

# POLICY MANUAL

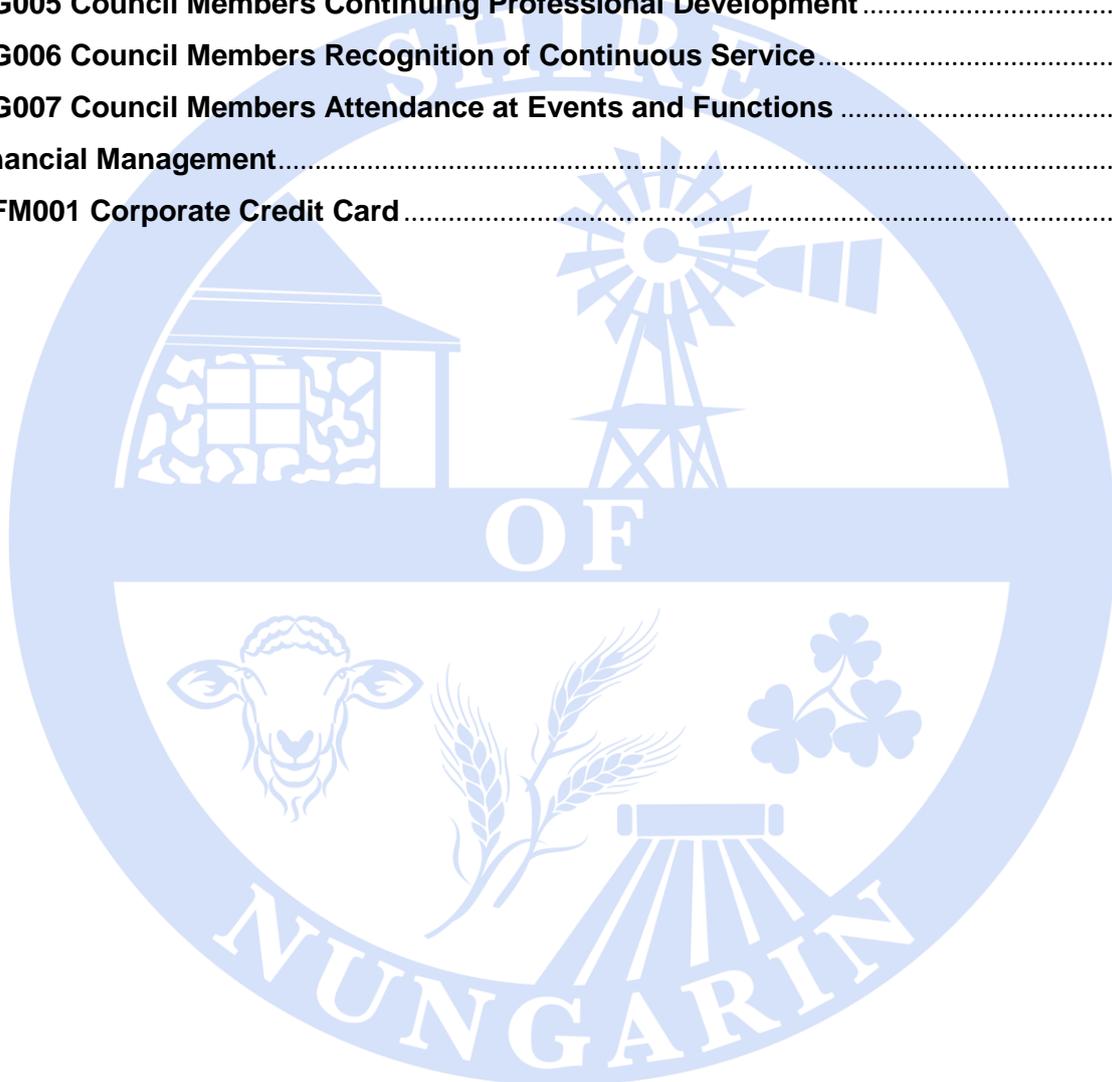
## 2022



Updated .....

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## 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 that 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.

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;
- Local Planning Policies;
- 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 Practices where applicable provide internal operational support to Council's Policy direction.



