



All correspondence to be addressed to:
Chief Executive Officer
PO Box 125 KULIN WA 6365
p: 08 9880 1204 f: 08 9880 1221
e: enquiries@kulin.wa.gov.au
www.kulin.wa.gov.au

LOCAL GOVERNMENT ELECTIONS

SATURDAY 16 OCTOBER 2021

CANDIDATE NOMINATION PACKAGE

The Shire of Kulin has nine (9) Councillors on four (4) year terms, with ordinary vacancies alternating every two (2) years.

To be eligible to nominate for Council you must be:

- 18 years or older; and
- An elector of the district

This year, new laws have been introduced which makes it compulsory for all candidates nominating in a local government election to complete an online induction.

You will be asked to declare that you have completed the online induction when filling out your nomination form. It is an offence to make false or misleading statements on the nomination form.

At the end of the online induction you will need to fill in your details to register your completion. Please make sure you press the registration button at the end or your completion will not be registered. You should receive an email confirming you have completed the induction. Please keep this for your records. The induction should take no longer than one hour to complete.

To complete the Local Government Candidate Induction click on the following link:

<https://dlgsc.wa.gov.au/local-government/local-governments/council-elections/local-government-candidate-induction>

Nominations open on 2 September 2021 and close on 9 September 2021. The Shire of Kulin has five (5) 4 vacancies with four (4) year terms and 1 vacancy with a (2) year term.

Along with the above, the following documents are available on request. These will provide important information for prospective candidates to assist in the nomination process:-

- In Person Election Timetable
- Nomination for Election by Candidate
- Nomination for Election by Agent
- Council Policy – Councillors/Staff Code of Conduct
- Shire of Kulin Rates Information 2021/22

Prospective candidates are encouraged to view the link to the Department of Local Government, Sport and Cultural Industries which provides further information for candidates and covers:-



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1. Introduction to Local Government in Western Australia
2. Section 1: Standing as a Council Member
3. Section 2: Voting and participating in local government including key dates for 2021
4. Section 3: Now you're a Council Member

The link to the Department is:

<https://test-dlgsc-sitefinitycms-ause.azurewebsites.net/local-government/local-governments/council-elections/put-yourself-forward-nominate-for-council>

Prospective candidates are encouraged to view the Shire of Kulin's website. The following link will provide candidates with important information including Strategic Community Plan, Annual Report, current budget and recent meeting minutes:-

<https://kulin.wa.gov.au/main/council/overview/council-documents/>

To nominate as a candidate for a local government election, the candidate must make a valid nomination application which consists of:-

- A completed nomination form
- A candidate profile (150 words maximum)
- A deposit of \$80 (payable at the Shire Office by cash or cheque – no EFTPOS, or online – account details available on request)
- A photograph (optional)

Candidates who have further questions regarding the election or nomination process should contact the returning officer, Garrick Yandle during office hours on 9880 1204.

Thank you for your interest in the Kulin Shire Council and the future of Kulin!

Kind Regards

Garrick Yandle
Chief Executive Officer



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Nomination Pack

This package contains all the information you need to know to make a valid nomination for election to Council. Please read everything very carefully as the procedures set down in legislation must be followed.

STEP 1	Read the enclosed Fact Sheets on Standing for Council published by the Department of Local Government, Sport and Cultural Industries.
STEP 2	You must check whether you are eligible to nominate (information is contained in the Fact Sheets and the back of the nomination form)
STEP 3	If you wish to nominate yourself complete enclosed Form 8 – “Nomination for Election by Candidate”. If, for some reason, you cannot do the nomination yourself you may ask an agent to do this on your behalf. If this is the case, give them enclosed Form 9 – “Nomination for Election by Agent” and provide them with a letter stating that you want them to nominate you – state the ward if the district is divided into wards. They must then complete the nomination for you.
STEP 4	Write out a profile about yourself of not more than 150 words that must fit onto an A4 sheet. It is important to ensure that your profile complies with the instructions on the back of the nomination form.
STEP 5	Your nomination cannot be accepted unless you provide a deposit of \$80 – see back of nomination form for method of payment. Your nomination will not be accepted without a complying profile. Nomination deposits are refunded after the election in some circumstances.
STEP 6	You must deliver or have delivered the nomination to the returning officer at the nomination place, Shire of Kulin by 4.00pm on 9 September 2021, the close of nominations. Method of delivery can be by post, by fax or any other electronic means (so long as it is capable of being printed in its entirety, including signature) by the returning officer. Note: if your nomination is by fax or other electronic means, arrangements will have to be made for payment of the \$80 deposit before 4.00pm on 9 September 2021

Withdrawal of nomination

The withdrawal of a nomination is effective if:

- written notice of it is received by the returning officer at the Shire of Kulin before the close of nominations;
- evidence that the withdrawal is made by or with your consent is given to the returning officer in writing before close of nominations;
- a candidate dies before the close of nominations.
- You cannot withdraw a nomination after the close of nominations.

Term of office

If you are successful your term of office as a councillor will be for four (4) years.

