



Code of Conduct - Staff

VERSION 1.0
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Team work

We are a united team who works together towards a common goal.

Integrity

We are empowered and accountable when making decisions.

Excellence

We are committed to an exceptional customer experience.

Leadership

We are adaptable and responsive in our leadership.

Respect

We are respectful of our history and work together to build our future.

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Message from the CEO and ELT



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As we continue to grow, innovate and build a culture based on the principles of respect and transparency, it's our duty to our customers, the communities we serve, and the Shire to uphold the highest standard of ethical conduct, integrity, and compliance in all that we do.

This code works in close harmony with our vision and values. Each day, every one of us is faced with difficult decisions and choices which challenge us to do the right thing. Our Values and Code of Conduct exist to guide us through those challenges and ensure we uphold our commitment to excellence, team work, integrity, respect and leadership.

We all have a responsibility to speak up and take action when we see something that conflicts with our Code of Conduct. In the complex world in which we operate, you may face situations where the right thing to do is not always clear.

What you need to do:

Read it: please read this code and make sure you understand it. If there is anything you don't understand it is your responsibility to ask.

Agree to it: you must agree to abide by the code that you have read as part of your recruitment and participating in any learning during your employment.

Live it: we expect you to always work and behave in accordance with the code.

Together, we can uphold and protect the high ethical standards we have set for ourselves and our organisation and achieve our vision of a leading organisation for a leading shire.

Section 1. Understanding and using the Shire of Harvey code

What is the code?

The code sets the standards for the way we work at the Shire of Harvey.

The code provides a practical set of standards and expected behaviours to help you make decisions in your day-to-day work. It focuses on principles and gives examples to help flesh these out. The code cannot describe every requirement. Along with using your own judgement and common sense, our values and our desired culture should guide everything you do. It is up to you to seek information if you are unclear on any area of conduct.

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

The code is complementary to the principles adopted in the Local Government Act 1995 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 laws that govern our activities are often complex, however misunderstanding or being unaware of laws does not relieve you of an obligation to comply.

The Shire of Harvey Intranet has an Employee Dashboard where information is available for employees on compliance with policies, procedures and workplace health and safety.

If you think other useful information could be included in this code or on the Intranet pass on your suggestions to the Human Resources Team.

Vision and values

Vision: Together, towards an even better lifestyle.

Teamwork

We are a united team who works together towards a common goal. An employee who demonstrates teamwork:

1. Is positive in their attitude and supportive of everyone and their progress within their team.
2. Strives to understand the big picture and do their part for the benefit of our customers and our team.
3. Works collaboratively with others and understands the importance of teamwork.
4. Treats others with respect and values that everyone has a different background, experiences and opinions.
5. Participates in communicating and listening, and understands the importance of being heard and involving others in decision making

Respect

We are respectful of our history and work together to build our future. An employee who demonstrates respect:

1. Shows respect to all in their actions.
2. Listens to feedback from others and is clear with their communication with all.
3. Shows courtesy, kindness and honesty in their dealings with others.
4. Has consideration of people with different opinions, experiences and backgrounds.
5. Understands that all team members have skills, experience and opinions of value.



Integrity

We are empowered and accountable when making decisions. An employee who demonstrates integrity:

1. Is honest, true and genuine to themselves and others.
2. Holds fellow workers and our community with great admiration.
3. Takes responsibility for their role and delivering to the best of their abilities.
4. Is transparent in messages and actions that are delivered.
5. Does not discriminate and treats everyone with equal standing.

Excellence

We are committed to an exceptional customer experience. An employee who demonstrates excellence:

1. Continuously strives for improvement to achieve positive outcomes.
2. Strives to deliver a consistently high standard of customer service.
3. Is committed to being responsive to the changing needs of our community.
4. Takes pride to achieve high standards and seek opportunities for improvement.
5. Builds trust by consistently providing a positive customer experience.

Leadership

We are adaptable and responsive in our leadership.

An employee who demonstrates leadership:

1. Is able to lead by example and inspire and adapt to the ever-changing workplace environment and people.
2. Listens to feedback from others and is transparent in their decision making and communication.
3. Can set clear goals and give others the guidance when needed.
4. Values others by treating them with respect and fairness.
5. Has the patience and understanding to know when to be supportive and when to take the time to assist.



Organisational culture

At the Shire of Harvey, we aspire to a positive and constructive culture.

This culture helps to deliver high-quality outcomes, is good for wellbeing and brings out the best in our people. We also support work-life balance to help you meet priorities outside of work as well as the demands of your professional lives.

We strive to be an agile organisation so that we can adapt to the evolving needs of our community and the organisation. To keep pace with our customers and our changing shire, we need a resilient, adaptable, accountable, diverse and inclusive workforce that reflects our community and is committed to excellence.

We establish challenging but realistic goals and develop plans to reach those goals. We pursue them with enthusiasm and are accountable for their achievement. We want you to enjoy your work, develop yourselves, and take on new and interesting activities. We want to create a supportive workforce, helpful and open in our dealings with one another through open communication, cooperation and effectively coordinating activities.

