



# *Governance and Policy Manual*



## Elected Members Induction and Guidelines

## February 2020

### Version Control

*This Is a Controlled Document of the Shire of Yalgoo*

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Shire President Cr Gregory Payne

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### Amendments

Version No.	Changes or amendments to policy, Shire strategic goals and objectives, Policy or Local Government Act References within this document	Authorised by	Date
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### Preface

Corporate governance is a system of processes through which an organisation makes decisions and how it directs, controls and monitors its operations. The systems are complex and are required by legislation. The Governance Manual will assist the Council to achieve its commitment to excellence in governance. The manual links the respective roles under the Local Government Act and other relevant legislation with the suite of available governance documents. It is designed to provide guidance and information to the major participants in all functions and governance processes of the Council.

It will act as:

- an introduction for new Councillors and staff members to the governance framework and processes for the Council.
- a guide and reference for Councillors in performing their duties as elected representatives;
- a document establishing clear guidelines for the day to day governance of the Council.
- a basis to monitor the performance of the Council and administration in working towards excellence in governance.

The manual has been based on a number of existing governance frameworks, but in particular “Excellence in Governance for Local Government” produced by the Local Government Managers Australia and CPA Australia.

***The Manual is divided into four parts:***

Part One: Overview of Corporate Governance and Principles

Part Two: Integrated Planning and Reporting

Part Three: Detailed Guidelines for good governance practice

Part Four: Key documents, policies and procedures relevant to Elected Members

The Governance Manual will form the basis for an annual corporate governance review by Council which will assess the effectiveness of the Elected Members and Administration in achieving good governance.

### Part 1 Overview of Corporate Governance

#### Governance in the Legislative Environment.

Local Governments in Western Australia are required to make report and implement decisions, according to the provisions of the Local Government Act 1995 (the Act). Other legislation regulates the way in which a local government exercises its authority in areas such as Town Planning, Environmental Health, Cat and Dog Control, Emergency Management, Litter Control, Bush Fire, and Building Control.

The Act defines the roles and responsibilities of Elected Members and the CEO to ensure a local government fulfils its obligations and exercises its powers and functions appropriately. Section 3.1 (1) of the act prescribes the general function of a local government is to provide for the good government of persons in its district.

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To facilitate good government, Shires develop strategies and policies, and provide mechanisms and processes for their implementation. This manual establishes the policies and processes by which the Elected Members and the CEO Officer undertake their respective roles.

### **DEFINITION OF ‘GOOD GOVERNANCE’**

Good governance is about the processes for making and implementing decisions. It’s not about making ‘correct’ decisions, but about the best possible process for making those decisions. Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, Councillor and officer conduct, role clarification and good working relationships. Ref <http://www.goodgovernance.org.au>

### **EXCELLENCE IN GOVERNANCE**

Excellence in governance occurs when it is underpinned by accountability, integrity, openness and commitment to sustainability. It involves a focus on clarity of roles and responsibilities, robust systems which support both internal and external accountability and public access to decision making and information. From a Local Government perspective, the establishment of a governance framework reinforces the statutory authority and responsibilities of Council as a corporate body and assists Elected Members and professional officers in the delivery of quality services.

Central to the achievement of these outcomes is the engagement of key stakeholders and intended beneficiaries in the development and implementation of initiatives for the betterment of local communities. Effective outcomes are best achieved where the role and focus of Elected Members as a collective corporate body, is directed to policy formulation and strategic development. The role of the officers is to implement the policies and strategies of the Council through an accountable, effective and efficient application of resources and assets.

### **COUNCIL GOVERNANCE STATEMENT**

Governance is based on the understanding the Council, CEO and staff have different roles and responsibilities which, when combined, create the environment for effective management and operation of the Council. It recognises good governance does not only apply to internal procedures but ultimately reflects in the satisfaction of the residents and other stakeholders of the Shire both now and into the future.

### **COUNCIL GOVERNANCE FRAMEWORK**

The fundamental objective of a corporate governance framework is to promote stability, confidence and consistency of process by providing role clarity and certainty of direction for the Elected Members and administrative office holders of the Council. The basis for this governance framework can be found in strategic documents and associated operational mechanisms which have been developed and implemented pursuant to roles and functions prescribed by the Local Government Act 1995 (The Act) and arising from the vision, mission, values and goals enunciated in the Strategic Community Plan.

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### **Good Governance Principles and Practice**

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Clear principles govern how decisions are made by the whole organisation. Decisions should be based on the principles to ensure all governance processes and practices reflect the overarching principles of operation. Elected Members and staff must take specific responsibility for governance in their own activities to achieve best practice in governance and alignment with the

agreed principles. The following practices relate to the five principles of operation and the achievement of effective governance.

### **Principle 1 - Vision and Organisational Culture**

- There is a positive organisational culture promoting openness and honesty, in which questioning is encouraged and accountability is clear.
- The Council is united in a clear vision and positive culture, which respects the natural and built heritage of the Council as well as community needs and aspirations.
- Strategic Community Plan is produced through a comprehensive and inclusive process, which is inclusive of all sectors of the local government region.

### **Principle 2 - Roles, responsibilities and relationships**

- There is clarity about the roles of local government and there exists a sophisticated approach to defining and implementing these.
- There are effective and appropriate working relationships promoted and supported within and between the Shire President, Councillors, CEO and Administration.
- There is a demonstrated respect for different roles of the various elements of the Shire and the need for positive working relationships between these elements.

### **Principle 3 - Decision-making and management**

- Ensure there are effective decision-making processes in place to reflect the transparency and accountability which underpin excellence in governance.
- There should be robust and transparent financial management established and maintained to meet local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.
- An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained.
- Appropriate delegations should be implemented and maintained.
- There should be an active performance management system in place to enable Elected Members and staff to be openly accountable for their performance.
- Demonstrating exemplary leadership qualities through effective decision-making and related management processes reflecting transparency, integrity and sustainability.

### **Principle 4 - Accountability**

- Appropriate consultation should be undertaken to reflect the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made, and feedback should be provided to those who participated.
- The Council must account for its activities and have systems to support this accountability.
- The established internal structures be maintained to provide for independent review of processes and decision-making to assist the Council to meet its accountability to stakeholders.

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- There should be methods for accounting for all local government activities, including installing and maintaining systems which reinforce accountability and communicate outcomes achieved to the community.

### **Principle 5 -Commitment to Sustainability**

- The Council will endeavour to keep up to date with all processes, methodologies and technologies which can achieve improved outcomes for the Shire.
- Awareness of practices will lead to improved resource management, environmental protection and rehabilitation, stronger communities and added economic value will be raised within the Council and staff, and across the community.
- The potential environmental, social and economic impact of any project or decision will be considered.
- Making the right decisions for both now and for future generations, in careful monitoring of progress to avoid negative impact, and, in ensuring a positive change for improved results and outcomes.

### **GOOD GOVERNANCE PRACTICE**

The increasing level of scrutiny now being directed to the operations and activities of public bodies has created a need for full and open disclosure of the governance systems, which exist within these organisations. Accountability is an essential element of good governance and applies to Elected Members and CEO alike.

From a political perspective, accountability requires the Shire President and Councillors of the Council be accessible to residents and ratepayers so they may be responsive to community issues and needs. As the governing body of the Shire, the Council has the ultimate responsibility for ensuring compliance with legislation and regulations.

It is the CEO's responsibility to ensure Council is provided with unbiased and relevant, professional advice and information on which decisions are made. The CEO is also responsible for the management of staff, financial resources and the maintenance of effective and efficient systems, procedures and processes which are necessary to meet the accountability requirements of the Council. Accountability is unachievable without effective stewardship of the Shire's financial, physical, intellectual and natural heritage assets. Stewardship refers to the planning and management required ensuring optimum use of assets to serve existing community needs and provide a lasting legacy for future generations. It requires innovation, reflected in strategies designed to encourage sustainable growth and prosperity, which are compatible with the unique character and focus of the Shire.

## Part Two: Integrated Planning and Reporting

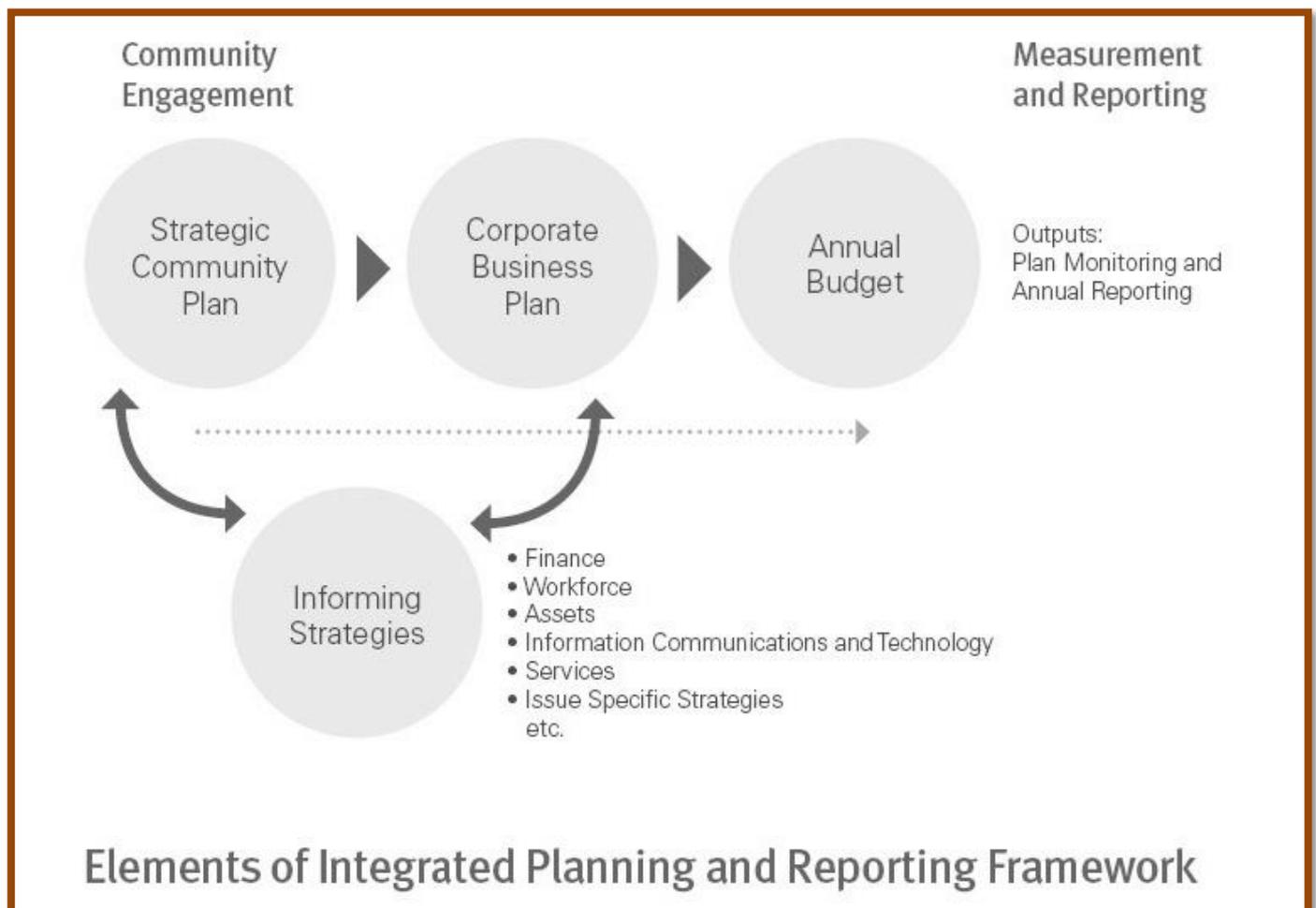
### 2.1 Integrated Planning and Reporting Principles and Processes

The Integrated planning and reporting principles and practices give local governments a framework for establishing local community and regional priorities and underpinning them through the Shire's long term planning processes, capital and major projects and operational functions.

They are supported in regulations of the Local Government Act 1995 **Section S5.56 (1) A "plan for the future"** and Regulations on how to achieve have been made under **S5.56 (2):**

- *That Local Governments develop a Strategic Community Plan that links community aspirations with the Council's long term strategy.*
- *That the Local Government has a Corporate Business Plan linking to long term financial planning that integrates asset management, workforce planning and specific Council plans (Informing Strategies) with the strategic plan.*

Regulation changes were implemented in August 2011 with full compliance required by 30 June



2013

For further information re Integrated Planning and Reporting copy or paste this reference into your internet explorer to connect to the WA Department of Local Government and Communities.

