



SHIRE OF

Chapman Valley

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Elected Members Governance and Policy Manual

Version Control

This Is a Controlled Document of the Shire of Chapman Valley

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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.

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.

Good Governance Principles and Practice

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 good governance at the Council.

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.

- 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 are capable of achieving 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 2: Integrated Planning and Reporting

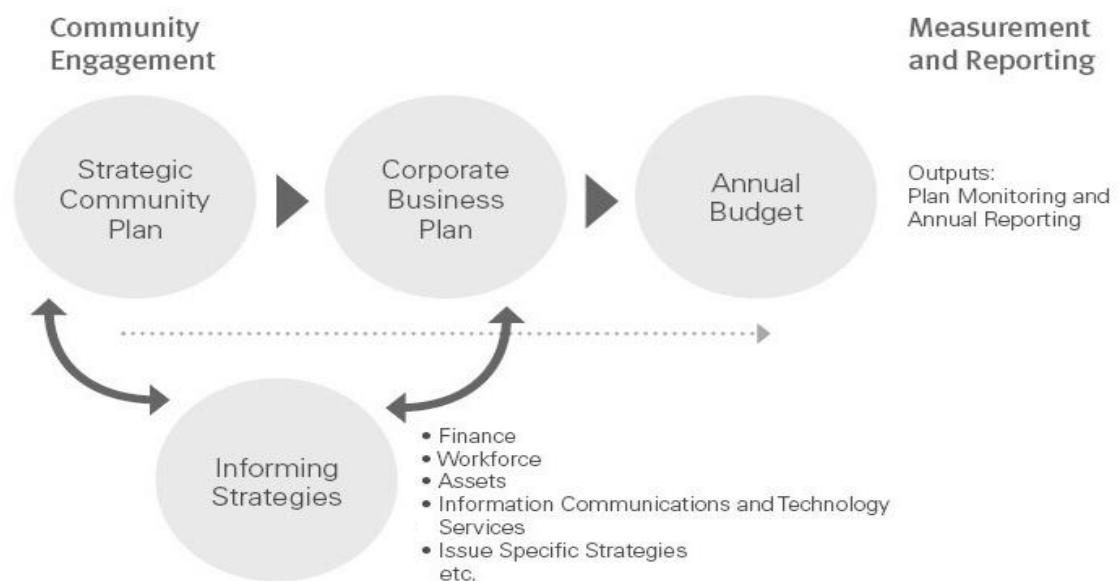
2.1 Integrated Planning and Reporting Principles and Processes

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.dlqc.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 giving consideration to 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 4year terms and reviewed annually for relevance and affordability

*** INFORMING STRATEGIES**

These consist of the:

- Asset Management Plan
- Long Term Financial Plan
- Workforce Management Plan
- Public Health 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 of the above plans need to be integrated and underpinned by common assumptions and agreed projections. Plans can be found at: <https://www.chapmanvalley.wa.gov.au/council/documents/compliance.aspx>

2.2 Chapman Valley Community Vision and Mission

Vision: “We are a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper.”

Mission: “To maintain and enhance sustainable growth and prosperity in accordance with the Chapman Valley traditional rural and natural values.” and valuing the rural lifestyle with the safety, peace and quiet being the most highly valued attributes.

2.3 Chapman Valley Strategic Goals and Objectives

Governance and Accountability

- Ensure governance and administration systems, policies and processes are current and relevant
- Be accountable and transparent while managing resources effectively
- Make informed decisions within resources and areas of responsibility
- Ensure robust processes and guidelines for development

Economic Development and Business Attraction

- Build population and business activity through targeted strategies.
- Provide support for business development and local employment.
- Welcome local tourism and participation in regional strategy.
- Ensure town planning complements economic development activities.

Community and Lifestyle

- Nurture the sense of community.
- Strengthen our advocacy role and regional partnerships to support provision of local services and facilities.
- Maintain and enhance safety and security for the community.

Environment Protection and Sustainability

- Preserve the natural environment
- Maintain the rural identity of the Shire

Physical and Digital Infrastructure

- Develop, manage and maintain built infrastructure
- Manage and maintain roads, drainage and other essential infrastructure assets
- Aspire to robust communication and digital infrastructure in the Shire

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

- 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.

3.2. Roles, Responsibilities and Relationships

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 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.*

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 seven 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 represent the interests of the Shire at all times.

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

- 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.

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:

- 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 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.

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:

- 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 a 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.
- 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 Councils 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.

3.4.3 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.

3.4.4 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.

3.4.5 AUDIT

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 including: infrastructure assets; real property; financial assets; information, intellectual property and 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 sufficient monies to meet its financial obligations when due prevent and detect fraud
- ensure accuracy and completeness of accounting records.

3.6 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.

3.7 Accountability

“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.

3.7.1. 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.

3.7.2 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:
 - 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 as negotiated and set, must be acknowledged in writing by both the Shire President and the CEO.

3.7.3 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.

3.7.4 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 particular 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 Nabawa 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.chapmanvalley.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.

3.8 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.

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 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 Chapman Valley's Code of Conduct is found in **Section Four** of this Governance Manual.

Enforcement of the Code

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

- 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 4: 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 Chapman Valley. They are officially managed as part of the Chapman Valley Policy Manual

For consistency and appropriate running of meetings, agreed and approved standing orders should guide and manage the meeting process. The Shire of Chapman Valley Standing Orders Local Law 2016 covers this. *(Attached at the end of the document)*

4.0 Policies

CP-005 - Code of Conduct For Council Members, Committee Members and Candidates

POLICY NO	CP-005
POLICY	CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES.
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.80
LEGISLATION	LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021
RELEVANT DELEGATION	

DIVISION 1 — PRELIMINARY PROVISIONS

1. CITATION

This is the *Shire of Chapman Valley Code of Conduct for Council Members, Committee Members and Candidates*.

2. TERMS USED

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

DIVISION 2 — GENERAL PRINCIPLES

3. OVERVIEW OF DIVISION

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

4. PERSONAL INTEGRITY

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. RELATIONSHIP WITH OTHERS

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. ACCOUNTABILITY

A council member or committee member should —

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

DIVISION 3 — BEHAVIOUR

7. OVERVIEW OF DIVISION

This Division sets out —

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

8. PERSONAL INTEGRITY

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. RELATIONSHIP WITH OTHERS

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee

member or candidate or a local government employee in connection with the performance of their official duties; and

- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. COUNCIL OR COMMITTEE MEETINGS

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

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

11. COMPLAINT ABOUT ALLEGED BREACH

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
- (4) A complaint must be dealt with under clauses 12 to 15 unless —
 - (a) the complaint is referred to the Inspector in accordance with subclause (5);and
 - (b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

Note for this subclause:

See section 5.105(1) of the Act.

- (5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.
- (6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

[Clause 11 amended: SL 2025/208 r. 43.]

12. DEALING WITH COMPLAINT

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make

a finding as to whether the alleged breach the subject of the complaint has occurred.

Note for this subclause:

See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

[Clause 12 amended: SL 2025/208 r. 44.]

13. DISMISSAL OF COMPLAINT

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

14. WITHDRAWAL OF COMPLAINT

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

14A. APPOINTMENT OF MONITOR

- (1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.
- (2) If the Inspector appoints a monitor —
 - (a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and
 - (b) the local government must comply with the direction.

[Clause 14A inserted: SL 2025/208 r. 45.]

14B. PERFORMANCE OF LOCAL GOVERNMENT'S FUNCTIONS UNDER CL. 12 AND 13

- (1) The local government's functions under clauses 12 and 13 must be performed by the council.
- (2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.
- (3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —
 - (a) a member of the council of any local government;
 - (b) a member of the governing body of any regional subsidiary;
 - (c) an employee of any local government or regional subsidiary;
 - (d) an employee of WALGA or the Local Government Professionals Australia (WA);
 - (e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —
 - (i) local governments;
 - (ii) members of councils;
 - (iii) employees of local governments.
- (4) A resolution made under subclause (3) must include the following —
 - (a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;
 - (b) an explanation as to why the council is satisfied as referred to in paragraph (a);

(c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

- (5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

[Clause 14B inserted: SL 2025/208 r. 45.]