By consistently applying our values and standards of behaviour, we aim to build trust in the community and our confidence in each other to deliver our vision of a leading organisation for a leading shire.

The code cannot describe or anticipate every law, policy, requirement and example. We have included a number of references to further resources throughout this document. Please speak to your manager if you have any concerns.

Why do we need a code of conduct?

The Shire of Harvey serves the community and Council and aims to be a leading organisation for a leading shire. That's why it's important we provide the best possible service. The code describes the behaviour expected of you as an employee and how this relates to our vision and values. The code, along with our values and desired culture, should guide you in everything you do.

Employees at all levels must promote and enforce the code. Service providers, representatives and agents must ensure their employees are aware of the code and do not breach its principles when performing duties on behalf of the Shire of Harvey.

Who is the code of conduct for?

This code applies to everyone who works at the Shire of

Harvey, 'all employees' including:

- Permanent, casual and fixed-term employees;
- Executives;
- Contractors and consultants; and
- Agency staff.

This code applies to all interactions with each other, our customers and our stakeholders. It also applies whenever you are identified as an employee or representative of the Shire of Harvey whether at your work premises or outside of the shire.

Breaches of the code

Breaches of the code are taken seriously. We each have a personal accountability to:

- Act in accordance with the intent and letter of the code;
- Not condone behaviour that breaches the code; and
- Report any breaches of the code.

Fraudulent or corrupt behaviour which violates any applicable legislation, as well as the code, will be dealt with as outlined in the section Reporting of suspected breaches of the Code of Conduct. Other breaches of the code will be dealt with according to the disciplinary directive and procedures. Contractors and contracted providers or representatives will be managed according to the terms and conditions set out in their contract.

If you have any questions about the code or need more information, it's your responsibility to find the answers. You are encouraged to speak with your manager, director or the Governance unit for more information.



Ask yourself

If you're not sure whether your conduct is in line with the code, ask yourself:

- Does it feel like the right thing to do?
- What would a customer or community member expect me to do in the situation?
- What would my colleagues or manager think is appropriate?
- What would be the reaction if it was reported in the newspaper?
- What might be the consequences for me and my job if I engage in this behaviour?
- Is my conduct consistent with our values and desired culture?

Questions and concerns

If you think a decision or actions does not reflect our code and values, you have the responsibility to raise that concern.

You do not need to be directly affected by an issue to raise it.

If you're unsure about interpreting the code or have concerns about how it is being applied, please raise these in person with your manager, a more senior manager or Director.

Ask yourself if your concerns relate to any of the following?

- Corrupt conduct;
- A substantial mismanagement of public resources;
- Conduct involving a substantial risk to public health or safety;
- Conduct involving substantial risk to the environment;
- Detrimental action against a person in response to a disclosure; and/or
- Inappropriate conduct towards anyone when representing the Shire of Harvey.

If so, your concern may be what was known as whistle-blower action and be 'a public interest disclosure' that is covered by the Western Australia Public Interest Disclosure Act 2003. In this case please refer the matter to one of our Public Interest Disclosure Officer listed on intranet.



Where to get help

- Manager.
- Director.
- Public Interest Disclosure Officer.



Tools and resources

- Intranet.
- Public Interest Disclosure Guidelines.

Quick check

If you're not sure whether to take action or speak up about something, use the following guide:

Values – does it fit with our values and behaviours?	
Culture – does it support a positive and constructive culture?	
Safety – could it directly or indirectly endanger someone, cause an injury, or create an unsafe environment?	
Law – is it legal and in line with our policies, procedures, directives and guidelines?	
Conscience – does it fit with my personal values?	
Newspaper – if this appeared in the newspaper with my name on it, would I feel comfortable about it?	
Family – what would my family think? What would I encourage my partner, parent or child to do?	
Feel – what does my intuition tell me? What is my gut feel? If it feels bad it probably is bad.	

If answering any of these questions is difficult or causes you discomfort, please speak with someone.



Where to get help

- Manager.
- Director.

Section 2. Commitment to our people

Personal behaviour

We will act honestly and with integrity in the performance of our duties, in our personal conduct and how we treat others at the Shire of Harvey and in the wider community.

The principles	Your responsibility
<ul style="list-style-type: none"> Lead by example and strive for excellence by setting high standards for our professional duties and personal conduct. Act honestly and impartially in the performance of our jobs. Maintain a professional role with everyone we come into contact with. Exercise proper courtesy, consideration and sensitivity in all dealings with other employees and the wider community. Act in accordance with their obligation of loyalty to the Shire. Refrain from making disparaging or harmful comments about the Shire, its Council members or officers, either written or oral, which is likely to damage the Shire. 	<ul style="list-style-type: none"> Professional personal behaviour when undertaking our duties is everyone's responsibility. Follow the requirements of the law, the terms of the Code of Conduct, privacy and confidentiality restrictions and all policies and directives of the organisation. Perform your duties impartially and in the best interests of the organisation, uninfluenced by fear or favour. Act in good faith in the interests of the organisation and the community. Ensure all communication is factual, truthful and professional and that personal opinion does not disparage the Shire. Present to work in a professional, neat and responsible dress standard at all times.