<https://www.dlhc.wa.gov.au/CommunityInitiatives/Pages/Integrated-Planning-and-Reporting.aspx>

## **STRATEGIC COMMUNITY PLAN**

The Strategic Community Plan must be at least a 10year plan, which generally responds to three main questions put to the community and to the Shire:

- Where are we now?
- Where do we want to be?
- How do we get there?

The plan prioritises community aspirations considering things such as:

- Economic objectives
- Leadership Objectives
- Community Objectives
- Environment Objectives
- Additional factors as appropriate to identified changes in environment or demographics.

## **Community Input**

Opportunities will be provided to enable the community to have input into the plan for the future through advertising, communication and consultation processes.

## **CORPORATE BUSINESS PLAN**

The Corporate Business Plan activates the Strategic Community Plan by responding to:

- Council's distillation and prioritisation of the community's short, medium and long term aspirations.
- Existing operational plans, priorities and external factors impacting on resourcing.
- The assessment and integration of services and business area plans.

The process through which the Corporate Business Plan is developed incorporates:

- The priorities for the first four years of the Strategic Community Plan
- General operations and discretionary services
- Requirements of the Informing Strategy Plans\*

*\*It is planned for 4-year terms and reviewed annually for relevance and affordability*

## **INFORMING STRATEGIES**

These consist of the:

- Asset Management Plan
- Long Term Financial Plan
- Workforce Management Plan

These strategies / plans support the integrated planning process by informing the consultation processes with data and information about capacity, capability and affordability of current services and functions. They facilitate resourcing of ongoing services and functions, growth and community aspirations. All above mentioned plans need to be integrated and underpinned by common assumptions and agreed projections.

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## **2.3 Shire Community Vision and Mission**

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**Vision:** Inclusive and peaceful, prosperous and strong

**Mission:** To be a standard bearer for honest, equitable and efficient local government, delivering innovative, timely and appropriate services to secure economic sustainability and community wellbeing

*Ref Strategic Community Plan 2013 – 2023 – (To be reviewed after each update of Strategic Plan)*

## 2.4 Shire Strategic Key Focus Areas and Objectives –

- **Key Focus Area One: Social:**
  - Our objectives- an educated, respectful and inclusive community and a place where people feel they belong
- **Key Focus Area Two: Environment**
  - Our objectives - an environment that is managed well and appreciated by all
- **Key Focus Area Three: Economy –**
  - Our objectives - a modern and sustainable economy that provides for our growing community
- **Key Focus Area Four: Civic Leadership**

Our objectives: To be a Shire that serves our community with integrity and leadership

*Ref Strategic Community Plan 2013 – 2023*

## Part 3 Detailed Guidelines for Governance Practice

### 3.1 Vision and Organisational Culture

#### **Vision**

“There is a clear vision and Strategic Community Plan produced through a comprehensive and inclusive process which is owned by all sectors of the Local Government”. The Council vision as stated in Part 1 is drives the culture of the organisation. The vision has been generated as a united focus for the Shire. Governance decisions and practice must at all times contribute towards achievement of the vision.

#### **Organisational Culture**

There is a positive culture to promote openness and honesty, in which questioning is encouraged and accountability is clear.

The principles introduced in Part 1 will be demonstrated as an integral part of the organisational culture. If all individuals involved in our Local Governance apply the values, the culture of the organisation will provide the greatest opportunity of achieving excellence in governance. In addition, the Elected Members and staff will strive to achieve the following eight elements within its organisational culture:

#### **Effectiveness in Management Structures and Practices**

- A good management structure will be maintained based on the organisation’s vision, with clear roles and responsibilities.
- Responsibility and accountability will be delegated appropriately down the organisation.
- Management will support clarity in responsibility and accountability and focus on outcomes.
- There will be effective and efficient processes and systems in place.

## **Good Communication and Feedback Opportunities**

- Good relationships will be developed between the various parts of the Shire.

## **Learning and Development**

- Decision making processes will incorporate appropriate consultation, knowledge management and involvement.
- There will be learning and development programs for Elected Members and Officers designed to meet their skills and knowledge requirements.

## **Ethical Behaviour and Conduct**

- The Code of Conduct and ethics will be owned and lived, particularly by leaders throughout the organisation.
- The Council, Shire President, CEO and senior management will be models of appropriate behaviour.

## **Conflict of Interest Management**

- An effective induction program will reinforce the organisation's culture so all people associated with the organisation recognise where conflict of interest may arise and how relevant action can be taken.
- There will be agreement about different, yet complementary, roles of Councillors and officers.

## **Support for Frankness and Openness**

- Opportunities will be provided for open and frank exchange between Elected Members, management and staff.
- Effective feedback mechanisms from the community will be established and maintained.

## **Confidentiality**

- Where issues of confidentiality arise, the Shire will be transparent about instances where confidentiality will be protected.

## ***Innovation***

- The Shire will recognise it operates in a changing environment and therefore must be aware of opportunities in those changes required to improve the way the Shire operates.
- The Shire staff will be encouraged to take reasonable efforts to keep abreast of current best practice and up to date technologies.

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## **3.2. Roles, Responsibilities and Relationships**

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### **3.2.1. Working Relationships**

*“There are effective working relationships promoted and supported within and between the Shire President, councillors, CEO and administration”.*

Effective working relationships are promoted and/or supported by and between the Shire President, councillors, CEO and staff. It is a requirement staff contact by Elected Members is made through the CEO. Should an Elected Member wish to contact any staff member directly, a

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request shall first be made to the CEO, who will assess the request and advise the Elected Member of his/her decision.

Good corporate governance requires clear identification and definitions of responsibility and a clear understanding of relationships between the organisation's stakeholders and those responsible for managing its resources.

Very important relationships are those between:

- The Shire President and the Councillors;
- Elected Members and Elected Members;
- The Shire President and the CEO;
- Elected Members and the CEO.

### ***Effective relationships are achieved and maintained at the Shire through:***

- Parties agreeing on and respecting the differences in their roles.
- Protocols being established based on the agreements about roles and responsibilities being followed.
- Information and discussion about the various roles being included in Councillors' induction processes.
- Goodwill on the part of all parties to make governance work and being a prepared to tackle problems when they arise.
- A common understanding the political activities of Council are legitimate as local government is a formal level of government and Councillors are accountable to their constituents as well as to the Shire as a whole.
- Councillors have to be able to address these accountability requirements in a constructive manner.

### **3.2.2. Council - Roles and Responsibilities**

Under the Act Council is a body corporate with perpetual succession, a common seal, and is charged with responsibilities. The Shire has interpreted these responsibilities as they are contained in the Act in conjunction with the Shire's governance framework and this governance framework and statement document provides the following guidance on the range and scope of these following roles:

#### **(a) Directs and controls the Shire affairs.**

This role encompasses strategic planning mechanisms to ensure the continued viability and performance of the organisation, the setting of strategic goals for the organisation and the monitoring of the Shire's performance against these strategic goals.

#### ***(b) Is responsible for the performance of the Shire functions.***

This role provides for the Council to bear the ultimate responsibility for the performance of the Shire's functions, but not its day to day operations, which are the responsibility of the CEO. The Council exercises this responsibility through the development of appropriate governance frameworks, including delegations of authority, and in the determination of an appropriate organisational structure in consultation with the CEO.

#### ***(c) Oversees the allocation of the Shire finances and resources.***

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The Council exercises this role by adopting the Shire's budget and long-term financial plans. It is advised by officers of the Shire who are responsible for the development of appropriate financial controls and strategic documents.

### ***(d) Determines the Shire policies.***

The role of Council in setting policy is most effective when policies are developed in consultation with the CEO who will then implement them through the development of appropriate management practices and work processes with staff.

Council policy should set the standards for the organisation to achieve and make strategic policy decisions to guide staff in their decision-making processes.

### **3.2.3 Role of Elected Representation**

The Council consists of eight members including the Shire President. Councillors are elected by the community. The Shire President is elected by the Councillors. Local Government elections are conducted biennially on a fixed date prescribed by the Act, with candidates elected to the office of Councillor for a four (4) year period. The Council elected President is for a two (2) year period.

Each individual Councillor has a legislative requirement to fulfil this role. This governance framework provides guidance to Councillors on how they perform this role at the Shire.

Individually Councillors have a responsibility to act as a conduit between the community and the Shire. Not only must they represent the interest of the broader community on the Council, but also as community leaders they must always represent the interests of the Shire.

While Councillors may be elected from an individual location of the Shire, their primary obligation is to represent the interests of the broader community. It is not appropriate for individual Councillor's constituent concerns to interfere with their decision-making processes in providing good governance of the Shire as a whole.

Councillors are responsible and ultimately accountable for long term financial planning, the annual budget and monitoring financial performance. In doing so, each individual elected member accepts a joint and individual responsibility for the financial outcomes.

Accountability and transparency is also facilitated through the standards and behaviour maintained by members – most notably, through their adherence to legislation governing declarations of financial and other interest where these arise, together with associated implications for participation in any debate.

*Elected Members rely on:*

- Financial advice and information from administration;
- Input from internal and external auditors.

Elected Members must also seek whatever additional information they need to make informed decisions through appropriate channels.

### **Responsibilities of Council**

The responsibilities of Council can be categorised into the following three key areas:

#### ***Legislative***

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- If considered necessary, the Council is responsible for adopting local laws to reflect current community standards and provide for the good governance of the Shire. Council when making local laws must be aware of their legislative effect.

### **Executive**

- The Council is responsible for overseeing the executive functions of the Shire and determines appropriate policies, strategies and functions for the CEO to implement.

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### **Quasi - judicial**

- The Council is responsible for applying factual situations to the legislative regime in a quasi-judicial manner under the Local Government Act, Town Planning and Development Act and other relevant legislation.

### **Accountability, stewardship, sustainability and innovation focus.**

Accountability, stewardship, sustainability and innovation objectives are most effectively pursued where the focus of Elected Members of Council centres upon:

- Strategic planning, policy development and defining scope for delegation of powers and functions;
- Allocating the Shire's resources to the CEO;
- Monitoring performance of the Shire against adopted strategies and objectives;
- Representing the interests of the community;
- Appointing the CEO and participating in the performance review process of this officer.

Accordingly, the Council is required to be accountable and transparent by undertaking deliberations and making resolutions within a framework which is factually based, non-prejudicial and relevant to issues at hand.

### **3.2.4. Limitation of Member Liability**

The Shire has the legal capacity of a natural person. As such, the Shire may instigate legal proceedings in its corporate name and have proceedings taken against it. Section 9.56 of the Act, (as below) specifies the limitation Councillors must be aware of when taking office.

#### **Section 9.56 of the WA Local Government Act 1995 Division 4 — Protection from liability**

*Certain persons protected from liability for wrongdoing 9.56.*

*(1) A person who is — (a) a member of the council, or of a committee of the council, of a local government; (b) an employee of a local government; or (c) a person appointed or engaged by a local government to perform functions of a prescribed office or functions of a prescribed class, is a protected person for the purposes of this section.*

*(2) An action in tort does not lie against a protected person for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act or under any other written law.*

*(3) The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act or under any other written law may have been capable of being done whether or not this Act or that law had been enacted.*

*(4) This section does not relieve the local government of any liability that it might have for the doing of anything by a protected person.*

*(5) In this section — (a) a reference to the doing of anything includes a reference to the omission to do anything; 314 Local Government Act 1995 No. 74 s. 9.57 (b) a reference to the doing of anything by a protected person in the performance or purported performance of a function under any written law other than this Act is limited to a reference to the doing of anything by that person in a capacity described in subsection (1) (a), (b) or (c), as the case may be.*

It is largely due to such legislative-based requirements local governments have embraced strategies designed to mitigate the liability of members and officers, with liability insurance protection and risk management now serving as a significant element of corporate governance frameworks.

It is for these reasons many organisations have developed and implemented processes for identifying, analysing and mitigating risks, which could prevent the achievement of business objectives. These organisations have put control activities in place to manage risk throughout the organisation by developing risk management plans which cover activities as diverse as (yet not limited to) reviews of operating performance, information technology and management information systems.

### **3.2.5. The Shire President Role**

The role of the Shire President as provided under Section 2.8 of the Act is to:

- preside at meetings in accordance with the Act;
- provide leadership and guidance to the community;
- carry out civic and ceremonial duties on behalf of the Shire;
- speak on behalf of the Shire;
- perform such other functions as are given to the Shire President by the Act or any other written law;
- liaise with the CEO on the Shire affairs and the performance of its functions; and
- otherwise fulfil the role of Councillor.

### **3.2.6. The Deputy Shire President Role**

Section 2.9 of the Act enables the Deputy Shire President to perform the functions of the Shire President, if:

- the Office of Shire President is vacant; or
- if the Shire President is not available or is unable or unwilling to perform the functions of Shire President.

