



# Code of Conduct for Employees

Updated January 2024 | Version III



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# Our Values

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.



# Our Vision



## Connected Communities, Valuing Nature and Creating our Future Together

### Core Values



**Service** We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.



**Professionalism** We look, speak, act and do what it takes to show others we are reliable, respectful and competent.



**Quality** We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

### Aspirational Values



**Courage** We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well-being of our people and to support the economy.



**Diversity** We challenge ourselves to keep our minds open and looking for all possibilities and opportunities.



**Innovation** We believe in a workplace where you're safe to try new things - where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

**Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable**

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)



# Customer Service Charter

We strive to ensure the City of Kalamunda is a safe and courteous place for all staff and customers.



## Introduction

At the City of Kalamunda we know creating a great place to live, means openly communicating with our customers and the broader community, responding to enquiries efficiently, as well as listening and accepting feedback to improve your customer service experience. The Customer Charter is a statement of standards which summarises our commitment to you. Our vision is to make 'our customers the 'key influencers' in the development, improvement and delivery of our services'. This means we aim to ensure all customer interactions with the City of Kalamunda are timely and meaningful. If not, we will use your feedback to improve them. Best practice customer service outcomes can only be achieved with a combination of high service standards, proactive delivery, and consistently improving processes and procedures.

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## Our Promise

We aim to ensure that customers:

- » receive timely responses
  - » have meaningful interactions
  - » are made to feel like the only customer
  - » are helped to help themselves
  - » are informed and will help inform our services
- 

## Communication

Efficient communication is a vital part of customer service. We aim to respond and communicate with you within the following timeframes.

Face-to-face - immediately during business hours

Phone - in most instances we will answer your call at the time you ring, but if we can't, please leave a message and we will call you back within 1 business day.

Email - we will respond within 5 business days

Mail - we will respond within 10 business days (Allowing for postage)

Social Media - we will respond within 24 hours

Online self-services are available 24 hours per day, 7 days a week

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See our website for more: [www.kalamunda.wa.gov.au/council/about-us/vision-values](http://www.kalamunda.wa.gov.au/council/about-us/vision-values)



## Message from the Mayor and Chief Executive Officer

The City of Kalamunda is one of the State's most dynamic and vibrant local governments. It plays a vital role in the West Australian community.

Exemplary standards of ethical behaviour are expected from those Employees who serve the community as officers of the City.

It is vitally important all Employees, contractors and consultants understand what the City expects of them in terms of personal conduct and behaviour whilst carrying out their public duties.

The Code of Conduct assists and guides Employees to determine the acceptable and appropriate ethical standards of behaviour to apply in various circumstances.

The standards set by this Code of Conduct are high and the City expects them to be met.

All Employees should refer to the Code of Conduct for general guidance or when faced with an ethical dilemma. The Code of Conduct sets limits of behaviour that seek to preserve the integrity of public service and decision making in local government. It guides those who carry out public duties to conduct themselves with propriety and respect for others at all times.

It is our pleasure to make available this Code of Conduct to all Employees. We trust it will assist in achieving and maintaining the high standards of ethical behaviour the City expects them to deliver to the community and each other.

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Margaret Thomas  
Mayor  
City of Kalamunda

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Anthony Vuleta  
Chief Executive Officer  
City of Kalamunda





# Definitions

**Act** - means the Local Government Act 1995.

**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.

**Breach** - means breach of the Code.

**CEO** - means the Chief Executive Officer of the City of Kalamunda.

**City** - means the City of Kalamunda.

**Code** - means City of Kalamunda Code of Conduct.

**Confidential Document** - means a document either:

- (a) marked by the CEO to clearly show the information in the document is not to be disclosed; or
- (b) provided at a closed meeting; or
- (c) designated confidential by resolution of council or special committee.

**Conflict of Interest** - means a situation in which a person's professional decision-making ability could be, or could reasonably be seen to be, influenced by their personal interests.

**Corruption and Crime Commission** - means the Commission established under Section 8 of the *Corruption and Crime Commission Act 2004*.

**Council** - means the Council of the City of Kalamunda.

**Elected Member**, for the purpose of this code, means a person who holds the office of an elected member at the Council and has been appointed by Council as a member of any Committee of Council established under section 5.8 of the Act.

**Employee**, for the purpose of this code, means a person employed by the City under Section 5.36 of the Act or consultants and contractors engaged by the City.

**Interest affecting Impartiality** - means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the Interest and includes an Interest arising from kinship, friendship, or membership of an association.

**Notifiable Gift** - means a gift worth between \$50 and \$300, or a gift that is one of two or more gifts given by the same person within a period of 6 months that in total are worth between \$50 and \$300.

**Prohibited Gift** - means a gift worth \$300 or more, or a gift that is one of two or more gifts given by the same person within a period of six months that are in total worth \$300 or more.

**Regulations** - means *Local Government (Rules of Conduct) Regulations 2007*.

## Minor Misconduct

» means conduct that:

- is not honest or important;
- involves a breach of trust;
- involves the misuse of official information for material, **and** constitutes or could constitute a disciplinary offence that gives reasonable grounds for termination.

» means conduct that is willful or deliberate and is inconsistent with the continuation of the employment contract. It is also conduct that causes serious and imminent risk to the health and safety of a person, or the reputation, viability or profitability of the City's business.

**Serious misconduct** - means conduct that is corrupt in the performance of employment, takes advantage of employment for personal benefits or benefits another person, or that causes detriment to any person, or commits an offence punishable by 2 or more years imprisonment.

**Public Section Commission** - means the commission established under the *Public Sector Management Act 1994*.

# 1. Introduction

## 1.1 Why have Codes of Conduct?

Employees of local government are required by law to observe codes of conduct.