Example

The Shire has announced that due to rising costs it is no longer able to provide a recycling service but instead will provide details of a private company who will provide recycling services for a fee.

A Shire employee is a member of a local environment group and protests on the groups Facebook page against the shires changes to its recycling services, and identifies themselves as a Shire employee. Are they meeting their duty of loyalty to the Shire?

No. The employee has made disparaging comments about the Shire on social media and in public forms which could damage the Shire's reputation. Whilst the employee is entitled to have a personal opinion about the matter, it is not appropriate for the employee to publicly denigrate the Shire. The employee is in breach of the Code of Conduct and may be subject to disciplinary action.



Ask yourself

- Am I being respectful and courteous in my conduct to both my colleagues and customers?
- Am I honest in my dealings with others?
- Have I established good working relationships with others?
- Do I consider other people's perspectives in order to help reach agreement or when making a decision?
- Do I refrain from publicly expressing any negative personal opinions?

Health and safety

The safety of all employees is paramount to ensure the Shire of Harvey's ongoing success. We are committed to providing a workplace that is safe and without risks to your health and wellbeing.

The principles

- Safety and wellbeing of our employees is the most important of all our business objectives.
- We are committed to providing a safe and healthy workplace.
- Workplaces injuries can be prevented.
- Everyone in the organisation has clearly defined safety responsibilities.
- Ignoring safe work instructions and / or creating an unsafe workplace can result in disciplinary action and may lead to dismissal.



Ask yourself

Is it okay to walk past a hazard such as this slip hazard without reporting it? What could you do to manage this situation? Could you have placed a temporary hazard sign in place?

Case study

Kim from Community Development grabbed a coffee on the way to work. Kim was running late to a meeting in the morning and when heading up the stairs, dropped it, spilling the coffee. Kim decided there wasn't enough time to clean up the mess and proceeded to the meeting. During the morning dozens of employees walked up and down the stairs. Jackie from Infrastructure was texting on her mobile while walking down the stairs on the way to lunch. Jackie was distracted, didn't see the spill and fell, resulting in grazed knees and hands, requiring first aid.

Your responsibility

- Health and safety is everyone's responsibility.
- Take reasonable care for your own safety.
- Take reasonable care for the health and safety of others who may be affected by your actions.
- Be fit for work when you perform your duties at the Shire of Harvey.
- Comply with our safety policies, procedures, directives and safe work practices.
- Complete relevant training that is provided by the Shire of Harvey to improve the health and safety of the workplace.
- Report any hazard or incidence in accordance with procedures.
- Wear any protective clothing and use any safety equipment provided by the Shire of Harvey that ensures your safety and the safety of others.
- Read the Health and Safety policies, procedures and safe work instructions for full details of your safety responsibilities.



Tools and resources

- Intranet - OSH Policies, procedures and SWI's.



Remember

You have a duty to be proactive, take responsibility and report hazards, incidents and near misses.

Leadership

Harassment and bullying

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, gender or gender expression, sexual orientation or some other attribute specified under anti-discrimination legislation.

The principles	Your responsibility
<ul style="list-style-type: none"> The Shire of Harvey does not tolerate bullying or harassment. We do not tolerate any action, conduct or behaviour which is humiliating, intimidating or hostile. Bullying, harassment and discrimination can result in disciplinary action and may lead to dismissal. 	<ul style="list-style-type: none"> We all have a responsibility to create a positive, safe workplace which is free from harassment, discrimination and bullying. Comply with relevant policies. Speak up and tell the person if you're upset by their actions or behaviour. Explain why and ask them to stop. Report inappropriate behaviour to your Manager. Attend any required training.

What is bullying?

- Bullying occurs when a person or group of people repeatedly act unreasonably towards an individual or a group of workers.
- Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether the behaviour would be considered as unreasonable is based on whether a reasonable person might see the behaviour as unreasonable in the circumstances.
- Bullying behaviour creates a risk to health and safety.

Examples of bullying

- Behaving aggressively;
- Teasing or practical jokes;
- Pressuring someone to behave inappropriately;
- Excluding someone from work-related events; and or
- Unreasonable work demands.

What isn't bullying?

Some practices in the workplace may not seem fair but if carried out in a reasonable way, are not bullying. For example, a Manager can make decisions about poor performance, take disciplinary action and control and direct work.



Ask yourself

- Have I behaved in an intimidating or threatening manner?
- Have I made inappropriate jokes or comments?
- Have I distributed or displayed potentially offensive material?
- If I'm witnessing behaviour that goes against our values, do I need to step in and say something?
- Am I supporting a culture of inclusion?



Tools and resources

- Discrimination, harassment and bullying organisational directive.
- Grievance and dispute resolution organisational directive.

Fairness, equity, diversity and inclusion

We promote inclusivity, diversity, fairness and equity. This means the differences between the ideas, aspirations and needs of people are considered and valued equally in our workplace.