### **3.2.7 Statutory Role of Councillors**

Section 2.10 of *the Act* describes the role of a Councillor is to:

- represent the interests of electors, ratepayers and residents of the Shire;
- provide leadership and guidance to the Shire community;
- facilitate communication between the community and the Council;
- participate in the Shire decision making processes at Council and Committee meetings; and
- perform such other functions as are given to a Councillor by this Act or any other written law.

### **3.2.8 CEO Role**

The CEOs functions as described under Section 5.41 of the Act are to:

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- advise the Council in relation to the functions of the Shire under the Act and other written laws;
- ensure advice and information is available to the Council to ensure informed decisions can be made;
- cause Council decisions to be implemented;
- manage the day to day operations of the Shire;
- liaise with the Shire President on the Shire affairs and the performance of the Shire's functions;
- speak on behalf of the Shire if the Shire President agrees;
- be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to Section 5.37 (2) in relation to senior employees);
- ensure records and documents of the Shire are properly kept for the purposes of the Act, or any other written law; and
- perform any other function specified or delegated by the Shire or imposed under the Act or any other written law as a function to be performed by the CEO.

Section 5.42 of the Act enables the Shire to delegate in writing to the CEO, the capacity to exercise any of its powers or duties, with the exception of those relating to:

- actions in which decisions of an absolute majority or a 75% majority of the Council is required;
- acceptance of a tender which exceeds an amount as determined by the Council;
- appointment of an auditor;
- acquisition or disposal of any property valued at an amount exceeding an amount determined by the Council for the purposes of this paragraph;
- any of the Council's powers under Sections 5.98A, 5.99A or 5.100 (determining fees, allowances and expenses of members and Committee members);
- borrowing money on behalf of the Shire;
- hearing or determining an objection of a kind referred to in Section 9.5;
- (carrying out any power or duty requiring the approval of the Minister or the Governor); or
- such other powers or duties as may be prescribed.

This clear separation of elected member and CEO roles and responsibilities as identified within the Act reinforces good governance principles. It also ensures the Shire adheres to all statutory requirements whilst meeting the expectations of its community.

### **3.2.8. Executive Management Role**

In undertaking its functions and responsibilities, Council is supported by the CEO and an Senior Staff. The Executive Management Team, comprising of the CEO and staff as determined by the CEO, meets regularly as a basis for ensuring effective coordination of the Shire's operations and implementation of Council resolutions. These meetings are complemented by operational meetings (Administration meetings and works tool box meetings) to enable management information dissemination and to receive feedback from officers.

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## **3.3. Decision Making**

### **Decision-Making**

The five stages in decision making which will be followed at the Shire are:

#### **Agenda Setting**

This will be achieved through:

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- an effective and efficient strategic planning process which produces owned strategic goals; and
- processes being in place which ensures Council plans are properly implemented.

### **Information Gathering**

This will be achieved through:

- ensuring the information gathered is sufficient to allow a decision to be made;
- ensuring an effective process within the administration to convert information into advice;
- providing good quality and timely Council reports, which provide the necessary information, options and clear recommendations. The reports will always incorporate the corporate view of the issue in question, the financial impacts, effects on Integrated Plans, consultation and any risks;
- having workable and productive consultation processes in place ensures decision-makers are aware of the views of those whom the decision affects;
- a sound process for identifying and distilling data into appropriate information;
- agendas being structured so as to facilitate good decision-making processes.

### **Opinion Formation**

This will be achieved through ensuring Elected Members understand the issues and have enough information provided to make an informed decision.

### **Decision-making**

This will be achieved through:

- Council and committee meetings being well chaired and conducted in accordance with Council Standing Orders Local Law 2016;
- facilitating participation and involvement while ensuring debate is relevant and succinct;
- robust debate which ensures all issues are aired. Although it is robust, the debate is conducted with courtesy and respect;
- the Chair attempting to find common ground amongst Elected Members; opportunities being available for the community to participate appropriately;
- delegations where appropriate.

### **Implementation**

This will be achieved through:

- decisions being implemented in a timely manner;
- solidarity amongst the Councillors once a decision has been made;
- confidentiality being maintained wherever necessary.

## **3.4 FINANCIAL MANAGEMENT**

“There should be robust and transparent financial management established and maintained to meet local government’s accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future”.

*The Council will achieve this by:*

- Ensuring management have service delivery strategies to reflect the services and projects identified for the relevant financial year as shown in the Corporate Plan.
- Approve each year’s annual budget in accordance with the adopted service delivery strategies as shown in the Corporate Plans and the Long-Term Financial Plan.

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- Council, through policy, will determine the appropriate mix between borrowing for capital works and funding them from revenue. Council will consider the implications of its decisions on the level of capital works and asset maintenance.

### **Funding Strategic Objectives**

Section 5.56 of the Act requires a local government to prepare a plan for the future. The Council must know the direction it is going long term. Its vision and goals must be properly reflected in the Strategic Community Plan. Council will take its final decisions about the content of the Strategic Community Plan based on an understanding of the long-term financial consequences of their decisions.

### **Long-Term Financial Planning**

Elected Members, sitting as Council, will determine the Long-Term Financial Plan, and be *accountable* for the process of developing it. The delivery of the services identified in the Long-Term Financial Plan will be in accordance with the Shire's strategic direction. The financial strategy should be consistent with the Council's Strategic Community Plan and it must be able to fund its projects, functions and service improvements. Information will be presented to Council by officers through reports to enable Council to make informed decisions.

The Shire's Long-Term Financial Plan will detail the significant programs and activities to be undertaken by the Shire over the next ten years and roll on each year with amendments and additions. The Plan provides a broad overview of where financial resources of the Shire will be directed over this period and the manner in which these activities will be funded. The implementation of a Long-Term Financial Plan (**LTFP**) can be used to align capital and operating expenditure requirements with income streams and comply with Council's rating strategy and policy incorporated in the LTFP.

### **The Rating System**

The rating system at the Shire will reflect the Council's strategy and vision for the future of the Shire. The rating levels and mix will represent a fair distribution of the rate burden across the community. Council's approach to rating will incorporate the concept of intergenerational equity; (i.e. the way the rating burden is spread between current and future generations of ratepayers of the Shire). Council will be informed whether the rates outcome, which was envisaged in the LTFP, is still appropriate and consistent with all objectives of the Strategic Community Plan. Mindful of the role outlined under Section 2.10 of the Act, Councillors must assess if the budget delivers what the Council wishes to achieve.

### **Annual Budget**

Developed as part of sound business management, the annual budget provides a framework for allocation of financial, physical and staff resources required in pursuing the Shire's objectives for the proceeding twelve-month period. The Manager Finance and Corporate Services (MFCS) will annually develop a budget preparation timetable and process to meet Council's statutory requirements and give enough time to resolve major issues. The CEO and MFCS will ensure Council and staff are given adequate time to have the opportunity to work through key issues. Council's Long-Term Financial Plan will provide broad guidance for the budget. The Long-Term Financial Plan will be reviewed at least annually to incorporate the long term impact of any significant changes or decisions which are not consistent with the current plan.

### **3.4.1 FINANCIAL REPORTING - PERFORMANCE AGAINST BUDGET**

#### **Statutory Compliance**

The Shire recognises when decisions are made by Council, when resolutions are acted upon and when performance outcomes are reported, it is important the requirements of any legislation

and/or regulations are complied with, especially because of the reporting requirements of the Compliance Audit Return. Compliance will be pursued through ensuring the integrity of the key financial planning and reporting mechanisms which underpin the Shire's operations – especially the Annual Budget and Annual Report.

Compliance with key financial and statutory requirements is assessed through the audit schedule conducted in accordance with *the Act* by professionally qualified internal and external parties as appointed by the Shire. Financial reporting to Council will, as a minimum, be in accordance with its statutory requirements.

### **Content**

The focus of financial reports to Council is to provide accurate information about the Shire's overall financial position. Councillors, when considering the financial reports, will satisfy themselves the information they are given reflects the actual situation of the Shire. Councillors will ensure they understand sufficiently about the financial indicators for them to ask appropriate questions and interpret the responses.

### **Annual Report**

The Annual Report has its basis in *the Act*, but also serves as the vehicle by which the Shire can evaluate, monitor, control, improve and report on the outcome of its activities over a particular financial year. The Annual Budget should reflect the priorities expressed in the Strategic Community Plan and the Annual Report should indicate the extent to which those priorities have been achieved.

### **3.4.2 SERVICES AND FUNDS**

Council will:

- have appropriate user charges for its services and facilities.
- be mindful of the proportion of financial resources required to meet operational and capital costs for the Shire.
- comply with government policy.
- where appropriate, seek to obtain other avenues of financial assistance such as grants, being mindful of financial and management obligations of accepting any grant
- ensure costs can be recognised, recorded and recovered appropriately.

### **3.4.2 CAPITAL WORKS AND DEBT SERVICING**

- Key assets will be maintained.
- Any borrowing must be sustainable and not impose an unacceptable level of debt servicing.
- Council will be informed on the proportion of financial resources required to service debt and decide whether it is appropriate for the Shire.

### **3.4.3 ACCOUNTABILITY AND POLICY**

- Council will meet legislative and financial reporting requirements.
- Council will meet accountability requirements to the community in terms of stewardship of assets.
- Council will strive to achieve best practice in financial policies and practices.
- Council will strive to leave an appropriate legacy for future Councils.

### **3.4.4 AUDIT**

## Council Governance and Policy Manual

The Local Government Act 1995 (the Act) requires all local governments establish an audit and risk committee. This committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions. *Ref: Audit in Local Government - The appointment, function and responsibilities of Audit Committees; Local Government Operational Guidelines – Number 09 Revised September 2013*

### 3.5 RISK MANAGEMENT

An effective approach to the identification, assessment, monitoring and management of risks should be established and maintained. The Shire's performance in implementing effective risk management strategies and adherence to sound business practice is reinforced through access to independent legal advice (as required), the completion of the annual statutory Compliance Audit Report (internal) and the annual financial audit undertaken by professional, external auditors as required by the Act. The Shire also maintains a wide range of assets that include infrastructure assets; real property; financial assets; information, intellectual property, natural and heritage assets.

As required by regulations, the Shire takes an active approach to risk management in the conduct of its business through the implementation of a number of specific and organisation wide initiatives. This risk management strategy involves the Shire identifying, collating and treating all the identified risk (internal and external) to ensure a coordinated approach to effectively minimise business, financial and physical liability to the Shire's operations. The Council will ensure the risk management program is of the standard required to meet its fiduciary obligations to:

- safeguard assets
- ensure there are enough monies to meet its financial obligations when due prevent and detect fraud
- ensure accuracy and completeness of accounting records.

#### 3.3.10. DELEGATIONS

Effective delegations should be implemented and maintained. Delegations of authority are required in order to provide officers of the Shire with the power to exercise duties and make determinations. It is essential Council's delegations are performed in accordance with the adopted governance framework and are compliant with relevant legislation. The Shire is required to keep records on the exercise of its delegations. Council may delegate authority to the CEO and other nominated officers under the provisions of the following legislations (yet not limited to), the Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Building Act 2011, Health Act 1911, Strata Titles Act 1985, Caravan Parks and Camping Grounds Regulations 1987, Bushfire Act 1954, Emergency Management Act, Litter Control Act, Dog Act, Cat Act and the Shire, Town Planning Scheme to perform some of its functions and duties.

The Local Government Act and associated regulations allow the CEO to sub-delegate to any other officer the authority to perform functions and duties exercisable by the CEO under the Local Government Act or have been delegated to the CEO by the Council.

This is in accord with a governance framework whereby officers are responsible to the CEO and the CEO is responsible to Council. The CEO is also responsible for the implementation of Council decisions and may delegate some of this responsibility to other officers of the Shire.

All delegations are to be recorded in a register established for the purpose (as required by the Act) and reviewed annually. The CEO will advise Council of any decisions made under delegated authority.

Under the provisions of Town Planning Scheme Council may delegate authority to certain officers other than the CEO. If such a delegation is exercised Council shall be advised.

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### 3.6. Accountability

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“Local government must account for its activities and have systems to support this accountability”

Excellence in governance is based on the premise of those who are involved in governance being held accountable for what they do. Accountability at the Shire means the Elected Members and management taking responsibility for their performance.

Elected Members and management at the Shire accept they are accountable under legislation in terms of how the Council operates and reports. This also extends to other measures such as:

- Risk management systems implemented and maintained to ensure community assets are protected.
- Internal and external audits and Finance & Audit committee focused towards providing assurances to all stakeholders the processes and procedures are being adhered to and financial reports are accurate.
- Consultation and policies to support good decision making by ensuring Elected Members are aware of the views of those who will be affected by any decision.

