



SHIRE OF KULIN

POLICY MANUAL

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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
May 2025

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A1 CODE OF CONDUCT – ELECTED MEMBERS

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

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

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

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.

Division 4 — Rules of conduct

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

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.

A3 CORPORATE PURCHASING CARDS

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 Credit 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 complimentary 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.

Is not 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

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) 2020 – 2025.

A5 EQUAL OPPORTUNITY and HARASSMENT

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

A6 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT

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.

A7 OCCUPATIONAL SAFETY & HEALTH POLICY

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

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 14th June 2017, reviewed May 2023

Shire of Kulin Administrative Procedures & Operational Guidelines (APOG) Manual 14th 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

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

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)		
Action REQUIRED		
Procurement Description Description of purchase/service _____		
Project Number (If applicable): _____		
Quotation and Evaluation Selection Criteria (Note – at this level, it may be sufficient to just quote ‘value for money’) _____ _____		
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 ☐		
filed) or		
Letter of Engagement (Consultancy) (Acknowledged by Yes ☐		
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 CEO

Administration

PREAMBLE:

When the Chief Executive Officer takes up to four weeks annual or other leave the Chief Executive Officer is to appoint a member of the Executive Management team as Acting Chief Executive Officer.

OBJECTIVE:

To ensure the Shire has an appropriate officer at all times to be acting in the legal position of CEO, taking into account the differing workload and availability of each member of the Executive Management team during the period of absence.

PRACTICE:

That the CEO ensure that the position of Acting CEO be filled as judiciously as possible when a known absence will occur.

That the authority to appoint either:

- (a) Executive Manager of Financial Services
- (b) Executive Manager of Community Services
- (c) Executive Manager of Works
- (d) Executive Manager of Corporate Governance & Risk

to be Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave or other extended periods of up to four weeks be delegated to the CEO for times when there is no Ordinary Council meeting prior to the period of leave to seek Council's resolution for this appointment.

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave.

When exercising the delegation, the Shire President is to be consulted and Council is to be provided with notice of the Acting appointment as soon as possible, or practicable.

Where the CEO's leave is greater than four weeks, Council is to appoint an Acting CEO in accordance with one of the following options:

1. Appoint one Executive Manager, or multiple Executive Managers jointly or for separate defined periods, as Acting CEO; or
2. Authorise the CEO, jointly with the Shire President, to identify and recruit a suitably qualified individual external to the organisation to be appointed as Acting CEO, in accordance with Section 5.36(2) of the Local Government Act 1995; or
3. Conduct an external recruitment process to appoint a temporary Acting CEO.

PROCESS:

All appointments must be confirmed in writing, and the Council must be informed of the appointment as soon as practicable. All candidates considered for Acting CEO roles must meet the legislative requirements for the position as outlined in Section 5.36(2) of the Local Government Act 1995.

DELEGATION: To CEO to appoint Executive Manager of Financial Services as Acting CEO during period of absence.

HEAD OF POWER: Local Government Act 1995 5.36, 5.39C and 5.42

A13 ELECTED MEMBERS RECORDS – CAPTURE AND MANAGEMENT

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

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 (insert link) 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: NA

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

HR1 TERMINATION PAYMENTS – SEVERANCE PAYMENTS

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.

HR2 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

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.

HR3 EMPLOYEE CODE OF CONDUCT



Code of Conduct - Staff

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A Message from the Chief Executive Officer

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

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

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

What is the Code of Conduct?

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

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

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

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

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

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

Who does the code apply to?

For the purposes of the Code, the term employees includes persons employed by the Shire or engaged by the Shire under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

Breaches of the Code

Breaches of our Code of Conduct will be taken seriously. Each employee is responsible for adhering to the code, not tolerating behaviours that breach it, and reporting any suspected breaches.

Employees can report these concerns to their direct supervisor, any Executive Manager, or the CEO, following the Shire's Grievance Policy (HR6).

Breaches of the Code

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

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

Ethical Principles and Organisational Values

Integrity & Accountability

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

Customer Service

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

Teamwork, Collaboration & Respect

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

Leadership & Improvement

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

Reflection

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

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

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

Conflicts of Interest

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

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

Your responsibilities:

- Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise conflict with the Local Government's functions (other than purchasing the principal place of residence).
- Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.
- Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

Disclosure

The Local Government Act 1995 requires council employees to disclose conflicts of interest. You must:

- Disclose any interest you may have in a matter to be presented at a Council Meeting, whether through advice you provide at the meeting or through advice that you will present in a report to the meeting, to the CEO in writing, either before the meeting, at the time the advice is given, or at the meeting immediately before the matter is discussed
- Declare any changes to your conflict of interest situation as soon as you become aware of it.

