



POLICY MANUAL

2022

Foreword

This Manual is an essential component of Council's governance framework and guides Council, Management and residents in the context of Council's decision making.

The Policies in this Manual are designed to:

- Outline positions on particular matters
- Provide consistency and equity in decision making;
- Provide promptness in responding to customer needs; and
- Support operational efficiency.

Policies arise generally in response to:

- Legislative requirements;
- Discretionary legislated powers; and/or
- Non-legislated functions/activities of Council; e.g. provision of Services and mainly relates to powers under the *Local Government Act 1995*.

Council Policy provides for "the intent and guiding principles of what can be done". It is important to note Policies are not legislatively binding and when good reasons prevail and are documented, can be set aside.

Reports to Council must detail relevant Policies as this provides: General guidance to Councillors to assist in their deliberations on the matter in hand, and information for residents.

The indexes to this Manual follow the organisational structure –



Complementing, and to be read in conjunction with this Manual are the following separate Corporate/Council documents which can be found on the Shire's website or within the Shire's record management system, i.e.:

- Long Term Financial Plan;
- Asset Management Plan;
- Corporate Business Plan;
- Strategic Community Plan;
- Delegation of Authority Registers
- Management Practices;
- Model Standards for CEO Recruitment, Performance and Termination; and
- Code of Conduct for Council Members, Committee Members and Candidates.

Management Practice's where applicable provide internal operational support to Council's Policy direction.

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Governance

The function of managing the election of Council representatives, the boundaries of the LG, and the terms and conditions for Councillors.



Policy GEM 1 - Councillor Access to Information

1. Policy Intention

To provide guidance for Councillors to access Council information.

2. Policy

2.1 It is Policy that:

- (a) Councillors have access to certain documents over and above the rights of ratepayers. Such additional access is granted in order to enable a Councillor to discharge adequately the function of his or her elected office.
- (b) Councillors may only seek such information from Council records and files in the pursuit of Council business.
- (c) it is not open to a Councillor to obtain special information and then use it for his or her own or another's ends unconnected with Council activities.

2.2 All Staff are answerable to the Chief Executive Officer who is answerable to Council. Councillor's channels for communications with the administration will be through the Chief Executive Officer.

2.3 At the Chief Executive Officer's discretion, Councillors may deal directly with senior staff.

Function		Governance			
Policy Number		GEM – 1			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19/10/2022		Resolution N#	6891/10/22

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy GEM 2 – Councillors Fees, Allowances and Reimbursement of Expenses

1. Policy Intention

The purpose of this policy is to establish the parameters for the payment of Councillors' fees allowances and reimbursement of expenses.

2. Policy

2.1 Annual Attendance Fee

2.1.1 Pursuant to section 5.98(1)(b) of the Act, Councillors will be paid a per meeting fee for attendance of council or committee meetings, including the following prescribed type of meetings, the amount to be determined in the annual budget.

- (a) **WALGA Zone** meeting where a Councillor is representing a local government as a delegate elected or appointed by the local government;
- (b) **Regional Road Group** meeting where a Councillor is representing a local government as a delegate elected or appointed by the local government;
- (c) **Regional Local Government** meeting where a Councillor is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
- (d) **Meeting other than a council or committee** meeting where the Councillor is attending at the request of a Minister of the Crown;
- (e) **Meeting other than a council or committee** where the Councillor is representing a local government as a delegate elected or appointed by the local government.

2.1.2 Annual Attendance Fees are to be paid to Councillors monthly in arrears.

2.2 President's/Deputy President's Allowance

2.2.1 The allowance for the Shire President and Deputy Shire President is to be determined in the annual budget and is to be paid monthly in arrears.

2.3 Information and Communications Technology Allowance

2.3.1 Councillors are to be paid an Information and Communication Technology Allowance in lieu of a reimbursement of expenses, the amount to be determined in the annual budget.

2.3.2 The Information and Communications Technology Allowance is to be paid to Councillors monthly in arrears.

2.4 Travel Allowance (including parking)

2.4.1 Councillors will be reimbursed their travel expenses for attending meetings listed in sub-clause 2.1.1 above.

2.4.2 Councillors will not be reimbursed travel expenses for attending conferences including the annual WALGA conference.

2.4.3 The Travel Allowance is to be paid to monthly in arrears.

3. Application of this Policy

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied with sufficient documentation to substantiate the claim.

Approval for any claim made by a Councillor in accordance with this policy shall be obtained from the Chief Executive Officer.

Function		Governance			
Policy Number		GEM2			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Salaries and Allowance Act 1975 (Determination of the Salaries and Allowances Tribunal on Local Government Elected Members)			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		16 March 2022		Resolution N#	6806/03/22

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond with new policy manual	6891/10/22

End



Policy GEM3 – Councillors and CEO Public Statements Policy

1. Policy Intention

The *Local Government Act 1995* (as amended), Section 2.8 provides that the Shire President speaks on behalf of the Local Government. Section 5.41(f) provides for the Chief Executive Officer to speak on day-to-day matters and/or when the Shire President authorises.

Councillors, outside their official capacity as members of the Council have the right to speak in public within the limits of the law. The performance of a role as a Councillor overlaps with a role of the public, and imposes limitations on what would otherwise be a normal right to speak in public on local government affairs.

The principal limitation is that a Councillor who is not Shire President cannot speak on behalf of the Council, as per the *Local Government Act 1995* (LG Act), Section 2.8.

2. Shire President

- (a) When speaking to the media or otherwise in public the Shire President is the only member of Council who may speak on behalf of the Council.
- (b) When the Shire President is speaking to the media or otherwise in public but not officially speaking on behalf of the Council, the Shire President must make it clear that he/she is not speaking as Shire President or in any other Council capacity.

3. The Deputy Shire President

- (a) The Deputy President may only speak to the media or otherwise in public on behalf of the Council in the circumstances set out in s.5.34 of the LG Act being:
 - (i) if the Shire President role is vacant; or
 - (ii) the Shire President is not available, or is unable or unwilling to perform the functions of Shire President.
- (b) The Deputy President must otherwise comply with the limits on the role of a Councillor when speaking to the media or otherwise in public.

4. Councillors

- (a) A Councillor may not speak to the media or otherwise in public on behalf of the Council or the operations of the Shire.
- (b) When a Councillor is speaking to the media or otherwise in public, he/she must make it clear that she/he is not speaking on behalf of the Council, but rather in the role of Councillor.
- (c) A Councillor speaking on Council matters to the media or otherwise in public may identify himself/herself as a member of the Council but must avoid any suggestion or appearance of speaking on behalf of the Council.

5. Chief Executive Officer (CEO)

- (a) It is part of the function of the Chief Executive Officer to speak on behalf of the Council if the Shire President agrees.
- (b) The Shire President may give approval to the CEO speaking on behalf of the Council:

- (i) on a specific occasion; or
 - (ii) on a specific subject matter; or
 - (iii) on a specified category of occasions or a specified category of subjects when they arise.
- (c) Further to the above, the CEO may speak to the media or otherwise in public as to the Shire's affairs in performance of the CEO's functions under s.5.41 of the LG Act, including that of managing the day-to-day operations of the Shire. The CEO only requires the approval of the Shire President when making statements of the kind which would ordinarily fall within the role of the Shire President as spokesperson of the Council.
- (d) Where appropriate, the Chief Executive Officer can further delegate the role to speak on a specific issue to an officer if it is related to their area of expertise and is deemed to add value, provided:
- (i) the Chief Executive Officer has already been given the authority to speak by the Shire President; or
 - (ii) it is within the day-to-day affairs of the Shire.

6. Written, oral and electronic statements

This Policy applies equally to statements in public whether they are communicated orally, in writing, electronically, or by any other means.

7. Media Releases

All written media releases must be approved by the Chief Executive Officer in consultation with the Shire President prior to release. Where one or the other is unavailable, responsibility is passed through to the next in line (i.e.; Acting Chief Executive Officer and Deputy President).

Function	Governance				
Policy Number	GEM3				
Responsible Officer	Chief Executive Officer				
Related Legislation	Local Government Act 1995				
Risk Rating	Medium	Review Frequency	Annually	Next Review	March 2023
Date Adopted	16 March 2022			Resolution N#	6806/03/22

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond to new policy manual	6891/10/22

End



Policy GEM 4 – Communications

1. Policy Intention

To provide clear guidelines for Councillors when liaising with Council staff.

2. Policy

Councillors/Staff Communication Strategy – Relationship between President and Chief Executive Officer.

The President and Chief Executive Officer are the two main links of communication between Council and staff. No Councillor may direct a staff member to undertake any project or task. This is a matter for the Chief Executive Officer only.

3. Regarding communications between the Chief Executive Officer, Councillors and / or staff:

- (a) The Chief Executive Officer will be copied in on any written communications that may occur between Councillors and Staff.
- (b) If staff have a concern of any kind with any communication from a Councillor they will raise it with the Chief Executive Officer.
- (c) If Councillors have any problem with communications with any staff they will raise the matter with the Chief Executive Officer.
- (d) Where a question from a Councillor relates to business before the Council, any subsequent response must be copied to all Councillor.

Function		Governance			
Policy Number		GEM4			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995			
Risk Rating	Medium	Review Frequency	Annually	Next Review	March 2023
Date Adopted		16 March 2022		Resolution N#	6806/03/22

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond to new policy manual	6891/10/22

End



Policy GEM5 – Councillors Continuing Professional Development

1. Policy Intention

To ensure Councillors meet and comply with the prescribed professional development requirements under the *Local Government Act 1995* and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities.

2. Policy

It is Policy that –

Councillors undertake and successfully complete the following prescribed professional development training modules titled “Council Member Essentials” within the period of 12 months from the day the member was elected, unless a prescribed exemption applies –

- (a) Understanding Local Government;
- (b) Serving on Council;
- (c) Meeting Procedures;
- (d) Conflicts of Interest;
- (e) Understanding Financial Reports and Budgets.

Councillors are also encouraged to nominate to attend other conferences or training opportunities to enhance and broaden their knowledge of local government issues to support the community.

Requests to attend conference or training opportunities are to be initiated by the Councillor and are to be forwarded to the Chief Executive Officer prior to enrolment or registration.

The Chief Executive Officer is authorised to approve requests from Councillors for attendance at conferences or training opportunities, providing that:

- (a) Sufficient funds are available; and
- (b) The conference or training is organised by an identified, industry-recognised training provider.

The Chief Executive is authorised to expend funds on prescribed professional development training for Councillors to meet statutory obligations.

3. Travel Arrangements

All booking arrangements for conferences and training for Councillors are coordinated through the Chief Executive’s Office. Councillors should note the *Local Government Act 1995* precludes a Councillor to pre-spend Shire funds.

4. Expenses

Expenses relating to conferences and training as approved, will be paid direct by the Shire. Expenses may include the following items:

- (a) Conference registration;

- (b) Copy of conference proceedings;
- (c) Room accommodation;
- (d) Meals in the hotel where registered if these are not provided during the course of the conference;
- (e) Valet parking at the hotel where registered.

The following expenses relating to training or conferences (as approved), will be reimbursed by the Shire to the Council member in accordance with the provisions of Policy **GEM 2 – Elected Members Fees, Allowances and Reimbursement of Expenses**:

- (a) Parking;
- (b) Meals outside of the hotel where registered if not provided during the course or conference.

The following expenses relating to training or conferences (as approved), will not be reimbursed to Councillors:

- (a) Travel costs;

5. Councillors Accompanying Person

Where a Councillor or Shire officer is accompanied to conferences or training, all costs for/or incurred by the accompanying person are to be borne by the Councillor or Shire officer or accompanying person, and not by the Shire.

Function		Governance			
Policy Number		GEM 5			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Administration) Regulations 1996			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		16 March 2022		Resolution N#	6806/03/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond to new policy manual	6891/10/2022
19 Oct 22	Deletion of following from clause 5: <i>The exception to the above being the cost of attending any official event dinner where partners would normally attend. An example of an official event is the Annual Local Government Week or Conference Gala dinner.</i>	

End



Policy GEM6 – Councillors Recognition of Continuous Service

1. Policy Intention

To provide guidelines for the recognition of Councillors members who achieve a significant milestone with continuous service.

2. Policy

It is policy to recognise and show appreciation to long serving Councillors. Eligibility is based upon years of continuous service with the Shire of Nungarin. The Shire provides recognition in appreciation of ongoing loyalty and commitment to the Nungarin community.

3. Councillors Continuous Service

Councillors with ten, fifteen, twenty, twenty-five and every five years thereafter continuous service, from the date of their commencement with Council are eligible for service recognition, as follows.

- (a) Each Councillor will be recognised by the presentation of a certificate.

4. Retiring Councillors

- (a) A retiring Councillor that has completed at least one four-year period continuously shall be, subject to the approval of the Shire President be eligible to receive a gift of their choice from Council up to the value of \$100 for each term of service as a Council member, up to a maximum amount of \$1000.
- (b) Notwithstanding (a) above the Shire President may approve a gift up to the maximum amount of \$1000 for any Councillor regardless of period of service.