The principles

- We recognise and embrace the diversity each person brings to the workplace.
- Our aim is to create an environment of trust, mutual respect and appreciation where everyone is treated fairly and with respect, and has the opportunity to realise their full potential.
- All employees are encouraged to feel confident that the diversity of their experiences will be valued and supported regardless of their gender, age, language, ethnicity, cultural background, ability, religious belief, identification as gay, lesbian, bisexual, transgender, intersex or queer (LGBTIQ), working style, educational level, work and life experiences, socio-economic background, opinions, job function, geographical location, marital status and family responsibilities.

What do we mean by 'diversity'?

Diversity recognises the characteristics of the whole person and treats all individuals – our employees, customers and the communities in which we operate – with fairness and respect.

What do we mean by inclusion?

Inclusion is the way our organisational culture, values and behaviours make a person feel welcomed, respected, valued and included. An inclusive workplace environment draws on the unique differences of its people; where all people are treated fairly and respectfully with equal access to opportunities and resources.

Your responsibility

- Value diversity and consider diversity in decision making, program and policy development.
- Speak up if you see or hear things that are not in the spirit of our commitment to fairness, equity and inclusivity or if you are concerned about discriminatory behaviours.
- Know the policies which guide behaviour, address gender inequality in the workplace and challenge attitudes and behaviours around issues.
- People in staff supervision roles build and maintain a workplace culture which respects and celebrates differences.
- Attend any required training.



Ask yourself

- Am I being fair and respectful?
- Are my personal feelings, prejudices or preferences influencing my decisions?
- Am I using inclusive language?
- How will I respond if I witness behaviour that is not respectful?



Tools and resources

- EEO Management Plan.



Drug and alcohol use and a smoke-free workplace

We are committed to ensuring that you are able to safely perform the inherent requirements of the role for which you are employed, as well as maximising your wellbeing and effectiveness at work.

The principles	Your responsibility
<ul style="list-style-type: none"> If you are affected by alcohol or drugs, you should not be at work. The possession or use of illegal drugs at any Shire of Harvey location is strictly prohibited in line with the law. Exposure to other people's smoke is a hazard. That is why it is important that our workplaces are smoke-free. 	<ul style="list-style-type: none"> You must be fully fit and well and ready to do your job when at the Shire of Harvey. Advise your manager of personal circumstances that could affect your ability to work safely. Do not smoke or use an e-cigarette within any of our premises or vehicles, or within five metres of any entry point to our premises and vehicles. Be aware of the impacts of your smoke drift on other people's health.

Alcohol and other drugs at work

Employers and employees have a legal duty-of-care to ensure a safe and healthy workplace. The use of alcohol and other drugs becomes an occupational health and safety issue if your ability to exercise judgment, coordination, motor control and alertness is affected, leading to an increased risk of injury and illness. You may not be able to make an accurate assessment of their fitness to work.

Your co-workers may be placed in difficult situations, expected to cover unsafe work practices or faced with reporting a fellow worker.



Where to get help

- Employee Assisted Program which provides free counselling services.
- Human Resources.
- Your manager.
- OSH Officer.
- Your Doctor.



Tools and resources

- Occupational Safety and Health Act 1984.*
- Intranet – OSH policies and procedures.



Remember

You have a duty to be fully fit and ready to do your job when you come to work.

Security

Sound security practices minimise risks to shire buildings, assets, intellectual property and most importantly, our people. It is important that all employees are aware of these practices.

The principles	Your responsibility
<ul style="list-style-type: none">Clearly identify that you are authorised to work in Shire of Harvey buildings by wearing your lanyard or name badge.Prevent unauthorised access to Shire of Harvey buildings or workplaces.Promptly report known security incidents or potential security risks, such as suspicious behaviour or an unsecure building to security.Prevent the opportunity of any possible crime.Obeys warden instructions in the event of an emergency.	<ul style="list-style-type: none">Wear your lanyard or openly display your security pass.Do not lend your security pass or keys to others. If your pass or keys are lost or misplaced, report it immediately to the Human Resources Team.'Look, lock and leave' before leaving your workplace, including vehicles.If you are the last to leave a building or workplace, ensure all access doors and windows are secure.If you are the last to leave a building that is alarmed, arm the alarm system.If you lose a key to your vehicle or equipment let your direct supervisor know as soon as possible.If accessing buildings after 9pm and on weekends, notify the security monitoring centre.

What you need to know about your security pass

Your pass can be instantly programmed to change access requirements.

Your pass provides an audit trail of people moving in and out of our buildings.

Buildings will be automatically armed at a prescribed time after work hours. Generally, this is at 9pm but is subject to change.



Remember

Your access to buildings and equipment is your responsibility to keep safe and secure.



Where to get help

- Your direct supervisor.
- Information Services Team.



Section 3. Serving our customers and the community

Customer service standards

We aim to provide our customers with consistent, simple, streamlined services in a polite, professional and empathetic way.

The principles

- We deliver a positive customer experience in all interactions with our customers.
- We make sure customer enquiries are fully resolved.
- We are helpful when dealing with customers and regularly communicate with them to provide a timely service.
- We listen to customer feedback so we can improve our services.