- » Section 5.103(1) of the Act provides every local government is to prepare and adopt a Code of Conduct to be observed by council members, committee members and employees.

The *Local Government (Rules of Conduct) Regulations 2007* provide general principles to guide the behaviour of council members.

A guide for employees can be found in Section 80 of the *Public Sector Management Act 1994* provides "an employee who disobeys or disregards a lawful order; contravenes any provision of the Act applicable to that employee; or any public sector standard or code of ethics; commits an act of misconduct; is negligent or careless in the performance of his or her functions or commits an act of victimisation within the meaning of section 15 of the Public Interest Disclosure Act 2003 commits a breach of discipline".

- » Professionals who work within the City, such as planners, accountants and engineers can be members of their own professional bodies. These bodies may have their own codes of conduct which professionals are bound to observe.

The Code has been drafted in accordance with the City's obligation to do so under s 5.103(1) of the Act. It is important because it guides and assists Employees to act fairly, equitably and with propriety when dealing with people with a range of interests.

While carrying out public duties, Employees will encounter people from the community, other government agencies or commercial organisations. Partnerships may be established with a range of public and private individuals or agencies that have particular commercial and community interests. Interactions with industry and community group representatives will also bring Employees into contact with a range of people representing a range of interests. The action taken and decisions made by Employees can affect the wellbeing, rights, or entitlements of these people. It is important ethical standards are consistently applied to ensure the best interests of all people within the City are met in all dealings.

The Code guides Employees by clarifying those situations where the ethical aspects of public duty may not always be clear and providing guidance in these situations.

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## 1.2 Who Does the Code Apply to?

The Code applies all Employees employed by the City. All Employees will be required to sign a Code of Conduct Declaration (Form 3), acknowledging they have read the Code and will be bound by it.

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## 1.3 What is Expected of Employees?

The City has an obligation to provide services and facilities to its residents, ratepayers, and electors. Employees serve and have a duty of fidelity to the City and are required to act in the best interests of the City in the provision of services and facilities. This places Employees in a unique position of trust. Consistent standards of ethical behaviour must be applied to meet the interests and expectations of the City, its residents, ratepayers, and electors.

Employees are bound by the standards of ethical behaviour provided in the Code.

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# 2. Working Ethically – Decision Making

## 2.1 Making Decisions Ethically

Ethics are the values and principles that guide behaviour and decision making.

There may be situations which arise during the course of employment or public duty which give rise to ethical dilemmas or where the answer is not always black or white. Those times when the internal voice asks: Should I do this or shouldn't I?

When faced with an ethical dilemma, it is helpful to have steps to follow or questions to ask to guide what action is taken or decision made. The following assists to guide behaviour and decision making at these times:

### 1. Identify the situation

- » What are the facts?
- » What are the consequences of a particular course of action?
- » Who are the people involved?
- » Are there any legal issues to consider?

### 2. Seek guidance

- » Consult the City's Strategic Plan which identifies the City's values and their purpose.
- » Consider if the Code or Regulations requires a certain behaviour?
- » Consider if there is a City policy to guide the decision?
- » Discuss the dilemma and proposed course of action with a Manager.

### 3. Reflect: ask these questions:

- » Would I be happy for my actions to be open to public scrutiny?
- » How would I feel if I were on the receiving end of my decision?
- » How will this impact on my reputation or the reputation of the City?
- » What would happen if everyone took this course of action or behaved in this way?
- » Would my actions be different if this were my money, my time, or my equipment?
- » Can I justify this action or behaviour to myself or anyone else?
- » Do I need more facts, greater guidance, or clearer assessment?
- » Have I been fair, objective and acted with probity?

### 4. Choose a course of action:

- » Action must be lawful and consistent with City policy and Public Sector Standards and Guidelines.
- » Any action or decision must be justifiable.

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**References**      Public Sector Commission: [www.wa.gov.au/organisation/public-sector-commission](http://www.wa.gov.au/organisation/public-sector-commission)

## 2.2 Where to go for Further Guidance

If, after following these steps and asking these questions, further advice or guidance is needed, please contact the Governance Advisor, or any member of the People Services business unit.

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## 2.3 Obligations and Responsibilities of Managers

People who manage or supervise others must:

- » make available to Employees, contractors and consultants a copy of the Code and all City policies, management practices or procedures that impact upon their work;
  - » lead by example by behaving professionally;
  - » not encourage or allow any Employee to breach the Code; and
  - » make themselves available to advise and support Employees.
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## 2.4 Breaches

If during the course of carrying out duties as an Employee, a person suspects a breach of this Code, it should be brought to the attention of the Manager People Services. They can provide guidance about the appropriate action to take. If it is not possible to raise it with them, the matter should be raised with the CEO. If after bringing the suspected breach to their attention, it is decided to lodge a complaint, the complaints alternatively, can be made on the approved form and lodged in accordance with the City's processes. Complaints can also be submitted directly to the Public Sector Commission using the forms and processes outlined on their website.

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## 2.5 What Happens to Complaints

Complaints about a breach by an Employee should be documented and the Code of Conduct Complaint Form (Form 1) can be used by the person alleging the breach. The form must then be submitted to the Manager People Services who will gather all relevant information to present to the CEO. The CEO will determine the complaint.

Complaints about a breach by an Elected Member should be documented on a Code of Conduct Complaint Form by the person alleging the breach. The form must then be submitted to the Governance Advisor who will gather all relevant information to present to the CEO/ City Mayor or both. The City Mayor/CEO will determine the complaint.