Cash is not considered to be an appropriate gift.

5. General Information

The following are not deemed to be gifts to members.

- (a) **Implicit entitlements** – a benefit to which a Councillor is entitled because it is implicit in the performance of the duties/functions of the member. An example of this type of entitlement includes meals provided at meetings and official functions and the provision of office and electronic equipment.
- (b) **Express entitlements** – a benefit to which a Councillor is entitled, pursuant to the local government legislation, or as a result of the exercise by the local government of a 'discretionary authority' which is itself something authorised (expressly or implicitly) by the legislation.

Function		Governance			
Policy Number		GEM6			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Administration) Regulations 1996 Department of Local Government Circular 8 of 2011			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Octo 2023
Date Adopted		16 March 2022		Resolution N#	6806/03/22

			Absolute Majority
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Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond with new policy manual, clause 3 amended, clause 4(a) amended, inclusion of clause 4(b)	6891/10/22

End



Policy GEM7 – Attendance at Events and Functions

1. Introduction

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

2. Purpose

This policy provides a framework for Councillors and the Chief Executive Officer (CEO) attendance at any events, including concerts, conferences, functions or sporting events or other prescribed occasions, whether free of charge, part of a sponsorship agreement, or are paid by the local government.

An effective framework provides transparency about the attendance at events by Councillors and the Chief Executive Officer.

3. Policy Scope

This policy applies to Councillors and the CEO of the Shire of Nungarin (Shire).

4. Policy Statement

In accordance with Section 5.90A of the *Local Government Act 1995* an event is defined as a:

- (a) Concert;
- (b) Conference;
- (c) Function;
- (d) Sporting event;
- (e) Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

4.1 Pre-Approved Events

In order to meet the policy requirements, tickets and/or invitations to events must be received by the Shire, as outlined in clause 4.2(a)(i) in the case of any external groups or organisations, notwithstanding that attendance at the following by Councillors and the CEO are pre-approved:

- (a) Any public free event held within the Shire of Nungarin district;
- (b) Events hosted by Clubs or Not for Profit Organisations within the Shire of Nungarin district;
- (c) Shire hosted or run ceremonies, functions, tournaments or events;
- (d) Shire sponsored ceremonies, functions, tournaments or events;
- (e) Community cultural events/festivals within the Shire of Nungarin district;
- (f) Opening or launch of an event or facility within the Shire of Nungarin district; and,
- (g) Other events where the Shire representation has been formally requested by invitation, including events from:
 - (i) Western Australian Local Government Association;
 - (ii) Australian Local Government Association Limited (ABN 31 008 613 876);

- (iii) Local Government Professionals Australia WA (ABN 91 208 607 072);
- (iv) a department of the Public Service;
- (v) a government department of another State, a Territory or the Commonwealth;
- (vi) a local government or regional local government.

All Councillors and the CEO are entitled to attend pre-approved events. If there are more Councillors than tickets or invitations provided, then the Shire President, shall determine attendance at their discretion.

If there is a fee or any other cost associated with a pre-approved event, the fee or other cost will not be paid by the Shire, unless prior approval of Council is received.

Any costs relating to accompanying partners to any pre-approved event will be the responsibility of the relevant Councillor or the CEO.

4.2 Non-Pre-Approved Events

- (a) Provision of Tickets (Invitations)
 - (i) All invitations or offers of tickets for Councillors or the CEO to attend an event (must be in writing, no later than five business days prior to the event or the RSVP date, whichever occurs first), addressed to the Shire, using formal position titles and sent by mail to PO Box 8, Nungarin WA or by e-mail to admin@nungarin.wa.gov.au;
 - (ii) Any invitation or offer of tickets not addressed to the Shire is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the *Local Government Act 1995* and the associated Regulations.
- (b) Approval of Attendance
 - (i) Events addressed to Councillors will be assessed and authorised by the CEO in consultation with the Shire President;
 - (ii) Events for the CEO will be assessed and authorised by the Shire President.
- (c) Considerations for Approval for a Non-Approved Event

Retrospective approval will not be given. In making a decision on attendance at an event consideration will be given to:

 - (i) who is providing the invitation or ticket to the event,
 - (ii) any justification provided by the applicant when the event is submitted for consideration;
 - (iii) the location of the event in relation to the Shire (within the district or outside of the district);
 - (iv) the role of the Councillor or CEO attending the event (participant, observer, presenter) and the value of their contribution;
 - (v) the number of invitations/tickets received;
 - (vi) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation;
 - (vii) the direct benefit of attendance to the Shire;
 - (viii) alignment to the Shire's Strategic Objectives; and,

- (ix) the number of Shire representatives already approved to attend.
- (d) Payments in Respect of Attendance
 - (i) For any non-approved event, where a member of the public is required to pay, unless a pre-approved event under clause 4.1, the CEO and/or the Shire President will determine whether it is in the best interests of the Shire for a Councillor or the CEO to attend using the considerations provided in this subclause.
 - (ii) If the Shire President determines that a Councillor or CEO should attend a non-approved event, the Shire will pay the cost of attendance and reasonable expenses, such as travel and accommodation from the Shire's budget (either beforehand or by way of later reimbursement).
 - (iii) Any costs relating to accompanying partners to any event will be the responsibility of the relevant Councillor or the CEO, unless otherwise approved by a specific resolution of Council.
 - (iv) Where an invitation or ticket to an event is provided free of charge, the CEO may decide that the Shire contributes to appropriate expenses for attendance, such as travel and accommodation, including events outside the district, after applying the considerations provided in this subclause and making a determination.

Note: Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

5. Other Matters - Excluded

- (a) Where a Councillor is appointed by Council to be directly involved with a local community/sporting group or not for profit organisation in an official capacity this policy does not apply to the groups or organisations normal business activities.
- (b) The attendance by Shire employees at pre-approved, non-approved events is determined by the CEO and this policy is not applicable. However, the gift and travel reporting requirements under the *Local Government Act 1995* and the associated Regulation remain applicable, as are any legislative provisions relating to conflict of interests.
- (c) The attendance by Shire employees at training or conferences at pre-approved, non-approved events is determined by the CEO and this policy is not applicable. However, the gift and travel reporting requirements under the *Local Government Act 1995* and the associated Regulation remain applicable, as are any legislative provisions relating to conflict of interests.
- (d) Councillor ongoing professional development and mandatory training paid for the Shire.
- (e) CEO attendance at conferences or training paid for by the Shire to assist in achieving the organisations goals and objectives.

6. Disclosure of Interests

Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:

- (a) the gift relates to attendance at an event where attendance has been approved under this policy,
- (b) or the gift is from the pre-approved specified entities.

Regulation 20B of the *Local Government (Administration) Regulations 1996* prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public

service department, a Commonwealth, State or Territory government department or another local government or regional local government.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of \$300 and received in the capacity of Councillor or CEO.

7. Gifts Generally

The policy provides guidance to Councillors and the CEO when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered.

Any contribution to travel or the provision of tickets, subject to the exceptions in section 5.83 of the *Local Government Act 1995* (the Act), must still be disclosed in writing to the CEO within 10 days of receipt, if over the value of \$300.

8. Legislative and Strategic Context

The *Local Government Act 1995* and the associated subsidiary legalisation provides the broad framework within which this policy operates.

Function	Governance				
Policy Number	GEM7				
Responsible Officer	Chief Executive Officer				
Related Legislation / Documents	Local Government Act 1995 Local Government (Administration) Regulations 1996 Department of Local Government Circular 8 of 2011 Policy GEM8 - Code of Conduct for Council Members, Committee Members and Candidates Policy GEM5 – Council Members Continuing Professional Development				
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	16 March 2022			Resolution N#	6806/03/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy Number been amended to correspond with new policy manual	6891/10/22

End



Policy GEM 8 – Code of Conduct for Council Members, Committee Members and Candidates

Division 1 – Preliminary Provisions

1. Citation

2. Terms Used

(1) In this code –

Act means the Local Government Act 1995;

Candidate means a candidate for election as a councillor;

Complaint means a complaint made under clause 11(1);

Publish includes to publish on a social media platform.

(2) Other terms used in the code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 – General Principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal Integrity

(1) A council member, committee member or candidate should –

- (a) Act with reasonable care and diligence; and
- (b) Act with honesty and integrity; and
- (c) Act lawfully; and
- (d) Identify and appropriately manage any conflict of interest; and
- (e) Avoid damage to the reputation of the local government.

(2) A council member or committee members should –

- (a) Act in accordance with the trust placed in council members and committee members; and
- (b) Participate in decision- making in an honest, fair and timely manner; and
- (c) Actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) Attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with Others

(1) A council member, committee member or candidate should –

- (a) Treat others with respect, courtesy and fairness; and
- (b) Respect and value diversity in the community.

- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should –

- (a) Base decisions on relevant and factually correct information; and
- (b) Make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) Read all agenda papers given to them in relation to council or committee meetings; and
- (d) Be open and accountable to, and represent, the community in the district.

Division 3 – Behaviour

7. Overview of Division

This Division sets out –

- (a) Requirements relating to the behaviour of council members, committee members and candidates; and
- (b) The mechanism for dealing with alleged breaches of those requirements.

8. Personal Integrity

- (1) A council member, committee member or candidate –

- (a) Must ensure that their use of social media and other form of communication complies with this code; and
- (b) Must only publish material that is factually correct.

- (2) A council member or committee member –

- (a) Must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) Must comply with all policies, procedures and resolutions of the local government.

9. Relationship with Others

A council member, committee member or candidate –

- (a) Must not bully or harass another person in any way; and
- (b) Must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) Must not use offensive or derogatory language when referring to another person; and
- (d) Must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) Must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or Committee Meetings

When attending a council or committee meeting, a council member, committee member or candidate –

- (a) Must not act in an abusive or threatening manner towards another person; and
- (b) Must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) Must not repeatedly disrupt the meeting; and
- (d) Must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) Must comply with any direction given by the person presiding at the meeting; and
- (f) Must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Compliant About Alleged Breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made –
 - (a) In writing in the form approved by the local government; and
 - (b) To a person authorised under subclause (3); and
 - (c) Within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with Complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may –
 - (a) Take no further action; or
 - (b) Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following –

- (a) Engage in mediation;
 - (b) Undertake counselling;
 - (c) Undertake training;
 - (d) Take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of –
- (a) Its finding and the reasons for its finding; and
 - (b) If its finding is that the alleged breach has occurred – its decision under subclause (4)

13. Dismissal of Complaint

- (1) The local government must dismiss a complaint if it is satisfied that –
- (a) The behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) Either –
 - (i) The behaviour was dealt with by the person presiding at the meeting; or
 - (ii) The person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deal with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reason for its decision.

14. Withdrawal of Complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be –
- (a) In writing; and
 - (b) Given to a person authorised under clause 11(3)

15. Other Provisions About Complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent it is not provided for in this Division.

Division 4 – Rules of Conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by the standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of Local Government Resources

- (1) In this clause –

Electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

Resources of a local government includes –

- (a) Local government property; and
 - (b) Services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing Personal Advantage or Disadvantaging Others

- (1) A council member must not make improper use of their office –
 - (a) To gain, direct or indirectly, an advantage for the council member or any other person; or
 - (b) To cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

19. Prohibition Against Involvement in Administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with Local Government Employees

- (1) In this clause –

Local government employee means a person –

- (a) Employed by a local government under section 5.36(1) of the Act; or
 - (b) Engaged by a local government under a contract for services.
- (2) A council member or candidate must not –

- (a) Direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) Attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) Act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means –
 - (a) Make a statement that a local government employee is incompetent or dishonest; or
 - (b) Use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Codes Chapter XXXV.

21. Disclosure of Information

- (1) In this clause –
 - Closed meeting** means a council or committee meeting, or part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - Confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
 - Document** includes a part of a document;
 - Non-confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member –
 - (a) Derived from a confidential document; or
 - (b) Acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information –
 - (a) At a closed meeting; or
 - (b) To the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) That is already in the public domain; or
 - (d) To an officer of the Department; or
 - (e) To the Minister; or
 - (f) To a legal practitioner for the purpose of obtaining legal advice; or
 - (g) If the disclosure is required or permitted by law.

22. Disclosure of Interests

- (1) In this clause –
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 or an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council must disclose the nature of the interest –
(a) In a written notice given to the CEO before the meeting; or
(b) At the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fail to disclose an interest because the council member did not know –
(a) That they had an interest in the matter; or
(b) That the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then –
(a) Before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
(b) At the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if –
(a) Under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
(b) under subclause (5)(b) notice of the interest is brought to the attention of the person present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with Plan Requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Function		Governance			
Policy Number		GEM8			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023

Date Adopted	16 March 2022	Resolution N#	6806/03/22
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Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Policy number amended to correspond to updated policy manual	6891/10/22

End

Corporate Management

The function of applying broad systematic planning to define the corporate mission and determine methods of the LG's operation.