15. OTHER PROVISIONS ABOUT COMPLAINTS

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.
- (3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.

Note for this clause:

See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

[Clause 15 amended: SL 2025/208 r. 46.]

DIVISION 4 — RULES OF CONDUCT

Notes for this Division:

1. Under section 8A.3(1) of the Act, a council member commits a conduct breach if the council member contravenes a rule of conduct. Section 8A.3(2) of the Act extends this to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A conduct breach is dealt with under Part 8A Division 5 of the Act.

[Notes inserted: SL 2025/208 r. 47.]

16. OVERVIEW OF DIVISION

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

17. MISUSE OF LOCAL GOVERNMENT RESOURCES

- (1) In this clause —

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

resources of a local government includes —

- (a) local government property; and
- (b) services provided, or paid for, by a local government.

- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the

Act, or by the local government or the CEO, to use the resources for that purpose.

18. SECURING PERSONAL ADVANTAGE OR DISADVANTAGING OTHERS

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

19. PROHIBITION AGAINST INVOLVEMENT IN ADMINISTRATION

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

20. RELATIONSHIP WITH LOCAL GOVERNMENT EMPLOYEES

- (1) In this clause —

local government employee means a person —

 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. DISCLOSURE OF INFORMATION

- (1) In this clause —

CLOSED MEETING —

 - (a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and

- (b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

[Clause 21 amended: SL 2025/208 r. 48.]

22. DISCLOSURE OF INTERESTS

- (1) In this clause —

INTEREST —

 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. COMPLIANCE WITH PLAN REQUIREMENT

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

ADDITIONAL EXPLANATORY NOTES:

A thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper'

TEAM VALUES AND BEHAVIOURS

Values: RESPECT, TRUST, HONESTY, INTEGRITY & ETHICAL

	Acceptable/Expected Behaviours	Unacceptable Behaviours
1	<i>Ask the question: RUOK?</i>	<i>Not reach out to someone in need.</i>
2	<i>Address the issue rather than holding grudges.</i>	<i>Holding a grudge can carry this mindset into future deliberations and impair good decision-making.</i>
3	<i>Remove misinformation by dealing in facts and supporting your comments and action with evidence..</i>	<i>Basing decisions on rumour, innuendo or ill-informed comments is detrimental to good decision-making.</i>
4	<i>Seek to know what you don't know.</i>	<i>Not making an effort to uncover what you don't know and basing your opinion only on what you know at the time.</i>
5	<i>Ensuring decisions are made based on full involvement & not manipulating the process to ensure a collective consensus of an outcome is achieved.</i>	<i>Manipulating the decision-making process (e.g. timing, absenteeism, misinformation) to achieve your own desired outcome.</i>
6	<i>Listen to all sides of the issue before making a decision.</i> <i>Listen to all of the debate</i>	<i>Not listening and make assumptions or predetermined decisions.</i> <i>Refuse to listen to different sides of the issue for the sake of exchanging opinions and making up your mind before you have heard the whole of the debate.</i>
7	<i>Agree to disagree without malice.</i>	<i>Being precious about your own position being the only outcome and not accepting alternative opinions.</i>
8	<i>Agree on ground rules and adhering to these (e.g. Code of Conduct, Values, Behaviours, Standing Orders, etc.)</i>	<i>Endorsing ground rules and boundaries as a token gesture only and not adhering to these.</i> <i>Only exercising the need for adhering to ground rules & boundaries when it suits you.</i> <i>Collapsing into our Lower State.</i>
9	<i>Consider the use of a mediator on occasions when needed to assist with issues.</i>	<i>Not supporting the need for a mediator and when a mediator is introduced not participating or communicating at the time of mediation and letting issues continue.</i>
10	<i>Speak positively about the Council, Staff, Community and all decision made by the Majority, irrespective of if the decision is contrary to your individual position.</i>	<i>Talking down the Council, Staff, Community and any decision made by the majority which may not be your individual position.</i>

A thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper'