Your responsibility

- All employees, regardless of work or employment level, to follow the principles of customer service.
- Apply the principles when planning or delivering services in your work.
- Deliver services according to agreed service levels and timeframes.
- Make every attempt to address and, if possible, to resolve a customer's enquiry.
- Advise a dissatisfied customer of the methods for providing feedback or how to make a complaint.

Excellence in customer service

We work together to deliver the best outcomes for our residents, ratepayers, businesses and visitors. To do this we need a commitment from all employees.

Customer services is part of everyone's role. It's everyone's responsibility to consistently provide a positive experience and apply the principles of serving our customers and the community.



Tools and resources

- [Customer Service Charter.](#)



Excellence

Interacting with children and young people

We are committed to creating a safe place for children when using Shire of Harvey facilities.

The principles

- We are a child safe organisation.
- The safety of children is dependent upon the existence of a child safe culture within the organisation.
- Child safety and protection is everyone's responsibility.
- The best interest of the child is a primary consideration in all actions and decisions.
- The child's best interests should be viewed through the lens of culture.
- Some employees are required to have a 'Working with Children' check.

Your responsibility

- You are responsible for supporting the safety, participating, wellbeing and empowerment of children.
- Observe child safe principles and expectations for appropriate behaviour towards and in the company of children and young people.
- Report all child safe concerns through organisation reporting processes.

Professional conduct

Everyone must maintain the highest standards of professional conduct in their attitude, behaviour and interactions with children. We are expected to uphold the rights and best interest of the child in all decision making.



Tools and resources

- Children in the Library policy.
- Commission for Children and Young People WA website.



Ask yourself

- Am I interacting with children in a safe, age appropriate and respectful way?
- Do my actions and behaviours demonstrate a commitment to child safety?
- Am I clear about the internal reporting processes for responding to child safe disclosures or concerns?
- Am I listening to children, promoting their participation and their rights?



Communications

We are committed to providing professional and accurately represented communication with our community to maximise a positive public perception.

The principles

- The Shire President, and the CEO where authorised, are the official spokespersons for the Shire of Harvey.
- Employees must not make public representations about the Shire of Harvey, its activities or its views in any channel without prior consent from the CEO.
- Commissioning new communication channels, including social media accounts, websites and newsletters are the responsibility of the Marketing and Communications team.

Your responsibility

- Never make public comment or representation on behalf of the Shire of Harvey without appropriate prior approval.
- Do not use Shire of Harvey channels to represent your personal views.
- Follow the Communications and Social Media policy.
- Always uphold the Shire of Harvey's reputation as a leading organisation.

Personal communication

Personal communications and statements made privately in conversation, written, recorded, emailed or posted in social media, have the potential to be made public, whether intended or not.

Comments which become public and breach the Code of Conduct or policy 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*.



Where to get help

- Marketing and Communications team.



Ask yourself

- Do I have appropriate permission to make comment on behalf of the Shire of Harvey?
- Am I avoiding my personal biases and representing the Shire of Harvey in a professional way?
- Is what I am saying, printing, publishing or presenting accurate? Will it risk or damage the Shire of Harvey's reputation and brand in any way?
- If you aren't sure, then speak to your manager.



Tools and resources

- Organisational Directive: Communications and Social Media.
- *Local Government Act 1995*.
- *Defamation Act 2005*.
- *Corruption, Crime and Misconduct Act 2003*.



Section 4. Pride in governance

Working with members of the elected Council

While we provide services to the community on behalf of Council, councillors may not direct employees to perform duties or actions.

Requests for action should be made at the meetings of Council and its committees. At these meetings, reports and advice are presented for consideration by the councillors. Members of the Executive Leadership Team (ELT) then request action from relevant employees.

Any employee preparing a report or advising a councillor must have the approval of their relevant Director. Any advice or information provided without approval will not be considered to represent the policies and plans of the organisation.

Advice provided to Council must be objective and non-partisan, relevant, comprehensive, not withholding important facts or negative information and unaffected by fear of consequences.

Communication between councillors and staff is to be on a strictly council business related basis and conducted in a polite, professional manner. Protocol is to address an elected member as Councillor (surname) e.g. Councillor Gillett.

Councillors are to be treated equally in the provision of service and information and staff are to avoid any perception they are favouring one councillor over another. Information is to be distributed to all councillors simultaneously wherever possible.

Shire of Harvey employees must remain objective and impartial, ensuring organisation resources are not used for political assistance.

Annual and primary returns

Designated employees must provide the Shire with a primary return within three months of commencement of employment in a designated employee position, and an annual return disclosing changes that have occurred to the primary return in the financial year before 31 August in that year, in accordance with Division 6 of Part 5 of the LG Act.

Annual returns must then be lodged with the CEO by 31 August for each subsequent year.

The CEO must lodge their annual returns to the Shire President.



**Team
work**

Conflict of interest and decision making

In your role you have been entrusted to work on behalf of the community.