Policy CM 1 – Shire of Nungarin Employee Code of Conduct

1. Introduction – Message from the CEO

The Shire of Nungarin Code of Conduct for Local Government Employees, (the Code) has been developed and implemented to ensure employees fully understand and respect their roles and responsibilities, both individually and collectively.

The Code's intent is to clearly outline and express the expectations and the standards that are expected from employees to support such basic principles of honesty, integrity and ethical behaviour to provide effective local government functions and services to and for our community, by demonstrating:

- understanding;
- professionalism and excellence;
- engagement at all levels; and
- accountability and transparency.

This in effect supports decision-making, community participation, accountability and efficient and effective local government

The Code does not establish a rule for every situation an employee may face while performing their role and undertaking their duties on a daily basis and the Code should be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and all other legislation that may apply to employees while performing their role and duties, and the Code does not override or affect any statutory provisions or requirements.

The Code contains certain matters for employees outlined in Part 4A of the *Local Government (Administration) Regulations 1996* and whilst there are very important regulatory requirements and responsibilities, the Code is underpinned by the Shire's Values.

As a values-driven local government we must go beyond simply complying with minimum standards of personal conduct. We must continue to strive towards making every decision and every action one that we can be proud of. Every employee has a personal accountability to act in accordance with the intentions of this Code, to not condone adverse behaviours and to report breaches.

By working together as a cohesive and organised team, the organisation will continue to grow and develop to support the community we serve.

Employees of the Shire are subject to the provisions of the Code upon their acceptance of employment and while they remain employed.

2. Statutory Framework

Local Government Act 1995

5.51A. Code of conduct for employees

- (1) The CEO must prepare and implement a code of conduct to be observed by

employees of the local government.

- (2) The CEO may amend the code of conduct.
- (3) The CEO must publish an up-to-date version of the code of conduct on the local government's official website.
- (4) Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.
- (5) A code of conduct under this section is of no effect to the extent that it is inconsistent with regulations made for the purposes of subsection (4).

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

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 (Administration) Regulations 1996

Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))

Division 1 — Terms used

19AA. Terms used

In this Part —

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;

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;

code of conduct means a code of conduct under section 5.51A;

gift —

- (a) has the meaning given in section 5.57; 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);

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;

local government employee means a person —

- (a) employed by a local government under section 5.36(1); or
- (b) engaged by a local government under a contract for services;

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;

threshold amount, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

Division 2 — Content of codes of conduct

19AB. Prohibited gifts

- (1) In this regulation —
local government employee does not include the CEO.
- (2) A code of conduct must contain a requirement that a local government employee not accept a prohibited gift from an associated person.

19AC. Recording, storing, disclosure and use of information relating to gifts

- (1) In this regulation —
local government employee does not include the CEO.
- (2) A code of conduct must contain requirements relating to the recording, storing, disclosure and use of information relating to gifts that, under a code of conduct, may be accepted by local government employees from associated persons.

19AD. Conflicts of interest

- (1) A code of conduct must contain a requirement that a local government employee who has an interest in any matter to be discussed at a council or committee meeting attended by the local government employee disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (2) A code of conduct must contain a requirement that a local government 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 local government employee disclose the nature of any interest the local government employee has in the matter —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the time the advice is given.
- (3) A code of conduct must exclude from a requirement under sub regulation (1) or (2) an interest referred to in section 5.60.
- (4) A code of conduct must excuse a local government employee from a requirement under sub regulation (1) or (2) if the local government employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (5) A code of conduct must require that if, to comply with a requirement under sub regulation (1) or (2), a local government employee discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Sub regulation (7) applies if —

- (a) to comply with a requirement under sub regulation (1), the nature of an interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in sub regulation (4)(b) at a meeting; or
 - (c) to comply with a requirement under sub regulation (5)(b), notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

19AE. Other matters codes of conduct must deal with

- (1) In this regulation —
resources of the local government includes —
- (a) local government property; and
 - (b) services provided, or paid for, by the local government.
- (2) A code of conduct must contain requirements relating to —
- (a) the behaviour expected of a local government employee in relation to each of the following —
 - (i) the performance of the local government employee's duties;
 - (ii) dealings with other local government employees and the broader community;
 - (iii) the use and disclosure of information acquired by the local government employee in the performance of their duties;
 - (iv) the use of the resources of the local government;
 - (v) the use of the local government's finances; and
 - (b) how the records of the local government are to be kept; and
 - (c) the reporting by local government employees of suspected breaches of codes of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour; and
 - (d) the way in which suspected breaches of the code of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour of a local government employee are to be managed.

Division 3 — Other matter in relation to codes of conduct

19AF. Determination of threshold amount

- (1) The CEO may determine an amount (which may be nil) for the purposes of the definition of **threshold amount** in regulation 19AA.
- (2) A determination under sub regulation (1) must be published on the local government's official website.

Implementation

This Code is in effect on and from the date endorsed by the Shire of Nungarin Chief Executive Officer and Shire President.

Endorsement

Leonard Long

Cr Pippa de Lacy

Date: _____

Date: _____

3. Code of Conduct – Local Government Employees

1.1 Introduction

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

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Nungarin's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (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 more efficient and effective local government.

1.2 Statutory Environment

This Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and all other relevant legislation.

1.3 Application

1. This Code applies to:
 - all employees of the Shire, and
 - all contractors engaged under any contract for the provision of services while on any Shire premises or while engaged in any Shire related activity.
2. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

2 Values

The Shire of Nungarin values are:

Respect

- Value people and places and the contribution they make to the Shire.
- Develop an environment of respect for different cultures.
- Be appreciative of the aspirations of the community and what it does for itself.

Inclusiveness

- Be receptive, proactive, and responsive as an organization.
- Exist to help a community that has the capacity for self-help.

Demonstrate leadership by promoting Council and community teamwork.

Fairness and equity

- Maintain a 'whole of Shire' outlook, but recognise that each community is unique and likely to have variations on their needs.
- Provide services for a variety of ages and needs.
- Respond to the community in a fair and equal way depending on need.

Communication

- Create opportunities for consultation with the broad community.
- Demonstrate leadership by promoting Council and community teamwork.

3 Code of Conduct

3.1 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.

3.2 Principles Affecting Employment

The principles set out in section 5.40 of the Act apply to the employment of all Shire employees.

3.3 Personal Behaviour

Employees will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies, procedures and guidelines of the Shire of Nungarin;
- (b) perform their duties impartially and in the best interests of the Shire uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community;
- (d) make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) 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
- (f) always act in accordance with their obligation of fidelity to the Shire.

3.4 Honesty and Integrity

Employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in their official dealing with each other; and
- (c) report any dishonesty or possible dishonesty on the part of any other employee or contractor or directly associated volunteer to their direct Supervisor, Manager or the CEO, in accordance with this Code and any Shire policies, procedures or directions.

3.5 Performance of Duties

While on duty, employees will give their whole time and attention to the Shire 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 the Shire.

3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to Supervisors and / or Managers.
- (b) Employees will give effect to the lawful decisions and policies of the Shire whether or not they agree with or approve of them.

3.7 Administrative and Management Practices

Employees will ensure compliance with proper and reasonable administrative procedures, practices and conduct, and professional and responsible management practices.

3.8 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire upon its creation, unless otherwise agreed by separate contract. The records of the Shire created as a consequence of employment are the absolute property of the Shire

3.9 Recordkeeping

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire's Recordkeeping Plan

3.10 Dealing with Other Employees

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from any behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of, and comply with their obligations under relevant law and the Shire's policies regarding workplace behaviour and work health and safety (occupational safety and health).
- (c) Employee behaviour must adhere to Shire's values and actively contribute towards creating and maintaining a safe, supportive and effective workplace

3.11 Dealing with Community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) Employees with statutory enforcement responsibilities are to act consistently without prejudice or favour and in accordance with law.
- (c) All Shire services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

3.12 Professional Communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire activities should reflect the status, values and objectives of the Shire.
- (b) Communications should be accurate, polite and professional.

3.13 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire, its Council Members, employees or contractors or any volunteer, which breach this Code.
- (c) Employee comments which become public and breach this Code, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

3.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire relevant policies and procedures

3.15 Gifts

- (1) Application

This clause does not apply to the CEO.

- (2) Definitions

gift —

- (a) has the meaning given in section 5.57 of the Act, 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);

Section 5.57 of the Act. **gift** means —

- (a) 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 5.74(1) of the Act. **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;
- (4) Determination
In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined, the threshold amount for prohibited gifts is in regulation 19AA is \$0.
- (5) Employees must not accept a prohibited gift from an associated person.
- (6) This determination pursuant to Regulation 19AF (1) of the *Local Government (Administration) Regulations 1996* is to be published on the local government's official website.

For the avoidance of doubt employees are prohibited under this Code any accepting any gift.

3.16 Conflict of Interest

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons. Failing to disclose may result in disciplinary action.
- (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

3.17 Secondary Employment

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

Secondary employment is not defence reservist or volunteer emergency service activities.

3.18 Disclosure of Financial Interests

- (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.

3.19 Disclosure of Interests Relating to Impartiality

- (a) In this clause, **interest** has the meaning given to it in regulation 19AA of the *Local Government (Administration) Regulations 1996*, as follows.

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.
- (b) 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:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- (c) 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 employee is required to disclose the nature of any interest the employee has in the matter:
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.
- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:
 - (i) that they had an interest in the matter; or
 - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:
 - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
 - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature 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.

3.20 Use and Disclosure of Information

- (a) Employees must not access, use or disclose information held by the Shire

except as directly required for, and in the course of, the performance of their duties.

- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code and any relevant Shire's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
 - (i) is authorised by the CEO or the CEO's delegate; or
 - (ii) is permitted or required by law.

Improper use or the disclosure of information as determined by the CEO may result in disciplinary action.

3.21 Improper or Undue Influence

- (a) Employees will not take advantage of their position to improperly influence Council Members or employees 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.
- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the Shire of Nungarin or any other person.

3.22 Use of Shire Resources

- (a) In this clause –

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

local government property, in the Act means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government has the meaning given to it in the Act.
- (b) Employees will:
 - (i) be honest in their use of Shire resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
 - (ii) use Shire resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
 - (iii) not use the Shire's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

3.23 Use of Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shires finances.
- (b) Employees will use Shire finances only within the scope of their authority.
- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996* and any other statutory obligation.
- (d) Employees exercising purchasing authority will comply with the Shire of Nungarin Purchasing Policy, and all systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with all care, skill, diligence, honesty and integrity when using Shire finances.
- (f) Employees will ensure that any use of Shire finances is appropriately documented in accordance with any relevant policy and procedure or purchasing system, including the Shire's Recordkeeping Plan.

3.24 Reporting of Suspect Breaches of the Code of Conduct

Employees are to report suspected breaches of this Code to their Supervisor, Manager or directly the CEO.

3.25 Handling of Suspected Breaches of the Code of Conduct

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire's policies and procedures, depending on the nature of the suspected breach.

3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour.

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, as detailed in Clause 3.24.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
 - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
 - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (c) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire's Public Interest Disclosure Procedures, as detailed in Shire of Nungarin Public Interest Disclosure Policy.

3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt

with in accordance with the Shire of Nungarin Fraud and Corruption Policy, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

3.28 Breach of Code

An employee who breaches this Code may be subject to disciplinary action, in accordance with the Shire's established processes and procedures, which may result in employment being terminated.

The Shire of Nungarin Misconduct Management Practice and Procedure Policy outlines the process to deal with contraventions of the Code

Function	Corporate Management				
Policy Number	CM 1				
Responsible Officer	Chief Executive Officer				
Related Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996				
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	16 February 2022			Resolution N#	RES 6801/02/22 Simple Majority

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	Nil	6891/10/22

End

I, _____ have read and understood Policy CM1 – Shire of Nungarin Employee Code of Conduct, and will adhere to the requirements of this policy at all times.

Employee Signature: _____ Date: _____



Policy CM 2 – Senior Employees

1. Policy Intention

To designate Senior Employees in accordance with Section 5.37 of the *Local Government Act 1995*.

2. Policy

The Chief Executive Officer is the sole Senior Employee of the Shire of Nungarin for the purposes of Section 5.37 of the *Local Government Act 1995*.

Function		Corporate Management			
Policy Number		CM002			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 3 – Honorary Freeman of the Shire of Nungarin

1. Policy Intention

To guide the nomination, selection and award of the prestigious ceremonial title to a person designated as “Honorary Freeman of the Shire of Nungarin”.

2. Policy

Council may, subject to the eligibility and selection criteria detailed, by absolute majority decision decide to confer the title of “Honorary Freeman of the Shire of Nungarin” on any person who has rendered exceptional service to the Shire of Nungarin community.

This prestigious honour will not be awarded regularly, but only on rare and exceptional occasions.