#### **3.6.1. OPERATIONAL AND STRATEGIC PERFORMANCE MANAGEMENT**

There should be an active performance management system in place to enable Elected Members and staff to be openly accountable for their performance.

The Shire hope to establish a range of mechanisms to ensure performance is measured, reviewed and improved and thereby enable remedial action to be taken, where necessary. The Shire is committed to the development of appropriate performance measures in financial policies and strategic plans to ensure long term viability. Ongoing financial performance will continue to be monitored through internally and externally based systems and processes. Effective coordination between the strategic and operational elements will be maintained through a regular report to Council which is based on the Strategic Community Long Term Financial Plans.

#### **3.6.2 CEO PERFORMANCE MANAGEMENT**

The CEO is appointed by the Council and is directly accountable to it. The Council is accountable for setting the CEO's performance plan and subsequent monitoring of his or her performance. This responsibility belongs to Council sitting as the Council and is not the responsibility of individual Elected Members.

Council appoints a CEO's Performance Review Working Group which is responsible for;

- Determining and setting in place an appropriate review process.
- Undertaking a performance appraisal of the CEO in accordance with the provisions of Section 5.38 of the Local Government Act 1995 and in accordance with the terms and conditions of the employment contract of the CEO.
- The Working Group will then report to the full Council its determination on the performance appraisal for Council input and endorsement for:

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- Negotiating and setting goals, objectives, key performance indicators and changes to the remuneration package within the terms of the CEO's contract.
- Any goals, objectives, key performance indicators or remuneration package changes so negotiated, and set, must be acknowledged in writing by both the Shire President and the CEO.

### **3.6.3 INDEPENDENT REVIEW**

Local governments should continue with existing internal structures to provide for independent reviews of processes and decision-making to assist the Council to meet its accountability to stakeholders". Independent Reviews will be sought as appropriate through Internal and external auditors as appropriate.

### **3.6.4 CUSTOMER CONSULTATION**

"Consultation should be undertaken appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made, and feedback should be provided to those who participated." It reflects the core values (i.e. Respect, Openness, Teamwork, Leadership and Excellence) as important elements in serving the needs of residents and ratepayers.

The Shire is prepared to explore new and innovative methods of service delivery in order to provide improved access to information and enhance customer interaction.

The Shire is committed to fostering high levels of public awareness of its activities, by providing its residents and ratepayers with access to a wide range of information. Any policy or planning developments will be fully inclusive of the affected areas.

In addition to meeting the state wide and local public notice requirements prescribed by the Act in respect to proposals and activities, the Shire will also ensure information is available by electronic means. The Shire will utilise the local press for notifying residents about important issues. Information will also be posted on its official notice board located at the Administration Centre. The Shire Newsletter will continue in its role as a mechanism for disseminating information and encouraging feedback on key strategies, projects and significant Shire events.

The Shire's website at: [www.yalgoo.wa.gov.au](http://www.yalgoo.wa.gov.au) will serve as the focal point for providing up to date information and service delivery information to ratepayers and residents.

Public consultation involving residents and ratepayers is facilitated by the Shire through a range of mechanisms which include; information provision, consultation, public comment, Ordinary, Special and Annual General Meetings.

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## **3.7 Support for Elected Members in the Governance Process**

Elected Members are encouraged to attend professional development offered by the Local Government Department, WA Local Government Association or any other appropriate body/individual to better enable them to carry out their duties. Professional development needs, advice or resources can be facilitated by the CEO or relevant delegated officers.

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## **3.8 Standards of Conduct**

The Shire Code of Conduct provides Councillors and Staff at the Shire with consistent guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of

## Council Governance and Policy Manual

ethical responsibility and encourages greater transparency and accountability in the operations of the Council and Administration.

The Code is complementary to the principles adopted in the Local Government Act 1995 and regulations which incorporates four fundamental aims to result in:

- Better decision-making by Council;
- Greater community participation in the decisions and affairs of Council;
- Greater accountability by Council to its communities; and
- More efficient and effective organisation.

The Code requires a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based. ***The Shire of Yalgoo's Code of Conduct is found in Section Four of this Governance and Policy Manual.***

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### 3.9 Enforcement of the Code

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Any Elected Member, Committee Member or Council employee having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act 1995 or such regulations or local laws created there under or any other relevant legislation, should discuss those concerns with the Shire President for Elected Members or CEO for Council employees.

Such reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken. Any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirements and the local government's responsibilities as an employer.

It should be noted the Corruption and Crime Commission Act 2003 requires the reporting to the Commission by all public sector agencies of suspected "misconduct" within their agency. Misconduct generally occurs when a public officer abuses authority for personal gain or to cause a detriment to another person or acts contrary to the public interest.

#### Reporting Alleged Breaches of the Code

- Councillors will report an alleged breach by a Councillor or employee to the President who will in turn refer the alleged breaches by an employee to the CEO.
- Employees will report an alleged breach by a Councillor or employee to the CEO who will in turn refer alleged breaches by a Councillor to the President.
- Councillors and employees will report an alleged breach by the CEO to the President.
- Councillors will report an alleged breach by the President to the Deputy President.

#### Responsibility for Upholding the Code

- All Council members have a shared responsibility for upholding the Code.
- The President is responsible for dealing with alleged breaches of the Code by a Councillor or the CEO.
- The CEO is responsible for dealing with an alleged breach by an employee.
- The Deputy President is responsible for dealing with an alleged breach by the President.

#### Dealing with Alleged Breaches

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- All alleged breaches will be investigated promptly while the issue is current. The investigation of an alleged breach will be dealt with in a sensitive nature, guided by the principles of natural justice and will be investigated in confidence.
- When investigating an alleged breach, the investigator will maintain all records of the investigation.
- A breach of the Code will be dealt with in a manner deemed appropriate by the investigator taking into consideration the nature and the seriousness of the breach.
- After investigating the alleged breach, the investigator will advise the relevant parties of the outcome.

### Part Four: Key Documents, Policies / Procedures for Council

These are Shire specific local laws, policies, procedures and guidelines relevant to the Elected Members, and form part of this manual to act as an induction and reference tool for Councillors of Shire. They are officially managed as part of the Shire policy and induction manual review and update processes.

#### 4.0 Council Committees, Forums and Meeting

For consistency and appropriate running of meetings, agreed and approved standing orders should guide and manage the meeting process.

#### 4.1 Policy Schedule 1.1 Code of Conduct - Elected Members

### FOR COUNCIL MEMBERS, COMMITTEE MEMBERS & STAFF

*Based on WALGA Model of February 2008*

#### PREAMBLE

The Code of Conduct provides Council Members, Committee Members and staff of the Shire of Yalgoo with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments. The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in –

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

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

#### STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

## **RULES OF CONDUCT**

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

### **1. ROLES**

#### **1.1 Role of Council Member**

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

“A Councillor —

- (a) Represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law.”

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

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

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

#### **1.2 Role of Staff**

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995: -

## Council Governance and Policy Manual

“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 S 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.”

### 1.3 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995 :

(1) The Council —

- (a) directs and controls the local government’s affairs; and
- (b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and (b) determine the local government’s policies.”

### 1.4 Relationships between Council Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council’s corporate goals and implement the Council’s strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

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

## 2. CONFLICT AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

- (a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination, and this is supported by anti- discriminatory legislation.

### 2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

### 2.3 Disclosure of Interest

Definition: In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

- **“interest”** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person 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.
- (b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -

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- (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
- (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), 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) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person'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. PERSONAL BENEFIT

#### 3.1 Use of Confidential Information

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

#### 3.2 Intellectual Property

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

### 3.3 Improper or Undue Influence

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

### 3.4 Gifts

Definitions: In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 - "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; "gift" has the meaning given to that term in S 5.82(4) except that it does not include –

- a gift from a relative as defined in S 5.74(1); or
- a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or
- a gift from a statutory authority, government instrumentality or non-profit association for professional training;

"notifiable gift", in relation to a person who is an employee, means -

- a gift worth between \$50 and \$300; or
- a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

"prohibited gift", in relation to a person who is an employee, means -

- a gift worth \$300 or more; or
- a gift that is one of 2 or more gifts given to the employee by the same person within

(c) person who is an employee is to refrain from accepting a prohibited gift from a person who -

(i) is undertaking or seeking to undertake an activity involving a local government discretion;  
or

(ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

(d) A person who is an employee and who accepts a notifiable gift from a person who -

(i) is undertaking or seeking to undertake an activity involving a local government discretion;  
or

## Council Governance and Policy Manual

- (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (e) A person who is an employee and who accepts a notifiable gift from a person who -
  - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- (f) The notification of the acceptance of a notifiable gift must be in writing and include –
  - (i) the name of the person who gave the gift; and
  - (ii) the date on which the gift was accepted; and
  - (iii) a description, and the estimated value, of the gift; and
  - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
  - (v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
    - a description; and
    - the estimated value; and
    - the date of acceptance, of each other gift accepted within the 6-month period.
- (g) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- (h) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (i) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

## 4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

### 4.1 Personal Behaviour

- a) Council Members, Committee Members and staff will:
  - act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
  - act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;

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- make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- always act in accordance with their obligation of fidelity to the Local Government.

b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

### **4.2 Honesty and Integrity**

Council Members, Committee Members and staff will:

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

### **4.3 Performance of Duties**

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

### **4.4 Compliance with Lawful Orders**

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

### **4.5 Administrative and Management Practices**

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

### **4.6 Corporate Obligations**

## Council Governance and Policy Manual

### (a) Standard of Dress

Council, Committee Members and staff are expected to always with neat and responsible dress standards.

Accordingly:

- (i) Council Members and Committee Members will dress in a manner appropriate to their position when attending meetings or representing the Local Government in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

### (b) Communication and Public Relations

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

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

## 4.7 Appointments to Committees

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

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

## 4.8 Alcohol and Drugs

Council Members and Committee Members should be aware of their standing as community leaders and ensure that alcohol consumption is kept to a minimum, particularly at functions hosted by the Shire. Alcohol should not be consumed prior to or during any Council or Committee meeting. Council Members' and Committee Members' behaviour is not to be impaired by mind affecting substances and, therefore, the use of or consumption of any illegal drug or drug-related substance is prohibited. Any policies and procedures of the Shire relating to alcohol and drug use by employees will also apply to Council Members and Committee Members to the extent permitted by law.

## **5. DEALING WITH COUNCIL PROPERTY**

### **5.1 Use of Local Government Resources**

Council Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

### **5.2 Travelling and Sustenance Expenses**

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

### **5.3 Access to Information**

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

## **6. BREACHES OF CODE OF CONDUCT**

### **6.1 Making a Complaint**

Any complaint about a breach of this Code of Conduct should be documented on a Code of Conduct Complaint form by the person alleging the breach. The form must then be submitted to the CEO

Allegations of misconduct, corruption or fraud must be reported to the CEO, who in turn is required by law to report the matter to the CCC.

### **6.2 What Happens to Complaints?**

Complaints about an Employee:

The CEO will gather all relevant information and determine the complaint unless stated otherwise in the Shire's policies.

### **Complaints about Council Members and Committee Members**

## Council Governance and Policy Manual

The CEO will gather all relevant information to present to the Shire President. The Shire President in consultation with the CEO will determine the complaint, which may include referring the matter to the Local Government Standards Panel

### **6.3 What are the Consequences of a Breach?**

Council Members, Committee Members and employees are required under the Local Government Act to observe a code of conduct. Additionally, Council Members are required to comply with the Local Government (Rules of Conduct) Regulations.

The Act and the Regulations provide for minor and serious breaches by Council Members. The consequences of a breach for Council Members will vary depending on the breach and whether the alleged breach can be dealt with entirely as a breach of this Code of Conduct or is to be referred to the Local Government Standards Panel as a breach of the Regulations.

The Regulations provide for punishments that could range from public censure, a public apology, requirement to attend formal counselling or training to suspension or disqualification.

– End of Schedule

4.2 Policy Schedule 1.2 Standing Orders

**Introduction**

There is no requirement for a local government to adopt standing orders (as a local law) though it is hard to imagine a Council meeting functioning smoothly without rules of debate. The Shire of Yalgoo recognises this as a broad need and has opted down the path of an abbreviated version of rules in policy format rather than a formal local law.

**Objective**

To set down rules of debate for Council or Committee meetings that satisfy the needs of the Shire of Yalgoo.

History	Adopted 19 July 2007
Former Policy	1.5
Amended / confirmed	21 August 2008

**Policy Statement**

The following Policy Schedule 1.2 – Standing Orders is adopted, and forms part of this Statement.