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

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## G001 Code of Conduct for Council Members, Committee Members and Candidates

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### 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.

### 24. Document Management

Function		Governance			
Policy Number		G001			
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	2023
Date Adopted		17 March 2021		Resolution N#	...../03/21

Amendments		
Date	Details of Amendment	Resolution N#

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## G002 Members Fees, Allowances and Reimbursement of Expenses

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### 1. Policy Intention

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

### 2. Meeting Attendance Fees

- (1) Pursuant to section 5.98(1)(b) of the Act, council members will be paid a per meeting fee for attendance of council or committee meetings, including the following prescribed type of meetings –
- (a) **WALGA Zone** meeting where a council member is representing a local government as a delegate elected or appointed by the local government;
  - (b) **Regional Road Group** meeting where a council member is representing a local government as a delegate elected or appointed by the local government;
  - (c) **Regional Local Government** meeting where a council member 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 council member is attending at the request of a Minister of the Crown;
  - (e) **Meeting other than a council or committee** where the council member is representing a local government as a delegate elected or appointed by the local government.

### 3. President's / Deputy President's Allowance

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.

### 4. Information and Communications Technology Allowance

- (1) Council members are to be paid an annual Information and Technology Allowance in lieu of a reimbursement of expenses, the amount to be determined in the annual budget.
- (2) The Information and Communication Technology allowance is to be paid annually following the adoption annual budget.

### 5. Travel Allowance

- (1) A council member will be reimbursed their travel expenses for attending meetings listed in subclause 2(1) –
- (a) A council member must complete the meeting attendance register.

- (b) Reimbursements to council member will be paid monthly in arrears.
- (2) Council members will not be reimbursed travel expenses for attending conferences including WALGA Week.

## 6. Parking Reimbursement

- (1) A council member will be reimbursed their parking expenses for attending meetings listed in subclause 2(1) –
- (2) A council member will not be reimbursed parking expenses for attending conferences including WALGA week, except when included as valet parking associated with accommodation.

## 7. Review of Fees, Reimbursements and Allowances

Council will review all fees and allowances annually.

## 8. 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.

## 9. Document Management

Function		Governance			
Policy Number		G002			
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	2023
Date Adopted				Resolution N#	...../0.../22

Amendments		
Date	Details of Amendment	Resolution N#

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## G003 Council Members and CEO Public Statements Policy

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### 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.

Members of Council, 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 Council member 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 Council member 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. The Shire President

- (1) 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.
- (2) 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

- (1) 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:
  - (a) If the Shire President role is vacant; or
  - (b) the Shire President is not available, or is unable or unwilling to perform the functions of Shire President
- (2) 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

- (1) A Councillor may not speak to the media or otherwise in public on behalf of the Council or the operations of the Shire.
- (2) 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 a Council member.

- (3) A member of Council speaking on Council matters to the media or otherwise in public may identify himself/herself as an elected member of the Council but must avoid any suggestion or appearance of speaking on behalf of the Council.

## 5. Chief Executive Officer

- (1) It is part of the function of the Chief Executive Officer to speak on behalf of the Council if the Shire President agrees.
- (2) The Shire President may give agreement to the CEO speaking on behalf of the Council:
- (a) On a specific occasion; or
  - (b) On a specific subject matter; or
  - (c) On a specified category of occasions or a specified category of subjects when they arise.
- (3) 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 agreement 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.
- (4) 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:
- (a) the Chief Executive Officer has already been given the authority to speak by the Shire President; or
  - (b) it is within the day-to-day affairs of the Shire, for example a Library promotion.