The award is in title only – no financial benefit is attached to the award. Recipients are however invited to significant events that are sponsored by the Shire of Nungarin.

3. Eligibility

The process for nominating and selecting a person and awarding this title is as follows:

- (1) Any person residing, or that has resided in the district, past Councillors and employees can be nominated;
- (2) A current Councillor or employee cannot be nominated for the award;
- (3) In recognition of the standing of this award a maximum of five living persons only may hold the title of “Honorary Freeman of the Shire of Nungarin” at any one time; and,
- (4) The honour shall not be awarded retrospectively.

4. Selection Criteria

Nominees will be judged on their record of service to the Nungarin community on the basis of the following criteria:

- (a) Nominees must have lived in, worked or served the Shire of Nungarin for a significant number of years (20 years or more);
- (b) Level of commitment to their field(s) of activity;
- (c) Outstanding personal leadership qualities and personal integrity;
- (d) Benefits to the community of the Shire of Nungarin, to the State of Western Australia or to the nation resulting from the nominee’s work; and
- (e) Special achievements of the nominee.

5. Nomination Process

To preserve the integrity and importance of bestowing the honour of “Honorary Freeman of the Shire of Nungarin” upon any individual, the following procedure shall be adopted:

- (1) Nomination for an “Honorary Freeman of the Shire” clearly outlining in chronological order the history of community service and achievements of the nominated person, must be made in writing to the Chief Executive Officer in the strictest confidence, without the nominee’s knowledge.
- (2) On receipt of the nomination the Chief Executive Officer will circulate a copy of the nomination and any supporting information to all Councillors for initial consideration.
- (3) Councillors shall have reasonable time, being no less than two weeks, to consider the proposal.
- (4) If a Councillors expresses an objection to the nomination, they must give their reasons for the objection in writing to the Chief Executive Officer within the prescribed time frame.
- (5) A nomination must be supported in writing by at least one third of the Councillors of Council.
- (6) Councillors who do not formally respond in writing will be presumed not to object to the proposal.
- (7) If the nomination is sufficiently supported, the Chief Executive Officer will subject a confidential report to Council.
- (8) The nominee’s name and identifying information will be maintained as “confidential” in all meeting papers.
- (9) The recommendation to Council will include a clause requiring confidentiality of the report be maintained until the title is conferred upon the nominee at a formal Council function.
- (10) The decision of Council to adopt the Chief Executive Officer’s recommendation requires an absolute majority decision.

It is imperative, confidentiality is maintained throughout the nomination process. The standing of the Shire and the individual concerned should not be brought into disrepute or embarrassment in any way.

6. Awarding the Title

Once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all Councillors will be informed and the matter will lapse.

Conferral of the title shall be carried out at a formal Council function. The Chief Executive Officer, in consultation with the Shire President, will decide the occasion and format of the conferral ceremony. The Governor of Western Australia, the Premier and the Opposition Leader shall be included on the list of distinguished invited guests.

A certificate of “Honorary Freeman of the Shire of Nungarin”, signed under the Common Seal by the Shire President and Chief Executive Officer, will be presented to the recipient.

A suitable media statement shall be prepared for release on behalf of the Shire President.

A framed photograph of the “Honorary Freeman of the Shire” will be hung in the Shire’s Administration Building. Upon the passing of a Freeman, this photograph will be removed and offered to the next of kin.

7. Entitlements

The Honorary Freeman and their partner shall be invited to all formal civic functions conducted by the Shire.

8. Personal Conduct

An “Honorary Freeman of the Shire of Nungarin” shall display high standards of the personal conduct and behaviour at all times and shall not bring the Shire into disrepute.

Council reserves the right to cancel the honour in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute. This decision shall be made by absolute majority.

Function		Corporate Management			
Policy Number		CM 3			
Responsible Officer		Chief Executive Officer			
Related Legislation		n/a			
Risk Rating	Medium	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 4 – Complaints

1. Policy Intention

The intent of this policy is to establish the Shires position about complaints received and the approach to be taken in their resolution.

2. Definition

For the purpose of this policy a complaint means an expression of dissatisfaction about:

- (a) A decision of the Council or Shire staff;
- (b) The standard or quality of a Shire service, action or lack of action; or
- (c) The behaviour of Shire representatives.

A complaint is not:

- (a) A first request for action or a service.
- (b) A request for information or explanation of Shire policies, practice's or procedures; or
- (c) The lodging of an appeal in accordance with procedures prescribed by statute or regulation or Shire policy.

3. Policy

The Shire wishes to ensure that it is easy for any person who feels aggrieved to make a complaint. The Shire wishes to treat complaints positively, to learn from complaints received and where possible to satisfy complainants about their experience in making a complaint.

The Shire will endeavour to ensure that:

- (a) Anyone who is dissatisfied about a Shire service or product can easily and simply make a complaint.
- (b) Complaints no matter how they are submitted are treated with equal importance.
- (c) Complaints are responded to quickly and in any event within prescribed timescales.
- (d) Complaints are addressed in a courteous, helpful, and open manner.
- (e) Appropriate assistance is given to any complainant in the making of a complaint including the completion of any pro forma or other paperwork.
- (f) Complaints are properly monitored and where relevant the Shire learns from them in order that:
 - (i) Unacceptable conduct or behaviour does not re-occur; and
 - (ii) Policies, practices and procedures are improved in order to accommodate the needs of our customers.

4. Particular Cases

4.1 Anonymous Complaints

Anonymous complaints shall only be considered to the extent that they involve safety or security issues. Otherwise anonymous complaints shall be disregarded.

4.2 Vexatious or Abusive Complaints

The Chief Executive Officer may decide (having regard to the nature, subject or number of complaints received) that a complainant is a vexatious or abusive and

further complaint received from the person concerned or about a particular subject shall not be entertained.

4.2.1 Where a determination is made by the Chief Executive Office that a complaint is vexatious or abusive staff may be directed not to deal with the particular matter.

4.3 Allegations of Serious Misconduct

Allegations concerning criminal, corrupt or serious improper conduct will be dealt with independently of the Complaint Handling process. In the first instance they will be referred directly to the Chief Executive Officer for determination including whether there are reasonable grounds for notification to the Anti-Corruption Commission or referral to the Police. Reference is made to Policy CM 5 (Public Interest Disclosure).

4.4 Repetitive Complaints

The Chief Executive Officer may determine a complaint to be repetitive in nature and direct staff not to deal with the particular matter.

5. Applying the Policy

If not satisfied with a Shire service or action involving Shire staff a complainant is to be encouraged through the application of relevant procedures:

5.1 In the first instance, to raise the matter with the person most able to resolve the complaint. This may be the person named in the complaint, or their senior / manager.

5.2 If not satisfied with the response at the first point of contact, or if the complainant feels uncomfortable about talking to that person, contact the CEO.

5.2.1 If not satisfied with the Chief Executive Officer's response, raise the concern with either the Western Australian Ombudsman or the Department of Local Government, Sport and Cultural Industries.

5.3 If the complaint concerns a Councillor it shall be referred in the first instance to the Chief Executive Officer for appropriate directions and/or action.

5.4 Where considered appropriate the Chief Executive Officer may authorise referral of a particular complaint to an external arbitrator or mediator for consideration.

5.5 All staff are authorised to handle complaints on behalf of the Shire in accordance with the roles and responsibilities of their positions.

Function	Corporate Management				
Policy Number	CM 4				
Responsible Officer	Chief Executive Officer				
Related Legislation / Policy	Policy CM 5 – Public Interest Disclosure				
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	19 Oct 2022			Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 5 – Public Interest Disclosure

1. Policy Intention

To detail the manner in which the Shire of Nungarin will comply with its obligations under the *Public Interest Disclosure Act 2003*.

2. Policy

The Shire of Nungarin (the Council) acknowledges its obligations under the *Public Interest Disclosure Act 2003* (the Act) and in doing so:

2.1 Will ensure staff are supported under the Act. The Council:

- (a) does not tolerate corrupt or other improper conduct, including mismanagement of community resources, in the exercise of the public functions of the Shire of Nungarin and its officers, employees and contractors.
- (b) is committed to the aims and objectives of the Act. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.
- (c) will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
- (d) does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

2.2 Has in place an internal procedure that describes the manner in which:

- (e) disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council.
- (f) the person from time to time holding or acting in the position of Chief Executive Officer is designated as the Public Interest Disclosure Officer, or PID Officer of the Shire of Nungarin.
- (g) the PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- (h) the PID Officer may take action following the completion of the investigation.
- (i) the PID Officer shall report to the informant as to the progress and outcome of that investigation and the action taken as a consequence.
- (j) the confidentiality of the informant, and any person who may be the subject of a public interest disclosure, shall be maintained.
- (k) records as to public interest disclosure shall be maintained and reporting obligations complied with.

Function		Corporate Management			
Policy Number		CM 5			
Responsible Officer		Chief Executive Officer			
Related Legislation		<i>Public Interest Disclosure Act 2003, Public Disclosure Regulations 2003</i>			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 October 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 6 – Risk Management

1. Policy Intention

The Shire of Nungarin is committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

The key objective of this policy is to ensure that sound Risk Management practices and procedures are fully integrated into the Council's strategic and operational planning processes.

This Policy will be supported by a Risk Management Strategy

2. Policy

The Shire of Nungarin recognises risk is the possibility of unplanned or unanticipated events having an adverse effect on the achievement of the organisation's objectives, and also recognises its moral and legal responsibility to provide a safe and healthy work environment for employees, contractors, customers and visitors.

The Shire of Nungarin considers risk management to be an essential management function in its operation as a progressive Local Government, and recognises risk management responsibility lies with the person who has the responsibility for the function, service or activity that gives rise to the risk.

The risk management framework proposed, aligns with the principles as outlined in the current International Standard (AS/ NZS/ISO 31000:2009).

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks.

It will be applied to decision making through all levels of Council and the Shire in relation to planning or executing any function, service or activity. In particular it will be applied to:

- (a) Expenditure of large amounts of money;
- (b) New strategies and procedures;
- (c) Managing a project;
- (d) Introducing significant change; and,
- (e) The management of sensitive issues.

2.1 Risk Management Objectives

- (i) The achievement of organisational goals and objectives.
- (ii) To ensure community and employee health and safety within the Shire's jurisdiction is
- (iii) Not compromised.
- (iv) Limited loss or damage to property and other assets.
- (v) Limited interruption to business continuity.

- (vi) To define the Shire's tolerance to risk and communicate it throughout the Shire.
- (vii) To communicate with the community about the Shire's approach to risk.
- (viii) To protect the reputation of Council.

2.2 Responsibilities

2.2.1 Councillors are responsible for:

- (a) Ensuring a Risk Management Policy has been developed, adopted and communicated throughout the Shire.
- (b) Reviewing the Risk Management Policy annually.
- (c) Providing a vision on which sound risk management practices and procedures can be based.
- (d) Providing adequate budgetary provision for the maintenance of risk management plans and procedures.

2.2.2 Chief Executive Officer and Executive are responsible for:

- (a) Establishing the risk tolerance level of the Shire for adoption by Council.
- (b) Ensuring the development and management of the risk management plan for the Shire.

2.2.3 Management are responsible for:

- (a) Identifying and assessing all the potential risks in their area of responsibility.
- (b) Encouraging openness and honesty in the reporting and escalation of risks.
- (c) Ensuring all staff manage risks within their own work area.

2.2.4 Employees are responsible for:

- (a) Actively participating in the risk management program and organisational performance review and evaluation program.
- (b) Complying with all policies, procedures and practice's relating to risk management.
- (c) Attending risk management training.
- (d) Conducting risk assessments during the performance of their daily duties, as required.
- (e) Alerting management to the risks that exist within their area.

2.3 Monitor and Review

The Shire of Nungarin will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored.

The reference to the current International risk standard in this policy will be automatically updated to reflect any changes in name or number.

Function		Corporate Management			
Policy Number		CM 6			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents		Risk Management Strategy			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 7 – Legal Representation – Costs Indemnification

1. Policy Intention

This policy is designed to protect the interests of Councillors and employees (including past members and former employees) where they become involved in legal proceedings as a result of performing their normal duties. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to these proceedings.

2. Definitions

'approved lawyer' means a 'certified practitioner' (as defined in the *Legal Practice Act 2003*) who is from a law firm on the WALGA panel of legal service providers, unless the Council or CEO considers this is not appropriate – for example, where there is or may be a conflict of interest.

'Shire' means the Shire of Nungarin.

'council member' means a current Councillor.

'employee' means a current employee of the Shire.

'improper conduct' means a breach of the standards of conduct that a reasonable person would expect of a person knowing their duties, powers and authority.

'legal proceedings' may be civil or criminal.

'legal representation' means the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that is in respect of:

- (a) a matter or matters arising from the performance of the functions of the council member or employee; and
- (b) legal proceedings involving the council member or employee that have been, or may be, commenced.