– End of Policy

**COMMENT**

Adoption of Standing Orders as a Local Law to be investigated. If adopted, Council is obligated to adhere to them, in the same way a private person is obligated to adhere to any Local Law applying to them.

**Policy Schedule 1.2 – Standing Orders**

1. Interpretation

In this policy, unless the contrary intention appears, “absolute majority”

“CEO” “committee” “council” “councillor”

“local government”

“motion” “meeting” “member” “president” “presiding member” “prescribed,”

shall be interpreted as defined in the Local Government Act 1995.

“Agenda” means a customary list of matters for consideration by the Council or Committee.

“Clause” means each numbered clause of this policy.

“Deputation” means any persons appearing before the Council or a Committee on specific business, other than within the time set aside at the commencement of the meeting for submissions and questions from members of the public.

“Reports” means committee or officer reports supported by a précis, administrative comment (where appropriate) and recommendations that are included in the agenda for Council consideration.

“Standing Orders” means this text.

**2. Proceedings to be Conducted According to Standing Orders**

The proceedings and business of the Council shall be conducted in accordance with Act, the regulations and any other State law, and where not specifically prescribed, according to this policy.

**3. Notice of Meeting – Members to Receive Notice**

Notice of a Council or Committee meeting shall be given by CEO in accordance with the Act by means of an agenda setting out the matters for consideration.

**4. Notices of Motion – Councillor**

A councillor may bring forward business in the form of a written motion, which shall be given to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter, up to 24 hours before the close of the agenda.

**5. Agenda**

Notice required in clause 3 shall be in the form of an agenda setting out the matters for consideration and decision by the council which shall be closed by the CEO at such a time to ensure compliance with the requirements of the Act.

**6. Urgent Business**

General business will not be admitted to Council. In cases of urgency or other special circumstances, where a matter cannot or should not be deferred until the next meeting, urgent items may, with the consent of a majority of Elected Members present, be heard and dealt with. Any such business shall be in the form of a clear motion, and the President may require such a motion to be written and signed by the Councillor or officer proposing the motion or recommendation.

**7. Deputations**

Persons wishing to appear before Council or a Committee as a deputation should apply to the CEO at least one week before the date of the meeting, specifying the purpose of the deputation and the number of persons in the deputation. Deputations may be permitted at the discretion of the Presiding Member or by a resolution of the Council or Committee (as the case may not be). Not more than two members of a deputation may address the Council or Committee, except to answer questions from members of the Council or Committee.

**8. Ordinary Meeting – Order of Business**

As far as practicable, proceedings of the ordinary meeting of the Council shall be:

- Declaration of Opening/Announcement of Visitors
- Record of Attendance/Apologies/Leave of Absence
- Disclosures of Interest
- Public Question Time
- Response to Questions Taken on Notice
- Questions Without Notice
- Petitions/Deputations/Presentations/Submissions
- Notice of Matters to be Discussed Behind Closed Doors
- Applications for Leave of Absence
- Announcements Concerning Meetings Attended
- Confirmation of Minutes
- Minutes of Committee Meetings
- Reports of Officers
- Notices of Motion
- Previous Notice received
- For Consideration at the Following Meeting

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- Urgent Business
- Matters for which the Meeting may be Closed
- Next Meeting
- Meeting Closure

Deputations may be received at the time determined by the Presiding Member, to fit the purpose deputation to the deputation to the order of business or generally to suit the convenience and good conduct of the meeting.

### **9. Public Conduct at Meetings**

- a) Any person or persons may attend meetings of Council provided that there is no expression of dissent, approval or level of conversation that interrupts the proceedings of Council (except by any person making public statements or asking a question in accordance with clause 7).
- b) In the event of an interruption, the Presiding Member may request that the person or the persons cease to do so. If they do not comply, the Presiding Member may direct that the person or persons immediately withdraw from the meeting room. Failure to comply with such a direction shall constitute an offence against these Standing Orders.

### **10. Role of the Presiding Member**

- a) The Presiding Member may direct attention to any matter of interest or relevance to the business of the meeting or propose a change to order of business. Any member may move that a change in order of business proposed by the Presiding Member not be accepted and if carried by majority of members present, the propose change in order will not take place.
- b) The Presiding Member may take part in a discussion upon any question before the council, subject to the same conditions as applicable to any Councillor.
- c) To preserve order, when the Presiding Member indicates a wish to speak during the progress of a debate, any member then speaking shall immediately cease. Every person present shall observe silence in order that the Presiding Member may be heard without interruption. This clause is not to be used by the Presiding Member in the exercise of the right to take part in Council discussion.
- d) A Councillor may move a motion to disagree with a ruling made by the Presiding Member. The Presiding Member must immediately call for a seconder and put the motion without debate.

### **11 Maintenance of Order**

- a) Members shall speak of each other and staff during this meeting by their respective titles of President, Councillor or CEO. Members shall not impute motives or use offensive or objective expressions in reference to any member, officer of the council, or any other person.
- b) If a member commits a breach of the preceding clause, the Presiding Member, or the Council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology. If the member refuses to do so, the Presiding Member shall direct the member to cease speaking.
- c) A Councillor wishing to address a meeting shall indicate by raising a hand. When invited by the Presiding Member to do so the councillor may address the Council through the Presiding Member.
- d) Councillors shall restrict remarks to the matter under discussion, or to an explanation or point of order.

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- e) All addresses shall be limited to maximum of five minutes. Extension of time is permissible only with the agreement of the majority of members.
- f) No member shall interrupt another member whilst speaking unless to raise a point of order or call attention to the absence of a quorum.

### **12 Procedures for Debate of Motions**

- a) It shall be the function of the Presiding Member to determine the majority opinion of the
- b) Councillors present at a meeting of any motion placed before the meeting.
- c) As determined by the Presiding Member, recommendations presented on the business paper and serially numbered, may be offered to the meeting as a block for Council endorsement and such motions, with or without amendment, may be moved and seconded as a whole as a motion of the Council. Each item adopted by the Council shall become a resolution of the Council and shall be recorded in the minutes.
- d) Block voting shall not apply in cases where an absolute majority voting is required by the Act.
- e) Before debate is opened, the motion must be moved and seconded. A motion not being seconded is to be considered and recoded as lapsed.
- f) The elected member moving a motion is not under any obligation to move the recommendation of an Office, but shall give due consideration to the Officer's recommendation on the matter, which may be moved verbatim, or with changes to the wording. If the Officer's recommendation is varied, either in the original motion or by formal amendment, the elected member moving the motion must also provide the reason for variation, to be recorded in the Minutes, as required by the Act.
- g) When a motion is under debate, no further motion shall be accepted.
- h) The Presiding Member will call speakers to a motion in the following order:
  - (i) The mover to state the motion;
  - (ii) A seconder to the motion;
  - (iii) The mover to speak to the motion;
  - (iv) The seconder to speak to the motion; (v) A speaker against the motion;
  - (vi) A speaker for the motion;
  - (vii) Other speakers against and for the motion, alternating in view, if any;
  - (viii) Mover takes right of reply which closes debate
- i) If the Presiding Member believes sufficient discussion has taken place even though all members may not have spoken, he may offer the right of reply to the mover to close the debate.

### **13. Procedural Motions**

To expedite meetings of Council, procedural motions are not required to be in writing but must be moved and seconded –

- a) "That the Council do now adjourn until (state time and date)." If carried, will clause the meeting to stand adjournment as specified to any other time not more than seven days from date of adjournment.

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- b) “That the motion be now put.” If carried without amendment requires the Presiding Member to offer the mover the right of reply, and then immediately put the motion to the meeting. If carried during debate on an amendment requires the Presiding Member to put the motion without any right of reply.
- c) “That the Councillor be heard no longer heard.” If carried this motion requires the Presiding Member not to allow the speaker to speak any further on the motion, excepting the right of reply if the speaker was the mover of the motion.
- d) “That the ruling of the Presiding Member be disagreed with.” If carried this will cause the ruling of the Presiding Member to be reversed, and for the meeting to proceed accordingly. Such a motion cannot be moved in the case of the Presiding Member’s adjournment of the meeting to regain order.
- e) “That the Council meet behind closed doors.” If carried this will cause the public and any officer or employees the Council determines to leave the room, unless remaining with the consent of Council.
- f) “That Standing Order (clause or clauses to be stated) be suspended.” If carried will cause the procedure of these Standing Orders to be suspended in part or in the whole.
- g) “That the matter lay on the table until (specify meeting).” If carried, has the effect that all consideration and discussion of the matter is deferred until the meeting specified.

### 14. Decision Making Processes

- a) Amendments – Any number of amendments may be proposed to a motion, but whenever any amendment is made upon a motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.
- b) Foreshadowed Motion – During the course of debate on an amendment to a motion, a member may give notice of intention to move a motion or amendment when the question before the meeting is decided.
- c) Motion – If an amendment to a motion is carried, the motion as amendment shall then be submitted as the motion, and shall become the question before the meeting upon which any member may speak and any further amendment may be moved.
- d) Consent of Secunder Required to Accept Alteration of Wording – The mover of a motion may not alter the wording of the motion without the consent of the seconder.
- e) Withdrawal of Motion and Amendments – Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall not continue.
- f) Limitation of Motion and Amendments – Where an amendment has been proposed to a motion, the motion shall not be withdrawn, except by consent of the, majority of members present, until the amendment proposed has been withdrawn or lost.

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g) Right of Reply – The mover of a motion shall have the right to reply. After the mover of the motion has commenced the reply, no other member shall speak on the question. The reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

h) All Members to Vote – Save where the Act otherwise provides, at every meeting of the Council every member shall vote, and if any member who is entitled to vote fails to vote, the Presiding Member shall call upon the member to vote.

i) Method of Taking Vote – In putting the questions to the council, the Presiding Member may ask whether there is no objection to the motion, and if not the motion is deemed carried unanimously. If objection is raised to the motion, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands before declaring a decision. .

j) Declaration of Vote – The Presiding Member shall declare the vote to be carried or lost, stating the number of votes in favour and against the motion.

### 15. Points of Order

a) Procedure – Upon a matter of order a Councillor may raise a point of order including interrupting the speaker. A Councillor shall immediately cease speaking while the Presiding Member considers the point of order.

b) Definition – The following definitions shall constitute a point of order –

- Discussion of a matter not before the Council or Committee.
- Use of offensive or insulting language.
- Violation of any provision of this policy, provided that the Councillor raising the point of order states the standing order believed to be breached.

c) Ruling – The Presiding Member shall give a decision on any point of order after the point has been raised by upholding or rejecting it. The ruling of the Presiding Member shall final, unless a majority of the members support a motion of dissent with the ruling.

d) Precedence – All points of order take precedence over any other debate and until decided, and suspends the consideration of every other matter.

## **16. Committees of Council**

- a) The Council shall, at the first meeting held after each ordinary election day, review all appointed committees.
- b) **Power and Duties** – The power and duties of Committees shall be defined and delegated to them by resolution carried by absolute majority of the Council, and recorded in the Delegations Register. The constitution and practice of the Committees shall accord with the Act.
- c) **Recommendations of Committees** – The recommendations of a Committee shall be presented to the next appropriate Council meeting.
- d) **Inspection of Plans** – All plans referred to in any recommendation of the Committee shall lay on the table of the Council Chamber for inspection by Councillors at the meeting at which the matter is being considered.
- e) **Rights and Responsibilities of Councillors who are not Committee Members** – Councillors who are not members of a committee may attend all meetings of all Committees and may participate only at the invitation of the Presiding Member but may not vote. Travel expenses are payable only to Councillors who are members of the Committee unless specifically authorised by Council by resolution prior to the committee meeting.

## **17. Chief Executive Officer – Duty**

It is the duty of the Chief Executive Officer to draw the attention of the Council, any breach or likely breach of these standing orders even if it requires interrupting any person who may be speaking.

End of Schedule

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### 4.3 Policy Schedule 1.3

### Authorised Meetings – Payment Claim

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#### Introduction

The Local Government Act 1995 provides two different classifications of expenses that can be reimbursed to members. They are those that “shall” be paid and those that “may” be paid

**Objective:** To establish the basis upon which Council will reimburse travel and other expenses (accommodation and meals) pursuant to section 5.98 of the Local Government Act 1995 (Discretionary Expenses)

History	Adopted	19 April 2007	Ref OC0412
Former Policy		1.3	
Amended / confirmed		21 August 2008	
Amended		26 November 2009	
Amended		20 February 2014	Ref C2014-0239

#### Policy Statement

Council will reimburse travel and other expenses where Members of Council have been appointed as delegates by resolution of Council as well as where there is a requirement for a Councillor to attend interviews for senior staff or CEO positions.