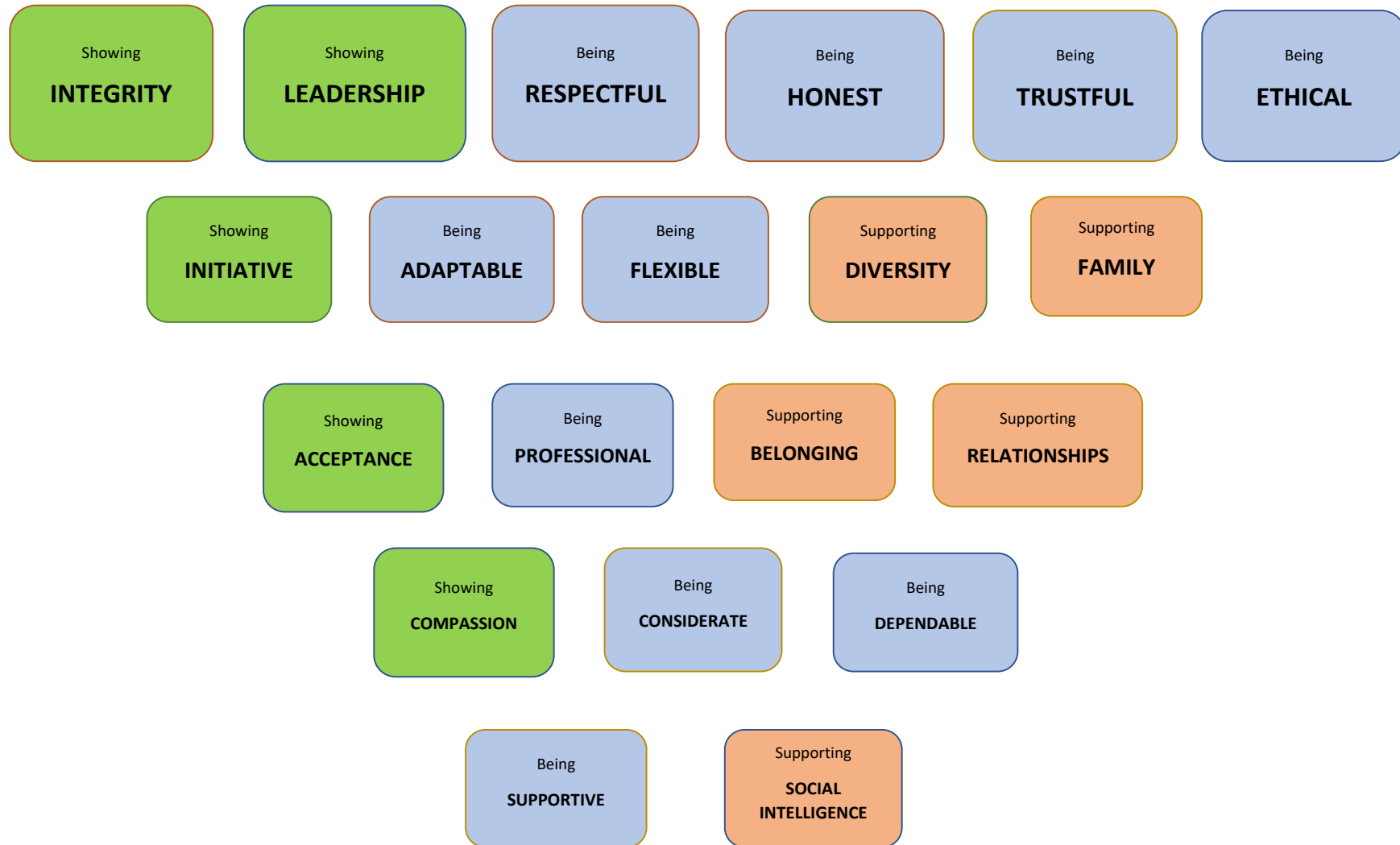
TEAM VALUES AND BEHAVIOURS

Values: RESPECT, TRUST, HONESTY, INTEGRITY & ETHICAL

	Acceptable/Expected Behaviours	Unacceptable Behaviours
11	<i>Step back and view the big picture.</i>	<i>Advocate and promote a path based on a limited view only.</i>
12	<i>Address the issue rather than letting things fester.</i>	<i>Letting things fester and allowing the problem to continue and explode later.</i>
13	<i>Have an open-minded approach.</i>	<i>Not willing to listen to new ideas and opinions, to learn new things and consider alternate approach to problem solving.</i>
14	<i>Listen to and understand other points of view.</i>	<i>By not listening you show lack of empathy, understanding, appreciation and respect.</i>
15	<i>Remain focused on the issue rather than getting personal.</i>	<i>Tackling the person not the issue</i>
16	<i>Debate constructively/legitimately.</i>	<i>Becoming personal, argumentative & irrational during the debate.</i>
17	<i>Retaining confidentiality within the Team when required.</i>	<i>Divulging confidential and personal information to promote yourself or your personal position.</i>
18	<i>Being loyal to the absent.</i> <i>Avoid saying something about someone unless you would say it in the person's presence.</i>	<i>Talking behind each other's back.</i>
19	<i>Telling the truth at all times and challenging matters when truth is not being told</i>	<i>Avoiding the truth and ignoring/condoning untruths.</i>
20	<i>Adhering to my roles and responsibilities within the organisation.</i>	<i>Encroaching into area, roles and responsibilities of the organisation, which is outside my jurisdiction and role.</i>
21	<i>Celebrate the organisations successes and wins.</i>	<i>No, or limited, effort to publicly promote the organisations successes and wins.</i>



WE AIM TO PROVIDE STRONG LEADERSHIP AND MAINTAIN A POSITIVE CULTURE WITHIN OUR ORGANISATIONAL & COMMUNITY BY:



ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

Adopted – Council Resolution:	10/01-9
Reviewed/Amended – Council Resolution:	05/15-23; 06/15-18; 03/17-32; 03/17-32; 07/18-10, 11/18-9; 02/21-12; 09/21-08, 26/04-7

CP-006 SPARE

POLICY NO	CP-006
POLICY	SPARE
RESPONSIBLE DIRECTORATE	
PREVIOUS POLICY No.	
LEGISLATION	
RELEVANT DELEGATIONS	

CP-007 Elected Member Correspondence

POLICY NO	CP-007
POLICY	ELECTED MEMBERS CORRESPONDENCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.110
LEGISLATION	STATE RECORDS ACT, 2000
RELEVANT DELEGATIONS	

OBJECTIVES:

Ensure elected member records relating to Council business are captured in the Shire's corporate recordkeeping system in accordance with the State Records Act 2000 and State Records Commission standards.

POLICY STATEMENT/S:

Scope: Applies to all elected members (Councillors) and to records created or received when undertaking Council business, in any format or medium (including paper files, email, SMS/messaging apps, social media/direct messages, collaboration platforms, images, and audio/video), including where held on personal devices or accounts.

Policy: Elected members must make and keep full and accurate records of their involvement in Council decision-making and ensure those records are captured in the Shire's corporate recordkeeping system.

Records to capture (including where held on personal devices/accounts):

- Correspondence and communications that lead to, inform, or record a Council decision, direction, commitment, or action.
- Submissions, requests, complaints, and representations received in an official capacity, and responses issued.
- Notes of meetings, briefings, and significant phone calls where they record decisions, advice, commitments, or actions.
- Annotated agendas, reports, and attachments where the annotations influence deliberations or decisions.
- Photos, recordings, or other media used as evidence for an issue or decision.

How to capture records: Provide the record to the Chief Executive Officer (CEO) or delegated Records/Governance Officer as soon as practicable for capture. Where the original record cannot be forwarded, a copy must be provided or a file note created that records the date, parties, subject and outcome. "File Note" proforma will be available on the Councillor Portal.

Not required (unless they evidence a decision/action): Duplicate copies already held in the Shire’s recordkeeping system; routine invitations; advertisements and newsletters; and personal or political party material unrelated to Council business.

Responsibilities: Elected members must identify and provide records for capture. The CEO must ensure elected member records are captured and properly kept in accordance with the Local Government Act 1995, the Shire’s Recordkeeping Plan and approved retention and disposal authorities.

Access and confidentiality: Captured records must be managed securely and may be accessed or disclosed only as authorised by law (including the Local Government Act 1995 and Freedom of Information Act 1992) or by an authorised body.

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL POLICIES):

Adopted – Council Resolution:	06/02-15
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Reviewed/Amended – Council Resolution:	05/15-23; 06/15-18; 03/17-32; 03/17-32
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CMP-015 SPARE

MANAGEMENTPROCEDURE No.	CMP-015
MANAGEMENT PROCEDURE	SPARE
RESPONSIBLE OFFICER	
PREVIOUS POLICY No.	
RELEVANT DELEGATIONS	
LEGISLATIVE RELEVANCE	

CP-017 Risk Management

POLICY NO	CP-017
POLICY	RISK MANAGEMENT
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	6.120
LEGISLATION	OCCUPATIONAL HEALTH & SAFETY ACT, 1984
RELEVANT DELEGATION	

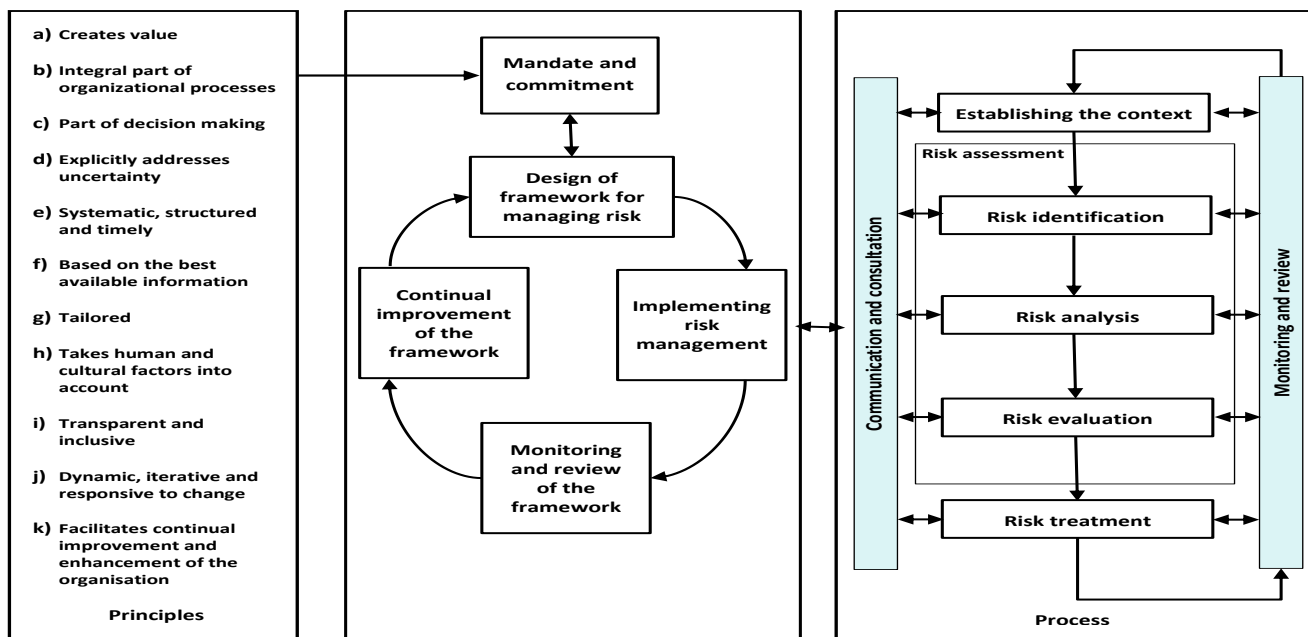
OBJECTIVES:

The Policy and Procedures form the Risk Management Framework for the Shire of Chapman Valley (“the Shire”). It sets out the Shire’s approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on AS/NZS ISO 31000:2009 Risk Management.

It is essential all areas of the Shire adopt these policies and procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty and its effects on objectives is understood.

This Framework aims to balance a documented, structured and systematic process with the current size and complexity of the Shire along with existing time, resource and workload pressures. Further information or guidance on risk management procedures is available from LGIS Risk Management.



The Shire of Chapman Valley (“the Shire”) Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.