The principles	Your responsibility
<ul style="list-style-type: none"> • Inform your Director of any private interests or relationship that may cause a conflict of interest or perceived conflict of interest. • Take all reasonable measures to appropriately deal with any situation that is, or is seen to have, a conflict of interest. The conflict might arise out of a personal relationship or significant relationship with another employee or potential employee. • Employees will not be engaged concurrently as contractors unless under extraordinary circumstances and with the approval of the CEO. • Your manager may need to limit your access to all records for the duration of the process so there is no unfair advantage real or perceived. • A report prepared for Council's consideration may be reviewed by the CEO for probity and compliance. 	<ul style="list-style-type: none"> • It is your responsibility to determine and disclose if you have any actual, potential or perceived conflicts of interest. This includes: <ul style="list-style-type: none"> – Dealing in land, other than purchasing your principle place of residence, in the Shire of Harvey – Disclose a conflict with relatives or friends and stand down from any recruitment panel dealing with relatives or friends. – Making decisions under delegated authority. – Making decisions on a tender evaluating panel, a purchasing officer or any similar role which influences the purchasing decision. – Being apolitical and refrain from political activities which could cast doubt on your neutrality and impartiality. • <i>The Local Government Act 1995</i> requires council employees to disclose conflicts of interest. • If you have an interest in any matter to be discussed at a Council or Committee meeting you are to advise the CEO in writing before the meeting about the nature of the conflict. • It is important that you do not use your role to serve your own or someone else's private interests. Ask your Director if you are unsure if you have a conflict.

Example

Your uncle is applying for a planning permit and you are the planning officer reviewing the application.

You have a conflict of interest. Notify your Director and ensure you have no involvement in the matter.

Transparency in your dealings

Conflict of interest is about transparency and ensuring the integrity of the decision-making process. As an employee, it is vital that your private interests do not affect your work. If you have a personal interest in a decision-making process, you must declare your interest.



Where to get help

- Manager Governance and Strategy.



Tools and resources

- Conflict of interest in recruitment organisational directive.

Secondary employment

Your employment at the Shire of Harvey must remain the principal activity and must take precedence over any secondary employment.

The principles	Your responsibility
<ul style="list-style-type: none"> Employees must not engage for remuneration, in private employment or contract work, without prior written approval from the CEO. Employees must not engage in paid work which relates to the business of local government or which might conflict with their duties, without prior written approval from the CEO. An existing or prospective employee, who is already participating in paid private work or contract work which may represent a conflict of interest, must notify the CEO in writing. The CEO must not unreasonably refuse secondary employment to an employee and the reasons for prohibition of employment must be explained to the employee in writing. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> – 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 any other conflict of interest, or potential conflict of interest between your duties at the Shire and your duties at the secondary employment. – If you are required to declare an interest in an issue, whether this will leave the Shire with insufficient or unqualified personnel to deal with the matter. The <i>Local Government Act 1995</i> requires council employees to disclose conflicts of interest.

Example

You are approached by a company with a generous salary package, who has a contract with the Shire. The work can be done out of your normal work hours. It is commented at the interview that their contract is coming up for renewal and it would be good to have someone from the Shire 'who knows the ropes' to help them.

You have a potential conflict of interest between your Shire duties and working for the company, particularly if you are expected to assist in making application to the Shire.



Tools and resources

- Secondary employment organisational directive.



Where to get help

- Manager Governance and Strategy.

Fraud and corruption

We are committed to preventing, detecting and responding appropriately to any fraudulent or corrupt behaviour committed by our employees or contractors.

The principles

- Fraud involves some sort of actual or potential financial loss. Examples include but are not limited to:
 - Theft.
 - Obtaining property or financial advantage.
 - Using forged or falsified documents.
 - Unlawful use of Shire of Harvey assets.
 - Misuse of Shire of Harvey funds.
 - Claiming sick leave for any other reason other than illness.
 - Claiming for or being paid for hours not worked.
- Corruption is any dishonest activity where an employee acts contrary to the interest of the Shire of Harvey, or abuses their position of trust. It is usually motivated by self-interest. Examples include but are not limited to:
 - » Using your position to benefit a personal interest.
 - » Using your position to assist a friend acquire employment.
 - » Using your position to improperly influence tender or grant decisions.

Your responsibility

It is your responsibility for minimising the risk of fraud and corruption and reporting known incidences.

- If you suspect that fraud or corruption has been committed, as a first step you should report it verbally or in writing to someone within the Shire of Harvey. You can report a suspected breach to:
 - Your direct supervisor, manager or director.
 - The HR team.
 - A Public Interest Disclosure Officer at the Shire of Harvey.
- A disclosure may also be made directly to:
 - Corruption and Crime Commission for serious misconduct.
 - Ombudsman Western Australia for matters governing administration affecting individuals.
 - Equal Opportunity Commission Western Australia for matters regarding discrimination.



Where to get help

- Manager Governance and Strategy – Public Interest Disclosure Officer.



Tools and resources

- *Public Interest Disclosure Act 2003.*
- *Public Interest Disclosure Guidelines.*



Gifts

It’s vital that our community trusts us to do our job impartially. That’s why it’s important that your personal interests don’t conflict with your public duty.