Complaints can also be submitted directly to the Public Sector Commission using the forms and processes outlined on their website.

**References**      Form 1: Code of Conduct Complaint Form

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## 2.6 What are the Consequences of a Breach?

Employees [and Elected Members] are required under the Act to observe a code of conduct. The ramifications for Employees will vary depending on the breach and could range from a requirement to attend formal counselling to termination of employment.

The Act provides for minor and serious breaches by Elected Members and a range sanctions. Depending on the seriousness of the alleged breach the possible outcomes could include a public apology, training, suspension or even disqualification from holding office as a member of Council.

Allegations of **misconduct, corruption** or **fraud** must be reported to the CEO.

**References**      *Local Government Act 1995*, s 5.103(1) and 5.105: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

# 3. Working Ethically with Each Other

## 3.1 Appropriate Behaviour

One of the ways a positive culture is built in the City is by its Employees [and Elected Members] following the standards of appropriate behaviour provided in the Code.

All Employees should behave appropriately towards each other [and Elected Members] while carrying out public duties. Their conduct should contribute towards creating and maintaining a supportive work environment.

Appropriate behaviour includes conduct that is courteous, polite, and businesslike. It involves treating colleagues with respect and courtesy. The City's values should be applied in all business dealings and underpin behaviour in relationships. (refer to CEOD-HRM 001 Respectful workplaces)

The City's Performance Evaluation System [PES] provides a competency framework that enables Employees to focus not just on what they do at the City but their behaviours and actions when striving to achieve those goals.

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## 3.2 Inappropriate Behaviour

Inappropriate behaviour will not be tolerated and must cease immediately.

Examples of inappropriate behaviour include but are not limited to:

- » bullying, harrasment and intimidation;
- » offensive language and excessive swearing;
- » habits designed to annoy;
- » making jokes at another's expense;
- » beginning or spreading rumours or gossip calculated to offend or upset;
- » Sexual harrasment, assault;
- » violence or threats of violence;
- » blatant disregard for safety policies and procedures

Bullying at work is a particularly harmful and damaging form of inappropriate behaviour and will not be tolerated.

Employees are always expected to work cooperatively and courteously with colleagues [and Elected Members]. Different people have different ways of working and communicating. Allowances should be made for this when those who are employed or represent the City deal with others internally or externally.

There should be sufficient opportunity for others to express their opinions on City or Council issues.

Material or language that will or could offend others must not be displayed or distributed.

Any Employee who feels they are being subjected to any form of inappropriate behaviour in the first instance may elect to speak to their Manager, or alternatively, to a member of the People Services business unit. However any suspected breach of the code, which would include 'inappropriate behaviour', should be brought to the attention of the Manager People Services.

The City has a CEOD for Respectful Workplaces and Management of Grievances which sets out appropriate workplace behaviours and interactions. The aim is for employees to be familiar with and are obligated to adhere to established workplace behavioural expectations.

**Further information:** CEOD-HRM Respectful Workplaces: [Corporate Library](#)  
CEOD-HRM Management of Grievances

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## 3.3 Employee/ Elected Member Relationship

### (a) Role of Elected Members

Elected Members specific roles are laid out in the Act.

Broadly these roles provide that Elected Members:

- » are the strategic decision makers in local government, rather than managers or administrators;
- » must refrain from dealing directly with Employees about administrative matters; and
- » must refrain from publicly criticising Employees in a way that may bring their professional reputations into disrepute.

Elected Members work together as Council to make the strategic decisions.

### (b) Role of Employees

In addition to the duties and functions required of Employees as part of their "contract" of employment with the City, the Act lays out additional requirements.

Employees enable the functions of local government and Council to be performed.

Employees, led by the CEO, implement the decisions of Council. The success of such a decision-making framework revolves around teamwork. Employees and Elected Members should always aim to work together as a team to achieve the strategic objectives set by Council.

**References**     *Local Government Act 1995*, ss2.10 and 5.36(1)(b): [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

### (c) Contact with Employees

The statutory obligation Elected Members have to not undertake a task that contributes to the administration of the City (unless authorised by the Council or by the CEO) does not mean Elected Members cannot seek information from Employees. The CEO has sanctioned Elected Members reasonable access to Employees, however if it is considered that an Elected Member is dealing inappropriately with Employees, the matter is to be reported to the CEO.

A formal process to facilitate complaints by Elected Members about Employees is included in the "Code of Conduct for Elected Members".

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## 3.4 Respecting and Valuing Diversity

The City embraces difference and seeks to unite everyone by the values identified in the City's strategic plan. Discrimination, bullying or harassment will not be tolerated, and Employees should not engage in or condone such behaviour at work.

Employees must observe the requirements of Anti-Discrimination and Equal Opportunity legislation in their dealings with colleagues, Elected Members, and others. These laws provide generally that every person is to be treated equally enabling them a fair opportunity to realise their full potential. This means it is unlawful to discriminate against a person on the grounds of sex, marital status, pregnancy, potential pregnancy, sexual orientation, family responsibility or family status, race, religious or political conviction, impairment, or age, or involving sexual or racial harassments or, in certain cases, on gender history grounds.

Employees are bound by the City's values in relation to equal opportunity employment, harassment in the workplace and harassment grievance mechanisms.