POLICY STATEMENT/S:

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks which may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as, direct and monitor implementation, practice and performance.

Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2009)

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Risk Management Objectives

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite

The Shire quantified its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.

Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed at least every two years.

ADDITIONAL EXPLANTORY NOTES:

This Policy needs to be read in conjunction with Management Procedure CMP-036.

ADOPTED/REVIEWED/AMEMDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

Adopted – Council Resolution:	06/14-12
Reviewed/Amended – Council Resolution:	05/15-23; 06/15-18; 03/17-32; 03/17-32

CP-033 Elected Members Entitlements and Professional Development

MANAGEMENTPROCEDURE No.	CP-033
MANAGEMENT PROCEDURE	ELECTED MEMBERS ENTITLEMENTS AND PROFESSIONAL DEVELOPMENT
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	CMP-030, CMP-015, CP-006
RELEVANT DELEGATIONS	NA
LEGISLATIVE RELEVANCE	LOCAL GOVERNMENT ACT & ADMINISTRATION REGULATIONS 1996

PART A - Policy

Objective

The Shire of Chapman Valley's Elected Members are required to carry out certain functions and responsibilities under the *Local Government Act 1995* (the Act). In order to assist in the facilitation of their roles there are entitlements that they must/or may be provided with in order to be effective in their role.

The objective of this policy is to provide a clear outline and guidance for the support and payment of all entitlements, including meeting/attendance fees, allowances, and conference and training expenses to elected members.

Policy Statement

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Chapman Valley is committed to ensuring adequate funding is included in the Annual Budget so that elected members are provided with appropriate facilities, equipment, material and information to support them in performing their duties of office and to enable attendance at Conferences or Professional Development training that has relevance to that role.

This policy has been prepared to conform with the provisions relevant to elected member entitlements under the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*

Legislative Provisions

Sections 5.90A, 5.92, 5.98, 5.98A, 5.99, 5.99A and 5.100 of the *Local Government Act 1995* provides that a Local Government is to pay certain fees and allowances and may reimburse expenses. Regulations 30, 31, 32 and 34AC of the *Local Government (Administration) Regulations 1996* prescribe the level and circumstances of the payment or reimbursement of fees, allowances and expenses.

Policy Content

Part	Title
1.	Payment of Fees and Allowances
2.	Access to Shire Buildings, Administrative Support and Technology
3.	Elected Member Training & Professional Development
4.	Attendance at Events
5.	Reimbursement of Expenses

PART 1

1. Payment of Fees and Allowances

1.1 Objective

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid.

1.2 Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees:

- (a) In lieu of paying the President and Councillors a meeting attendance fee for each prescribed meeting, the Shire will pay the maximum amount within the Band 4 range set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid bi-annually for Meeting Attendance Fees for the President and Councillors. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- (b) Payments will be made bi-annually in advance on a pro-rata basis throughout the annual period.

1.3 Annual Local Government Allowances — President and Deputy President:

- (a) The Shire will pay an Annual Local Government Allowance within the range set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid to the President and Deputy President. The amount to be paid will be set by Council as part of the adoption of the Annual Budget and equate to:
 - i. President – 100% of Councillor Annual Meeting fee;
 - ii. Deputy President – 25% of the Presidential fee;
- (b) Payments will be made bi-annually in advance on a pro-rata basis throughout the annual period.

1.4 Annual Allowance for ICT Expenses

- (a) The Shire will pay all Elected Members the maximum Annual Allowance for ICT expenses as set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time that may be paid to Elected Members.

ICT expenses means –

- i. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations;
- ii. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations; or any expenses, including the purchase costs, of ICT hardware provided to elected council members.

(b) Payments will be made bi-annually in advance on a pro-rata basis throughout the annual period.

1.5 Annual Allowance for Travel and Accommodation Expense

The Shire will pay all Elected Members the maximum Annual Allowance for Travel and Accommodation expenses as set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time that may be paid to Elected Members.

Travel and Accommodation expenses means –

- a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
- b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations

1.6 Meeting attendance fees for independent committee members – per meeting

Pursuant to section 5.100(2)(b) and (3)(b) of the LG Act, an independent committee member who is not an elected council member or employee of the local government, who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government which is set at 50% of the maximum allowance.

1.7 Conditions of Payment

1.7.1 All allowances and fees shall be paid automatically into a nominated bank account unless an Elected Member has advised the Chief Executive Officer (CEO), in writing, that he/she does not want to claim any or part of those fees and allowances.

1.7.2 If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of the

CEO receiving such a request.

1.8 Claims in Excess of Annual Allowances

Any claims by Elected Members for expenses incurred over the maximum Annual Allowance for ICT or Travel are to be submitted on the form provided for the purpose. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Where an Elected Member reaches the limit, all claims for reimbursement shall be referred to Council for approval.

1.9 Taxation Implications

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

PART 2 (New & Replaces CMP – 015)

2. Access to Shire Administration Centre, Administration Support and Equipment

2.1 Function Area

A Function Area and bar are available to all elected members for use in hosting guests or holding Shire related meetings. The Elected Members should advise the CEO by email that a meeting room is required so the room can be booked.

2.2 Administration Support

Elected Members will have access to:-

- (a) Conference/meeting rooms within the Administration Centre.
- (b) Limited photocopying, printing, facsimile, internet and telephone facilities within the Administration Centre.
- (c) Secretarial support as resources allow including limited word processing, photocopying, and postage is available upon request to the CEO.

2.3 Information, communication and technology (ICT) equipment & Use

The following equipment will be issued to Elected Members over and above the annual ICT Allowance detailed in Item 1.4:

- A laptop or equivalent technology

Conditions

- (i) This equipment will be new and replaced in accordance with the Shire's replacement program (normally once every 3-5 years).
- (ii) Any damage and loss of the equipment during that time is to be reported to the Manager of Finance & Corporate Services for repair/and or insurance claim.
- (iii) The equipment is strictly to be used for Shire purposes only including, researching Council related matters, Shire approved social media, Shire related pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
- (iv) Any issue relating to the equipment that requires technical support will only be provided if the issue relates to the usage types listed in 2.3 (iii).
- (v) The CEO, if requested, may provide assistance to Elected Members with user training and support.
- (vi) All information on Shire issued equipment is subject to Freedom of Information requests.

- (vii) A Councillor email address will be created in the form of cr.surname@chapmanvalley.wa.gov.au.
- (viii) All official emails received and sent through the cr.surname@chapmanvalley.wa.gov.au email accounts are to be forward to staff to capture within the records system.

2.4 Any costs associated with upgrades or additional requirements over and above the standard equipment being offered should be met by the Elected Member.

Shire Office Access

The Shire Administration Office is protected by a coded security system.

To protect the integrity of the Administration Operations, access by Elected Members is by arrangement through the CEO's Office.

Elected members are not permitted to request staff to provide them with access into the Administration Centre and meetings with staff should be pre-booked through the CEO Office and held in an appropriate meeting room. This provision does not preclude staff arranging and booking meetings with elected members.

2.5 Documentation

The following documentation will be issued to Elected Members in electronic form on the Councillor Portal or printed form:-

- *Local Government Act 1995*
- *Code of Conduct for Council*
- *Councillor Manual – “The Complete Guide to the Local Government Act 1995”*
- *Induction Manual*
- *Local Planning Scheme No.3 all associated planning strategies and documentation*
- *Annual Budget*
- *Integrated Planning and Reporting (IPR) documentation*
- *Policy Manual and Delegations Register*
- *Information Technology Service Agreement for Elected Members*
- *Shire and Town maps*

The following documentation will be provided on request or can be found on the Councillor Portal:-

- Western Australian Local Government Directory
- Annual Report (most recent edition)
- Councillor delegates list
- Councillor meeting dates & venues (most recent edition)
- Councillor Request Forms
- List of Councillors addresses

- Local Laws
- Member's Expense Claim
- Organisational chart
- Community Centre Information

Access to Information

Section 5.92 of the Local Government Act 1995, provides:-

A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

2.6 Corporate Clothing

The Shire's annual allocation to Elected Members corporate clothing in accordance with Clause 32 of the Local Government (Administration) Regulations, 1996 i.e.