The principles	Your responsibility
<ul style="list-style-type: none">Discourage others from giving gifts and hospitalityGifts should not be accepted, but if you do, you must declare it through a Gift Declaration on Attain.Declarations made using the Declaration of gift, benefit or hospitality for will be kept by Governance. Key details will be recorded in the Corporate Gift Register and made available for public inspection.Declare any gifts, benefits and hospitality received	<p>with an estimated retail value of \$50 or more or totalling \$50 or more, from any person or entity within a calendar year. You can do this by submitting a Declaration of gift, benefit or hospitality form to your Director.</p> <ul style="list-style-type: none">Approval is required for gifts, benefits or hospitality over a certain amount.

Impressions

Accepting gifts from another organisation, contractor or supplier can give the impression that this could influence your decisions or actions. Even though this might not be your intention, or the intention of the donor, impressions and perceptions are important.

Gifts include free or heavily discounted items, hospitality, services, ‘prizes’ and benefits received by a person from a third party other than the Shire of Harvey. It includes, but is not limited to meals, drinks, tickets to events, conference registration, airline tickets, airline upgrades, accommodation, food or gift baskets door prizes and raffle prizes won when on Shire of Harvey business.

In most cases it’s best to politely decline any offer of gifts or hospitality.

Estimated value of the gift	Action
Greater than \$50 but less than \$300, or more. This may be one gift or an accumulation of gifts given by the same person during a calendar year.	Advise your Director as soon as possible and complete a Declaration.



Where to get help

- Manager Governance and Strategy.



Tools and resources

- Gift Declaration on Attain.
- Register of Gifts.
- Local Government Act 1995.



Procurement

We follow best practise principles for every procurement and purchasing activity, irrespective of value and complexity.

The principles

- Value for money: an acceptable market price, fit for purpose, appropriate service and good quality, plus consideration of whole life costs and sustainable benefits.
- Open and fair competition: all suppliers are treated fairly, in an open and transparent manner.
- Accountability: all staff and suppliers are responsible for their actions and decisions throughout the procurement process.
- Risk management: all risks are identified and dealt with via suitable controls.
- Probity and transparency: conducting business fairly, honestly and in an open and transparent manner.
- Compliance; with the *Local Government Act 1995*, Local Government (Functions and General) Regulations 1996.

Your responsibility

- It is your responsibility to attend training on the purchasing policy and financial system.
- Any purchases you make are to be within your current purchasing permissions.
- To follow the purchasing thresholds for the correct purchasing process.
- You are to follow the principles when assessing and evaluating goods and services, regardless of their value.
- Declare any gifts, benefits and hospitality received with an estimated retail value of \$50 or more or totaling \$50 or more, from any person or entity within a calendar year. You can do this by submitting a Declaration of gift, benefit or hospitality form to your Director.
- Approval is required for gifts, benefits or hospitality over a certain amount.

Amount of Purchase	Policy
Up to \$5,000	Direct purchase from suppliers requiring only verbal quotation.
\$5,001 - \$19,999	Obtain at least two verbal or written quotations.
\$20,000 - \$49,999	Obtain at least two written quotations.
\$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.
Emergency Purchases (Within Budget)	Must be approved by the Mayor/President or by the CEO under delegation and reported to the next available Council Meeting.



Tools and resources

- Purchasing policy – Shire website.
- *Local Government Act 1995*.
- Local Government (Functions and General) Regulations 1996.



Where to get help

- Manager Finance.

Recordkeeping

Good records management is a necessary element of good governance and integrity. As a local government we have a legal requirement to maintain records.

The principles

- The State Records Commission has set standards for the management of records of information.
- Local government is considered a 'State organisation' in the Act and must comply with the requirements of the Standard.
- Records are at the core of our organisation and are assets which allow us to function effectively.
- The *State Records Act 2000* governs the recordkeeping for local government in Western Australia.
- Under the Act a record is defined as any record of information, in any form, created, received, or maintained by a government organisation in the course of conducting its business activities.
- Records may be in any format on which information can be stored, including paper, film magnetic and optical media.
- Our Recordkeeping Plan captures key information about processes and systems used by our organisation to manage records of information. The plan also sets out actions for the retention and eventual disposal or transfer of records.

Type of record	Description
Significant	Contains administrative, legal, fiscal, evidential or historical value information which isn't recorded elsewhere on the public record.
Ephemeral	Either duplicated records or those having short term value. Drafts, rough notes and records of routine enquiries.
Vital	Records essential to the continuing business of the Shire.
Non-vital	Documents available in the general domain.

Your responsibility

- It is your responsibility to attend training on your recordkeeping responsibilities and recordkeeping system.
- Identify significant records in all formats and ensure these are registered in the records system.
- Not destroy an official record of the Shire of Harvey. This includes annual diaries issued by the Shire to you.



Tools and resources

- Information Management Induction - Shire intranet.
- *State Records Act 2000*.
- State Records Office WA.



Where to get help

- Information Management Team.