- References**
- Equal Opportunity Act 1984 (WA)*: [www.wa.gov.au](http://www.wa.gov.au)
  - CEOD-HRM Workplace Equity, Diversity and Inclusion: [Corporate Library](#)
  - Racial Discrimination Act 1975*: [www.legislation.gov.au](http://www.legislation.gov.au)
  - Sex Discrimination Act 1984*: [www.legislation.gov.au](http://www.legislation.gov.au)
  - CEOD-HRM Management of Grievances: [Corporate Library](#)



## 4. Working Ethically with the Community

### 4.1 Engaging with the Community

The City strives to meet the environmental, economic and social needs of the people who live within the community. Employees must be responsive to community needs, treat people with courtesy and sensitivity. The City's policy on public participation provides when participation in a project is deemed appropriate, the City will inform ratepayers and residents concerned to enable them to provide input to the project.

Services must be delivered professionally and effectively, responding quickly with a willingness to be flexible where necessary. Allowances and adjustments must be made to deal with people from different linguistic and cultural backgrounds

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### 4.2 Contact with the Community

Employees must make every effort to be positive, helpful, and effective when communicating with the community.

Although the Elected Members will generally have the highest profile and recognition as the "public face" of local government, Employees will also present a public face and corporate image of local government in several different ways.

It is therefore important for Employees to ensure:

- » confidential information remains confidential unless it is determined by law or otherwise that release of the information is appropriate; and
  - » decisions, processes and policy information which affect the community are communicated accurately and in a timely manner.
- 

### 4.3 Contact with Lobbyists

A lobbyist is a person who tries to influence legislation on behalf of a special interest.

Lobbying is appropriate when done with transparency, integrity and honesty but inappropriate when it undermines public confidence in the political decision-making process.

The Western Australian Contact with Lobbyists Code suggests that government representatives should only permit lobbying with people who are on the Lobbyist's Register. The register provides information to the public about lobbyists and who they represent in their dealings with government.

Whilst lobbyists will normally contact Elected members in undertaking their activities, Employees who exercise "decision making" whether through delegated authority or generally need to be aware of this issue and act accordingly.

The following information for Elected Members would also be relevant to Employees exercising delegated authority.

The Independent Commission against Corruption has published a guide for Elected Members entitled Lobbying Local Government Councillors which contains useful information for Elected Members, constituents, and other interested parties.



There are several things Elected Members can do to ensure lobbying remains transparent:

- » document meetings with lobbyists;
- » conduct meetings in Council premises or other locations suitable for open meetings;
- » have other people present during meetings;
- » invite lobbyists to write to Council seeking a meeting with Council and relevant Employees;
- » request communications be in writing;
- » copy information provided by lobbyists, provide to City officers to consider and assess, distribute to other Elected Members and/or file as a City record; and
- » declare lobbying activities to Council.

**References** Public Sector Commission Lobbyists Register:  
[lobbyists.wa.gov.au](http://lobbyists.wa.gov.au); <https://lobbyists.wa.gov.au/code-conduct>  
Lobbying Local Government Councillors - A Guide for Councillors, constituents and other interested parties:  
[www.icac.nsw.gov.au/ArticleDocuments/631/Lobbying\\_local\\_government\\_councillors\\_-\\_a\\_guide\\_for\\_councillors\\_constituents\\_and\\_other\\_interested\\_parties.pdf.aspx](http://www.icac.nsw.gov.au/ArticleDocuments/631/Lobbying_local_government_councillors_-_a_guide_for_councillors_constituents_and_other_interested_parties.pdf.aspx)

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## 4.4 Contact with Developers

Employees must ensure development decisions are made in accordance with legislative requirements, City policies and procedures. Dealings with applicants and assessment of development applications must always be open and transparent to avoid accusations or perceptions of improper conduct, preferential treatment or bias.

Additional information and acceptable behavioural principles which should also be upheld by Employees when dealing with developers are contained in Local Government Operational Guidelines No. 12 - "Elected Members' Relationship with Developers".

**References** Department of Local Government and Communities - Local Government Operational Guidelines No. 12 - "Elected Members' Relationship with Developers".

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## 4.5 Procedural Fairness

Procedural fairness is concerned with the procedures used by a decision maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is considered highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

The rules of procedural fairness require:

A hearing appropriate to the circumstances;

- » lack of bias;
- » evidence to support a decision; and
- » inquiry into matters in dispute.

The City requires all dealings with the community to be conducted applying the principles of procedural fairness.

**References** Ombudsman Western Australia: [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

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## 4.6 Dealing with the Media – Making Public Comment

The media includes all traditional forms of media and extends to dealings with reporters from newspaper, television and radio and contributions made to social media sites such as Facebook, Twitter etc.

Only the Mayor, or the CEO if the Mayor agrees, can speak on behalf of the City.

Unless otherwise authorised to do so, Employees who make public statements express them as personal opinions only, which do not necessarily represent the City's position. Employees who speak publicly against any Council resolution could be using information, or be seen to use the information improperly and run the risk of causing detriment to the City. Consequently, Employees should not speak publicly about Council business without authorisation to do so.

Employees who are contacted by the media must direct the enquiry to the Manager, Customer & Public Relations

All media contact by Employees must be reported to the, Manager Customer & Public Relations regardless of whether or not information has been exchanged. The City's media contact policy provides Managers are obliged to identify and formulate publicity on current issues by issuing data and specifying the media contact for such issues.

All contact Employees have with people outside the City, media or otherwise should be positive, informative, and appropriate and based on information in the public arena.

**References** Further enquiries: Manager, Customer & Public Relations



# 5. Working Ethically – Professional Standards

## 5.1 Corporate Image and Style

A standard corporate image reflects the City's professionalism.

The City's corporate brand must be reflected consistently in all published materials. The corporate style guide contains information about the City's logo and communications involving large-scale media campaigns. To ensure consistency is maintained in all City communications, the City's formal style guide should be followed when writing and formatting letters, facsimiles, internal reports, and agendas. The style guide includes information about how to access standard templates. Employees must ensure all corporate documents are prepared using these standard templates.