'legal representation costs' are the costs, including fees and disbursements, properly incurred in providing legal representation;

'legal services' includes advice, representation or documentation provided by an approved lawyer.

3. Policy

It is policy to facilitate Councillors and employees' access to legal advice in such cases where enabled in legislation and where the matter falls within the scope and application of this policy as stated below.

The objective of this policy is to ensure Councillors and employees of the Shire are represented in legal action relating to their roles and functions subject to considerations set out below.

Councillors and employees of the Shire performing their statutory roles and functions, may occasionally in the course of their duties, be exposed to legal action initiated by third parties. In these circumstances Councillors and employees may require legal advice

and/or representation and should be able to expect their local government will provide financial assistance to meet the cost of the advice or representation. Accordingly, it is appropriate and prudent for the Shire to be in a position to assist Councillors and employees by adopting a policy to fund or partly fund the cost of providing legal services in appropriate circumstances.

3.1 Legislative Framework

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

However, the legislation does not preclude people acting against individual Councillors or employees if they believe that the Councillor or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions a local government can expend funds to provide legal representation for Councillors and employees as long as it believes that the expenditure falls within the scope of the local government's function.

3.2 Scope

This policy is applicable to all current Councillors and employees where the following may apply:

3.2.1 Criteria for determining application for legal representation

There are four criteria for determining whether an application for the payment of the legal representation costs of a Councillor or employee will be approved:

- (a) The legal representation costs must relate to a matter that arises from the performance, by the member or employee, of his or her functions.
- (b) The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
- (c) In performing his or her functions, to which the legal representation relates, the member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and,
- (d) The legal representation costs do not relate to a matter that is of a personal or private nature.

3.2.2 Examples of legal representation costs that may be approved

If the criteria in clause 3.2.1 are satisfied, approval may be given for the payment of legal representation costs:

- (a) where legal proceedings are brought against a Councillor or employee in connection with his or her functions – for example, an action for

defamation or negligence arising out of a decision made or action taken by the council member or employee; or

- (b) to enable proceedings to be commenced and/or maintained by a Councillor or employee to permit him or her to carry out his or her functions – for example where a Councillor or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Councillor or employee; or
- (c) where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Councillors or employees.

3.3 Application

3.3.1 An application by a Councillor, or the Chief Executive Officer, must be made in writing to the Council which may approve or decline the application.

3.3.2 An application by an employee must be made in writing to the Chief Executive Officer who may approve or decline the application.

3.3.3 The application must give details of:

- (a) The matter for which legal representation is sought.
- (b) How that matter relates to the functions of the member or employee making the application.
- (c) The nature of the legal representation being sought (such as advice, representation in court, preparation of documents etc).
- (d) The lawyer (or law firm) who is to be requested to provide the legal representation
- (e) An estimate of the cost of the legal representation; and
- (f) Why it is in the interests of the Shire for payment to be made.

3.3.4 The application must contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

3.3.5 As far as possible the application is to be made before commencement of the legal proceedings to which the application relates.

3.3.6 The application must be accompanied by a statement signed by the applicant that he or she:

- (a) Has read and understands the terms of this Policy.
- (b) Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3 and any other conditions to which the approval is subject; and
- (c) Undertakes to repay to the Shire any legal representation costs in accordance with clause 3.

3.3.7 In relation to clause 3.3.6(c), a person who receives payment of legal representation costs shall sign a document acknowledging that repayment may be required by the Shire under the terms of this Policy.

- 3.3.8** An application must be accompanied by a report prepared by the Chief Executive Officer or where the Chief Executive Officer is the applicant by an appropriate employee nominated by the President.

3.4 Limit on Legal Representation Costs

- 3.4.1** When approving an application, the Council or Chief Executive Officer shall set a limit on the amount of costs to be paid, based on the nature of the matter and on the estimate of costs in the application.
- 3.4.2** A Councillor or employee may make a further application to the Council or Chief Executive Officer in respect of the same matter.

3.5 Assessing the Application

- 3.5.1** The Council or Chief Executive Officer may:

- (a) Refuse;
- (b) Grant; or
- (c) Grant subject to conditions, an application for payment of legal representation costs.

- 3.5.2** Conditions under clause 3.2.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.

- 3.5.3** In assessing an application, the Council or Chief Executive Officer may have regard to any insurance benefits that may be available to the applicant under the Shire's Councillors or employee's insurance policy or its equivalent.

- 3.5.4** The Council or Chief Executive Officer may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

- 3.5.5** The Council or Chief Executive Officer may determine, after an application has been approved, that a Councillor or employee:

- (a) Has not acted in good faith, has acted unlawfully or has acted in a way that constitutes improper conduct; or
- (b) Has given false or misleading information in respect of the application.

- 3.5.6** A determination under clause 3.2.2 may be made by the Council or Chief Executive Officer on the basis of and consistent with the findings of any court of competent jurisdiction, the State Administrative Tribunal or of an inquiry conducted pursuant to Part 8 of the *Local Government Act 1995*.

- 3.5.7** Where a determination is made under clause 3.2.2, the legal representation costs paid by the Shire are to be repaid by the Councillor or employee in accordance with clause 3.3.

3.6 Repayment of Legal Representation costs

- 3.6.1** A Councillor or employee whose legal representation costs have been paid by the Shire is to repay the Shire:



- (a) All or part of those costs – in accordance with a determination by the Council or CEO under clause 3.2.1 or
- (b) As much of those costs as are available to be paid by way of set-off:
 - (i) Where the council member or employee receives monies paid for costs.
 - (ii) Damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

3.6.2 The Shire may act in any court of competent jurisdiction to recover any monies due to it under this Policy.

Function	Corporate Management				
Policy Number	CM7				
Responsible Officer	Chief Executive Officer				
Related Legislation / Documents	Legal Practice Act 2003 Department of Local Government Operational Guidelines No. 14 – Legal Representation for Council Members and Employees				
Risk Rating	High	Review Frequency	Annually	Next Review	2022
Date Adopted	19 Oct 2022			Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End

Policy CM 8 – Appointment of Acting Chief Executive Officer

1. Policy Intention

The objective of this policy is to ensure compliance with section 5.39C of the Local Government Act 1995 (Act), that details the Shire of Nungarin's processes for appointing an Acting Chief Executive Officer (CEO) for periods of less than twelve (12) months of planned or unplanned leave or an interim vacancy in the substantive office.

2. Policy

The role of the Chief Executive Officer is considered to be crucial to achieving good governance and for fulfilling the functions prescribed in s.5.41 of *the Local Government Act 1995* (the Act).

3. Definitions

3.1 Acting CEO

Means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remain employed, but is on planned or unplanned leave.

3.2 Temporary CEO

Means a person employed or appointed to fulfil the statutory position of CEO for the period between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

4. Application for leave by CEO

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Shire President.

5. Acting CEO requirements and qualifications

- (a) When the CEO is on planned or unplanned leave, or the CEO's employment with the Shire of Nungarin has ended, an Acting / Temporary CEO is to be appointed in accordance with this policy to fulfil the functions of CEO as detailed in section 5.41 of the Act, and other duties as set out in the Act and associated Regulations.
- (b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines the substantive position of Manager Works and Services or the Manager Corporate Services is suitably qualified to perform the role of Acting CEO for a period of up to six (6) weeks.

6. Appointment of Acting CEO – planned and unplanned leave for periods up to six (6) weeks.

- (a) The CEO is authorised to appoint the Manager Works and Services or the Manager Corporate Services in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding six (6) weeks.
- (b) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than six (6) weeks.
- (c) The CEO is to immediately advise all Councillors when and for what period an Acting CEO has been appointed.
- (d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (b), the Shire President will appoint the Manager Works and Services

or the Manager Corporate Services as Acting CEO, until the return of the substantive CEO or the first Ordinary Council Meeting, whichever is sooner.

- (e) Council may, by resolution, extend an Acting CEO period under subclause (d) if the substantive CEO remains unavailable or unable to perform their functions and duties.
- (f) Council may, by resolution, appoint an external Temporary Acting CEO until the return of the substantive CEO.

7. Appoint Acting CEO for extended leave periods greater than six (6) weeks but less than twelve (12) months.

- (a) This clause applies to the following periods of extended leave:
 - (i) Substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - (ii) Substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (b) The Council will, by resolution, appoint an Acting CEO for periods greater than six (6) weeks but less than twelve (12) months, as follows:
 - (i) Appoint one (1) employee as Acting CEO to ensure the CEP position is filled continuously for the period of extended leave; or
 - (ii) Conduct an external recruitment process in accordance with clause 8(a)(ii).
- (c) The Shire President will liaise with the CEO, or in their absence the Manager Works and Services and Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (d) Subject to Council's resolution the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Works and Services and the Manager Corporate Services.

8. Appointment Temporary CEO – Substantive Vacancy.

- (a) In the event the CEO's employment with the Shire of Nungarin has ended, the Council when determining to appoint a Temporary CEO may either:
 - (i) By resolution, appoint the Manager Works and Services or the Manager Corporate Service as the Temporary CEO for the period of the time until the substantive CEO has been recruited and commences their employment; or
 - (ii) Follow an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment.
- (b) The Shire President will liaise with the Manager Works and Services and Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution, with administrative assistance from the Manager Works and Services and Manager Corporate Services.

9. Remuneration and conditions of Acting or Temporary CEO

- (a) Unless Council otherwise resolves, an employee appointed as Acting CEO for a period of up to six (6) weeks or less shall be remunerated at 25% of the cash component only of the substantive CEO's total reward package.
- (b) Unless Council otherwise resolves, where an external Acting CEO has been appointed for a period not exceeding six (6) weeks, the remuneration shall be at 100% of the cash component only of the substantive CEO's total reward package. The cost of accommodation will be covered by the Council.
- (c) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of section 5.39(1) and (2)(a) of the Act.
- (d) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or temporary CEO appointment.

Function		Corporate Management			
Policy Number		CM 8			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents		Local Government Act 1995			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#
19 Oct 22	1. Replace Senior Corporate Service Officer with Manager Corporate Services throughout. 2. Inclusion of clause 6(f)	6891/10/22

End



Policy CM 9 – Purchasing

1. Policy Intention/Objective

The objectives of this Policy are to ensure that all Shire purchasing activities:

- (a) demonstrate that best value for money is attained;
- (b) demonstrate support to purchasing local at every opportunity within the guidelines of this Policy;
- (c) are compliant with relevant legislations, including the Act and Regulations;
- (d) are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures;
- (e) mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- (f) ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- (g) are conducted in a consistent and efficient manner; and,
- (h) that ethical decision making is demonstrated.

2. Policy

The Shire is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and that comply with the *Local Government Act 1995* (the “Act”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “Regulations”).

Procurement processes and practice’s to be complied with are defined within this Policy.

3. Ethics & Integrity

3.1 Code of Conduct

All purchasing officers and employees undertaking purchasing activities must have regard for the Shire of Nungarin Code of Conduct (or any specific Code of Conduct for Employees adopted by the Chief Executive Officer) requirements and shall observe the highest standards of ethics and integrity at all times. All officers and employees must act in an honest and professional manner at all times which supports the community standing of the Shire.

3.2 Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- (a) full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- (b) all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Nungarin policies and the Code of Conduct for Employees;
- (c) purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- (d) all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and procedures, audit requirements and relevant legislation;

- (e) any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- (f) any information provided by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

4. Value for Money

4.1 Overview

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved.

As such, purchasing decisions must be made with greater consideration than obtaining the lowest price, but also to incorporate qualitative and risk factors into the decision-making process.

4.2 Application

An assessment of the best value for money outcome for any purchasing process should consider:

- (a) all relevant total costs of ownership and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- (b) the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- (c) financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- (d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- (e) the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- (f) purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- (g) providing opportunities for businesses within the Shire's boundaries to be given the opportunity to quote for providing goods and services wherever possible.

5. Purchasing Requirements

5.1 Legislative / Regulatory Requirements

The requirements that must be complied with, including purchasing thresholds and processes, are prescribed within the Act, Regulations, this Policy and associated purchasing procedures in effect.

5.2 Purchasing Generally

Purchasing that is \$250,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 5.5 of this Purchasing Policy.

Purchasing that exceeds \$250,000 in total value (excluding GST) must be put to

public Tender unless it is determined that a regulatory Tender exemption in the Act or Regulations is provided, or as stated in this Policy.

5.3 Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Record Management System in the first instance before seeking to obtain quotes and tenders on its own accord.