32. Expenses that may be approved for reimbursement means -

(1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —

(c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

As stipulated under legislation, the Elected Member is to incur the expense in the first instance and seek reimbursement from the Shire for the cost of the following items of clothing with the Shire of Chapman Valley logo embroidered on the clothing with colour and supplier as stipulated by the Chief Executive Officer:

- Two (2) Polo Shirts per annum; or
- Two Corporate/Business Shirts per annum

2.7 Other Items

The following items will be issued to Elected Members:

- Name badge
- Business cards (on request)

2.8 Gifts and Donations

From time to time Elected Members may receive requests from stakeholders or community organisations for gifts or donations for various reasons. Any request for a gift or donation must be submitted to the CEO in writing stating the purpose of the gift or donation and provide justification as to why the gift or donation is warranted.

The CEO is responsible for approving any such requests for gifts or donations in accordance with CMP – 065 Community Enhancement, Donations & Sponsorships.

2.9 Election Campaigns Excluded

All Shire resources, equipment and facilities subject of this Policy are provided on the absolute understanding that they will not be used for any election purposes.

PART 3 (Replaces CMP-030)

3. Elected Member Training & Professional Development

3.1 Objective

Outline the process and conditions associated with Elected Members attending training or professional development, etc.

Attendance at Events is covered under former Policy No **CP-006 “Attendance at Events”** with is listed within Section 4 of this Policy.

To further develop Councillors awareness of undertakings by other Local Authorities and to improve their knowledge by way of networking, visiting surroundings districts and consulting with the wider Chapman Valley community and to ensure they are not financially disadvantaged in doing so.

3.2 Statement

The role of an Elected Member is complex and demanding and the Shire supports and encourages Elected Members to attend appropriate Conferences, and Training to enable them to be more informed and better able to fulfil their duties of Office.

3.3 Nominations

Notices inviting Councillors to nominate delegates to undertake training or professional development and similar occasions are to be brought Councillors attention. Any Councillor who wishes to undertake training or professional development shall request endorsement at a Council meeting for consideration or via the CEO (time permitting).

3.4 Required Training for Council Members

All newly elected Council Members are required to comply with the provisions of section 5.126 of the *Local Government Act 1995* and undertake the training stipulated in Regulations 35 and 36 of the *Local Government (Administration) Regulations 1996*.

3.5 Approval

The CEO is authorised to approve all requests for each Elected Member per annum to attend any locally provided Conference or Training within the categories outlined at clause 3.3 providing it is within the funds allocated in the Annual Budget.

All overseas and interstate requests will require Council approval.

3.6 Special Provision

To provide an opportunity to network with Federal Ministers, Members of Parliament and/or Senior Departmental Officers on issues affecting this Council, the Shire President (and the Chief Executive Officer) may attend an appropriate interstate conference that may incorporate a visit to Canberra.

3.7 Booking Arrangements

Registration, travel and accommodation for Elected Members will be arranged through the Council Secretary. In general, all costs including airfares, registration fees, and accommodation will be paid direct by the Shire.

3.8 Travel Insurance

The Shire's Travel Insurance Policy provides indemnification against any personal loss an Elected Member may experience when travelling on Shire related business. The Elected Members must immediately upon return provide details of the loss to the CEO and complete an insurance claim form.

The following items are covered under the policy:

Personal Accident & Sickness	Rental Vehicle Excess
Overseas Medical & Evacuation	Kidnap, Ransom, Extortion, Hijack & Detention
Chubb Response 24/7	Personal Liability & Identity Theft
Loss of Deposits, Cancellation & Curtailment	Alternative Employee or Resumption of Assignment
Luggage, Money & Portable Electronic Equipment	Missed Transport Connection & Overbooked Flights
Extraterritorial Workers' Compensation (ETWC)	Political Unrest & Natural Disaster Evacuation
Political Unrest & Natural Disaster Evacuation	Lifestyle Protection Benefits

3.9 Support Activities

The Shire will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

3.10 Accommodation

The Shire will pay reasonable accommodation costs for Elected Members including the night before and/or after the Conference and Training event where this is necessary because of travel and/or the Conference and Training event timetables which make it unreasonable to arrive at or return home in normal working hours.

Accommodation shall normally be booked at or within walking distance to the Conference and Training venue based on a best value for money approach.

3.11 Mode and Class of Travel

Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members to and from the venue/accommodation will be met by the Shire.

Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking arrangements. All air travel must be **economy class**, any upgrades to other classes must be paid by the elected member.

If accommodation is at the Conference or Training venue, or in close proximity, taxis or ride-share services should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares, vehicle hire and parking, which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the Shire.

Taxi vouchers can be requested for use by Elected Members through the office of the CEO prior to departure.

Where, in particular circumstances, Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

3.12 Extent of Expenses to be reimbursed

(a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:

- meals and refreshments for the Elected Member (that are not covered by the conference and Training registration costs);
- dry-cleaning and laundry expenses; and
- reasonable telephone, and internet charges.
- alcoholic beverage cost will not be covered by the Shire

- (b) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- (c) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
- for the days of the Conference and Training event only; and
 - for the cost of travel to and from the airport to the accommodation to be used for the Conference and Training.
- (d) Where a visit is extended, as discussed in paragraph (c), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the Conference and Training event's accommodation and the airport.

The Elected Member will be required to pay any greater amount.

- (e) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than two days, only two days reimbursement can be claimed.

3.13 Payment of Expense Reimbursements

The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is set by the Salaries and Allowances Tribunal through a determination published in the *Government Gazette* from time to time.

Nothing prevents an Elected Member from being reimbursed for any reasonable expense incurred whilst attending conferences or training where an Elected Member produces receipts or other sufficient information for the total cost to support their claim.

Reasonable expense may include but are not limited to:

- Meals and drinks (Non-alcoholic) for the elected member only

- Transport travel – taxi, Uber or public transport.
- Entry fees

3.14 Cash Advances

The Shire does not pay cash advances to elected members.

3.15 Elected Member/Delegate Accompanying Person

Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/ accompanying person and not by the Shire.

The exception to the above being the cost of attending any official Conference and Training event dinner where partners would normally attend.

An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The Shire will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the Shire in advance for the accompanying person.

Where the Shire meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

3.16 Guidelines for Conference and Training Attendance

Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.

3.17 Attendance at Overseas Conferences

An Elected Member may, with Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating that the conference attendance will be of benefit to the Shire and the Elected Member and detailing any conditions that may apply.

3.18 Report

Upon return from any Conference and Training event as detailed within this policy, where registration and other associated costs are met by the Shire of Chapman Valley, the attending Elected Member is required to provide a written or verbal report on their attendance and the benefits to them and the Shire, at the next available Council forum or Council meeting.

PART 4

4. Attendance at Events

OBJECTIVES

- a) To introduce policy to address section 5.90A. of the Local Government Act 1995 Policy for attendance at events
- b) To provide elected members and staff with consistent guidelines to ensure transparency, relevance, and value for money for ratepayers.
- c) This Policy does not cover Elected Member Training. Refer to Management Procedure Ref CMP-030: “Elected Member Training & Professional Development”.

4.1 POLICY STATEMENTS

- 4.1.1 In developing the Attendance at Events Policy, council needs to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings.
- 4.1.2 This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).
- 4.1.3 Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

4.2 LEGISLATION

4.2.1 5.90A. Policy for attendance at events

In this section — event includes the following —

- a) a concert;
- b) a conference;
- c) a function;
- d) a sporting event;
- e) an occasion of a kind prescribed for the purposes of this definition.

4.2.2 A local government must prepare, and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- a) the provision of tickets to events; and

- b) payments in respect of attendance; and
- c) approval of attendance by the local government and criteria for approval; and
- d) any prescribed matter.

*Absolute majority required.

4.2.3 A local government may amend* the policy.

*Absolute majority required.

4.2.4 When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

4.2.5 The CEO must publish an up-to-date version of the policy on the local government's official website.

4.3 PROVISION OF TICKETS TO EVENTS

Invitation

4.3.1 All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer. Invitations made directly to an Elected Member are to be handed to the Chief Executive Officer for action to be taken in accordance with this Policy.

