Personal Information explaining why it is being collected, who is collecting it and how it will be handled.               | IPP 1, Schedule 1 of the PRIS Act                                               |
| <b>Information Breach</b>            | Unauthorised access to or unauthorised disclosure of Personal Information or loss of Personal Information.                                                                                                                                   | Part 2, Division 6 of the PRIS Act                                              |
| <b>Notifiable Information Breach</b> | Unauthorised access, unauthorised disclosure or loss of Personal Information that is likely to result in serious harm to any of the affected individuals.                                                                                    | Part 2, Division 6 (sections 55-69) of the PRIS Act                             |
| <b>Information Commissioner</b>      | The independent statutory officer appointed under the <i>Information Commissioner Act 2024</i> (WA) who is responsible for overseeing Freedom of Information and privacy matters, including enforcement of the requirements of the PRIS Act. | Part 2, Division 12 Sections 142 to 145                                         |
| <b>Chief Data Officer</b>            | The independent statutory officer established under the PRIS Act to lead the coordinated approach to responsible government information sharing, improve                                                                                     | Part 3, Division 8, Sections 198 - 203                                          |

|                   |                                                                                                                                                                                                                                                                          |                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                   | data capabilities and provide oversight of data governance.                                                                                                                                                                                                              |                |
| <b>Exceptions</b> | There are some exceptions to the IPP's that set out when they do not apply. This includes personal, family or household affairs, publicly available information, law enforcement functions, emergency response functions, child protection functions or family violence. | Sections 21-27 |

## 4. Personal Information and Data Collection

### 4.1 Purpose of Collection

The Shire collects and uses Personal Information from residents, rate payers, customers, staff and stakeholders to enable it to fulfil its functions, meet its statutory obligations, deliver services and support its day-to-day operations.

This includes but may not be limited to:

1. Complying with the law;
2. Managing rates and local government records;
3. Providing information about Shire services;
4. Delivering or providing access to relevant services and facilities;
5. Managing applications, permits and billing;
6. Managing animal ownership;
7. Managing parking.

### 4.2 Types of Personal Information

Types of Personal Information the Shire may collect and use to fulfil the purposes in 4.1, includes (examples provided) but may not be limited to:

1. Contact details - name, email, phone number, address;
2. Physical details or information - signature, voice, image;
3. Identification details - birth certificates, passports, Medicare or concession information;
4. Vehicle and licensing data – drivers licences or vehicle licence information where the Shire acts as an agent for the Department of Transport;
5. Financial - bank account details and tax file number;
6. Security - police and other clearances;
7. Employment information – resumes, workplace medical information, reports or certificates.

### 4.3 Collection Methods

The Shire collects and uses Personal Information only when necessary to fulfil the purposes in 4.1. This includes, but is not limited to, Personal Information collected via methods such as:

1. Email or letters;
2. Online and in person;
3. By applications, forms, submissions, complaints, surveys, feedback and general enquiries;
4. CCTV footage for safety, security and operational purposes in public places;
5. Employment information during recruitment, onboarding and throughout employment;
6. Audio and visual content such as phone calls, voicemails and via Teams meetings (including where consent to record has been given).
7. Collection Notices will be issued in accordance with the requirements of the law and IPP 3. Collection methods will be fair, lawful and necessary for the Shire's work (or related purposes) as provided by IPP 1.

#### **4.4. System-generated information collection and storage**

The Shire website uses Google Analytics and cookies to help analyse how users use the Shire website. The Shire may collect non-personal information such as a user's IP address, browser type and pages associated to improve website functionality.

The Shire will not associate any data gathered from the Shire website with any Personal Information from any source unless the individual explicitly submits that information via a fill-in form on the Shire website.

Cookies may also be used to enhance browsing experience. Users can choose to modify their browser settings to reject cookies if preferred. The Shire website may contain links to external sites. The Shire is not responsible for the privacy practices of third-party websites.

The Shire will not (and will not allow any third party to) use the statistical analytics tool to track or collect Personal Information of visitors to the Shire's website site.

#### **Use and Disclosure of Personal Information**

The Shire will use, collect and disclose Personal Information when:

1. It is necessary or reasonably necessary for, or directly related to, its obligations or performing one or more of the Shire's functions or activities as a Local Government including those set out in clause 4.1 and which may include disclosure to third parties who are engaged to assist in delivering the Shire's functions or services (primary purpose); or
2. It relates to other functions of the Shire that the individual would reasonably expect or could be lawfully anticipated (secondary purpose);
3. It is required by law including where Exceptions apply;
4. An individual has consented, including collecting Personal Information from a third party on behalf of an individual if they have provided that consent or required by law;
5. Notify the individual of the collection of Personal Information at, before or as soon as practicable after the collection of the information. Collection Notices will be issued in accordance with the requirements of the law.

The Shire will not use Personal Information for purposes other than those permitted by law or set out in this Policy unless with the consent of the individual.

#### **5. Remaining Anonymous**

An individual can remain anonymous when dealing with the Shire unless:

1. The law requires collection of Personal Information regarding the individual; or
2. It is impractical in line with clause 4.1 (or not in compliance with Shire policy) to proceed without it.

#### **6. Data Storage and Protection**

The Shire will store Personal Information securely in accordance with the requirements of the *State Records Act 2000 (WA)*. Storage may be via a range of methods including electronic systems (onsite or in the cloud) or paper files.

Where Personal Information is stored by a contracted third party, the Shire will require compliance with the obligations in this Policy.

The Shire will ensure that Personal Information is not kept for any longer than necessary and will take appropriate steps to securely destroy or de-identify it in accordance with legal requirements (which may include a requirement for the Shire to retain it) or in accordance with the Shire's recordkeeping plan.

