



**CONFIRMED MINUTES**

**GOVERNANCE COMMITTEE MEETING**

**20 FEBRUARY 2023**

I certify that the minutes of the meeting of the Governance Committee held on Monday, 20 February 2023 were confirmed on Monday, 17 April 2023.

  
\_\_\_\_\_  
Presiding Person

**CONFIRMED MINUTES  
GOVERNANCE COMMITTEE MEETING  
20 FEBRUARY 2023**

**ATTENTION/DISCLAIMER**

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

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**GOVERNANCE COMMITTEE**  
**COMMITTEE ROOM, SHIRE OF MUNDARING ADMINISTRATION CENTRE – 5.30PM**

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## **1.0 OPENING PROCEDURES**

The Presiding Person declared the meeting open at 5.31pm.

### Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

## **1.1 Announcement of Visitors**

Nil

## **1.2 Attendance/Apologies**

<b>Members</b>	Cr Paige McNeil (Presiding Person)	Central Ward
	Cr Karen Beale (Deputy Presiding Person)	West Ward
	Cr Jo Cicchini	West Ward
	Cr James Martin	South Ward
	Cr Neridah Zlatnik	East Ward
<b>Staff</b>	Jonathan Throssell	Chief Executive Officer
	Garry Bird	Director Corporate Services
	Stan Kocian	Manager Finance and Governance
	Liz Nicholls	Governance Coordinator
	Pascaline Owers	Governance Officer
	Andrea Douglas	Minute Secretary
<b>Apologies</b>	Cr Amy Collins	Central Ward
	Cr Luke Ellery	South Ward
<b>Absent</b>	Nil	
<b>Guests</b>	Nil	

## **2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION RECOMMENDATION		GC1.02.23	
Moved by	Cr Zlatnik	Seconded by	Cr Martin

That the Minutes of the Governance Committee Meeting held 14 November 2022 be confirmed.

CARRIED 5/0

For: Cr Beale, Cr Cicchini, Cr Zlatnik, Cr McNeil and Cr Martin

Against: Nil

5.0 PRESENTATIONS

Nil

## 6.0 REPORTS OF EMPLOYEES

### 6.1 Policy Review - Attendance by Council Members and CEO at Conferences and Events Policy and Council Members Continuing Professional Development, Training and Professional Memberships

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<b>File Code</b>	GV.OPP 1
<b>Author</b>	Elizabeth Nicholls, Governance Co-ordinator
<b>Senior Employee</b>	Garry Bird, Director Corporate Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Attendance by Council Members and CEO at Conferences and Events Policy <a href="#">↓</a></li><li>2. Draft Council Member Continuing Professional Development, Training and Professional Memberships Policy <a href="#">↓</a></li><li>3. Draft Attendance by Council Members and CEO at Conferences and Events Policy - with track changes <a href="#">↓</a></li><li>4. Draft Council Member Continuing Professional Development, Training and Professional Memberships Policy - with track changes <a href="#">↓</a></li><li>5. Attendance by Elected Members at Conferences Policy <a href="#">↓</a></li><li>6. Continuing Professional Development Policy <a href="#">↓</a></li><li>7. Attendance at Events Policy <a href="#">↓</a></li><li>8. Appendix - Conference and Event Attendance Form <a href="#">↓</a></li></ol>

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#### SUMMARY

The Committee is asked to consider and recommend that Council adopt the draft “Attendance by Council Members and CEO at Conferences and Events Policy” (**Attachment 1**) and draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” (**Attachment 2**) .

Section 5.90A of the *Local Government Act 1995* requires the Shire to have a policy relating to attendance at events. Section 5.128 of the *Local Government Act 1995* requires the Shire to have a policy for Continuing Professional Development (CPD) and prescribes that a review of the policy be undertaken after each ordinary election.

It is considered appropriate that the “Attendance by Council Members and CEO at Conferences and Events Policy” and the “Council Member Continuing Professional Development, Training and Professional Memberships Policy” are reviewed collectively, given that the policies are to be read in conjunction with each other.

In the course of the review, it became apparent that the “Attendance at Events Policy” had significant overlap with the “Attendance by Elected Members at Conferences Policy” and therefore relevant information has been incorporated into the draft updated “Attendance by Council Members and CEO at Conferences and Events Policy”. The amalgamation of the

two policies will make the “Attendance at Events Policy” redundant and therefore it is recommended that the “Attendance at Events Policy” be deleted.

## **BACKGROUND**

At the Governance Committee meeting held 14 November 2022 it was resolved as follows:

*That the feedback provided by committee members be noted by staff and a revised draft of “Attendance by Council Members and CEO at Conferences and Events Policy” ... and Council Member Continuing Professional Development, Training and Professional Memberships Policy” ...; be presented to the next meeting of the Governance Committee for further review.*

Additionally, at the May 2022 Council Forum, a draft “Attendance by Council Members and CEO at Conferences and Events Policy” and a draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” were provided to council members seeking consensus feedback to inform the next iteration of the draft policies.