## 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

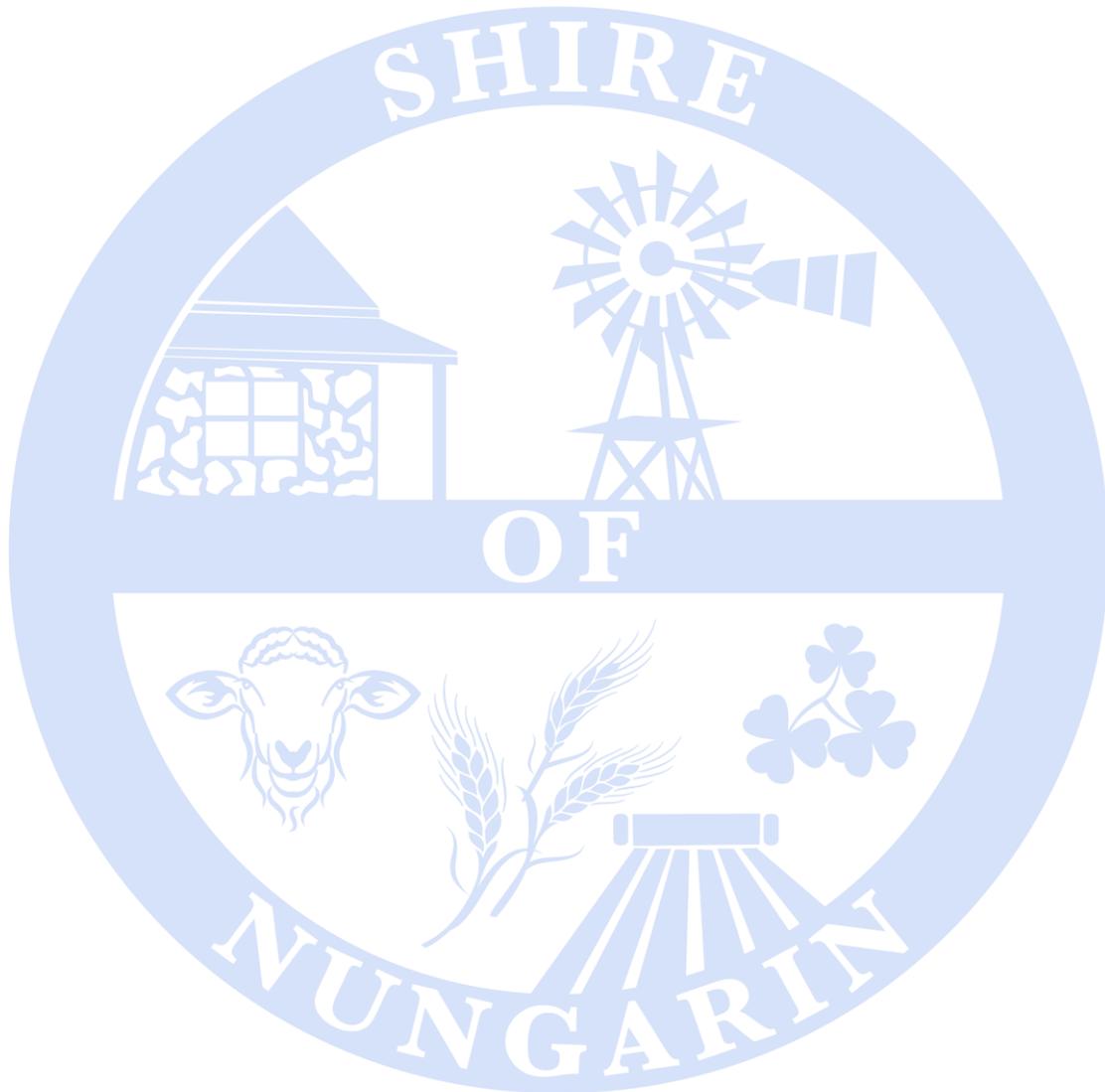
All written media releases must be approved by the Chief Executive Officer in consultation with the Shire President prior to release. Where one or the other is unavailable, responsibility is passed through to the next in line (i.e.; Acting Chief Executive Officer and Deputy President).

## 8. Document Management

Function	Governance
Policy Number	G003
Responsible Officer	Chief Executive Officer
Related Legislation	Local Government Act 1995

Risk Rating	Medium	Review Frequency	Annually	Next Review	2023
Date Adopted				Resolution N#	...../0.../22

Amendments		
Date	Details of Amendment	Resolution N#



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## G004 Communications

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### 1. Policy Intention

To provide clear guidelines for elected members when liaising with Council staff.

### 2. Communication with Staff

- (1) 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.