Gifts

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

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

An ‘associated person’ is someone who is either undertaking, or seeking to undertake, an activity or business dealing with the Shire, or, who it is reasonable to believe is intending to undertake an activity with the Shire. Schedule One of this Code (Appendix one) provides further details on the specific requirements of the Local Government Act and Regulations on this important area of the Code.

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

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

Your responsibilities:

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

Fraud, Corruption and Misconduct

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

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

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

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

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

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

Your responsibilities:

- Employees must not engage in fraudulent, corrupt or criminal conduct
- Employees must report any suspected fraudulent, corrupt or criminal conduct

Disclosures of suspected fraudulent, corrupt or criminal conduct can be made verbally or in writing to:

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

Personal Behaviour

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

Employees will:

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

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire's relevant policies and procedures.

Workplace Health & Safety

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

Your responsibilities:

- Employees have a duty to take care of their own health and safety and we expect them to take all relevant safety precautions in the execution of their work. This includes attending all relevant training and being fit to perform all duties in their position.
- Employees must be fit for work when you perform your duties at the Shire of Kulin.
- Employees must take reasonable care for the health and safety of others who may be affected by your actions.

Employees should always wear protective clothing and safety equipment to ensure the safety of all, and report any hazards or incidents in accordance with the Shire's incident reporting procedure.

Respect, Harassment and Bullying

The Shire expects all employees to foster an inclusive, supportive, and collaborative environment. Employees should consider how their actions may affect others and ensure their behaviour aligns with the Code.

Harassment, which involves conduct that offends, humiliates, or intimidates someone based on attributes such as age, race, religion, gender, or sexual orientation, is unacceptable and will not be tolerated.

Any employee experiencing inappropriate behaviour is encouraged to report the issue to their Manager, Grievance Officer or CEO.

Your responsibilities:

- Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- Employees must be aware of, and comply with their obligations under relevant law and the Shire's policies regarding workplace behaviour and occupational safety and health
- Employee behaviour should reflect the Shire's values and contribute towards creating and maintaining a safe and supportive workplace.
- Employees will treat all members of the community with respect, courtesy and professionalism.
- All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

Cultural Awareness

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

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

Your responsibilities:

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

Drugs, Alcohol and smoke-free environment

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

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

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

Your responsibilities:

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

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

Procurement

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

Your responsibilities:

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

Record Keeping

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

Your responsibilities:

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

Secondary Employment

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

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

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

Your responsibilities:

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

Use of Public Resources

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

Your responsibilities:

Assets:

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

Finances:

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

Serving our Community

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

Your responsibilities:

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

Interacting with children and young people

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

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

Your responsibilities:

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

Professional, Personal and Social Media Communications

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

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

Your responsibilities:

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

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

Reporting breaches and suspected breaches of the Code

A person may, if they become aware of any conduct by a staff member which they reasonably believe involves a breach of the Code of Conduct, make written complaint to that effect to a Director or the CEO, or in the case of the CEO to the Shire President.

All aspects of a report of a breach of this Code of Conduct must be kept strictly confidential by both the person making the report and the person in receipt of the report.

Responsibilities

Breaches of this Code of Conduct will be investigated and handled within the principles of natural justice and human resources management principles.

If a staff member breaches the Code of Conduct this will be dealt with by the CEO.

If the CEO breaches the Code of Conduct it will be dealt with by Council in accordance with accepted Industrial Relations processes.

Dealing with Breaches

Alleged breaches of this Code of Conduct will be investigated and handled in a manner which is consistent with the principles of the presumption of innocence, procedural fairness and natural justice.

A breach of the Code of Conduct by a staff member, if investigated and proven, shall be dealt with in accordance with best practice industrial relations processes. A counselling session shall be convened and appropriate disciplinary action will be taken:

- a) In the case of a staff member, by the CEO or Manager acting on behalf of the CEO.
- b) In the case of the CEO by the Shire President.

The CEO is to ensure that staff who report unacceptable or illegal behaviour of Council members or staff (that is, whistleblowers) are not in any way disadvantaged or victimised because of their actions.