**References** Further enquiries: Coordinator Communications  
City of Kalamunda: Press Statements City of Kalamunda Style Guide

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## 5.2 Dress Standards

The City recognises that its staff are the "face" of the local government and, as such, it is important that they present a professional and consistent image to the community. The appearance of staff can have a significant effect on how the City is perceived by those who interact with us.

To facilitate staff maintaining a professional and consistent image, the City has a registered Corporate Uniform and an expectation of dress standard.

All staff, including those who choose to not wear the corporate uniform, are to maintain a professional standard of dress. Clothing must be clean, in good condition and be consistent with community expectations and normal business practices.

The clothing that is worn must be appropriate for the employee's role. For example, the community would expect a Gym Instructor to dress differently to a Customer Relations Officer at the Administration Centre, or an employee wearing job specific protective clothing. In addition, safety and health considerations must always be a priority. Where a position requires the employee to wear specific protective clothing, that clothing MUST be worn.

An appropriate standard of dress is still to be maintained on days designated as "casual dress days" by the Chief Executive Officer.

Any employee not appropriately dressed to the City's standards may be asked by their Manager to return home to correct their attire.

All Employees must wear name badges for ease of identification.

**References** City of Kalamunda CEOD-HRM Corporate Uniform and Standard of Dress Policy:  
[Corporate Library](#)

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## 5.3 Confidentiality

Confidential information should remain confidential unless release is required by the law or otherwise.

Employees who access confidential information or Confidential Documents during the course of their employment must not release the information to any other person, except if required by law or otherwise.

Serious breaches of confidentiality by Employees may result in disciplinary action or dismissal. The consequences for a breach of confidentiality will vary according to the severity of the breach.

The obligation to keep information confidential continues after employment ceases.

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## 5.4 Security

Security protocols exist to protect Employees and the City's assets and information. They must be observed by all.

Employees must ensure City assets in their possession or being used by them are always secure. This is particularly relevant for portable and electronic devices, eg, mobile phones or laptops being transported in City vehicles.

### Computer System

The City's computer network has levels of security set to protect unauthorised access. Employees should choose passwords that cannot be easily guessed. Passwords should not be disclosed to others. Attempts should not be made to discover the passwords of others. Allegations of a Breach in this regard should be reported to the IT Help Desk.

### Building Access Cards and Administration Building Alarm

Employees must always keep building access cards safe. Cards must not be misused or lent to others. Lost cards should be reported immediately to the Coordinator Procurement Services or Procurement and Finance Officer.

Those Employees who need after-hours access to the Administration Building will be provided with a PIN to enable operation of the Alarm System. Maintaining security of the Administration Building is vital and you must not disclose your PIN to others or misuse it.

Approval for after-hours access to the Administration Building should be discussed with your Supervisor, Manager or Director.

**References** City of Kalamunda CEO Information Technology Security Policy: [Corporate Library](#)

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## 5.5 Appointment to Boards and Committees

Prior to an external board or committee appointment, Employees must confirm with the CEO whether the appointment would create a conflict of interest. Employees must disclose membership of external boards or committees to the Manager, People Services.



# 6. Working Ethically – Professional Behaviour

## 6.1 Apolitical and Impartial

To ensure the integrity of local government is preserved, Employees must make apolitical and impartial decisions.

Employees should remain uninvolved in the politics which is an inevitable part of public business. Decisions may involve giving regard to political factors; however, they should not be inappropriately swayed by political considerations. Rather decision-making should be based primarily on the relevant facts, consideration of the merits, be open, accountable, and fair. Decisions involving contracts, appointments or tenders should be impartial and in accordance with statutory obligations and policy considerations.

The City has respect for the democratic process and people can become members of political parties with no requirement to seek Employer approval. We would advise that if an Employee is intending to become a volunteer or more actively involved in State or Federal Election Campaign, it should be discussed with the Manager People Services to ensure no reputational harm to either the City or the Employee could occur. Where the City considers that the level of involvement of the Employee in a Campaign and relative to their role at the City, has the potential to place the City at risk, a leave of absence for the duration of the Campaign would be required.

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## 6.2 Responsive and Accountable

The City conducts its operations in accordance with sound business principles.

Its processes must reflect best practice with a focus on customer service and providing best value to the community. Regard must always be given to involving the community in decision making and upholding the democratic values that are inherent to the system of local government in Australia. These principles are reflected in the City's policy framework and are incorporated into all decisions made by Employees.

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## 6.3 Using Information or Position

Employees will on occasions be privy to confidential, privileged, or sensitive information. Under no circumstances should this information be divulged or used inappropriately to gain a direct or indirect advantage, financial or otherwise for, Employees, [Elected Members] or any other person or body. Employees should always conduct themselves in a professional and appropriate manner in this regard. The inappropriate use of information or abuse of position constitutes a Breach.

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## 6.4 Conflicts of Interest

A conflict of interest is where a personal interest conflicts with the public interest.

Employees must disclose interests that could be in conflict or could be perceived to conflict with the performance of their public duties, immediately they arise.

The Act and Regulations provide detailed information to Employees about what is or is not an Interest and when an Interest should be disclosed. The obligation under the Act to disclose extends to people who provide advice or a report to the City on a matter.

In addition, some professionals who are employed by the City are bound by their professional Codes to disclose interests appropriately.

If an Employee suspects their personal interests and public duty may be in conflict or perceived by others to be in conflict, this should be discussed with the Governance Advisor immediately the issue of a conflict arises.

In addition to any statutory or professional consequences of non-disclosure, failing to disclose Interests where appropriate is also a breach the Code.