4.3.2 Any other invitation or offer of tickets not addressed to an Elected Member or the Chief Executive Officer in general is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

4.3.3 A list of events and attendees authorised by the local government in advance of the event is recorded in Attachment A.

4.4 APPROVAL OF ATTENDANCE

4.4.1 In deciding on attendance at an event, the Council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- d) whether the event is sponsored by the local government,
- e) the benefit of local government representation at the event,
- f) the number of invitations / tickets received, and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

4.4.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

4.4.3 The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in this policy.

4.5 PAYMENTS IN RESPECT OF ATTENDANCE

4.5.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.

4.5.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.

4.5.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

4.5.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

PART 5

5. A Reimbursement of Expenses

5.1 Objective

To outline the Shire's role in the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their office

5.2 Cost of Attending Functions

The Shire will pay for the registration cost or ticket cost for the elected members, plus his or her partner, attending any breakfast, dinner or similar function where invited, provided such function does not fall into the category of a Conference and Training event or is not for an election purpose.

5.3 Travel Expenses

Note: This clause also applies to non-elected members

5.3.1 All Elected members and Council appointed delegates (who are not elected members) will be paid the Local Government Officer's Award rate per kilometre for all travelling expenses incurred in attending the following:

- 5.3.1.1 annual and special and general meetings of electors;
- 5.3.1.2 officially called civic receptions;
- 5.3.1.3 visits by Ministers of the Crown to the Council or with it;
- 5.3.1.4 Council inspection tours;
- 5.3.1.5 Council authorised meetings with government agencies;
- 5.3.1.6 other Council called meetings of Councillors and staff;
- 5.3.1.7 committee meetings;
- 5.3.1.8 community group meetings or meetings with key stakeholders which in the opinion of the CEO or Shire President require a Council member present, and where prior approval has been provided by the CEO or Shire President.
- 5.3.1.9 official meetings as delegates of Council;
- 5.3.1.10 ordinary meetings of Council;
- 5.3.1.11 official locality inspections; and
- 5.3.1.12 Council authorised conferences / seminars / professional development courses.

5.3.2 Reimbursement of travel expenses **will not be paid** where members of Council attend

- a) social engagements (other Councils' annual dinners, sporting clubs, community groups and other organisations' functions);
- b) meetings, functions etc where they are not the nominated Council representative; and
- c) road / locality inspections that have not been convened by a resolution of Council.

5.3.3 Where acting as a Council representative, that requires travel outside of the Shire, and travel by motor vehicle is appropriate, travel should be undertaken by Council vehicle where available and appropriate, otherwise private vehicle use is allowed.

5.3.4 Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, seminars, training courses, meetings and functions, will be reimbursed by the Council.

5.3.5 Reimbursement of travel expenses are to be paid only on receipt of a formal claim from a member of Council or non-member delegate and are to be calculated on the number of kilometres between the member's principal place of residence or work within the Shire to the venue and return.

Provisions relating to claims for reimbursement of travel costs:-

If a council member lives or works in their own local government district or an adjoining local government district, they may be reimbursed the travel costs from either of those locations. It is not a question of determining which of the residence or workplace locations is the furthest or shortest distance and claiming either the greater or lesser amount. For the claim to be legitimate it must relate to the cost actually incurred so:

- if the council member travelled directly from the workplace to the meeting, then that is the travel cost to be claimed;
- if the council member travelled from the workplace to their home and then to the meeting, they would claim from their place of residence to the meeting; or
- the claim might relate to travel from work to the meeting and then home after the meeting.

Provision also exists within the regulations for council members who either live or work in a location that is neither in the district nor in an adjoining district. In such cases:

- if the round-trip journey is less than 100 km, they may claim the actual costs; or
- if the round-trip journey is more than 100 km, they may claim an amount equal to the cost of travelling from the outer boundary of the adjoining district and back to that boundary.

If a council member lives within the district or an adjoining district but works in an outlying area (or vice-versa) it would be possible to claim either:

- on-route from work, from the outer boundary of the adjoining district to the meeting; and
- returning home, from the meeting to the residence; or
- the reverse combination of these.

In all cases, the reimbursement claims must relate to expenses actually incurred. This is clearly a reimbursement, not an allowance. The onus is on the council member to provide sufficient evidence of the expense to satisfy the council (and the auditor).

A suitable claim form will be provided by the Manager of Finance & Corporate Services upon request.

5.4 Time Limit on Claims and Approval Process

Elected Members requiring reimbursement of expenses in accordance with the provisions of this Policy should submit the appropriate claim form to the CEO, together with supporting documentation, within three (3) calendar months after the month in which the expenses were incurred, and by 30 June of each financial year, in order to facilitate the finalisation of the Shire's annual financial statements. Any claims exceeding the three (3) month timeframe will not be reimbursed

5.5 Allowances and Limits are exclusive of G.S.T

Unless otherwise specified in this Policy, all allowances and limits set out in this Policy are exclusive of GST.

5.6 Supporting Documentation

Documentary evidence is required for all expenses claimed. Original Tax Invoices and receipts are required for audit purposes and to enable G.S.T. to be claimed.

5.7 Other Entitlements

(a) **Elected Member Dinners**

The Shire will provide a meal for all Council meetings and briefing sessions held in the evening.

(b) **Attendance to Staff Christmas Party**

Elected Members and their partners are invited to attend the annual staff Christmas party held in December each year.

(c) **Acknowledgement of Service**

On retirement, Council will acknowledge the service of Elected Members through the provision of an appropriate gift.

The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out in Regulation 34AC of the *Local Government (Administration) Regulations 1996*

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL POLICIES):

Adopted – Council Resolution:	OCM 2025/04-6
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Reviewed/Amended – Council Resolution:	
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ATTACHMENT A – EVENTS AUTHORISED IN ADVANCE

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Western Australian Local Government Association (WALGA) Annual Conference and AGM	Annual Event	President, Deputy President 2 x Elected Members CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## ## Staff – CEO discretion (Clause 5.3)
Northern Country Zone Conferences	Periodical	President, Deputy President Elected Members CEO DCEO	Elected Members & CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## ## Staff – CEO discretion (Clause 5.3)
State Government Budget announcement, launches and other events	Ongoing	President, Deputy President CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## ## Staff – CEO discretion (Clause 5.3)
WALGA Road Conference	Annual Event	President, Deputy President 2 x Elected Members CEO Manager Works &	Elected Members & CEO Manager Works & Svce	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not	Elected Members – Min Ref:##/##-## ## Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
		Svc		covered.	
Local Government Professionals Annual Conference	Annual Event	CEO DCEO	CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Synergy Soft IT Annual User Group Conference	Annual Event	CEO Manager Finance & Corporate Services	CEO Manager Finance & Corporate Services	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Moore Stephens Annual Budget Finance Conferences	Annual Event	CEO Manager Finance & Corporate Services	CEO Manager Finance & Corporate Services	Registration, Accommodation, Travel, Meals and other reasonable cost	Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
				<p>& living expenses.</p> <p>Note: Alcoholic beverages are not covered.</p>	
<p>Works Supervisors Annual Conference</p>	<p>Annual Event</p>	<p>CEO Manager Works & Svc</p>	<p>CEO Manager Works & Svc</p>	<p>Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.</p> <p>Note: Alcoholic beverages are not covered.</p>	<p>Staff – CEO discretion (Clause 5.3)</p>

CP 036-Fraud, Corruption & Misconduct Policy

POLICY NO	CP-036
POLICY	FRAUD, CORRUPTION & MISCONDUCT POLICY
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
LEGISLATION	Corruption, Crime and Misconduct Act 2003 Fraud and Corruption Control Standards (AS 8001-2021) Australian Auditing Standard ASA 240 Public Interest Disclosure Act 2022
RELEVANT DELEGATIONS	NA

1. POLICY PURPOSE

The objective of this policy is to articulate the Shire of Chapman Valley's (the Shire) commitment to the prevention, detection, response and monitoring of fraud and corrupt activities. This policy, and the Fraud and Corruption Control Plan, are key components of good governance and will establish the structure to address fraud and corruption risks and to detect and respond to fraud and corruption in accordance with the best practice guidance as set out in the Fraud and Corruption Control Standards (AS 8001-2021).