Staff are encouraged to, in the first instance, report unacceptable or illegal behaviour to the relevant Supervisor or Manager. Behaviour of a serious nature must be reported directly to the CEO.

In cases where investigation gives rise to reasonable suspicions that the breach constitutes serious improper conduct including corruption or theft, then the matter will be forwarded for further investigation by the Corruption and Crime Commission or Public Sector Commission, and the WA Police Service.

Corruption, Crime and Misconduct Act 2003

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

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

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

Legislation

Provided below are extracts from the Local Government (Administration) Regulations 1996 Part 4A relevant to the detail provided in this Employee Code of Conduct.

Role of Employees

The role of employees in local government is determined by the functions of the CEO as set out in Section 5.41 of the Act.

5.41. Functions of CEO

The CEO's functions are to:

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

Local Government Act 1995

Principles affecting employment by the Shire of Kulin

The principles set out in Section 5.40 of the Act apply to the employment of the Shire's employees:

5.40. Principles affecting employment by local governments

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

- a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- c) employees are to be treated fairly and consistently; and
- d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- f) such other principles, not inconsistent with this Division, as may be prescribed.

Local Government Act 1995

Gifts

This clause does not apply to the CEO

Definitions:

activity involving a local government discretion means an activity -

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

[r.19AA of the Local Government (Administration) Regulations 1996]

associated person means a person who -

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

[r.19AA of the Local Government (Administration) Regulations 1996]

gift -

- a) has the meaning given in section 5.57 [of the Local Government Act 1995]; but
- b) does not include –
 - i a gift from a relative as defined in section 5.74(1); or
 - ii a gift that must be disclosed under the Local Government (Elections) Regulations 1997 regulation 30B; or
 - iii a gift a gift from a statutory authority, government instrumentality or non profit association for professional training; or
 - iv a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the Local Government (Administration) Regulations 1996]

gift means -

- a) conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b) a travel contribution

travel includes accommodation incidental to a journey;**travel contribution** means a financial or other contribution made by 1 person to travel undertaken by another person.

[Section 5.57 of the Local Government Act 1995]

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

- a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the Local Government Act 1995]

prohibited gift, in relation to a local government employee, means -

- a) a gift worth the threshold amount or more; or
- b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the Local Government (Administration) Regulations 1996]

reportable gift means -

- a) a gift worth more than \$[50 but less than \$300]; or
- b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$50 but less than \$300].

threshold amount has the meaning given to it in the Local Government (Administration) Regulations 1996, subject to the CEO's determination under subclause (c);**threshold amount, for a prohibited gift, means -**

- a) a gift worth the threshold amount or more; or
- b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more.

[r.19AA of the Local Government (Administration) Regulations 1996]

Disclosure of Financial Interest

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

Disclosure of Interests Relating to Impartiality

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.

[r.19AA of the Local Government (Administration) Regulations 1996]

Use of Shire of Kulin Resources

In this clause -

Shire of Kulin resources includes local government property and services provided or paid for by the Shire of Kulin;

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

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

[Section 1.4 of the Local Government Act 1995]

kulin
shire
council

the kulin region

Code of Conduct Complaint Form - Alleged Breach by an Employee

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

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

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

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

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

When the breach happened:

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

Were there any witnesses to the breach?

Yes

No

Are the witnesses willing to provide information to assist in resolving the complaint?

Yes

No

If so, please provide details of witnesses below:

Name:

Ph No:

Name:

Ph No:

Are you providing any additional information with your complaint form? If yes, details:

Yes

No

Your details:

Name:

Ph No:

Sign:

Date:

Code of Conduct - Employee Declaration

Your details:

Full Name:

Job Title:

Date of Declaration:

Declaration Statement

I confirm that I have received and read the Shire’s Employee Code of Conduct. Yes ☐ No ☐

I understand the standards of behaviour expected of me and agree to abide by the principles, responsibilities, and requirements set out in the document. I understand that any breach of this Code may result in disciplinary action, up to and including termination of employment, in accordance with applicable policies and procedures. Yes ☐ No ☐

I acknowledge that I have had the opportunity to ask questions and seek clarification about any parts of the Code of Conduct that I do not understand. Yes ☐ No ☐

Signatures

Employee Signature:

Manager Signature:

Manager Name:

Date:



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