- References** Local Government Act 1995, Part 5, Division 6: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)  
Department of Local Government and Communities Operational Guideline 20 Disclosure of Financial Interests at Meetings  
[www.dlg.wa.gov.au](http://www.dlg.wa.gov.au) – Publications – local government guidelines
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## 6.5 Interests Affecting Impartiality

Under certain circumstances, Employees are required by law to disclose Interests affecting impartiality. The requirement to disclose and circumstances in which disclosure must be made is contained in Regulations.

In general times Regulation 34C of the *Local Government (Administration) Regulations 1996* provides:

- » An Employee who has an Interest in any matter to be discussed at a council or committee meeting attended by the Employee is required to disclose the nature of the Interest, in a written notice given to the CEO before the meeting or at the meeting immediately before the matter is discussed.
- » An Employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any Interest the person has in the matter, in a written notice given to the CEO before the meeting or at the time the advice is given.
- » An Employee is excused from the requirement to disclose an Interest if the Employee did not know he or she, had an Interest in the matter or that the matter in which he or she had an Interest would be discussed at the meeting.
- » The CEO is to cause the notice of a disclosure of an Interest to be given to the person who is to preside at the meeting and at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- » If an Employee's Interest in a matter is disclosed at a meeting or notice of an Employee's Interest in a matter is brought to the attention of the persons present at a meeting, the nature of the Interest is to be recorded in the minutes of the meeting.

- References** *Local Government Act 1995*, s5.60: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)  
*Local Government (Administration) Regulations 1996*, r34C: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)  
*Local Government (Official Conduct) Amendment Act 2007*, r11: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
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## 6.6 Secondary Employment

Additional employment outside of the City may place Employees at risk of being conflicted or impeded in the ability to carry out their public duties. In certain circumstances there could also be an Occupational Health and Safety issue for colleagues from the effects of fatigue on the Employee undertaking additional work outside the City.

The definition of outside employment includes paid employment with another organisation, running a business, maintaining a professional practice or consultancy and being a director of an organisation. It may include voluntary activities if those activities have the potential to affect **employment with the City**.

Employees who are considering engaging in employment outside the City (including employment during leave breaks) must follow the process detailed in the City's policy before doing so.

- References** Further enquiries: Manager People Services  
CEOD-HRM Secondary Employment: [Corporate Library](#)

## 6.7 Offer/ Acceptance of Gifts

In relation to acceptance of gifts, Employees are required to comply with the provisions of Regulations. Regulation 34B of the Local Government (Administration) Regulations 1996 provides:

- » An Employee must not accept a Prohibited Gift from a person who is undertaking, seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a local
- » An Employee who accepts a "Notifiable" Gift from a person who is undertaking, seeking to undertake or it is reasonable to believe is intending to undertake an activity involving a local government discretion\*, must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with the following:
  - » Notification of acceptance is to be in writing and is to include (Notification of Gift/Hospitality Form - Attachment 3):
    - » The name of the person who gave the gift;
    - » The date on which the gift was accepted;
    - » A description, and the estimated value, of the gift;
    - » The nature of the relationship between the Employee and the person who gave the gift; and o If the gift is one of two or more gifts received from the same person within the 6-month period, a description, the estimated value and the date of acceptance of each other gift accepted within the 6-month period.
- » The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given. If the gift has a value of \$50 or less (including moderate acts of hospitality), it is considered exempt from the requirement to be recorded in the gift register.

Examples of gifts exempt from notification include, but are not limited to the following:

- » Trinket gifts (i.e. pens, keyrings, rulers, diaries, coasters);
- » Minor items of apparel (i.e. ties, hat, T-shirt);
- » Minor promotional items (i.e. mugs, badges);
- » Provision of food and refreshments; or
- » Goods and materials obtained by attendance at a conference, seminar or training course (i.e. satchel, contents of satchel of a minor nature, minor spot prizes and raffles, entertainment provided).
- » In the interest of openness and transparency Employees are encouraged to complete the Notification of Gift/Hospitality Form (F2) on every occasion that a gift is offered whether accepted or not or is below the notifiable value. Forms are to be submitted to the Governance Advisor.

**Further enquiries:** Governance Advisor

**References**      *Local Government Act 1995*, s5.82: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)  
*Local Government (Administration) Regulations 1996*, r34B – Employees:  
[www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

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## 6.8 Misconduct, Corruption and Fraud

Misconduct means misconduct as defined in Section 4 of the Corruption and Crime Commission Act 2003. It can involve activities such as improper handling of conflicts of interest, abuse of position, unauthorised access to or disclosure of confidential information, biased or preferential employment practices, allegations involving improper practices concerning contracts and tendering and misappropriation of public funds or property.

Corrupt activity commonly involves actions which exhibit an impairment of integrity, lack of virtue, or a departure from what is correct. However, even where an act done by a public officer is within lawful authority, that act may still be corrupt if it is done for an improper purpose.

\* *Government discretion. (See definitions.)*

Fraud is the intentional use of deceit, a trick, or some dishonest means to deprive another of money, property or a legal right. Fraud can take the form of:

- » misappropriation of funds;
- » theft of government assets, including information;
- » using significant time at work for private purposes;
- » taking unrecorded leave;
- » substituting new goods with old;
- » obtaining employment under false pretences by falsely claiming to have the required qualifications;
- » using local government equipment for private business; and
- » using a local government vehicle for private purposes without approval.

Every Employee has a responsibility not to engage in misconduct or to act corruptly or fraudulently, to actively prevent or detect these activities and to immediately report them if detected.