2. POLICY SCOPE

This policy applies to:

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

3. LEGISLATIVE REQUIREMENTS

Fraud and Corruption Control Standards (AS 8001:2021)

AS ISO 31000 Risk Management – Guidelines

AS ISO 37001 Anti-bribery Management Systems – Requirements with guidance for use

Corruption, Crime and Misconduct Act 2003

4. POLICY STATEMENT

The Shire is committed to a strong culture and sound governance that will safeguard public funds and property. The Shire considers fraud, corruption and misconduct to be serious matters. Such behaviours are considered unacceptable and a zero-tolerance approach is adopted by the Shire towards such behaviour.

Fraud and corruption are a risk to the Shire, including in terms of:

- financial loss;
- reputational impact;
- diversion of management energy;
- organisational morale;
- organisational disruption;
- loss of employment;
- reduced performance; and
- diminished safety.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those reporting the activity. Detrimental actions are not permitted against anyone who reports suspected or known incidents. The Shire adopts a similar approach to those who maliciously and knowingly create a false allegation.

A Fraud and Corruption Control Plan has been developed to assist the Shire to meet the objectives of this policy by ensuring that it has thorough, up-to-date processes in place to mitigate the risk of fraud or corruption occurring in the Shire.

4.1 Fraud and Corruption Management

The Shire will minimise fraud and corruption through:

- adopting the Fraud and Corruption Control Plan, which is aligned with the Fraud and Corruption Control Standards (AS 8001-2021);
- incorporating fraud and corruption risk identification and mitigation strategies as part of the integrated planning and reporting framework;
- educating employees in accountable conduct and fraud awareness issues, including ongoing performance assessment and counselling; and
- monitoring, auditing and communicating processes.

4.2 Fraud and Corruption Control Plan

The objectives of the Fraud and Corruption Control Plan are to:

- reduce the potential for fraud and corruption within and against the Shire;
- build a culture which seeks to prevent fraud and corruption;
- apply resources to the prevention of fraud and corruption;
- explain how suspected fraud and corruption is dealt with through risk management practices; and
- provide guidance on how any suspected instances of fraud or corruption are dealt with.

This Plan is comprised of four stages: planning and resourcing, prevention, detection and response; and details the Shire's intended action in implementing and monitoring the fraud and corruption control initiatives.

The strategies relating to planning and resourcing, prevention, detection and response of fraud and corruption control include but are not limited to:

- training and awareness;
- pre-employment screening;
- risk assessment;
- internal and external audit;
- whistleblowing; and
- investigation procedures.

4.3 Roles and Responsibilities

4.3.1 Council

Council has the responsibility to adopt and adhere to the Fraud and Corruption policy.

4.3.2 Audit Risk & Improvement (ARIC) Committee

In relation to fraud control, the Audit Committee's responsibilities include:

- reviewing risk management frameworks and associated procedures for the effective identification and management of fraud risks;
- review and implementation of the fraud and corruption control plan, to provide assurance that the entity has appropriate processes and systems in place to prevent, detect and effectively respond to fraud-related information; and
- providing leadership in preventing fraud and corruption.

4.3.3 Chief Executive Officer

The Chief Executive Officer applies the Shire's resources to fraud prevention and ensures the implementation of adequate controls for managing fraud and corruption risks within the Shire. The Chief Executive Officer, under the Corruption, Crime and Misconduct Act 2003, must notify the Corruption and Crime Commission or the Public Sector Commission if misconduct is suspected.

4.3.4 Leadership Team (Executive Managers)

The Leadership Team is responsible for implementing the Fraud and Corruption Control Plan. In particular, the Leadership Team must:

- provide leadership, guidance, training and support to employees in preventing fraud and corruption;
- identify high fraud risk areas;
- participate in fraud and corruption risk assessment reviews;
- monitor the continued operation of controls;
- report suspected fraud and corruption promptly, maintaining confidentiality; and
- ensure the protection of complainants who report fraudulent and corrupt activities.

4.3.5 Public Interest Disclosure (PID) Officer

Public Interest Disclosure Officers investigate disclosures and take action following the completion of investigations under the Public Interest Disclosure Act 2003.

4.3.6 Human Resources

The Manager of Finance & Corporate Services or a delegated officer, will manage the grievance and discipline process, under the direction of the Chief Executive Officer.

4.3.7 Risk Management Officer

Fraud and corruption are significant business risks. Therefore, the relevant Officer, as directed by the Executive Manager Corporate Services, is responsible for:

- coordinating the fraud and corruption risk assessment process;
- reviewing and maintaining a Fraud and Corruption Control Plan in consultation with key stakeholders;
- communicating the existence and importance of the Fraud and Corruption Control Plan; and
- delivering and/or coordinating fraud and corruption training when required.

4.3.8 Employees

All employees have a responsibility to contribute to preventing fraud and corruption by following the Code of Conduct, complying with controls, policies and processes, resisting opportunities to engage in fraudulent or corrupt behaviour and reporting suspected fraudulent or corrupt incidents or behaviour.

4.4 Internal Reviews

Internal reviews (such as the Regulation 17 Review) deliver an objective review and advisory service that:

- provides assurance to the Chief Executive Officer and Council via the Audit Committee, that the financial and operational controls designed to manage the Shire's risks and achieve the Shire's objectives are operating in an efficient, effective and ethical manner; and
- assists management in improving the Shire's business performance.

4.5 External Reviews

External reviews (such as the Financial Management Review) deliver an independent evaluation of policies, processes and procedures and provide opportunities for improvement across the organisation. External auditors provide an opinion on whether the Shire's Annual Report represents a true and fair view of the financial position at a certain date. Annual external audit of the Financial Reports assists in the detection of fraud under Australian Auditing Standard ASA 240: The Auditor's responsibilities relating to fraud in an Audit of a Financial Report.

5. KEY POLICY DEFINITIONS

Fraud is defined by Australian Standard AS8001:2021 as:

"Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of monies or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity."

Corruption is defined by Australian Standard AS8001:2021 as:

“Dishonest activity in which a person associated with an organisation (e.g. director, executive, manager, employee or contractor) acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.”

6. ROLES AND RESPONSIBILITIES

The Chief Executive Officer and Executive Staff are responsible for implementing this policy.

ADDITIONAL EXPLANATORY NOTES:

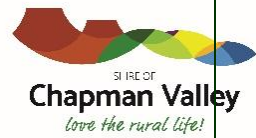
To be read in conjunction with the Fraud and Corruption Control Plan

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

Adopted – Council Resolution:	OCM 2026/03-09
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Reviewed/Amended – Council Resolution:	
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Appendix 1 Form 4 Register of gifts and contributions to travel



Form 4
Local Government Act 1995
Local Government (Administration) Regulations 1996

REGISTER OF GIFTS AND CONTRIBUTIONS TRAVEL - WEBSITE

1. Gifts

Section 5.82 of the *Local Government Act 1995*

Name of relevant person making disclosure	Description of gift	Name of person who made gift	Address of person who made gift	Date gift was received	Estimated value of gift at time it was made

2. Contributions to travel

Section 5.83 of the <i>Local Government Act 1995</i> Name of relevant person making disclosure	Description of contribution	Name of person who made contribution	Address of person who made contribution	Date contribution was received	Estimated value of contribution at time it was made	Nature of relationship between relevant person and person who made contribution

Appendix 2 Standing Orders Local Laws 2016

WESTERN AUSTRALIA

Local Government Act 1995

SHIRE OF CHAPMAN VALLEY
Standing Orders Local Law 2016

ARRANGEMENT

Part 1 - Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application and intent
- 1.4 Interpretation
- 1.5 Repeal

Part 2 – Establishment and membership of committees

- 2.1 Establishment of committees
- 2.2 Types of committees
- 2.3 Delegation of some powers and duties to certain committees
- 2.4 Limits on delegation of powers and duties to certain committees
- 2.5 Appointment of committee Members
- 2.6 Tenure of committee membership
- 2.7 Resignation of committee Members
- 2.8 Register of delegations to committees
- 2.9 Committees to report

Part 3 - Calling and convening meetings

- 3.1 Ordinary and special Council meetings
- 3.2 Calling Council meetings
- 3.3 Convening Council meetings
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- 3.5 Public notice of meetings