Information privacy and use

It is important that we manage our information in an open and transparent way.

The principles

The Australian Privacy Principles covers the following areas:

- Open and transparent management of personal information.
- Anonymity and pseudonymity.
- Collection of solicited personal information.
- Dealing with unsolicited personal information.
- Notification of the collection of personal information.
- Use or disclosure of personal information.
- Direct marketing.
- Cross-border disclosure of personal information.
- Adoption, use or disclosure of government related identifiers.
- Quality of personal information.
- Security of personal information.
- Access to personal information.
- Correction of personal information.

Your responsibility

- Not collect sensitive information unless the individual has consented or is required by law.
- Not disclose personal information for any purpose other than for what it was collected with the individual's prior consent.
- Not to misuse, have unauthorised access to, modify or disclose information about an individual.
- Be aware of the restrictions on providing information where it is suspected the information may be used for commercial purposes.
- Follow procedures that have been put in place to protect the information we collect.
- Follow procedures to assist individuals who wish to gain access to their personal information.



Where to get help

- Information Management Team.



Tools and resources

- *Local Government Act 1995.*
- Privacy policy.
- *Federal Privacy Act 1988 (Cwth).*
- *Privacy amendment (Enhancing Privacy Protection) Act 2012.*
- Australian Privacy Principles.
- *Freedom of Information Act 1992 (WA).*
- Office of the Information Commissioner, WA.
- Office of the Australian Information Commissioner.

Integrity

Section 5. Enforcement of the Code

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 the Director or Manager acting on behalf of the CEO.
 - b) In the case of the CEO by the Shire President.
- Depending on the conduct and taking into account the staff member's responses and any mitigating circumstances.

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 or to the Shire of Harvey's Public Interest Disclosure Officer – Manager Governance and Strategy.

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.

Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* (PID Act) facilitates the reporting of improper or unlawful conduct relating to matters of public interest information. The PID Act provides protection and certain immunities for those who make a disclosure. Penalties will prevail if a person who makes a disclosure under the PID Act:

- a) Has his or her safety or career prejudiced, or threatened to be prejudiced; or
- b) Is intimidated or harassed; or
- c) Has an act done to his or her detriment because of having assisted the Commission; or
- d) Furnished information to the Commission.

Public interest disclosures can be made to the Shire's Public Interest Disclosure Officer – Manager Governance and Strategy.

Ethical decision making

The Australian Public Service Commission has developed a decision making model in the form of the easy to remember acronym REFLECT.

REcognise a potential issue or problem

Ask yourself:

- Do I have a gut feeling that something is not right?
- Do I feel this is a risky situation?

Recognise the situation as one that may involve tensions:

- Between two or more of the Values.
- Between the Values/Code and personal values.



Find relevant information

Find the information and gather the facts:

- What was the trigger and what are the circumstances?
- Identify the relevant legislation, policies and guidance.
- Identify the rights and responsibilities of relevant stakeholders.
- Identify any precedent decisions.



Linger at the 'Fork in the Road'

Pause to consult:

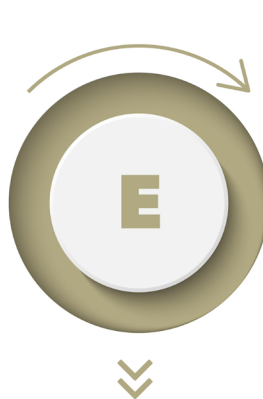
- Supervisors and managers.
- Respected colleagues, peers, or support services – remember privacy.
- Talk it through, use intuition and analysis, listen and reflect.



Evaluate the options

Identify options, identify consequences, look at the processes:

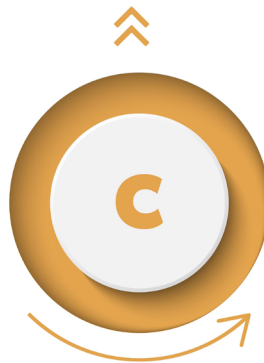
- Identify the risks
- Discard unrealistic options
- Apply the accountability test – would the decision stand up to public scrutiny or independent review?
- Be prepared to explain the reasons for your decision.



Come to a decision

Using all the information to hand, make a decision:

- Act on it and make a record if necessary.



Take time to reflect

Reflect and review:

- How did it turn out for all concerned?
- Learn from your decision.
- If you had to do it all over again what would you do differently?



Legislation

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 Harvey

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 City 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

(a) Application

This clause does not apply to the CEO.

(b) Definitions

In this clause – **activity involving a local government discretion** has the meaning given to it in the Local Government (Administration) Regulations 1996;

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 has the meaning given to it in 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 has the meaning given to it in 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 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 has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

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:

(i) a gift worth more than \$[50 but less than \$300]; or

(ii) 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 Interests

LOCAL GOVERNMENT ACT 1995 - SECT 5.76

5.76. Annual returns

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.

[Section 5.76 amended: No. 1 of 1998 s. 18; No. 66 of 2006 s. 12.]

- 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

- a. In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

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 Harvey Resources

- a. In this clause -

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

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]