Regarding communications between the Chief Executive Officer, Directors, Councillors and 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 Director they will raise the matter with the Chief Executive Officer.
- (d) Where a question from a Councillor relates to business before the Council, and any subsequent response must be copied to all Councillors.

### 3. Document Management

Function	Governance				
Policy Number	G004				
Responsible Officer	Chief Executive Officer				
Related Legislation	Local Government Act 1995				
Risk Rating	Medium	Review Frequency	Annually	Next Review	2023
Date Adopted				Resolution N#	...../0.../22

Amendments		
Date	Details of Amendment	Resolution N#

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## G005 Council Members Continuing Professional Development

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### 1. Policy Intention

To ensure Council members 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, as a Councillor of the Shire.

(1) It is Policy that –

Council members 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 Council 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.

(2) Council members 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 Council members 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 Council members for attendance at other conferences or training opportunities, providing that:

- (a) Sufficient funds are available; and
- (b) The other 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 Council members to meet statutory obligations.

## 2. Training or Conference Arrangements

All booking arrangements for conferences and training for Council members are coordinated through the Chief Executive's Office. Councillors should note the *Local Government Act 1995* precludes an elected member to pre-spend Shire funds.

## 3. Expenses

(1) The following expenses relating to training or conferences (as approved), will be paid directly by the Shire:

- (a) Training cost;
- (b) Conference registration;
- (c) Room accommodation;(excluding mini-bar);
- (d) Meals in the hotel where registered if these are not provided during the course or conference; and
- (e) Valet parking at the hotel where registered.

(2) 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 **G002 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.

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

- (a) Travel costs;

## 4. Elected Member Accompanying Person

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

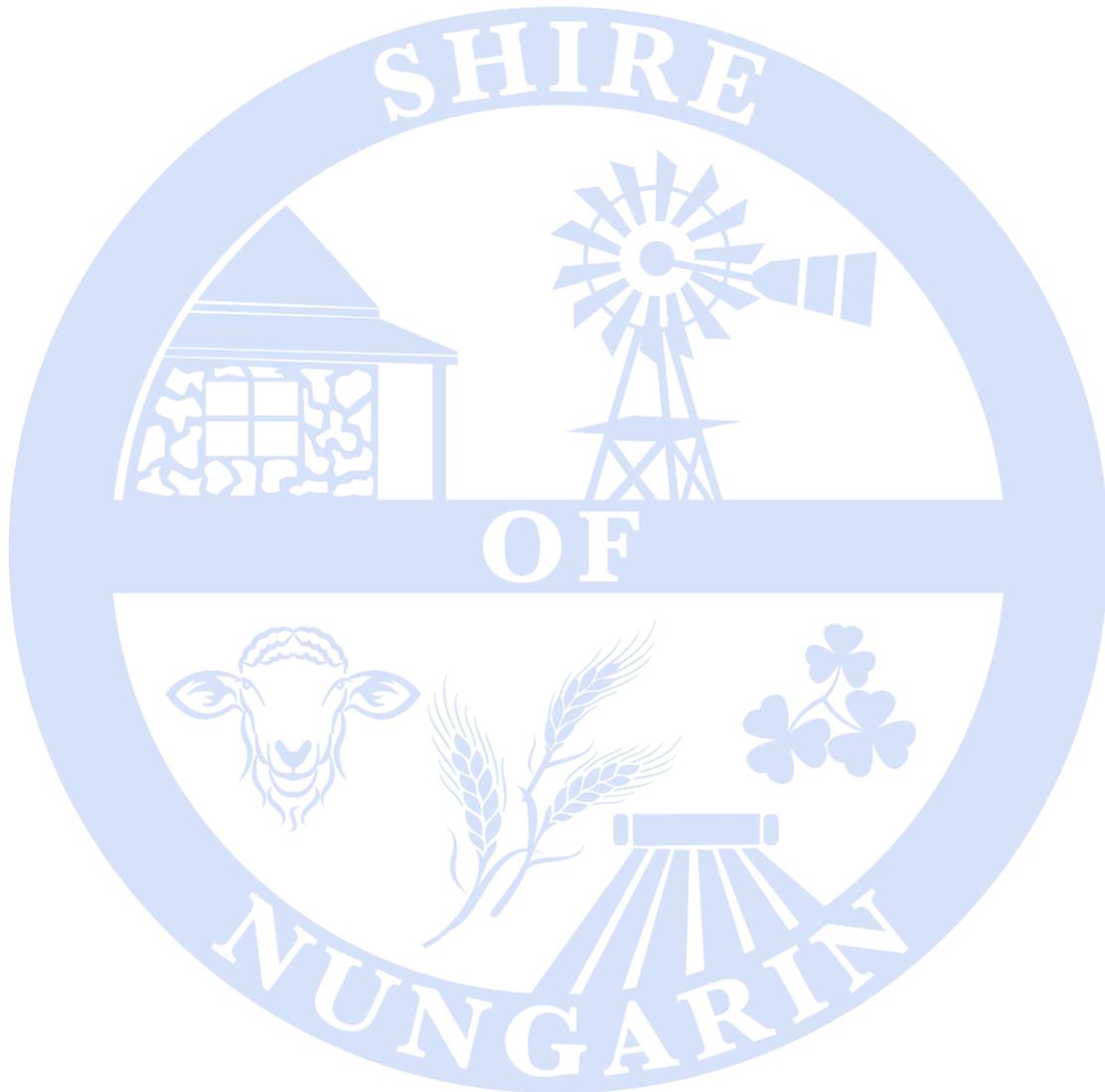
The exception to the above being the cost of attending any official event dinner where partners would normally attend. An example of an official event is the Annual Local Government Week or Conference Gala dinner or 'sundowner' drinks at the event opening.