Allegations of these activities may result in an investigation, a disciplinary process, dismissal, or referral to the Public Sector Commission, Corruption and Crime Commission or the Police. The CEO has a responsibility to report allegations of misconduct, corruption or fraud.

Allegations of misconduct, corruption or fraud involving Employees [or elected members] must be reported immediately to the CEO or Governance Advisor.

**References**     *Corruption and Crime Commission Act 2003*, s4: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

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## 6.9 Whistleblower Protection [Public Interest Disclosure]

A commonly accepted definition for "whistleblowing" is the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers to persons that may be able to effect action, [Select Committee on Public Interest Whistleblowing, In the Public Interest, Senate, Canberra, 1994, p3].

*The Corruption and Crime Commission Act 2003* provides protection for witnesses who voluntarily report allegations of misconduct or corrupt conduct to the Corruption and Crime Commission.

The CEO has an obligation to ensure Employees who report illegal or unacceptable behaviour at the City are not in any way disadvantaged or persecuted.

**References**     *Corruption and Crime Commission Act 2003*: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

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## 6.10 Alcohol or Drugs

The unauthorised consumption or possession of any alcohol or drugs (with the intention to consume) or the consumption or possession of any illicit drugs or implement designed for the purpose of drug consumption within City buildings or vehicles during work hours is strictly forbidden.

Moderate alcohol consumption is permitted at social functions hosted at the City.

Behaviour whilst consuming alcohol must be appropriate at all times when Employees are within City buildings or vehicles. They must continually monitor their own behaviour to ensure it is appropriate. The City reserves the right to refuse to serve or provide alcohol to Employees who, in the opinion of those responsible for serving, have consumed adequate alcohol.

**References**     *Alcohol and Other Drugs Act 1974*: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



# 7. Working Ethically with City Resources

## 7.1 Records and Freedom of Information

Employees must ensure all soft and hard copy records are securely maintained. Information recorded in City records must be factual, accurate, current, and not misleading. Documents should not be removed from files. Employees should not include content in City records which is personal, subjective, or otherwise inappropriate.

Employees must assist the public to access documents unless they are confidential, privileged or otherwise restricted for public distribution. Information should be made available promptly and at the lowest possible cost. Local government is also bound by the Act to make information such as City policies readily available to the public.

Employees should make themselves aware of the requirements imposed on local government by the requirements of the Freedom of Information Act 1992 and the State Records Act 2000.

**References** Further enquiries: Records Coordinator  
*State Records Act 2000*: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)  
*Freedom of Information Act 1992*: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

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## 7.2 Intellectual Property

Copyright and intellectual property rights which attach to any product or service created in the course of employment vest with the City unless explicitly agreed otherwise. For example, if a City employee designs a computer program as part of his/her employment the City will own any intellectual property rights which attach to the computer program. This means the designer will be unable to sell those rights unless the City gives permission to do so.

Employees must not appropriate, misuse or exploit the City's intellectual property. This includes a prohibition against deliberately copying written or electronic information for improper use.

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## 7.3 Emails

Information obtained from the internet and via email during the course of employment with the City must be used appropriately, with due care and consideration and in accordance with all confidentiality requirements.

Before being permitted use of the City's computer system, employees are expected to familiarise themselves with the City's Internet and Email Usage Policy and Management Policy and Management Procedures S-IT02 and SM-IT02.

The email address assigned to Employees must be used for work purposes. It must not be divulged as a contact address for organisations involved in non-work-related matters.

Correspondence generated from email addresses remains the property of the City.

Careful thought should be given to the tone and content used in email communications. Incorrect use could offend or be misinterpreted. It may be that email is not the most appropriate way to communicate in some circumstances and thought should be given to the most appropriate way to communicate. It may be that a formal memo or telephone call would be more appropriate.

All emails which should be part of the City's corporate records should be filed in accordance with the City's record keeping plan.

**References** City of Kalamunda CEOD Internet and Email Usage Policy: [Corporate Library](#)

## 7.4 Internet Access

Use of the internet by Employees is restricted to what is considered acceptable. Acceptable Use includes:

- » using it for business activities necessary to carry out job functions;
- » communicating between staff and suppliers;
- » getting ICT technical support to install software upgrades and patches;
- » reviewing web sites for product information;
- » referencing regulatory or other technical information; and
- » carrying out research and other work related information searching which is relevant to job function.

Further information, including details of what is considered unacceptable use of the internet, can be found in the City of Kalamunda Internet and Email Usage Procedure ADM25.

If an inappropriate site is accessed inadvertently, the City's IT Help Desk should be notified immediately so further access to the site can be blocked.

Disciplinary action and/or a ban on internet use may be enforced against those who use the internet for unacceptable purposes.

**References** City of Kalamunda CEOD: Internet and Email Usage Policy: [Corporate Library](#)

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## 7.5 Financial Responsibility

Employees who handle public monies and/or the City's finances must act with diligence and integrity. They are expected to be familiar with the requirements of the Local Government (Financial Management) Regulations 1996, including those provisions relating to unlawful conduct and penalties.

Employees who expend money on behalf of the City must retain all receipts and documents as proof of the expenditure. They must also comply with all City policies and audit directives regarding the City's finances.

**References** *Local Government (Financial Management) Regulations 1996*: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

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## 7.6 Purchasing

The CEO has delegated authority to several Employees to purchase goods and services on behalf of the City. Those exercising this authority must:

- » conform with the purchasing threshold requirements detailed in the City's Purchasing Policy;
- » always seek best value for money from suppliers;
- » be scrupulously honest in dealings with suppliers; and
- » conduct all business with suppliers fairly and with integrity.