5.4 Purchasing Thresholds

The table below prescribes the purchasing process that approved purchasing officers must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to \$7,500	Quotations are not required for purchases in this category. Officers are required to adhere to the overarching principles of policy objectives.
Over \$7,501 up to \$50,000	Seek at least two written quotations from suppliers following a brief outlining the specified requirements, from: <ol style="list-style-type: none"> 1. the open market, supporting buy local, where possible and practicable; 2. an existing panel of pre-qualified suppliers administered by the Shire; or 3. a pre-qualified supplier on the WALGA Preferred Supply Program or State Government.
Over \$50,001 and up to \$249,999	Seek at least three written quotations (with adequate consideration supporting buy local) from suppliers by formal invitation under a Request for Quotation, containing detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. Quotations within this threshold are to be <i>sourced</i> as follows, with the order of preference being from: <ol style="list-style-type: none"> 1. the open market generally; 2. an existing panel of pre-qualified suppliers administered by the Shire; or 3. a pre-qualified supplier on the WALGA Preferred Supply Program, or State Government; or Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.
Over \$250,000	Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangements as listed in this Policy, conduct a public Request for Tender process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , this policy and the Shire's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria (as determined by the Chief Executive Officer under Delegated

	Authority or by Council where a Delegation does not apply) that assesses all value for money considerations in accordance with the definition stated within this Policy.
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5.6 Determination of Approved Purchasing Officers / Processes and Procedures

The Chief Executive Officer is responsible for determining the employees permitted to procure goods and services under this Policy and for determining associated expenditure approval levels and the associated processes and procedures.

5.7 Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- (a) the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA).
- (b) the purchase is from a Regional Local Government or another Local Government;
- (c) the purchase is from a pre-qualified supplier under a Panel established; in accordance with the Act and Regulations; and,
- (d) any of the other exclusions under Regulation 11 of the Regulations apply.

5.8 Inviting Tenders under the Tender Threshold (\$250,000 or Less)

Where considered appropriate and beneficial, the Chief Executive Officer may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$249,999 or less in value, the Shire's tendering procedures must be followed in full.

5.9 Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

5.10 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the Act.

In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken and purchases in these circumstances are to be facilitated by the Chief Executive Officer or the appointed Local Recovery Coordinator.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

6. Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the Shire of Nungarin Records Management Policy and associated procedures and procurement practices.

For each procurement activity, such documents may include:

- (a) The procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- (b) Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- (c) Request for Quotation/Tender documentation;
- (d) Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- (e) Copies of quotes/tenders received;
- (f) Evaluation documentation, including individual evaluators note and clarifications sought;
- (g) Negotiation documents such as negotiation plans and negotiation logs;
- (h) Approval of award documentation;
- (i) All correspondence to respondents notifying of the outcome to award a contract;
- (j) Contract Management Plans which describes how the contract will be managed; and
- (k) Copies of contract(s) with supplier(s) formed from the procurement process.

7. Sustainable Procurement and Corporate Social Responsibility

The Shire is committed to supporting suppliers that demonstrate sustainable business practices and high levels of corporate social responsibility (CSR). Where appropriate and practicable purchasing officers shall endeavour to consider suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. CSR considerations must be balanced against this policy's intentions and objectives.

8. Buy Local Policy (Excluding Tenders)

As much as practicable, the Shire must:

- (a) where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- (b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (c) ensure that procurement planning addresses local business capability and local content;
- (d) explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- (e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- (f) provide adequate and consistent information to potential suppliers.

To this extent and for the purposes of supporting buying local, as a demonstrated benefit or contribution to the local economy, suppliers based within the boundaries of the Shire of Nungarin, for at least six (6) months prior to a Request for Quotation being sought are afforded the following buy local price preference, for the purposes of assessment –

A regional price preference in accordance with Policy F1 is afforded for procurement by way of Tender.

9. Purchasing from Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where possible and practicable, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting for assessment purposes, as outlined in section 8 is to be afforded for the purposes of quotes and tenders to provide advantages to Australian Disability Enterprises.

10. Purchasing from Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible and practicable, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting for assessment purposes, as outlined in section 8 is to be afforded for the purposes of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

11. Pre-Qualified Suppliers

To further support effective procurement in accordance with this Policy, Council or the Chief Executive Officer may under Delegated Authority approve the creation of a Panel of Pre-qualified Suppliers (Panel) under Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*.

The following factors are to apply if a Panel is to be created:

- (a) A determination is to be made that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- (b) there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- (c) the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- (d) the Panel will streamline and will improve procurement processes; and
- (e) a capability and capacity exist to establish, manage the risks and achieve the benefits expected of the proposed Panel.

11.1 Establishing a Panel

Should it be determined that a Panel would be beneficial to be created, it must be created in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

- (a) Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.
- (b) Panels may be established for a minimum of two (2) years and for a maximum length of time formally determined.
- (c) Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.
- (d) Where a Panel is to be established at least three (3) suppliers to each category will endeavour to be appointed, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, a category is not to be established.
- (e) In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), a clear statement is to be provided to indicate the expected number of suppliers to put on the panel.
- (f) Should a Panel member leave the Panel, they may be replaced by the next

ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

11.2 Distributing Work amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether it is intended to:

- (a) Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 11.3; or
- (b) Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or,
- (c) Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 11.2(b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- (a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- (b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel.

An invitation is to be sent to the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, an invitation to suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy.

When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

11.3 Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes, or any other electronic quotation facility.

11.4 Recordkeeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- (a) The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- (b) Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- (c) Request for Applications documentation;
- (d) Copy of public advertisement inviting applications;
- (e) Copies of applications received;
- (f) Evaluation documentation, including clarifications sought;
- (g) Negotiation documents such as negotiation plans and negotiation logs;
- (h) Approval of award documentation;
- (i) All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- (j) Contract Management Plans which describes how the contract will be managed; and
- (k) Copies of framework agreements entered into with pre-qualified suppliers.

Itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members must be kept. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under any subsequent contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees.

Function		Corporate Management			
Policy Number		CM 9			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		Local Government Act 1995, Local Government (Functions and General) Regulations 1996, State Records Act 2000 Policy F1 – Regional Price Preference State Government Common Use Arrangements, WA Aboriginal Business Directory			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2023		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 10 – Disposal of Property

1. Policy Intention

To improve the process and time frame involved to:

- (a) Dispose of Shire property where the market value of the property to be disposed of (which does not include land) is less than \$20,000 or where the property that is disposed of as part of the consideration for other property that the local government is acquiring for a consideration where the total value of which is not more, or worth more, than \$75,000.
- (b) Dispose of abandoned vehicles.

2. Policy

2.1 Shire Property

The disposal of Council owned property with a market value of less than \$20,000 or where the property that is disposed of as part of the consideration for other property that the local government is acquiring for a consideration where the total value of which is not more, or worth more, than \$75,000 shall be carried out in accordance with the following schedule:

Current Market Value of Property	Method of Disposal
\$501 - \$75,000 or less, per item	<ul style="list-style-type: none">To the highest bidder at public auction; orTo the most acceptable tender, whether or not it is the highest tender through the public tender process; orTo an external party at market value.
\$1 – \$500 per item	<ul style="list-style-type: none">At the direction of the Chief Executive Officer

2.1.1 Part 2.1 of this policy prescribes the method of disposal of Shire property with a market value of less than \$20,000 or where the property that is disposed of as part of the consideration for other property that the local government is acquiring for a consideration where the total value of which is not more, or worth more, than \$50,000 and the disposition of which shall be an exempt disposition pursuant to Regulation 30(3).

2.1.2 A written register is to be kept of all bids received and purchases made including a register of any property that is donated to local service organisations.

2.1.3 The disposal of property exceeding the value prescribed shall be in accordance with requirements of the *Local Government Act 1995* (the Act).

2.2 Abandoned Vehicles

Value of Abandoned Vehicle	Method of Disposal
Greater than \$501	At the expiry of sixty days from impounding, if not claimed – <ul style="list-style-type: none">To the highest bidder via formal offer and acceptance advertised locally;

	<ul style="list-style-type: none"> • By public auction by a licence auctioneer; • By tender in accordance with the Act; or • If unsold, by the most cost-effective means.
\$1 – \$500 per item	<p>After seven days from impounding, if the owner is unknown or after seven days from the giving a notice of impounding –</p> <ul style="list-style-type: none"> • By offering the vehicle to local emergency service group for training, or • If unwanted by the most cost-effective means.

3. References

Where this policy relates to the disposal of property reference must be made to Policy CM10 – Disposal of Property.

Monetary amounts referenced in this Policy are Goods and Services Tax (GST) exclusive.

Function	Corporate Management				
Policy Number	CM 9				
Responsible Officer	Chief Executive Officer				
Related Legislation / Documents / Policies	Local Government Act 1995 – s3.58, 3.39, 340A, 3.45 and 3.47. Local Government (Functions and General) Regulations 1996 Shire of Nungarin Delegation of Authority Register				
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	19 Oct 22			Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM11 – Fraud and Corruption Control

1. Policy Intention

The Shire is committed to the prevention, detection, investigation, response and monitoring of fraud and corruption related activities.

The objective of this Policy is to ensure that the Shire actively seeks to identify and limit its exposure to fraud and corruption, and provide an avenue for the reporting of fraud and corruption related activities.

This Policy is consistent with, and supported by Council's legislative obligations, Policy CM1 – Shire of Nungarin Employee Code of Conduct, and the Fraud and Corruption Control Strategy.

2. Policy

As Council is the custodian of significant public funds and assets, it is important the community has assurance these are adequately protected from fraud and corruption. Council has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring and reporting, and aims to ensure that strategies to control fraud and corruption related risks are integrated into existing and new work practices.

This Policy applies to all employees, Council members, committee members, contractors, consultants, and other persons who perform functions on behalf of Shire, such as volunteers.

3. Definitions

3.1 Fraud

Fraud is defined by Australian Standard AS8001-2008 as:

Dishonest activity causing actual or potential financial loss to any person or agency including theft of moneys or other property by employees or persons external to Council and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Examples of fraud include but are not limited to:

- (a) evasion of payments owing to the Shire;
- (b) false invoicing;
- (c) obtaining by deceit, benefits to which the recipient is not entitled such as improper reimbursement of expenses or travel allowances;
- (d) charging for goods or services not delivered or only part delivered;
- (e) false timesheet claims or misrepresenting time and work commitments;
- (f) theft of Council property, resources, inventory or cash;
- (g) theft, misuse or wrongful use of information for financial or other gain;
- (h) abuse of position or discretion such as accepting gifts or bribes to facilitate an outcome or gain some form of financial advantage;
- (i) false accounting;
- (j) credit card fraud;
- (k) abuse of local government facilities or assets for personal use;
- (l) disclosing confidential information for personal gain;

- (m) making false statements or altering signatures or other information and materials so as to mislead or misrepresent a position or hide wrongdoing; and
- (n) destroying or removing records without approval for personal gain or to conceal fraudulent activity.

3.2 Corruption

Corruption is defined by Australian Standard AS8001 – 2008 as:

Dishonest activity in which an employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or organisation. The concept of 'corruption' can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity.

Corruption is any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent and may include:

- (a) conflict of interest;
- (b) failure to disclose acceptance of gifts or hospitality;
- (c) acceptance of a bribe;
- (d) payment or receipt of secret commissions (bribes), which may be paid in money or in some other form of value to the receiver and may relate to a specific decision or action by the receiver or generally;
- (e) release of confidential information in exchange for some form of non-financial benefit or advantage to the employee releasing the information;
- (f) collusive tendering;
- (g) payment or solicitation of donations for an improper political purpose;
- (h) serious conflict of interest involving any local government employee, Councillors, committee member, contractor, consultant and other persons who perform functions on behalf of Shire, such as volunteers, acting in his or her own self-interest rather than the interests of the Shire;
- (i) serious nepotism or cronyism where the appointee is inadequately qualified to perform the role to which appointed;
- (j) manipulation of the procurement process by favouring one tenderer over others or selectively providing information to some tenderers;
- (k) gifts or entertainment intended to achieve a specific or generic commercial outcome in the short to long-term – an essential element rendering conduct of this type corrupt would be that it is in breach of the entity's values, behavioural code or gifts policy or that it was done without the appropriate transparency;
- (l) bribing officials in order to secure a contract for the supply of goods or services; and
- (m) facilitation' payments – small one-off payments in cash or in kind intended to secure prompt delivery of goods or services.

4. Responsibilities

4.1 Councillors are responsible for:

- (a) effective fraud governance.
- (b) setting the strategic direction and monitoring management actions for fraud and corruption risk.
- (c) adopting and adhering to the Fraud and Corruption Control Policy.

4.2 Chief Executive Officer and Executive are responsible for:

- (a) maintaining a corporate governance framework, which includes policies and procedures such as the Fraud and Corruption Control Policy and Code of Conduct, to minimise Council's vulnerability to fraud and corruption;
- (b) ensuring protection of Shire staff who report suspected fraud and corruption;
- (c) providing leadership, guidance and support to employees in preventing fraud and corruption;
- (d) identify high fraud risk areas; and,
- (d) participating in fraud and corruption risk reviews;

The Chief Executive Officer, under the *Corruption, Crime and Misconduct Act 2003* must also notify the Corruption and Crime Commission or the Public Sector Commission if misconduct is suspected.