Drawing of ballot paper position

The returning officer will conduct the draw for ballot paper positions at the Shire of Kulin. This will start as soon as practicable following the close of nominations which occurs at 4.00pm



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on Thursday 9 September 2021. Candidates and other interested people have a right to attend.

Electoral rolls

Candidates will be supplied with one free electoral roll at the close of nominations if available on Thursday 9 September 2021.

Voting

The system of voting used is 'first past the post'. Where there are two positions an elector will cast a valid vote by placing a tick in the box against either one of the candidates of their choice. Where there are more than two vacancies, an elector may place a tick in a box against as many candidates as there are vacancies to be filled.

Printing and publication of candidate electoral material

Your attention is drawn to particular requirements of the Local Government Act 1995, that state that printing and publication of all electoral material must contain the following information at the end of the material:

- the name and address (not a post office box) of the person who authorised the electoral material to be printed; and
- in the case of material that is printed other than in a newspaper, the name and business address of the printer.

Please note that the word **print** includes photocopying or reproducing by any means. Further **publication** can include all forms of disseminating information by electronic means, such as email, social media, radio or television. It is very important to comply with this provision when you organise printing because a penalty of \$2,000 may be incurred.

Disclosure of electoral donations

Under the *Local Government (Elections) Regulations 1997*, candidates and donors must disclose any gifts promised or made within the six-month period prior to election day that either alone or in combination from one person exceed \$200 in value. Enclosed **Form 9A** is to be used. Disclosure is to be submitted to the CEO of the relevant local government within 3 days of the candidate's nomination and thereafter within 3 days of any further gifts being promised or received. Any gifts from unidentified donors must also be reported to the CEO and delivered to the CEO for disposal.

Enclosures:

- Fact Sheets on *Standing for council*
- Nomination **Form 8**
- Nomination by Agent **Form 9**
- Disclosure of Gifts **Form 9A** and copy of reg. 30.A to 30.I



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Standing for Council

Fact Sheets are available from the Department of Local Government, Sport and Cultural Industries

<https://test-dlgsc-sitefinitycms-ause.azurewebsites.net/local-government/local-governments/council-elections/put-yourself-forward-nominate-for-council>

Typically, local government councillors are everyday people who want to make a difference.

The Western Australian Local Government Association (WALGA) and many local governments offer free information sessions for prospective candidates in the lead-up to the October elections. For more information, visit the WALGA website or contact your local government.

The department also has a series of fact sheets on various aspects on being a council member:

An introduction to local government

- The role of a council member
- Council members' responsibilities and rights
- Nominating to be a council member
- Rights and obligations in campaigning
- Running an election campaign
- Conduct of local government elections
- What happens when you become a council member
- Electoral gifts and crowdfunding



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A1 CODE OF CONDUCT - MEMBERS AND STAFF

Administration

PREAMBLE: The Shire of Kulin has adopted the model Code of Conduct which provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments. The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:-

- a) better decision making by Local Governments;
- b) greater community participation in the decisions and affairs of Local Governments;
- c) greater accountability of Local Governments to their communities; and
- d) more efficient and effective Local Government.

OBJECTIVE: The Code provides a guide and a basis of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

POLICY:

Role of Elected Members

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future, for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.



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1. Conflict and Disclosure of Interest

1.1 Conflict of Interest

- (a) Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. 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.
- (c) Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing which may otherwise be in conflict with the Council's functions.
- (d) Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

1.2 Pecuniary Interest

Members and staff will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

1.3 Disclosure of Interests Affecting Impartiality

Members are required to disclose any conflicts of interest of a non-financial nature that they may have that could be perceived as likely to affect the judgement of that person to act impartially. Details of the nature of the disclosure by the member must be recorded in the minutes of the meeting.

Staff and consultants who are providing advice to the meeting must make the disclosure at the time of giving such advice.

1.4 Disclosure of Interest

- (a) Members and appropriate staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.



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- (b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

2. Personal Benefit

2.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts and Bribery

- (a) Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.
- (b) If any gift, reward or benefit is offered and is in excess of \$300 (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

3. Conduct of Members and Staff

3.1 Personal Behaviour

- (a) Members and staff will:
 - (i) act, and be seen to act properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;



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- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in public interest) and 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; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.2 Honesty and Integrity

Members and Staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee, to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government'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 Local Government.
- (b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Members and Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Members and Staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct professional and responsible management practices.



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3.6 Corporate Obligations

- (a) Standard of Dress:-
Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.
- (b) Communication and Public Relations:
- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities, should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
 - (ii) As a representative of the community, Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, Members should acknowledge that:
 - as a member of the Council there is respect for the decision-making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not to be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

3.7 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and Staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members, need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

3.8 Appointments to Committees

As part of their representative role Members are often asked to represent the Council on external organisations. It is important that Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.



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4. Dealing with Council Property

4.1 Use of Local Government Resources

Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the local Government resources entrusted to them effectively and economically in the course of their duties and
- (c) not use the Local Government's resources (including the services of Council staff) 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 Chief Executive Officer).

4.2 Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

HEAD OF POWER: Local Government Act 1995