#### **7. Unique Identifier Numbers**

In accordance with IPP 7, the Shire will only collect unique identifiers such as drivers licence or Medicare numbers if necessary or reasonably necessary to carry out the Shire's functions as summarised in clause 4.1 or required by law.

When unique identifiers are collected by the Shire, the Shire will ensure that they are handled securely and only used for their intended purpose.

If the Shire creates unique identifiers, it will use them only for internal purposes and not share or apply them beyond the systems where they are created.

### **8. Accessing or Correcting Personal Information**

IPP 6 provides that individuals have the right to request access to their Personal Information held by the Shire and to seek correction if the information is inaccurate, incomplete or out of date. Individuals may be required to lodge a Freedom of Information (FOI) request.

Requests to access or correct Personal Information held by the Shire must be made in writing and sent to the Chief Executive Officer:

Chief Executive Officer  
Shire of Kulin  
38 Johnston Street  
Kulin WA 6365  
Or by email - [ceo@kulin.wa.gov.au](mailto:ceo@kulin.wa.gov.au)

### **9. Complaints and Breaches**

A complaint of alleged interference by unauthorised access, loss or disclosure of Personal Information may be made in writing to the Chief Executive Officer via the details contained in clause 8, or as may be updated on the Shire website from time to time. Complaints will be investigated and responded to in a timely manner. Complaints may be escalated to the office of the Information Commissioner where relevant.

### **10. Updates to this Policy**

The Shire may update this Policy from time to time to reflect changes in legislation, technology or the Shire's practices. Any updates will be published on the Shire's website.

## HR1 TERMINATION PAYMENTS – SEVERANCE PAYMENTS

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### Human Resources

**PREAMBLE:** Section 5.50(1) of the *Local Government Act 1995*, requires that a Council prepare a policy in relation to employees whose employment with the local government is finishing.

The policy is to set out:

- a) the circumstances in which the Shire of Kulin will pay an employee an amount in addition to any amount which the employee is entitled under a contract of employment or award relating to the employee; and
- b) the manner of assessment of the additional amount.

**OBJECTIVE:** As required under Section 5.50(1) of the *Local Government Act 1995* this severance payment policy outlines the circumstances and manner of assessment upon which the Shire of Kulin will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement, or order by a Court or Tribunal.

**PRACTICE:**

This policy applies to all employees of the Shire of Kulin.

Decisions under this policy are to be made;

- a) By Council where decision involves a severance payment to the CEO;
- b) By the CEO where the decision involves a severance payment to any other employee of the Shire of Kulin.

### Circumstances for Severance Payment

The Shire of Kulin may pay a severance payment in the following circumstances;

- a) Redundancy.
- b) Local Government boundary change and amalgamations.
- c) Any other termination matter that does not relate to an employee being made redundant (e.g. dismissal).

### Exclusions

A severance payment will not be made to an employee who;

- a) Is redeployed within the Shire of Kulin;
- b) Is dismissed for misconduct;
- c) Is employed on either a temporary or casual basis;
- d) Is under probation.

### STAFF RETIREMENT (also included in APOG)

In recognition of length of service staff members will be paid by the Shire a gratuity on their retirement. The amount of the gratuity is determined by the length of service:

|             |               |
|-------------|---------------|
| 0 – 5 years | Nil           |
| 6 – 9 years | \$25 per year |
| 10+ years   | \$50 per year |

### Settlements and other terminations

For the purposes of determining the amount of severance payment in respect of settling a matter under this policy, the following may be taken into account;

- a) advice of an industrial advocate or legal practitioner on the strength of the case of respective parties in any litigation or claim in an industrial tribunal;
- b) the cost of any industrial advocate or legal advice support;
- c) the general costs associated with the hearing including witness fees, travel costs;
- d) disruption to operations.

### **Additional Payment**

Council may pay to an employee whose employment with the Shire of Kulin is finishing an additional severance payment over and above that prescribed in this policy to the maximum severance payment made allowable under the *Local Government Act 1995*.

19A. Payments to employee in addition to contract or award s. 5.50(3)

(1) The value of a payment or payments made under section 5.50(1) and

(2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total;

(a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or

(b) in all other cases, \$5 000.

An additional payment made under clause 4.3 will require local public notice to be made in relation to this payment.

**HEAD OF POWER:** *Local Government Act 1995* and Shire of Kulin policy.

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## HR2 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

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### Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

### Division 1 — Preliminary provisions

#### 1. Citation

These are the *Shire of Kulin* Standards for CEO Recruitment, Performance and Termination.

#### 2. Terms used

##### (1) In these standards —

**Act** means the Local Government Act 1995;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**contract of employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);

**local government** means the *Shire of Kulin*;

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

##### (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

#### 4. Application of Division

##### (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

##### (2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

(b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

#### 5. Determination of selection criteria and approval of job description form

##### (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

##### (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

- (b) the selection criteria for the position determined in accordance with subclause (1).

## **6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

## **7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

## **8. Establishment of selection panel for employment of CEO**

- (1) In this clause —

***independent person*** means a person other than any of the following —

- (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
  - (3) The selection panel must comprise —
    - (a) council members (the number of which must be determined by the local government); and
    - (b) at least 1 independent person.

## **9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and

- (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

#### **10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

#### **11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

#### **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

#### **13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
***commencement day*** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

- (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
  - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### **14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment

### **Division 3 — Standards for review of performance of CEOs**

#### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

#### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

#### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

#### **18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

## **19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

## **Division 4 — Standards for termination of employment of CEOs**

### **20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

### **21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

### **22. Additional principles applying to termination for performance related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

### **23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

### **24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

## Internal Use Only – Document Control

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