4.5 Employees are responsible for:

- (a) contributing to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies, processes and resisting opportunities to engage in fraudulent or corrupt behaviour;
- (b) acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers;
- (c) being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption;
- (d) reporting details immediately if they suspect that a fraudulent or corrupt act has been committed or see any suspicious acts or events; and
- (e) co-operating fully with whoever is conducting internal checks, reviews or investigations into possible acts of fraud or corruption.

4.6 Contractors, consultants, volunteers and any other persons who perform public official functions on behalf of Council are responsible for:

- (a) supporting the Shires commitment to preventing fraud and corruption through reporting suspicious behaviour in accordance with the Code of Conduct.
- (b) complying with Council policies and refraining from engaging in fraudulent and corrupt conduct.

5. Detecting, Reporting and Responding to Fraud and Corruption

Strategies used to detect fraud and corruption include audits, internal reviews, and reports of suspected breaches. Policy CM1 – Shire of Nungarin Employee Code of Conduct and GEM8 – Code of Conduct for Council Members, Committee Members and Candidates details that any person who has reason to believe that a Council Member, Committee Member or an employee of the Shire of Nungarin has committed a breach of the Code of Conduct (including engaging in fraud or corruption), may complain about the breach to the Shire's designated complaints officer.

Disclosures being made about fraud, corruption or other improper conduct can be done so in accordance with Policy CM5 – Public Interest Disclosure.

Alternatively, reports of fraud or corruption can be made directly to external parties, such as the Office of the Auditor General, Corruption and Crime Commission, Public Sector Commission and Western Australian Police Force.

Any instances of detected or reported fraud or corruption will be investigated and responded to in accordance with the Code of Conduct.

6. Fraud and Corruption Control Strategy

The Fraud and Corruption Control Strategy has been developed to assist the Shire to meet the objectives of this Policy, and aims to:

- (a) reduce the potential for fraud and corruption within and against the Shire;
- (b) create a culture which seeks to prevent fraud and corruption;
- (c) dedicate resources to the prevention of fraud and corruption;
- (d) implement processes to manage fraud and corruption through risk management practices; and
- (e) provide guidance regarding how to manage suspected instances of fraud or corruption.

Function	Corporate Management				
Policy Number	CM11				
Responsible Officer	Chief Executive Officer				
Related Legislation / Documents / Policies	Corruption, Crime and Misconduct Act 2003 Public Interest Disclosure Act 2003 AS 8001 - 2008 Fraud and Corruption Control AS 8003 - 2003 Good Governance Principals Policy CM1 – Shire of Nungarin Employee Code of Conduct Policy Policy GEM8 – Code of Conduct for Council Members, Committee Members and Candidates Policy CM5 - Public Interest Disclosure Policy CM6 – Risk Management				
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	19 Oct 2022			Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 12 – Community Engagement

1. Policy Intention

To ensure Shire of Nungarin community engagement is meaningful, consistent across the entire organisation and undertaken in accordance with industry best practice.

This Policy outlines minimum standards and requirements to ensure:

- (a) Community members and other stakeholders are influential and involved in decision-making that affects their lives and/or business operations;
- (b) Community engagement is inclusive; and
- (c) Community members and other stakeholders feel their input has been considered and appropriately reflected in the decisions made and actions taken.

The Shire of Nungarin is committed to establishing a co-working relationship whereby the community, other stakeholders and the Shire collaborate to build resilient communities and places. The Shire is committed to achieving transparency and accountability in our engagement endeavours in order to improve community trust especially in the perception that the Shire - its Councillors and staff, always act in the best interest of the community.

2. Policy Scope

The policy applies to Shire Councillors, staff and all consultants and contractors acting on the Shire's behalf.

3. Policy Definitions

Community engagement	Any undertaking by the Shire, its contractors and consultants, to work across organisations, stakeholders and communities to shape decisions or actions in relation to a problem, opportunity or outcome. (Adapted definition of the International Association for Public Participation)
Community	An individual or business, group, association, committee representative or otherwise, residing, working or operating in the Shire of Nungarin local government district.
Stakeholder	An individual, business, group, association, committee, not-for-profit organisation, government entity or otherwise, with an interest, concern or association with, or that may be affected by a decision, action, project or service within, the Shire of Nungarin local government district or wider Wheatbelt region. Community is a sub-set of "Stakeholder".

4. Policy Statement

This Policy is separated into the following categories –

- (a) Introduction
- (b) When the Shire of Nungarin Will Engage
- (c) Who the Shire of Nungarin Will Engage and Level of Influence
- (d) Roles of Councillors, Staff and Stakeholders

4.1 Introduction

The Shire is committed to ensuring:

- (a) Community engagement is a strategic consideration that guides Shire decision-making;
- (b) Community engagement is undertaken in accordance with the International Association for Public Participation (IAP2) standards and framework;
- (c) Community engagement is built into work practices and remains an integral part of operations;
- (d) Staff are equipped with the skills and knowledge to undertake engagement in line with best practice and work to ensure continual improvement;
- (e) Consultants and contractors undertaking community engagement on the Shire's behalf are adequately qualified and experienced; and
- (e) Appropriate funds and capacity are availed for community engagement and that a Community Engagement Plan is prepared for each engagement undertaking.

The Shire, its consultants or contractors, will ensure:

- (a) Community engagement is a cornerstone of all Shire undertakings and commences as early in the life of the undertaking as practicable;
- (b) All stakeholders with an interest, association or concern in the topic of engagement are fairly and equally informed about and provided with an opportunity to influence, the matters that affect/are of importance to them;
- (c) The purpose and aim of the engagement are well communicated;
- (d) The Shire's role and that of other participants in the engagement process is explained;
- (e) The limitations or parameters within which the decision is being made and the level of influence that the stakeholder has in the decision-making process, are communicated;
- (f) Stakeholders are provided with sufficient information to enable them to provide informed input;
- (g) Communication materials are easy to understand, written in plain English i.e. using simpler and more direct language;
- (h) Due consideration is given to commercially sensitive or personal information and that the provision of information complies with privacy legislation and record keeping requirements;
- (i) Community engagement is inclusive, accessible and it is easy for stakeholders to provide comment;
- (j) Sufficient time is allowed for stakeholder responses;
- (k) All comments received are duly considered by decision-makers and appropriately reflected in decisions made or actions taken;
- (l) All respondents are informed of the outcome of the engagement and how their input affected the decisions made or actions taken;
- (m) Decision-makers are receptive and responsive to alternative or opposing views and ideas;
- (n) All reasonable attempts are made to resolve conflicts and reach acceptable solutions; and
- (f) Sufficient time is allowed to debate and investigate unanticipated and consequential issues.

All community engagement will be communicated on the Shire of Nungarin website, in addition to other communication channels appropriate to the requirements of the undertaking.

4.2 When the Shire of Nungarin Will Engage

The Shire will engage with stakeholders when new plans, strategies, projects and/or services are initiated or existing plans, strategies, projects and/or services are revised, where appropriate and especially where the decision being made or action being taken impacts stakeholders.

The Shire will also engage when required under legislative requirements, in particular the *Local Government Act 1995* as it pertains to participation, consultation and engagement.

This commitment affects relationship building, community development, planning and building obligations, capacity building, community action, project management, behaviour change, research and furthering the achievements of partnerships.

There are instances where community engagement may not occur. These include but are not limited to:

- (a) A final decision having already been made by Council or another agency – however every effort will be made to engage prior to decision-making;
- (b) Council not having the jurisdiction to influence a decision being made by another agency/organisation/party etc.;
- (c) Insufficient time due to legislative or legal constraints;
- (d) Ministerial exemptions; and
- (e) Health, safety and wellbeing concerns in which the Shire may need to respond quickly i.e. emergency situations.

The Shire will endeavour to avoid conducting any community engagement after the November Ordinary Council Meeting until at least mid-January the following year, recognising that in some instances this may be unavoidable such as where required by legislation. In these circumstances and where appropriate, the Shire will endeavour to extend the response period.

4.3 Who the Shire of Nungarin Will Engage and Level of Influence

This will be determined through the development of a Community Engagement Plan prepared for each engagement undertaking. This will also depend on the nature, sensitivity and complexity of the engagement topic as well as community impact or interest.

4.4 Roles of Councillors, Staff and Stakeholders

Councillors:

- (a) Have the responsibility to encourage active community member participation in community engagement activities;
- (b) Listen to, understand and consider stakeholder input, allowing the input to influence the decisions made or actions taken; and
- (c) Be advocates of the community based on sound engagement outcomes.

Chief Executive Officer:

- (a) Drive Shire officers to embrace best practice community engagement as a core element of Shire culture; and

- (b) Ensure Council adequately resources the commitment to best practice community engagement.

Shire Officers:

- (a) Adopt and adhere to the International Association for Public Participation Core Values and Code of Ethics;
- (b) Must appropriately allocate funds and capacity to undertake effective community engagement including the development of Community Engagement Plans for each undertaking;
- (c) Apply the International Association for Public Participation Quality Assurance Standard to all engagement processes;
- (d) Ensure that engagement processes result in outcomes influencing decision or action;
- (e) Empower stakeholders wherever possible in engagement processes so as not to disempower community energy or activation;
- (f) Provide feedback to participants; and
- (g) Commit to continually improve the Shire's community engagement efforts.

Stakeholders:

- (a) Ensure contact details are kept up to date with the Shire;
- (b) Participate actively, openly and positively in engagement processes; and
- (c) Collaborate with the Shire to ensure continual improvement of engagement practices.

Function		Corporate Management			
Policy Number		CM12			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		<i>Local Government Act 1995</i> <i>Local Planning Scheme</i> <i>Planning and Development Act 2005</i> Policy CM1 – Shire of Nungarin Employee Code of Conduct Policy Policy GEM8 – Code of Conduct for Council Members, Committee Members and Candidates Nungarin Strategic Community Plan Communications and Engagement Strategy Community Engagement Plan Template and Toolkit International Association of Public Participation Framework			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 13 – Smoking / Vaping in Council Buildings and Vehicles

1. Policy Intention

To ensure a smoke / vape free environment for all Council employees and eliminate exposure to environmental tobacco smoke / vapour nicotine and / or odour in the work place.

2. Policy Scope

This policy applies to:

- (a) Elected Members;
- (b) All workers whether by way of appointment, secondment, contract, temporary arrangement or volunteering, work experience, trainees and interns; and
- (c) Any external party involved in providing goods or services to the Council, such as contractors, consultants, outsourced service providers and suppliers.

3. Definitions

While this policy refers specifically to alcohol and illicit drugs, it is intended to apply to all forms of substances affecting the central nervous system. For the purpose of this policy:

‘under the influence’ is a situation in which the influence of alcohol or drugs, or the combination of alcohol and drugs, may affect personnel in any detectable manner.

4. Statement

The Shire is committed to safety as the major priority for all of its operations. The goal is to perform work in such a manner that the potential for injury is reduced.

It is the intention to create an environment where employees, volunteers and contractors recognise the health and safety risks of misusing alcohol and other drugs and thus provide an opportunity for them to obtain assistance to avoid such misuse.

This policy outlines the circumstances and methods for the screening tests of Shire employees and contractors for alcohol and other drugs and describes the processes which will be adopted following a positive test and the course of events for the employee or contractor who has tested positive to alcohol or another drug.

This policy has also been formulated so that Shire employees and contractors recognise the potential impact of alcohol and drug misuse for both themselves personally and in the work environment for the safety of all.

This policy applies to all staff at corporate functions, events, and meetings including Council, Advisory, Committee and staff meetings, and any other forum of official business of Council and Council Officers, on Council premises.

The Alcohol and Drug Workplace Policy is an intrinsic component of the Shire of Nungarin’s commitment to safety.

4.1 Safety in the Workplace and Fitness for Work

Employees and contractors are obliged to present themselves for work in a fit state so that when undertaking normal work activities, they do not expose themselves, their co-workers or the public to unnecessary risks to health and safety.

It is the employee's or contractor's responsibility to advise their supervisor if they are taking any prescribed drug or medication that may affect their fitness for duty or work performance. The individual should also find out from their doctor or pharmacist what the effects of any prescribed drugs are on their work performance.

4.2 Welfare of the Individual

The welfare of employees and contractors, as well as being the responsibility of the Shire as the employer, is also the responsibility of each individual. It is therefore each employee's or contractor's responsibility to ensure that they do not place themselves or any other person or member of the public in an unsafe work environment. The health and safety of all people is paramount.

If a manager or supervisor has justifiable cause to doubt a person's fitness for duty, the Chief Executive Officer may have them removed from the workplace and may initiate any reasonable action considered necessary as detailed in the Shire of Nungarin Fitness for Work procedure.

If it is believed that the use of alcohol or drugs renders risk to the health or safety of the employee, contractor, co-workers or the public, the CEO reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

4.3 Alcohol and Drugs in the Workplace

This policy primarily focuses on alcohol and drug dependence that affects the work performance of the individual and is directed toward maintaining a satisfactory level of employee health, safety and work performance.

During normal business hours, the use of alcohol and drugs in the workplace, including Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset, is prohibited.