Part 4 – Presiding Member and quorum

Division 1: Who presides

- 4.1 Who presides
- 4.2 When the Deputy President can act
- 4.3 Who acts if no President
- 4.4 Election of Presiding Members of committees
- 4.5 Election of Deputy Presiding Members of committees
- 4.6 Functions of Deputy Presiding Members
- 4.7 Who acts if no Presiding Member

Division 2 – Quorum

- 4.8 Quorum for meetings
- 4.9 Reduction of quorum for Council meetings
- 4.10 Reduction of quorum for committee meetings
- 4.11 Procedure where no quorum to begin a meeting
- 4.12 Procedure where quorum not present during a meeting
- 4.13 Names to be recorded

Part 5 - Business of a meeting

- 5.1 Business to be specified
- 5.2 Order of business
- 5.3 Motions of which previous notice has been given
- 5.4 New business of an urgent nature
- 5.5 Adoption by exception resolution

Part 7 - Questions by Members

- 7.1 Questions by Members

Part 6 - Public participation

- 6.1 Meetings generally open to the public
- 6.2 Meetings not open to the public
- 6.3 Question time for the public
- 6.4 Question time for the public at certain meetings
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LOCAL GOVERNMENT ACT 1995

**Shire of Chapman Valley
Standing Orders Local Law 2016**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the *Shire of Chapman Valley* resolved on 17 August 2016 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Chapman Valley Standing Orders Local Law 2016*.

1.2 Commencement

By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in:
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In this local law unless the context otherwise requires:

75% majority has the meaning given to it in the Act;

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the local government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the Shire of Chapman Valley;

Local government means the *Shire of Chapman Valley*;

President means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

Presiding Member means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations mean the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and,

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.5 **Repeal**

The *Shire of Chapman Valley Standing Orders Local Law 2000* as published in the *Government Gazette* on 8 August 2000 is repealed.

Part 2 – Establishment and membership of committees

2.1 **Establishment of committees**

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
 - (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law is to apply to the conduct of committee meetings.

2.2 **Types of committees**

The types of committees are dealt with in the Act.

2.3 **Delegation of some powers and duties to certain committees**

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 **Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 **Appointment of committee members**

The appointment of committee members is dealt with in the Act.

2.6 **Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

2.7 **Resignation of committee members**

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees
The register of delegations to committees is dealt with in the Act.

2.9 Committees to report
A committee:
(a) is answerable to the Council; and
(b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings
(1) Ordinary and special Council meetings are dealt with in the Act.
(2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings
The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings
(1) The convening of a Council meeting is dealt with in the Act.
(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the Council.
(3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings
The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings
Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides
Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act
When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President
Who acts if there is no President is dealt with in the Act.

4.4 Election of Presiding Members of committees
The election of Presiding Members of committees and their deputies is dealt with in the Act.

- 4.5 Election of Deputy Presiding Members of committees**
The election of Deputy Presiding Members of committees is dealt with in the Act.
- 4.6 Functions of Deputy Presiding Members**
The functions of Deputy Presiding Members are dealt with in the Act.
- 4.7 Who acts if no Presiding Member**
Who acts if no Presiding Member is dealt with in the Act.

Division 2 – Quorum

- 4.8 Quorum for meetings**
The quorum for meetings is dealt with in the Act.
- 4.9 Reduction of quorum for Council meetings**
The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.
- 4.10 Reduction of quorum for committee meetings**
The reduction of a quorum for committee meetings is dealt with in the Act.
- 4.11 Procedure where no quorum to begin a meeting**
The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.
- 4.12 Procedure where quorum not present during a meeting**
If at any time during a meeting a quorum is not present, the Presiding Member is:
(a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
(b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.
- 4.13 Names to be recorded**
At any meeting:
(a) at which there is not a quorum present; or
(b) which is adjourned for want of a quorum,
the names of the Members then present are to be recorded in the minutes.

Part 5 - Business of a meeting

- 5.1 Business to be specified**
- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
 - (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
 - (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that:
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
 - (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.
- 5.2 Order of business**
- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:

1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member
3. Attendance
 - 3.1 Apologies
 - 3.2 Previously approved leave of absence
4. Public Question Time
 - 4.1 Response to previous public questions taken on notice
 - 4.2 Public question time
5. Applications for leave of absence
6. Declaration of interest
7. Presentations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
8. Confirmation of minutes
9. Items to be dealt with En Bloc
10. Officers' Reports
11. Elected Members Motions of which previous notice has been given
12. New business of an urgent nature introduced by decision of the meeting
13. Delegates' reports
14. Announcements by Presiding member without discussion
15. Matters for which meeting may be closed to public
16. Closure

- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
 - (a) may, with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
 - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the local government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:
 - (a) that requires a 75% majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a Member wishes to make a statement; or
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any Officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.

- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either:
- (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
- (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
- (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
- (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a *presentation* means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The Council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at Lot 7 Chapman Valley Road, Nabawa, and on the local government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked *Confidential* in the agenda; and
 - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
- (2) If the Presiding Member gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 - Questions by Members

7.1 Questions by Members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
- (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
 - (a) the question be placed on notice for the next meeting of Council; and

- (b) the answer to the question be given to the Member who asked it within 14 days.
- (4) Every question and answer -
- (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot alphabetically a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.3 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. Each Member will stand when invited to speak by the Presiding Member.

8.5 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.6 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.7 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to:
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.

- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.8 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.9 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.10 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

8.11 No interruption

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard under clause 11.1(e).

8.12 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.13 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed under Part 16.

8.14 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed under Part 16.
- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or Officer; or
 - (b) to impute any motive to a Member or Officer,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:

- (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

8.15 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.14:
 - (i) reflects adversely on the character or actions of another Member or Officer; or
 - (ii) imputes any motive to a Member or Officer; or
 - (b) is offensive or insulting,
 must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 9 - Preserving order

9.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.6, but to preserve order.

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) any of this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order:
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,
 and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3), the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.

- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting under Part 16.

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public under clause 6.2.

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next business", if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion "that the debate be adjourned":

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution under clause 5.5;
- (3) A motion "that the meeting now adjourn":
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion "that the question be now put", is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion "that the ruling of the Presiding Member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
 - (a) his or her vote; or,
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division:
 - (a) those voting in the affirmative are to pass to the right of the Presiding Member; and
 - (b) those voting in the negative are to pass to the left of the Presiding Member.
- (5) For every division, the CEO is to record:
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the local government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.8 [speaking twice] apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:
 - (a) *authorisation* means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) *implement*, in relation to a decision, includes:

- (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
 - (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
 - (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
 - (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 - Suspension of Local Laws

17.1 Suspension of Local Laws

- (1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
 - (a) seconded; and
 - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

- (1) In situations where:
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,
 the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

- 18.1 Electors' general meetings**
Electors' general meetings are dealt with in the Act.
- 18.2 Matters for discussion at electors' general meetings**
The matters to be discussed at electors' general meetings are dealt with in the Regulations.
- 18.3 Electors' special meetings**
Electors' special meetings are dealt with in the Act.
- 18.4 Requests for electors' special meetings**
Requests for electors' special meetings are dealt with in the Regulations.
- 18.5 Convening electors' meetings**
Convening electors' meetings is dealt with in the Act.
- 18.6 Who presides at electors' meetings**
Who presides at electors' meetings is dealt with in the Act.
- 18.7 Procedure for electors' meetings**
(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this local law.
- 18.8 Participation of non-electors**
A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.
- 18.9 Voting at electors' meetings**
Voting at electors' meetings is dealt with in the Regulations.
- 18.10 Minutes of electors' meetings**
Minutes of electors' meetings are dealt with in the Act.
- 18.11 Decisions made at electors' meetings**
Decisions made at electors' meetings are dealt with in the Act.

Part 19 - Enforcement

- 19.1 Penalty for breach**
A person who breaches a provision of this local law commits an offence.
Penalty: \$1,000.00 and a daily penalty of \$100.00.
- 19.2 Who can prosecute**
Who can prosecute is dealt with in the Act.

Dated 30th of August 2016.