This report and attachments incorporates feedback received from the above meetings. Consideration was also given to operational implications and, where appropriate, the draft policies have been updated to incorporate the feedback received from council members to form the final drafts presented to consideration.

The draft “Attendance by Council Members and CEO at Conferences and Events Policy” with track changes incorporating feedback from the Governance Committee (**Attachment 3**) is attached. The draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” with track changes incorporating feedback from the Governance Committee (**Attachment 4**) is attached.

### **Attendance by Council Members and CEO at Conferences and Events Policy**

Previously titled “Attendance by Elected Members at Conferences Policy” (**Attachment 5**), this policy established the standards for council members to accept invitations to conferences and events and the reimbursement of expenses incurred during attendance of such conferences and events. The policy was last reviewed in May 2018.

### **Council Member Continuing Professional Development, Training and Professional Memberships Policy**

Previously titled “Continuing Professional Development Policy” (**Attachment 6**). In June 2019, changes to the *Local Government Act 1995* were passed by Parliament that all council members undertake training within the first 12 months of being elected. Additionally, ‘Division 10 – Training and Development’ was added. This included section 5.128 of the Act which required all local governments to prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members. The policy was adopted in December 2020.

### **Attendance at Events Policy**

The “Attendance at Events Policy” (**Attachment 7**) was adopted in March 2020. As this policy will become redundant it is recommended that this policy be deleted.

## **STATUTORY / LEGAL IMPLICATIONS**

Legislation relevant to the reimbursement of expenses to council members:

## **Local Government Act 1995**

### **5.98. Fees etc. for council members**

- (2) A council member who incurs an expense of a kind prescribed as being an expense —
- (a) to be reimbursed by all local governments; or
  - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
- (a) where the extent of reimbursement for the expense has been determined, to that extent; or
  - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

Legislation relevant to “Attendance by Council Members and CEO at Conferences and Events Policy” (previously incorporated into Attendance at Events Policy):

## **Local Government Act 1995**

### **5.90A. Policy for attendance at events**

- (1) 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.
- (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.
- (3) A local government may amend\* the policy.
- \* Absolute majority required.
- (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.
- (5) The CEO must publish an up-to-date version of the policy on the local government’s official website.



Legislation relevant to “Council Member Continuing Professional Development, Training and Professional Memberships Policy”:

### **Local Government Act 1995**

#### **5.126. Training for council members**

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
  - (a) *prescribe a course of training; and*
  - (b) *prescribe the period within which training must be completed; and*
  - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
  - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

#### **5.127. Report on training**

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.*

#### **5.128. Policy for continuing professional development**

- (1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*  
*\* Absolute majority required.*
- (2) *A local government may amend\* the policy.*  
*\* Absolute majority required.*
- (3) *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) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) *A local government —*
  - (a) *must review the policy after each ordinary election; and*
  - (b) *may review the policy at any other time.*

### **POLICY IMPLICATIONS**

The reviewed policies will be adopted and current policies replaced.

The “Attendance by Council Members and CEO at Conferences and Events Policy” and the “Council Member Continuing Professional Development, Training and Professional Memberships Policy” are considered to be Legislative Policies.

### **FINANCIAL IMPLICATIONS**

The current cost of the five modules of [Council Members Essentials](#) provided by WALGA are:

Understanding Local Government	\$240 (incl GST) - Face-to-Face at WALGA \$240 (incl GST) - Virtual Classroom via Zoom \$214.50 (incl GST) - eLearning course
Conflicts of Interest	\$240 (incl GST) - Face-to-Face at WALGA \$195 (incl GST) - Virtual Classroom via Zoom \$195 (incl GST) - eLearning
Serving on Council	\$990 (incl GST) - Face-to-face at WALGA

(2 day course)	\$890 (incl GST) - Virtual Classroom via Zoom \$195 (incl GST) - eLearning
Meeting Procedures	\$495 (incl GST) - Face-to-face at WALGA \$450 (incl GST) - Virtual Classroom via Zoom \$195 (incl GST) - eLearning
Understanding Financial Reports and Budgets	\$495 (incl GST) - Face-to-face at WALGA \$495 (incl GST) - Virtual Classroom via Zoom \$214.50 (incl GST) - eLearning

It is at the discretion of council members to determine the delivery methodology by which they complete each module of the compulsory training.

The current budget allocation for compulsory training and conferences is \$36,000 per year. This equates to \$3000 per council member. For council members who have been recently elected to Council, this allocation is usually expended on Compulsory Training in the first financial year. Additionally, this budget is used for team workshops and other Council Member training.