Refer also Policy 3.2 – Conference and Training Expenses concerning accommodation, meals and out-of-pocket expenses etc – End of Policy

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### 4.4 Policy Schedule 1.4

### Council Chambers Usage

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#### Introduction

**Objective:** To establish usage protocols for the Council Chambers

History	Adopted	unknown
Amended		unknown
Former Policy		1.4
Amended / confirmed		19 February 2016

#### Policy Statement

1. The Council Chambers are not available for general use.
2. Where the meeting involves the Shire as an organisation or is of importance to the Shire, the CEO has discretion to approve use of the Chambers, for example
  - meetings with/by visitors (e.g. parliamentarians, government agencies, developers etc)
  - administrative – audit, consultants, meetings requiring additional privacy etc.
3. No meals are to be consumed in the Chambers.

– End of Policy

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### 4.5 Policy Schedule 1.5

### Portraits in Council Chambers

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History	Adopted	22 November 1999
Former Policy		1.6

**Policy Statement**

That, subject to the agreement by the immediate families, the portraits of Presidents and members of fifteen years of service or more of the Council of the Shire of Yalgoo or the Yalgoo Roads Board be exhibited in the Council Chambers. – End of Policy

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**4.6 Policy Schedule 1.6**

**Councillors Recognition of Service**

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**Introduction**

The Minister for Local Government must give Councillors written exemption from the requirement to declare a financial interest prior to any change to this Policy.

This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A and an exemption from the Minister under s.5.69, is therefore required prior to any amendment, alteration or revocation of the Policy whatsoever. Although Councillors are able to claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition from the Shire on behalf of the community, for their commitment to the district. Where qualifying, enquiries should also be made through the Department of Local Government to obtain a Certificate of Appreciation from the Minister.

Objective To recognise the service of, and show appreciation to, departing Councillors.  
History Adopted 16 November 2007

Former Policy 3.18  
Amended / Confirmed 21 August 2008  
Amended 5 December 2013 C2013-1207  
Policy Statement

1. Each departing Councillor shall receive an appropriate plaque or certificate of service.
2. The CEO is to arrange a suitable gift for departing Councillors, as per section 34AC of the Local Government (Administration) Regulations 1996.
3. Presentation of the plaque or certificate and gift will generally be made at the final meeting being attended by the Councillor, or at the Annual Shire Christmas function.
4. Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.
5. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government. – End of Policy

**COMMENT**

A report was made to DLGC regarding an omission in good faith to seek the necessary ministerial exemption regarding declaration of interest for the recommendation to the December 2013 meeting to make a change to this policy

## 4.7 Policy Schedule 1.7 External Organisations – Council Representatives

### Introduction

Council nominate representatives to several external organisations from time to time, but the nominated person may not always be available.

### Objective

To ensure that Council is represented by an authorised nominee at meetings, by specifying the organisations and order of precedence to represent Council.

History

Adopted 21 August 2008

Amended 26 November 2009

Reviewed April 2019

Updated 14/2/2020

### Policy Statement

1. Council nominates people to the external organisations listed below–

- Murchison Vermin Regional Council
- Murchison Country Zone of WALGA
- Regional Road Group and sub-Group
- Yalgoo LCDC
- Yalgoo Arts & Cultural Committee

At minimum, as individual Councillors are specified, this policy must be reviewed at the first Council Meeting held after general Local Government elections. Review may also be required if a position is no longer in a position to carry out their role on these committees. The table below must be regularly reviewed and updated.

Organisation		Delegates and number	Deputy/s
Murchison Vermin Regional	2	Cr G. Payne & Cr P. Lawson	
Murchison Country Zone of	2	Cr G. Payne & Cr G. trenfield	Cr R. Valenzuela
Regional Road Group and sub-Group	2	Cr R. Valenzuela & Cr P. Lawson	Cr G. Payne
Yalgoo Land Conservation District Committee	2	Cr P. Lawson & Cr T. Hodder	
Yalgoo Arts & Cultural Committee	2	Cr G. Payne, Cr G. Simpson & Cr T Hodder	

As resolved at November 2019 Ordinary Council Meeting

2. Nominations as Council representatives to external organisations are to be reviewed at the first meeting following the ordinary Local Government elections, and new nominations to be delegates until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act.
3. Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.
4. Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability or for some other reason, the order of priority will be –
- 5.

- a) Council's nominated representative/s
- b) Council's nominated deputy representative/s
- c) President
- d) Deputy President
- e) Past Presidents in order of most recent retirement
- f) Councillors in order of length of service
- g) CEO

– End of Policy

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## 4.8 Policy Schedule 1.8 Elected Members Records Capture and Management

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### Introduction

The State Records Office requires elected members to retain and produce various records.

### Objective

To meet the obligations imposed on elected members and the organisation by the SRO under the State Records Act.

**History**                                      Adopted                                      28 August 2009

### Policy Statement

State Records Office policy which imposes the obligations on elected members and the organisation under the State Records Act, as advised on 30 July 2009, is –

In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision-making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business, local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council.

2. Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO, for storage.

3. The Shire as an organisation, in meeting its obligations to facilitate the capture and management of elected member records will –

- provide a collection point readily accessible to each elected member to deposit the required materials
- materials collected will be separated according to elected member and financial year of deposit

- for electronic records (emails, digital photos etc), a CD suitable for backup of all electronic records will be provided at least once per year,
  - the CD then to be deposited with other required materials,
  - where a copy of the record is to be retained by the elected member, photocopying or other duplicate as necessary, will be provided without charge.
4. Access to the records created may be required, and is to be facilitated by the CEO:
- as permitted under various legislation such as the Local Government Act, the Freedom of Information Act etc
  - by order of an authorised body such as the Standards Panel or a Court of law etc,
  - by a representative an authorised body such as the Ombudsman or Crime and Corruption Commission etc. – End of Policy

## COMMENT

In effect, any form of record which may affect accountability or contribute to a decision or action made as a Councillor must be retained. These records may be –

- physical – a letter, a handwritten note, a photo someone sends to you to in explanation/complaint, an agenda where you have made notes on various items, etc
- electronic – an email or document sent as an attachment to an email, digital photo, an e-file that is sent for review or comment
- audio – message left on your answering machine, although this is likely to be unusual, since rarely are many details left in a message, but it is a record.

The records are not only those you receive, but also those that you create, such as:

- a note of a conversation where someone asked you to pursue a specific matter,
- a letter that you write in the capacity of Councillor,
- an email you send as a Councillor

The records only need to relate to those “affecting the accountability of the Council and the discharge of its business up to and including the decision-making processes of Council”. It is the elected members decision and judgement as to what extent this applies, and it is suggested that this not be further defined.

The principles of relevance and ephemerality apply, for example –

- a note to remind you to phone a person is ephemeral, but notes of the conversation may not be
- a copy of an agenda that has no notes made is irrelevant, as the document can be reproduced by the Shire
- a promotional brochure or conference information is not relevant

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## 4.9 Policy Schedule 1.9 Shire Logo

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Adopted

26 November 2009

### Introduction

The Shire's logo is copyright to the Shire, and this Policy is intended to provide guidance concerning use of the logo.

### Policy Statement

1. The logo of the Shire is at right.
2. **The logo should be used –**
  - on all Shire publications, letterheads, promotional materials etc
  - where the Shire has provided sponsorship or support for a program, activity or advertisement
    - o e.g. – scholarship programs, ICP support etc
3. **Private use of the logo is not permitted unless approved.**
  - o Private use of the logo will only to be permitted where there is some identifiable benefit to the Shire or community. The proposed use benefits the Shire or community through promotion of the district, directly or indirectly, for example –
    - permitted on a tourism promotion brochure indicating a facility or event is located within the Shire
    - not permitted on private communications, advertising etc
    - on materials which are provided by the Shire, or
    - without the prior approval of the CEO
4. Approval for use of materials provided by the Shire or for private use of the logo may be withdrawn if Council is of the opinion that it is being misused or is for an inappropriate purpose.



For example –

- to imply Shire support of a specific service, activity etc in preference to others, where no such support has been given
- to imply Council authorisation or endorsement of a specific person or position, where no such endorsement has been given.

– End of Policy

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## 4.10 Deleted - Policy Schedule 1.10 Digital Recording of Proceedings in Council Meeting

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### Objective

To provide for the digital recording of Council meetings and ensure a true and accurate account of proceedings at the meeting.

This is for Council reference only and not for public distribution

History	Adopted	31 March 2017
	Policy 4.10 DELETED	26 June 2020

### Policy Statement

#### 1. Access to Digital Recordings:

##### 1.1 Executive Assistant

The Executive Assistant shall have access to the digital recordings to assist in the preparation of the Minutes.

##### 1.2 Elected Members and Staff:

Upon request, Elected Members and Staff shall be provided with a copy of the digital records of meetings for the purpose relevant to duties and responsibilities.

#### 2. Availability of Recordings:

No copy of the digital recordings shall be made available to members of the public.

#### 3. Retention of Digital Recordings:

All digital recordings are to be retained as part of the Shire's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government RD2010046 produced by the State Records Office of Western Australia.

**THIS POLICY 4.10 SCHEDULE 1.10 DIGITAL RECORDING OF PROCEEDINGS IN COUNCIL MEETING WAS DELETED IN ACCORDANCE WITH COUNCIL DECISION AT ITS 19 DECEMBER 2019 ORDINARY COUNCIL MEETING.**

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## 4.11 Policy Schedule 1.11 Community Engagement and Consultation

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**Policy Type:** Organisational  
**History:** Adopted TBA

**Legislative Environment:** Local Government Act (1995) – Regulation S5.56(2)

**Associated Policies or Frameworks:** *DLGC* WA Integrated Planning and Reporting Framework 2011

### Policy Purpose

This policy sets out the governing principles for community engagement and consultation that underpin the Integrated Planning and Reporting framework to ensure the strategic direction of the organisation is with in keeping with community values and aspirations.

### Objectives

The objective of this policy is to provide guidance to Councillors and Officers in planning, implementing and reviewing community engagement and consultation for key projects, strategic planning and policy development. This will ensure informed decision-making, transparency, timely and effective communication with key stakeholders and the general community.

### Policy

- Council is committed to providing leadership and a strong commitment to information sharing, consultation and active participation of the community in contributing to the decision making process.
- Council acknowledges the right of the community to access information, provide feedback, be consulted and actively participate in strategic planning or in key projects of service development. Council's obligations to respond to the community when exercising these rights will be clearly stated in specific consultation processes.
- Objectives for, and limits to, information, consultation and active participation during planning, project and key service development will be defined from the outset. The respective roles and responsibilities of the community (including individuals and groups) and Council (including Councillors and officers) will be made clear as well as to who makes final decisions once the information is analysed.
- The approach for specific consultations will be tailored to the target audiences and consider all other factors outlined in this policy.
- Consultation will be undertaken as early in the planning process as possible to allow to widen the scope of consultation and to improve the outcomes. Adequate time will be made available for consultation to be effective.

- Information provided by Council during planning, project and key service development will be objective, complete and accessible. All those involved in a consultation process will have equal treatment when exercising their rights of access to information and participation.

Council will ensure adequate financial, human and technical resources are available to make a consultation initiative effective. The allocation of resources will be considered in relation to

Further policies and other relevant information to be discovered or developed as appropriate

- broader budgetary restraints and the implications to existing priorities. Council will support its officers in consultation initiatives.
- Consultation on specific planning, project and key service development will be coordinated across Council to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of “consultation fatigue” within the community.
- Council will be accountable for the use made of input from a consultation process. Council will ensure consultation processes are open, transparent and amenable to external scrutiny and review.
- Council will actively and openly evaluate its consultation processes and practices in planning, project and key service development. The results of evaluation will directly impact upon future consultation initiatives.

## **Outcomes**

Measures of success of consultation will include assessments of whether:

- The interests of all parties have been served;
- Expectations concerning the process have been met;
- Consensus, consent and commitment have emerged;
- The process has encouraged generation of the best options;
- Objective criteria have been used to assess the different options under consideration;
- Understanding has been enhanced;
- Relationships between Council and the community and within the community have been enhanced.
- The decision resulting from the consultation has been stable and enduring.

## **Responsibility**

Responsibility for the implementation of this policy rests with the Council, CEO and staff of the Shire

**This policy is to remain in place unless otherwise resolved by Council**

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## 4.12 Policy Schedule 1.12 Organisational Risk Management

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### **Rationale**

The purpose of risk management is to develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects. It also is designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control. Risk management is a key process in developing the strategic direction of the shire.

The key drivers for risk management are the councillor's responsibility for due diligence as good corporate governance practice and the due diligence requirements by the insurance industry which impacts on the cost of insurance.

