



Dealing with Family Members Policy

Responsible Officer

Chief Executive Officer

Objective

To set out the Shire's position in relation to dealings with family members, specifically:

- Employment of individuals who are related to another employee or a member of Council (covered by the Equal Opportunities Act 1984 and Section 5.40 of the Local Government Act 1995).
- Provision of services to individuals who are related to an employee or member of Council.
- Procurement of goods or services from individuals who are related to an employee or member of Council.

Scope

The Policy applies to all Employees at the Shire

Policy

Conflict of interest can occur when the private interests of an employee influence, or could be seen to influence, their public duties or responsibilities. The perception of a conflict can be enough to undermine confidence in the integrity of the employee and the Shire of Cocos (Keeling) Islands.

When dealing with family members, there is a clear potential for an employee's impartiality to be questioned by other staff and the community.

Employment of Family members

Where a family member of an existing employee or member of Council has applied for a position at the Shire of Cocos (Keeling) Islands, the employee or member of Council will not sit on any selection panel relating to the position, and will not attempt to participate in or influence the selection process or decision in any way.

Except in an exceptional circumstance, no person employed by the Shire should work under the general supervision of another member of his / her family, even if one or more levels are removed.

No employee will conduct a performance review of a family member, or take part in any salary promotion, termination or disciplinary discussion or decisions in relation to the family member.

Provision of Services to Family members

Given the number of people who work for the Shire, and whose families live on the Islands, it is inevitable that situations will arise where the Shire is providing services to a family member of an employee.

Wherever a discretionary power is being exercised, for example when considering a building applications, or granting a permit the Code of Conduct requires the employee to declare their interests and to disqualify themselves from dealing with their family member or close friend.

Procurement of goods and Services from family members

A situation may arise where the Shire is looking to purchase goods or services, and a prospective supplier is a family member of an employee (or, in the case of a business, is owned, run or managed by an employee's family member).

In order to avoid any actual perceived conflict of interest, an employee must:

- Disclose that they are related to the prospective supplier
- Not participate in the recommendation of, the drafting of specifications for, or the decision to purchase the goods or services involved.
- Not submit or authorise a purchase requisition for the goods or service involved.

This does not prevent an entity associated with an employee's family member from being selected for supply of goods or services, where this supply would be the most advantageous to the Shire and the Shire's code of conduct and purchasing policy have been complied with.

Definitions

Family Member – as defined in Section 6 of the Family Court Act 1997 (WA) This includes: Wife, husband, father, mother, son, daughter, grandfather, grandmother, step-father, step-mother, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, aunt, uncles, niece, nephew, cousin.

This also includes any legally recognized variation to these relationships, such as de facto, adoptive, ex-nuptial relationships, same sex relationships and changes resulting from separation / divorce.

Relevant Legislation/Local Law

Equal opportunities Act 1984

Section 5.40 of the Local Government Act 1995

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/ A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date		Resolution #	