During normal business hours, the Chief Executive Officer may permit the consumption of alcohol where circumstances warrant such as when Council sponsors a social event like a Christmas Party, or special organised functions such as the retirement of an employee. Consumption of alcohol for gatherings of employees as part of the staff social club, for team building, or where the CEO deems it appropriate to recognise effort, will also be permissible. The provision of low percentage alcohol beverages will be served as a preference at all functions and soft drink, water and substantial food will also be provided.

4.4 Testing of Employees for the presence of Alcohol and / or Drugs

Testing will be undertaken under the following circumstances:

- (a) As part of an employee pre-employment medical by a medical practitioner.
- (b) Where there is the suspicion of an employee or contractor being under the influence of alcohol or other drugs.

The employee or contractor subject to the testing may ask for an independent witness, who must be immediately available. If their witness is not immediately available, the tester will organise a witness.

4.4.1 Testing following any traffic incident or accident

Following any traffic accident, the employee driving a motor vehicle or heavy equipment vehicle, or an individual associated with the accident, may be alcohol and drug tested.

4.4.2 Testing following any incident or accident at the Shire Works Depot, Administration Office or Site Works

Following any incident/accident within the areas mentioned above, the employee, or an individual associated with the incident/accident, may be alcohol and drug tested.

4.4.3 Failure to undertake testing

All alcohol and drug testing will be undertaken in normal business hours.

Should an employee refuse the test, the employee shall be counselled that refusal supports the suspicion of the employee being under the influence of alcohol or other drugs and should refusal persist, the employee will be sent home without pay and be required to undergo testing before resuming work.

4.5 Authorised Testers

Consistent with the Shire of Nungarin's obligation to provide a safe workplace for its employees and contractors, the Fitness for Work procedure will be used with respect to the prevention of impairment as a result of alcohol and/or drugs.

In the presence of the employee's witness, testing may be undertaken by:

- (a) Alcohol – undertaken by a hand-held breathalyser unit in accordance with AS3547– by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire of Nungarin.
- (b) Drugs – undertaken by Oral fluid (saliva) sample and testing unit in accordance with AS4760:2006 – by a Nationally Recognised Drug and Alcohol Testing Officer or a medical practitioner appointed by the Shire of Nungarin.

4.6 Positive Results from Alcohol and Drug Testing

The test result delivered by the Testing Authority will be binding on the employee.

4.6.1 First Positive Test

Should a breathalyser test indicate 0.02% BAC (Blood Alcohol Concentration) or more, or should the employee test positive to drugs, the employee shall be provided with transport home and be paid for work done until the time that the testing was carried out.

Before returning to work after recording a positive test result, the employee will be retested and must record a test result below the nominated threshold value before being allowed to start work. They will be advised of the impact of the situation and that counselling is available. The employee will also be cautioned about the consequences in the event of any repeat episode. The results and advice will be provided in writing to the employee and recorded in their personnel file. They will be informed of possible individual testing at a random date in the near future. The immediate supervisor will be present at these discussions, together with any witness of the employee's choosing.

4.6.2 Second Positive Test

An employee who registers over 0.02% BAC or tests positive to other drugs a second time shall be required to undertake professional counselling. If the requirement of the counselling is refused, then the employee will be disciplined accordingly. Suspension without pay will be enforced until the matter is resolved.

4.6.3 Third Positive Test

If an employee registers 0.02% BAC or tests positive to illegal drugs a third time, they shall be encouraged to receive further professional counselling. In the interests of the employee's own safety and of the safety of other employees of the Shire, their employment will be terminated.

Function		Corporate Management			
Policy Number		CM13			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies					
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 14 – Alcohol and Drugs in the Workplace

1. Policy Intention

To implement a fair and proactive alcohol and drugs screening program that will contribute to the safety and health of employees, volunteers and contractors of the Shire of Nungarin.

2. Policy Scope

This policy applies to:

- (a) Elected Members;
- (b) All workers whether by way of appointment, secondment, contract, temporary arrangement or volunteering, work experience, trainees and interns; and
- (c) Any external party involved in providing goods or services to the Council, such as contractors, consultants, outsourced service providers and suppliers.

3. Statement

All Council buildings and facilities are smoke free, including a surrounding 5-metre-wide perimeter.

All Council vehicles are smoke and / or vape free.

Function	Corporate Management				
Policy Number	CM14				
Responsible Officer	Chief Executive Officer				
Related Legislation / Documents / Policies	Tobacco Product Control Regulations 2006				
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted	19 Oct 2022			Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM15 – Employee Recognition of Continuous Service, Retirement and Resignation

1. Policy Intention

To provide guidelines for the recognition of employees who achieve a significant milestone with continuous service as well as employees retiring or resigning.

2. Policy

It is policy to recognise and show appreciation to long serving employees. Eligibility is based upon years of continuous service with the Shire of Nungarin. The Shire provides recognition in appreciation of ongoing loyalty and commitment to the Shire of Nungarin.

3. Employee Continuous Service, Retiring or Resigning

Employees continuous service, retirement or resignation calculated from the date of their commencement with Council are eligible for the following:

- | | |
|---|---------------------------------------|
| (a) Five (5) years: | Gift to a maximum of \$100; |
| (b) Six - Ten (10) years: | Gift to a maximum value of \$300; |
| (c) Eleven - Fifteen (15) years: | Gift to a maximum value of \$500; |
| (d) Sixteen - Twenty (20) years: | Gift to a maximum value of \$800; and |
| (e) Twenty-one - Twenty (25) years (+): | Gift to a maximum of \$1,000. |

An employee will only be eligible to receive one gift if he / she reaches more than one milestone at the same time i.e. resigns / retires in the same year as he / she reaches a continuous service milestone.

Cash is not considered to be an appropriate gift.

4. General Information

The following are not deemed to be gifts to members.

- (c) **Implicit entitlements** – a benefit to which an employee is entitled because it is implicit in the performance of the duties/functions of the member. An example of this type of entitlement includes meals provided at meetings and official functions and the provision of office and electronic equipment.
- (d) **Express entitlements** – a benefit to which an employee is entitled, pursuant to the local government legislation, or as a result of the exercise by the local government of a 'discretionary authority' which is itself something authorised (expressly or implicitly) by the legislation.

Function		Corporate Management			
Policy Number		CM15			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies					
Risk Rating	High	Review Frequency	Annually	Next Review	2022
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM16 – Flying of the Australian National Flag

1. Policy Intention

It is policy to recognise / honour past and present members of the Nungarin community that have passed away.

2. Policy

To provide guidelines for the flying of the Australian National Flag other than required by the Australian National Flag protocols

2.1 Guidelines

- (a) The Australian National Flag will be flown at full mast during normal office hours, unless as required by the Australian National Flag protocols.
- (b) The Australian National Flag will be flown at half-mast from the administration office opening until midday on the day of a funeral of a past or present community member.

Function		Corporate Management			
Policy Number		CM16			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		Australian National Flag protocols			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 22		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 17 – Social Media

1. Policy Intention

This policy establishes protocols for using social media to undertake official Shire of Nungarin communications with the community and provide guidance for members and employees on how to use social media in the course of their official duties. This policy ensures that communication is professional, accurately represents Council's position and fosters a positive public perception of the Shire of Nungarin.

2. Policy Scope

This policy applies to:

- (a) Elected Members; and
- (b) Employees.

3. Statement

The Shire of Nungarin's official social media activity will be consistent with relevant legislation, policies, standards and the positions adopted by Council. Our communications via social media will always be respectful and professional.

The Shire of Nungarin uses social media to facilitate information sharing to our community. social media will not however, be used by the Shire of Nungarin to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Chief Executive Officer will give written delegation to those employees authorised to use social media as a form of communication with the community. Employees will be expected to communicate in a proper manner and adhere to the Shire of Nungarin's Code of Conduct and social media procedure at all times.

Persons with written delegation to communicate through social media must ensure information provided is truthful, accurate and in the interest of the Shire of Nungarin. Certify that no information disclosed is of a confidential nature, commercially sensitive, or personal information.

Employees who are using social media must ensure the following:

- (a) Each post is proof read and spell checked;
- (b) The intent of the post is clear and concise;
- (c) The information posted is accurate;
- (d) Each post is respectful and polite;
- (e) If a mistake is made it is quickly corrected;
- (f) If unsure of a situation consult with the Chief Executive Officer.

The Shire of Nungarin may also post and contribute to social media hosted by others, so as to ensure that the Shire of Nungarin's strategic objectives are appropriately represented and promoted.

3.1 Record Keeping and Freedom of Information

Official communications undertaken on behalf of the Shire of Nungarin, including on the Shire of Nungarin's social media accounts and third-party social media accounts must be created and retained as local government records in accordance with the

Shire of Nungarin's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the Freedom of Information Act 1992.

3.2 Elected Member and Employee Personal Accounts

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

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, elected members and employees must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the Local Government (Model Code of Conduct) Regulations 2021.

Comments which become public and which breach this policy, the Code of Conduct or the Local Government (Model Code of Conduct) Regulations 2021, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

This policy constitutes a lawful instruction to both elected members and employees and any breaches may lead to disciplinary action by the Shire of Nungarin.

Function		Corporate Management			
Policy Number		CM17			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021 State Records Act 2000			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 18 – Asset Management

1. Policy Intention

To ensure that services delivered by the Shire of Nungarin continue to be sustainably delivered. This will be achieved by ensuring that the infrastructure assets used to support the service delivery continue to function to the level of service determined by Council. It will also provide clear direction as to how Council, as custodians of community assets, will manage those assets within an asset management framework.

2. Policy Scope

This policy applies to:

- (a) Elected Members; and
- (b) Employees.

3. Statement

To achieve the policy objective, the Shire of Nungarin is committed to ensuring that Asset Management is recognised as a major corporate function within Council, and that staff are committed to supporting the function in line with this policy.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will prepare an Asset Management Improvement Strategy that will guide the implementation of Asset Management practices across the organisation with the major outcome being the adoption by Council of an Asset Management Plan for major classes of infrastructure assets.

In making informed decisions in relation to infrastructure assets, the Shire will consider the following key principles:

Employees who are using social media must ensure the following:

- (a) Philosophy of renewing assets before acquiring new assets and, where possible, rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the service for which the asset was acquired.
- (b) Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:
 - (i) Need for facility (short and long term)
 - (ii) Legislative requirements
 - (iii) Opportunities for rationalisation
 - (iv) Future liability including ultimate retention/disposal
 - (v) Opportunities for multiple use
- (c) All capital projects will be evaluated in accordance with a Capital Evaluation model and take into account capital cost, ongoing cost of maintenance, refurbishment, replacement and operating cost ("whole of life" cost assessment).
- (d) Management of assets utilising a team approach supported by the multi discipline cross-functional asset management working group.
- (e) Development and implementing a 10-year rolling financial plan that incorporates infrastructure renewal requirements as identified within the various Asset Management Plans.

- (f) The commitment to involve and consult with the community and key stakeholders when determining service levels.

Function		Corporate Management			
Policy Number		CM18			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		Local Government Act 1995 Local Government (Administration) Regulations 1996			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 22		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 19 – Bereavement

1. Policy Intention

To provide guidance when respecting the bereavement of past and present elected members and employees.

2. Policy Scope

This policy applies to:

- (a) Elected Members; and
- (b) Employees.

3. Statement

The following shall be provided:

- (a) Death Notice in "West Australian" along with flowers or donation for:
 - (i) Current elected members;
 - (ii) Past elected members;
 - (iii) Current employees; and • Community leaders.
- (b) Bereavement card, and flowers for the death of a close relative of:
 - (i) Current elected members;
 - (ii) Past elected members;
 - (iii) Current employees; and
 - (iv) Long serving past employees

Function		Corporate Management			
Policy Number		CM19			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies		Local Government Act 1995 Local Government (Administration) Regulations 1996			
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
Date Adopted		19 Oct 2022		Resolution N#	6891/10/22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

End



Policy CM 20 – End of Calendar Year Staff Bonuses

1. Policy Intention

To provide recognise extraordinary work performance by employees throughout the calendar year.

2. Policy Scope

This policy applies to employees permanent and contract.

3. Statement

End of the year staff bonuses are not granted by right, and should only be granted when:

- (a) An employee has been employed by the Shire for a minimum of twelve (12) consecutive months.
- (b) An employee has demonstrated an extraordinary work ethic, above what is required in his / her position description.
- (c) Has been pro-active and demonstrated initiative in improving working methods / standards.

4. Approval

Subject to sufficient funds having been allocated in the adopted budget for the year, the Chief Executive Officer is authorised to determine which (if any), and the amount employees will receive as their end of year bonus.

Function		Corporate Management			
Policy Number		CM20			
Responsible Officer		Chief Executive Officer			
Related Legislation / Documents / Policies					
Risk Rating	High	Review Frequency	Annually	Next Review	Oct 2023
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Amendments		
Date	Details of Amendment	Resolution N#

End