### **Policy Statement**

The Council is committed to managing risk in the Shire and will implement the principles of the ISO 31000: 2019 Risk Management Standard as the minimum standard.

It is understood by the Shire that risk management is the systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risk.

The Audit and Risk Committee will be responsible for ensuring there is a Risk Management Plan for the Shire. The Council recognises that adequate resources are needed to implement the risk management program.

The officer responsible for the Risk Management systems and processes of the Shire must ensure that all risk management processes and assessments are fully documented and managed through the records management system.

### **References**

Risk Management Standard AS / ISO 31000 2019 \_ Standards Australia

### **Scope**

This policy covers all the operations of the Shire, including corporate governance, legal compliance, infrastructure, business risks, capital assets, finances, information technology, human resources, service delivery and events management.

### **Objectives**

- To develop and implement the principles and practices of the risk management standard. Management
- To define the Shire's tolerance to risk and communicate it throughout the Shire.
- To communicate with the community about the Shire's approach to risk.
- To protect and enhance the reputation of the council.
- To develop a risk management plan which is aligned to the integrated planning processes.

## Responsibilities

*Audit and Risk Committee is responsible for:*

- Ensuring there is a risk management plan for the Shire,
- Establishing the risk tolerance level of the Shire adopted by council.

***CEO: is responsible for:***

- Reporting to the Council on the implementation progress of the risk management standard and ongoing management of risks in the organisation on a *pre-determined frequency* basis.
- Communicating the policy to all Councillors, employees, contractors and consultants
- full implementation of risk management throughout the Shire,
- ensuring that the Risk Management Policy is adopted, communicated throughout the Shire, and included in induction programs.
- **ensuring that the Risk Management Policy and Plan are reviewed annually**
- Displaying a copy of the policy on staff notice boards or through other relevant communication mediums
- Ensuring that risk management is a standard agenda item at all meetings including toolbox meetings.
- Development of risk management skills through training and education.
- Development of risk management skills through training and education.
- Identifying and measuring performance indicators for risk management that cascade from the risk management plan to position descriptions and performance appraisals.
- Establishing and maintaining the central risk register (hardcopy or electronic)
- Establishing and maintaining the strategic risk planning register

***Management are responsible for:***

- Identifying and assessing all the potential risks in their area of responsibility.
- Collating, assessing, treating and reporting to the risk management committee of all areas and tasks under their responsibility.

***Employees are responsible for:***

- To comply with the Shire's risk management policy and procedures.
- To attend the risk management training.
- Actively participate in the risk management program and organisational performance review and evaluation program.
- Actively participate in the Shire's continuous improvement program

## Documentation

The Council, CEO and Officers will ensure that all risk management processes, assessments and plans are fully recorded throughout the Shire.

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## 4.13 Policy Schedule 1.13 Media Communications Policy

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### 1. OBJECTIVE

This Policy:

- Proposes to establish a consistent and coordinated, 'whole of Council' approach to matters in relation to the Shire of Yalgoo's (here after 'the Shire') communication with the media
- establishes protocols for the Shire's official communication with its community to ensure the Shire is professionally and accurately represented, and to maximise a positive public perception of the Shire of Yalgoo.

This Policy applies to:

- Communications initiated or responded to by the Shire with its community; and
- Elected Members when making comment in either their Shire of Yalgoo role or in a personal capacity.

### 2. PURPOSE

The Media Communications Policy sets out clear, consistent protocols for all contact with media which are to be followed by the President, Elected Members, Chief Executive Officer and employees of the Shire and has been established to:

- Formalise the roles of the President, Elected Members, Chief Executive Officer and employees in relation to media communications.
- Maintain positive, quality and timely communications with the media even during
- adverse media attention.
- Ensure the Shire's affairs and activities are fairly and accurately reported in the media.
- Proactively represent the Shire in media communications.
- Ensure communication with the media is consistent, in line with the Shire's strategic direction, and aligned with the Shire's communication strategy.
- Ensure that media communication with the Shire is in accordance with relevant statutory provisions.
- Provide information required by law to be publicly available.
- Share information that is of interest and benefit to the community.
- Promote Shire of events and services.
- Promote Public Notices and community consultation / engagement opportunities.
- Answer questions and respond to requests for information relevant to the role of the Shire.
- Receive and respond to community feedback, ideas, comments, compliments and complaints.

The Shire will use this Policy to assist the President, Elected Members, Chief Executive Officer and employees in understanding the correct communication processes when handling media enquiries, identifying spokespersons for media interviews, preparing media statements and making comments to the media.

### 3 OFFICIAL COMMUNICATIONS

The Shire's official communications will be consistent with relevant legislation, policies, standards, and the positions adopted by the Council. The Shire's communications will always be respectful and professional. The Shire will use a combination of different communication modes to suit the

type of information to be communicated and the requirements of the community or specific audience, including:

- Shire website;
- Advertising and promotional materials
- Media releases prepared for the Shire, to promote specific Shire positions;
- Social media; and
- Community newsletters, letter drops, and other modes of communications undertaken by the Shire's administration team at the direction of the Chief Executive Officer.

The Shire will maintain an official website as the community's online resource to access the Shire's official communications.

#### **4 COMMITMENT**

The Shire is committed to open, transparent procedures, and to being fully accountable to the media and the wider community. Therefore, it wishes to provide the media with information about projects and initiatives, and to respond to media enquiries in a full and timely manner. The Shire aims to maximise its media exposure by:

- Demonstrating that it is an open and accessible local government;
- Providing accurate information to the media in a timely manner;
- Showing that it is always keen to respond to media enquiries; and
- Building positive relationships with persons in the print and electronic media.

#### **5. SPEAKING ON BEHALF OF THE SHIRE**

5.1 The President is the official spokesperson for the Shire, and may represent the Shire:

- in official communications, including; speeches, comment, print, electronic and social media. *[s.2.8(1)(d) of the Local Government Act 1995]*
- Where the President is unavailable, the Deputy President may act as the spokesperson. *[s.2.9 and s.5.34 of the Local Government Act 1995]*
- The Chief Executive Officer may speak on behalf of the Shire if authorised to do so by the President. *[s.5.41(f) of the Local Government Act 1995]*

The provisions of the Local Government Act 1995 direct that only the President, or the Chief Executive Officer, if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the Office of President for others to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the President has had opportunity to speak on behalf of the Shire.

5.2 Communications by Elected Members, whether undertaken in an authorised official capacity, or as a personal communication, must not:

- bring the Shire into disrepute;
- compromise the person's effectiveness in their role with the Shire
- (imply the Shire's endorsement of personal views; or
- (disclose, without authorisation, confidential information.

5.3 Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

5.4 Elected Member communications must comply with the Shire's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

## **6 PRINCIPLES**

The following principles are to be followed:

6.1 Only persons authorised by this Media Communications Policy are to provide opinion/comment to the media on behalf of the Council or the Shire.

6.2 Verbal and/or written media communications are to be made by the President or Chief Executive Officer (only where previously authorised by the President) relating to Council decisions, initiatives or issues of a controversial nature.

6.3 Comment to the media by Elected Members is only to be made on the basis that the media are informed the Elected Member is not speaking on behalf of the Council or Shire and the comment is qualified as being of a personal nature. Elected Members shall not announce Council initiatives, unless authorised by the President.

6.4 Details of matters that occur as part of the decision-making process which are confidential are not to be disclosed, unless approved by the Council.

6.5 The President, at his/her discretion, may authorise an Elected Member to speak on a specific issue if it is considered the Elected Member has knowledge of the matter and is in the best position to represent the Council or Shire.

6.6 All official communication is not to include comment or material that is for electioneering or personal promotional purposes, under any circumstances.

6.7 When applying these principles, the President, Elected Members, Chief Executive Officer and employees are to have regard to ethical and professional behaviour and comply with the Shire's Code of Conduct.

## **7. Personal Communications**

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 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 must ensure that their personal or private communications do not breach the requirements of this Policy, the Shire Code of Conduct, or the Local Government (Rules of Conduct) Regulations 2007, or the Defamation Act 2005.

## **8. Elected Member Statements on Shire Matters**

Subject to compliance with this Policy, an Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire. Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

8.1 Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire;

- 8.2 Be made with reasonable care and diligence;
- 8.3 Be lawful, including avoiding contravention of copyright, defamation, discrimination or harassment laws;
- 8.4 Be factually correct;
- 8.5 Avoid damage to the reputation of the Shire;
- 8.6 Not reflect adversely on a decision of the Council;
- 8.7 Not reflect adversely on the character or actions of another Elected Member or employee;
- 8.8 Maintain a respectful and positive tone, and not use offensive or objectionable expressions in reference to any Elected Member, employee or community member; and
- 8.9 Not disclose confidential information.

An Elected Member who is approached by the media for a personal statement may request the assistance of the Chief Executive Officer. Comments which become public, and which breach this Policy, the Shire Code of Conduct, or the Local Government (Rules of Conduct) Regulations 2007, may constitute a serious breach of the Local Government Act 1995, and may be referred for investigation.

## 9. Responding to Media Enquiries

All enquiries from the Media for an official Shire comment, whether made to an individual Elected Member or employee, must be directed to the Chief Executive Officer, or a person authorised by the Chief Executive Officer. Information will be coordinated to support the President or Chief Executive Officer (where authorised) to make an official response on behalf of the Shire. Elected Members may only make comments to the media in their personal capacity (refer to Clause 7).

## 10. **PROCEDURE FOR DEALING WITH A MEDIA ENQUIRY**

The President is to respond to media enquiries related to Council decisions, initiatives or issues of a controversial nature. The Chief Executive Officer may respond to media enquiries that:

- 10.1 Are operational or technical in nature;
- 10.2 Are minor issues; or
- 10.3 Provide facts or information on the public record.

11. The following steps are to be followed by employees in responding to media enquiries:

(a) If approached by a media representative, employees should ask and note:

- The journalist's name;
- The media outlet they represent;
- The subject of their enquiry and what details they require; and
- The deadline to which the journalist is working.

(b) If the enquiry is minor and/or regarding something that is a matter of public record – the enquiry can be answered immediately by an employee. For example, the date of the next Council Meeting. It can also be helpful to refer journalists to the Shire's website for publicly available or relevant information ([www.yalgoo.wa.gov.au](http://www.yalgoo.wa.gov.au)).

- (c) If there is any doubt, or the matter is more detailed or controversial, the employee should advise the journalist that the Shire Media Policy is for all media liaison to be directed to the Chief Executive Officer for response. The employee should not continue the conversation further with the caller; and transfer or direct the caller to the Chief Executive Officer, providing the details noted in step (a)

*Note: Employees specifically authorised to make comments to the media are to confine themselves to providing such information as is necessary to explain Council Policy or to provide factual, explanatory and background material pertinent to the question. Requests for supporting materials, related information and drawings/photographs are to be referred to the Chief Executive Officer and are on no account to be released without the Chief Executive Officer's permission.*

- (d) The CEO will either refer the matter to the President; or respond to the media enquiry as appropriate to the issue or delegated authority

## **12. SOCIAL MEDIA USE: see also Policy 1.14 Social Media Policy**

The Shire uses social media to facilitate interactive information sharing and to provide responsive feedback to its community. Social media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire of may maintain a combination of social media accounts, such as:

- Social Networks: eg Facebook, Yammer, LinkedIn and Google;
- Media Sharing Networks: eg Snapchat, Instagram, Flickr, Soundcloud, YouTube and Podcasts;
- Blogging Networks: eg Wordpress or newshub;
- Micro-blogging Networks: eg Twitter and Tumblr;
- Applications: eg Localeye, Report It, iCouncil, Go2Guides, My Local Services, Snap Send Solve, NearStreets.

The Shire may also post and contribute to social media hosted by others, to ensure that the Shire's strategic objectives are appropriately represented and promoted. The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire will moderate its social media accounts to address, and where necessary, delete content which is deemed as:

- (Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire.

Where a third-party contributor to a Shire social media account is identified as posting content which is deleted in accordance with the above, the Shire of may, at its complete discretion, block that contributor for a specific period of time or permanently.

## **13 PRESIDENTIAL SOCIAL MEDIA OFFICIAL ACCOUNTS**

The Shire supports the President in using official social media account/s to assist the President in fulfilling their role under Section 2.8 of the Local Government Act 1995, to speak on behalf of the Shire. The content will be administered and moderated in accordance with this Media Policy, by the Chief Executive Officer. (These official social media accounts of the Shire of must not be used by the President for personal communications.

#### **14 USE OF SOCIAL MEDIA IN EMERGENCY MANAGEMENT AND RESPONSE**

The Shire will use appropriate forms of social media to communicate and advise its community in relation to emergency management.