## 5. Document Management

Function		Governance			
Policy Number		G005			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Administration) Regulations 1996			
Risk Rating	Medium	Review Frequency	Annually	Next Review	2023

Date Adopted		Resolution N#	...../0.../22 Absolute Majority
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Amendments		
Date	Details of Amendment	Resolution N#



## G006 Council Members Recognition of Continuous Service

### 1. Policy Intention

To provide guidance for the recognition of Council members who are retiring from council.

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

### 2. Retiring Council Members

A retiring Councillor including the Shire President and Deputy shall be eligible to receive a gift up to the value of \$100 for each year of service as a Council member, up to a maximum amount of \$1000.

Cash is not deemed to be an appropriate gift.

### 3. General Information

The following are not deemed to be gifts to members.

- (1) **Implicit entitlements** – a benefit to which a member 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.
- (2) **Express entitlements** – a benefit to which a member 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.

### 4. Document Management

Function		Governance			
Policy Number		G006			
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	2023
Date Adopted				Resolution N#	...../0.../22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#

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## G007 Council Members Attendance at Events and Functions

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### 1. Policy Intention

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 Council Members 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 Elected Members and the Chief Executive Officer (CEO).

### 3. Definitions

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

- (1) Concert;
- (2) Conference;
- (3) Function;
- (4) Sporting event;
- (5) Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

### 4. Pre-Approved Events

In order to meet the policy requirements, tickets and/or invitations to events must be still be received by the Shire, as outlined in clause 5(1)(a) in the case of any external groups or organisations, notwithstanding that attendance at the following by Elected Members and the CEO is pre-approved:

- (1) Any public free event held within the Shire of Nungarin district;
- (2) Events hosted by Clubs or Not for Profit Organisations within the Shire of Nungarin;
- (3) Shire hosted or run ceremonies, functions, tournaments or events;
- (4) Shire sponsored ceremonies, functions, tournaments or events;
- (5) Community cultural events / festivals within the Shire of Nungarin district;
- (6) Opening or launch of an event of facility within the Shire of Nungarin district; and
- (7) Other events where the Shire representation has been formally requested by invitation including events from:
  - (a) Western Australian Local Government Association;
  - (b) Australian Local Government Association Limited (ABN 21 008 613 876);

- (c) Local Government Professionals Australia WA (ABN 91 208 607 072);
- (ca) LG Professionals Australia WA (ABN 85 004 221 818);
- (d) A department of Public Service;
- (e) A government department of another State, a Territory or the Commonwealth;
- (f) A local government or regional local government.

