



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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