#### **15. PREPARATION AND DISTRIBUTION OF MEDIA STATEMENTS**

Media statements are to be issued by the President for matters relating to Council decisions, initiatives or issues of a controversial nature. The Chief Executive Officer may issue media statements or provide information to the media that relates to the operation of the Shire's services.

The following steps must be followed in the preparation of media statements:

- The Chief Executive Officer, in consultation with the President, will identify the requirement for the preparation of a media statement for matters relating to Council decisions, initiatives or issues of a controversial nature.
- Matters related to the Council decisions or of a controversial nature are to be drafted by the Chief Executive Officer and referred to the President for approval and release to the media.
- For operational issues, the initiating Officer is to obtain approval from the CEO for the preparation of a media statement.
- The draft media statement is prepared and sent to Chief Executive Officer for approval.
- If the media statement is of an operational matter, the Chief Executive Officer may authorise the statement for issue.
- Media statements are to provide details of persons to contact for more information.
- Copy of media statements will posted on the Shire of website.
- A register of media statements issued will be maintained.
- Media outlets will be monitored to evaluate coverage of the media release.

#### **16. HOW EMPLOYEES CAN HELP WITH COMMUNICATION WITH THE MEDIA**

Employees are encouraged to provide information to the Chief Executive Officer relating to any event, project or activity which is newsworthy – and has the potential to generate positive publicity for the Shire. Employees should send information on potential news stories to the CEO as dot points or background information. Information should be provided as early as possible – in the case of known events two weeks' notice is preferable. The draft should include:

- What the project or event is.
- Who is involved and the people it will affect
- When it is happening.
- Why it is happening.
- Where it is to take place.
- Why it's a good idea.
- What benefit it will bring to the community.

#### **17. RECORD KEEPING AND FREEDOM OF INFORMATION**

Official communications undertaken on behalf of the Shire, including on the President and Shire's social media accounts and third-party social media accounts, must be created and

retained as local government records in accordance with the Shire's Record Keeping Plan and the State Records Act 2000. These records are also subject to the Freedom of Information Act 1992.

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#### 4.14 Policy Schedule 1.14 Social Media Policy

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### **POLICY OVERVIEW AND PURPOSE:**

Social media is changing the way we communicate. This policy provides practical guidance allowing all parties to benefit from the use of social media, while minimising potential risks and protecting those involved. This policy contains guidelines for the Shire to engage in social media use. It also includes details of breaches of the policy. This policy applies to all persons who are involved with the activities of the Shire

### **SCOPE**

Social media refers to any online tools or functions that allow people to communicate and/or share content via the internet. This policy is applicable when using social media as:

- an officially designated individual representing the Shire on social media; and
- if you are posting content on social media in relation to the Shire that might affect the Shire's name, business, services, events, Elected Members, Management or Officers reputation.
- Using social media in an official capacity:
- You must be authorised by President or the CEO as appropriate to the powers of delegation before engaging in social media as a representative of the Shire.
- To become authorised to represent the Shire in an official capacity, you demonstrate you have reviewed the education resources at <https://esafety.gov.au/>

As a part of the Shire's personnel you are an extension of the Shire brand. As such, the boundaries between when you are representing yourself and when you are representing the Shire can often be blurred. It is important that you always represent both yourself and the Shire appropriately online.

### **GUIDELINES**

You must adhere to the following guidelines when using social media related to the Shire:

- Use common sense
- Whenever you are unsure as to whether or not the content you wish to share is appropriate, seek advice from others before doing so or refrain from sharing the content to be on the safe side.
- Protecting your privacy
- Be smart about protecting yourself and your privacy. Refrain from posting any content online that you would not be happy for anyone to see, even if you feel confident that a particular individual would never see it. Where possible, privacy settings on social media platforms should be set to limit access. You should also be cautious about disclosing your personal details.
- Honesty
- Do not say anything that is dishonest, untrue or misleading. If you are unsure, check the source and the facts before uploading or posting anything – if in doubt, do not post or upload. Do not post anonymously, using pseudonyms or false screen names. Be transparent and honest. Use your real name, be clear about who you are and identify any

affiliations you have. If you have a vested interest in something you are discussing, point it out. If you make an endorsement or recommendation about something you are affiliated with, or have a close relationship with, you must disclose that affiliation.

The web is not anonymous. You should assume that all information posted online can be traced back to you. You are accountable for your actions both on and offline, including the information you post via your personal social media accounts.

## **USE OF DISCLAIMERS**

Wherever practical, include a prominent disclaimer stating who you work for or are affiliated with (e.g. member of <club name>) and that anything you publish is your personal opinion and that you are not speaking officially. This is good practice and is encouraged, but don't count on it to avoid trouble -- it may not have legal effect.

## **REASONABLE USE**

If you are an employee of the Shire you must ensure that your personal use of social media:

- does not interfere with your work commitments or productivity.
- respects confidentiality and sensitivity
- maintains the privacy of the Shire's confidential information. This includes information that is not publicly accessible, widely known, or not expected to be shared outside of the Shire. **Caution**, if you are online, you are on the record—much of the content posted online is public and searchable.
- remains within the scope of your authorisation by the Shire, it is perfectly acceptable to talk about the Shire and have a dialogue with the community, but it is not okay to publish confidential Shire information. Confidential information includes things such as details about litigation, unreleased product information and unpublished details about our Shire services, practices, financial information and information about staff or Elected Members.
- is considerate to others and should not post information when you have been asked not to, or where consent has not been sought and given. You must also remove information about another person if that person asks you to do so.
- has received permission if the use or publication of information is not incidental, but directly related to an individual. This is particularly relevant to publishing any information regarding minors. In such circumstances, parental or guardian consent is mandatory.
- has permission when publishing a person's identifiable image
- has obtained express permission from an individual to use a direct, clearly identifiable image of that person. You should also refrain from posting any information or photos of a sensitive nature. This could include accidents, incidents or controversial behaviour. In every instance, you need to have consent of the owner of copyright in the image.
- complies with applicable laws
- does not post or link to content that contains illegal or indecent content, including defamatory, vilifying or misleading and deceptive content.
- Abides by copyright laws - it is critical that you comply with the laws governing copyright in relation to material owned by others and the Shire's 's own copyrights and brands.
- never quotes or uses more than short excerpts of someone else's work, and you should always attribute such work to the original author/source. It is good practice to link to others' work rather than reproduce it.

- cannot be conceived as discrimination, sexual harassment or bullying. The public in general, and the Shire's employees and elected members, reflect a diverse set of customs, values and points of view. You must not post any material that is offensive, harassing, discriminatory, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate. When using social media you are may also bound by the Shire's values Bullying and Harassment and Equal Employment Opportunity Policies
- Avoids controversial issues. Within the scope of your authorisation, if you see misrepresentations made about the Shire in the media, you may point that out to the CEO or President. Always do so with respect and with the facts. If you speak about others, make sure what you say is based on fact and does not discredit or belittle that party.
- Deals with mistakes - If the Shire makes an error while posting on social media, be up front about the mistake and address it quickly. If you choose to modify an earlier post, make it clear that you have done so. If someone accuses the Shire of posting something improper (such as their copyrighted material or a defamatory comment about them), address it promptly and appropriately and if necessary, seek legal advice.
- exhibits conscientious behaviour and awareness of the consequences
- keeps in mind that what you write is your responsibility, and failure to abide by these guidelines could put your employment at risk. You should always follow the terms and conditions for any third-party sites in which you participate.

## **BRANDING AND INTELLECTUAL PROPERTY OF THE SHIRE**

**In your social media activities** on your personal social media site, you must not use any of the Shire's intellectual property or imagery that includes:

- trademarks
- logos
- slogans
- imagery which has been posted on the Shire official social media sites or website.

You must not:

- create either an official or unofficial the Shire presence using the organisation's trademarks or name without prior approval from the Shire.
- You must not imply that you are authorised to speak on behalf of the Shire unless you have been given official authorisation to do so by the CEO or the President. Where permission has been granted to create or administer an official Shire social media presence you must adhere to the Shire Branding Guidelines.

## **POLICY BREACHES**

Breaches of this policy include but are not limited to:

- Using the Shire's name, motto, crest and/or logo in a way that would result in a negative impact for the organisation, clubs and/or its members.
- Posting or sharing any content that is abusive, harassing, threatening, demeaning, defamatory or libellous.
- Posting or sharing any content that includes insulting, obscene, offensive, provocative or hateful language.
- Posting or sharing any content in breach of the Shire's anti-discrimination, racial discrimination, sexual harassment or other similar policy.
- Posting or sharing any content that is a breach of any state or Commonwealth law.

- Posting or sharing any material to our social media channels that infringes the intellectual property rights of others.
- Posting or sharing material that brings, or risks bringing the Shire, its affiliates, Elected Members or Officers into disrepute. In this context, bringing a person or organisation into disrepute is to lower the reputation of that person or organisation in the eyes of the ordinary members of the public.

## **REPORTING A BREACH**

If you notice inappropriate or unlawful content online relating to the Shire or any of its Elected Members or Officers, or content that may otherwise have been published in breach of this policy, you should report the circumstances immediately to the CEO or President as appropriate. For a complaint about the misuse of social media that is general in nature, and/or ongoing or personal refer to the Shire's Grievance Policy Process.

## **INVESTIGATION**

Alleged breaches of this social media policy may be investigated according relevant policies or regulations. Where it is considered necessary, the Shire may report a breach of this social media policy to police.

## **DISCIPLINARY PROCESS, CONSEQUENCES AND APPEALS**

Depending on the circumstances breaches of this policy may be dealt with in accordance with the disciplinary procedures of the Shire. Employees who breach this policy may face disciplinary action up to and including termination of employment in accordance with the disciplinary procedures of the Shire.

## **APPEALS**

Any person who is sanctioned under a disciplinary process for breach of this policy may have a right of appeal.

Other legal considerations that may be applicable include but are not limited to:

## **DEFAMATION**

- Intellectual property laws, including copyright and trade mark laws, Privacy, confidentiality and information security laws
- Anti-discrimination laws
- Employment and Equal opportunity laws
- Advertising standards
- Charter of Human Rights and Responsibilities Act 2006
- Information Privacy Act 2000

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#### 4.14 Schedule 3.7 Press Releases

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History	Adopted	15 September 2005
	Amended	8 October 1997
	Former Policy	5.2
	Amended / confirmed	21 August 2008

#### **Policy Statement**

That with authority from the Shire President or the Chief Executive Officer, individual Councillors are authorised to make press releases or act as spokesperson on behalf of Council.

That the Chief Executive Officer regularly keeps rate payers and residents informed of Council activities via the Local Newspaper.

That the Chief Executive Officer advertises in the Local Newsletter the names and telephone numbers of each Councillor at least once a year.

– End of Policy

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## 4.15 Councillors IT Equipment – Condition of Use & Purchase

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Introduction	iPads are signed to Shire of Yalgoo Councillors, where need for effective and efficient communications is essential to the conduct of the Council business.		
Objective	This policy applies to elected Councillors of the Shire of Yalgoo. This policy is not intended to prescribe for every possible situation that may arise. Matters may be referred to the Chief Executive Officer and if required to the Council for determination by resolution.		
History	Adopted	26 October 2018	
	Amended	31 January 2019	(C2019-0111)

### **Policy Statement**

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This Policy defines the boundaries for the ‘acceptable use’ of Council provided tablets, laptops, iPads.

### **Comment**

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#### 1. General Use Conditions

- All iPads are the property of the Shire of Yalgoo and must be used in compliance with applicable licences, notices, contracts and agreements.
- Council provided IT equipment must not be used for electioneering purposes.
- Theft or loss of Councils IT equipment to be reported immediately to the Chief Executive Officer.
- Councillors should read the care and maintenance instructions in the User Guide included with their iPads.
- iPads are provided for Council work, limited personal use is acceptable.
- Councillors must not install or download or transmit software programmes, screensavers, system components, graphics, pictures, movies, audio files or similar files without permission from the Chief Executive Officer. Virus protection measures to be implemented.
- Councillors are not allowed to use the issued iPad in an illegal, illicit or offensive manner.
- Councillors must report immediately to the Chief Executive Officer any incorrect or inappropriate communication transmitted and or received.
- If the Councillor is not returned to office, all Council provided equipment must be returned to Council on the first business day following Council elections.
- Council is responsible for insurances, support, maintenance and repairs of the iPads.

## 2. Purchase of Equipment.

*At it Ordinary Council Meeting held 31 January 2019 (C2019-0111) Council resolved to add the following to its policy;*

- A retiring elected member on expiry of office has an option to purchase the equipment supplied at its written down value (based on a 25% annual depreciation rate) or \$250 whichever is the greater.

- End of Policy



disclosure								
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