All Elected Members and the CEO are entitled to attend pre-approved events. If there are more Elected Members than tickets or invitations provided, then the CEO after consultation with 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 be paid for by the Shire out of the annual budget (either beforehand or by way of reimbursement).

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

## 5. Non Pre-Approved Events

### (1) Provision of Tickets (Invitations)

- (a) All invitations or offers of tickets for Elected Members 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](mailto:admin@nungarin.wa.gov.au);
- (b) 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.

### (2) Approval of Attendance

- (a) Events addressed to Elected Member will be assessed and authorised by the CEO;
- (b) Events for the CEO will be assessed and authorised by the Shire President.

### (3) 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:

- (a) who is providing the invitation or ticket to the event;
- (b) any justification provided by the applicant when the event is submitted for consideration;
- (c) the location of the event in relation to the Shire (within the district or outside of the district);
- (d) the role of the Elected Member or CEO attending the event (participant, observer, presenter) and the value of their contribution;
- (e) the number of invitations/tickets received;
- (f) 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;
- (g) the direct benefit of attendance to the Shire;
- (h) alignment to the Shire's Strategic Objectives; and,
- (i) the number of Shire representatives already approved to attend.

#### (4) Payments in Respect of Attendance

- (a) For any non-approved event, where a member of the public is required to pay, unless a pre-approved event under clause 4, the CEO and/or the Shire President will determine whether it is in the best interests of the Shire for an Elected Member or the CEO to attend using the considerations provided in this subclause;
- (b) If the CEO and/or the Shire President determines that an Elected Member 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);
- (c) Any costs relating to accompanying partners to any event will be the responsibility of the relevant Elected Member or the CEO, unless otherwise approved by a specific resolution of Council; and
- (d) 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.

#### 6. Other Matters – Excluded

- (1) Where an Elected Member 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;
- (2) 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;
- (3) The attendance by Shire employees at training or conferences at pre-approved, non-approved events is determined by the appropriate Director or 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;
- (4) Elected Member ongoing professional development and mandatory training paid for the Shire; and
- (5) CEO attendance at conferences or training paid for by the Shire to assist in achieving the organisations goals and objectives.

#### 7. Document Management

Function	Governance
Policy Number	G007
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	2023
Date Adopted				Resolution N#	...../0.../22 Absolute Majority

Amendments		
Date	Details of Amendment	Resolution N#



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## FM001 Corporate Credit Card

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### 1. Intention

To provide guidance on the issue and use of a corporate credit card.

### 2. Scope

This policy applies to the employees of the Shire of Nungarin.

### 3. Statement

Council approves the issue of a corporate credit card to the Chief Executive Officer with a maximum limit of \$7,500 for ease of on-line purchases and other incidental purchases where other payment methods are not practicable.

Conditions of use shall be as follows:

- Expenditure to be for official Council purposes only. Personal use and recoup of expenditure not permitted.
- Expenditure shall not be permitted unless the expenditure has been budgeted for in the annual budget.
- No Cash withdrawals are to occur.
- Inadvertent personal transactions in error to be reimbursed within 30 days of the Bank Statement issue date.
- Receipts to be kept (orders where appropriate) and presented to the Senior Corporate Services Officer.
- Statement to be reconciled monthly with supporting documents and signed.
- An authority form “Corporate Credit Cardholder Agreement” shall be signed prior to the issuing of a corporate credit card.
- Use of the card by other officers requires signed authority in the form of a Purchase Order.
- All purchases are to be in accordance with [Policy 1.22 Purchasing Policy](#).

### 4. Legislative and Strategic Context

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

### 5. Review

This policy is to be reviewed as required.

## 6. Associated Documents

- Corporate Credit Card Agreement.

## 7. Associated Policies

- Policy 1.22 Purchasing Policy.

## 8. Document Management

Function		Financial Management			
Policy Number		FM001			
Responsible Officer		Chief Executive Officer			
Related Legislation		Local Government Act 1995 Local Government (Financial Management) Regulations 1996			
Risk Rating	Medium	Review Frequency	As required	Next Review	As Required
Date Adopted		16 February 2022		Resolution N#	...../02/22

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