**References** City of Kalamunda Purchasing Policy: [Corporate Library](#)

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## 7.7 Competitive Tendering and Contracting

Public Sector Standards ensure consistency and fairness is maintained when consultants and contractors are engaged for local government contracts.

Recruitment, employment, and management of contractors or consultants must conform to these standards.

The Act and Regulations provide a process for tenders which must be followed for the purchase of goods or services over \$100,000 or if a decision is made to put out to tender for goods or services less than \$100,000. In addition, the provisions of the City's Purchasing Policy must be followed in respect of tenders and contracts.

Contracts for professional services must be made following the purchasing procedures provided under State Supply Commission Guidelines.

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## 7.8 Use of City Assets

Employees who use or operate City assets must ensure the assets are always protected from damage or theft. Users will be accountable for their use or misuse.

Private use of any City assets (including vehicles) must be authorised. They are not be used for personal gain or profit. For example, if permission is granted to use a City computer outside work hours for study purposes, it must not be used during this time for small business purposes.

The use of all City vehicles is subject to the City's Provision and Management of Light Vehicle Policy. All Employees who use City vehicles are expected to familiarise themselves with this policy and agree to abide by the Terms and Conditions of Use. Certain Employees are allocated City vehicles for private use.

Mobile phones are provided to assist Employees in carrying out their public duties. They are primarily for this purpose; however, personal calls are permissible for reasonable purposes. Employees issued with a mobile phone are expected to familiarise themselves with the City's CEOD-ICT 001 IT Security.

**References**      City of Kalamunda Provision and Management of Light Vehicle  
                         City of Kalamunda CEOD Information Technology Security

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## 7.9 Professional Development and Travel Costs

Employees must have the costs of attending a conference, lecture, seminar or training event, including travel costs, authorised beforehand, and arranged in accordance with the City's policy on staff attendance at conferences.

**References**      CEOD-HRM Employee Attendance at External Events: [Corporate Library](#)  
                         CEOD-HRM Payment and Reimbursement of Expenses: [Corporate Library](#)  
                         CEOD-HRM Travel: [Corporate Library](#)

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## 7.10 Corporate Hospitality

Employees who spend public funds to entertain must do their utmost to ensure the expenditure meets the genuine need arising from public duty.

Employees must have entertainment expenses approved by a Director, and those for a Director by the CEO, prior to incurring the expense. The level of appropriate expense will depend on the position of the person incurring it and the purpose of the entertainment.

Providing meals at meetings should be avoided unless the meeting takes place over a full day. On those occasions, cost effective meals, without alcohol, should be provided.

## 8. Statutory References

- » *Corruption and Crime Commission Act 2003*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Freedom of Information Act 1992*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Local Government Act 1995*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Work Health and Safety Act 2020*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Public Interest Disclosure Act 2003*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Public Sector Management Act 1994*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *State Records Act 2000*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Local Government (Administration) Regulations 1996*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Local Government (Financial Management) Regulations 1996*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)
- » *Local Government (Rules of Conduct) Regulations 2007*, [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



# Code of Conduct Complaint Form

## Alleged Breach by Employee

Note to person making the complaint: This form can be completed if you wish to complain about a person who you allege has breached the Code of Conduct.

All information requested on the form must be provided before the complaint can be processed. After all information has been provided, sign and date the form and submit to the Manager People Services. He/she will then ensure sufficient and relevant information has been collected and submit the form to the CEO. The CEO will then independently determine the complaint.

Note: Any information provided on this form **MUST NOT** be sent or divulged in any way to the person who is the subject of the complaint.

**All information requested below must be provided by the person making the complaint:**

What is the name of the Employee who you allege has breached the Code of Conduct?

What section of the Code of Conduct do you allege has been breached?

What date do you allege the breach occurred?

How do you allege the breach occurred? (Additional sheets, if any, must be attached to complaint form.) Attachments

Were there any witnesses to the alleged breach? Yes  No

Are the witnesses willing to provide information to assist in resolving the complaint? Yes  No

If so, what are the name(s) and contact details of witnesses?

Name:  Contact details:

Name:  Contact details:

Have you attached all relevant and additional information which may assist in resolving the complaint? Yes  No

Signed:  Date:

Full Name:

Contact details:



# Notification of Gift/ Hospitality

All employees are required to complete this form if they are offered a gift. Once completed, the form must be signed and forwarded to the Governance Advisor inclusion in the Gift Decisions Register.

### Gift Recipient (Person being offered gift)

Name  Position

### Offerer / Gift Giver (Person making offer)

Name  Business

Description of gift/offer

Value of the gift (\$)

Relationship with Gift-Offerer/Gift Giver

Is the person offering or giving the gift a person who

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

Yes (Discretionary authority exists)  No (No discretionary authority exists)

### Was the gift declined or accepted?

Yes By Officer

If yes, was the gift donated (Charity/social club)  Yes  No

No (the gift was declined)  Declined prior to receipt  Returned

Other (Specify)

### Person completing the form

Name  Position

Signed  Date

### Acknowledgment of Receipt of Form

Name  Position   
Signed  Date



# Code of Conduct Declaration

I declare I am either an employee, consultant or contractor of or for the City of Kalamunda.

I acknowledge I have read the **Code of Conduct** and all policies contained/mentioned therein, understand the content and agree to be bound by them.

Full Name

Position

Signed:  Date:



City of  
**Kalamunda**



2 Railway Road, Kalamunda WA 6076

PO Box 42, Kalamunda WA 6926

T: 08 9257 9999. F: 08 9293 2715

E: [enquiries@kalamunda.wa.gov.au](mailto:enquiries@kalamunda.wa.gov.au)

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)