Based on feedback from the May 2022 Council Forum, budgetary amounts have been removed from the “Council Member Continuing Professional Development, Training and Professional Memberships Policy”.

It is suggested that the following line items be included in the budget, which are collectively referred to as ‘training allocations’, in the “Council Member Continuing Professional Development, Training and Professional Memberships Policy” and as ‘budget allocations’, in the “Attendance by Council Members and CEO at Conferences and Events Policy”:

### **1. Allocation for Compulsory Training**

It is noted that generally this allocation will be used every two years as part of the election cycle. An allocation would be required for each financial year, so if there is an extraordinary election, funds would be available for newly elected council members.

### **2. Allocation for CPD and attendance at conferences and events**

This training allocation is to be equally distributed between council members.

This allocation is also to be used for:

- Registration costs for conferences, events and CPD
- Allowances or reimbursements as outlined in the policies
- Requests for the Shire to pay professional membership fees

Any requests from council members to attend conferences, events or CPD that exceeds their available allocation will be presented to Council for consideration.

An additional amount can also be included in the budget for the purpose of training sessions organised by the Shire for all council members.

### **3. Allocation for WALGA Elected Member Diploma**

Council members wishing to complete the WALGA Elected Member Diploma will need to indicate this during budget deliberations. This training allocation will not be

evenly distributed, and is instead based on individual council members advising of their intention to complete the course.

Should these line items be included in the budget, Council will determine the amount of the budget allocation during the annual budget deliberations.

All unspent funds within each of the training allocations at the end of the financial year will not be carried forward to the subsequent year.

Note: whilst the "Attendance by Council Members and CEO at Conferences and Events Policy" references the CEO, the CEO's entitlement to attend conferences and events is separate and dealt with under the CEO contract of employment.

## STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

## SUSTAINABILITY IMPLICATIONS

### Governance

- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Sustain and enhance organisational knowledge, capability and leadership
- Promote innovation, learning and development
- Comply with relevant policy, legislation, regulation, criteria and guidelines

## RISK IMPLICATIONS

<b>Risk: <u>Compliance</u>:</b> Non-compliance with the <i>Local Government Act 1995</i> .		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
<b>Action / Strategy</b>		
Adopt policies as required to meet regulatory compliance, which also facilitate good governance, ensuring transparency, and accountability.		
<b>Risk: <u>Financial</u>:</b> Cost of attendance for council members to attend compulsory training, conferences and events exceeds annual budget allocations.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
<b>Action / Strategy</b>		
An up to date policy that stipulates conditions for approval to attend conferences and events with a standard annual expense allocation for each Councillor to enable accurate budget forecasts.		

<b>Risk: Reputation:</b> not adopting the updated policies that provide transparent criteria for approval may create a perception that there is not accountability and that decision making could be influenced.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
That the updated policies be adopted.		

## EXTERNAL CONSULTATION

Advice has been sought from the Department of Local Government on whether financial or impartiality interests should be declared by council members for the adoption of these policies.

It is considered that there is no direct financial gain or benefit to council members in regards to these policies, as the policies provide criteria for approval to determine if payment will be made for an individual to attend CPD, training, conferences, events etc. Prior to payment being made, an assessment is undertaken by the CEO or Council.

Additionally, section 5.63 of the *Local Government Act 1995* provides instances of when some interests need not be disclosed. Regulation 21(d) of the *Local Government (Administration) Regulations 1996* includes provisions for interests that do not need to be disclosed in relation to attendance at a meeting, function, conference or other local government business.

It is at the discretion of council members to determine if they have an interest that could, or could reasonably be perceived to, adversely affect their impartiality in participating in that decision then they may declare an interest. It is noted that council members who declare impartiality interests are required to remain in the meeting, participate in the debate and are required to vote under section 5.21 of the *Local Government Act 1995*.

## COMMENT

For consistency with the terminology used in the *Local Government Act 1995*, 'Elected Member' has been replaced with 'council member' throughout the policies.

## Attendance by Council Members and CEO at Conferences and Events Policy

There have been minimal changes to the policy as compared to the item presented to the May 2022 Council Forum and the Governance Committee.

Terminology has been updated for consistency with the "Council Member Continuing Professional Development, Training and Professional Memberships Policy".

The Conference and Event Attendance Form is available as an appendix (**Attachment 8**). The form is provided separate to the policy so if minor changes are required it can be done as an operational task. Should there be significant changes, the policy and form would be presented to Council.

## Council Member Continuing Professional Development, Training and Professional Memberships Policy

There has been a number of changes to the draft policy.

The draft reviewed “Council Member Continuing Professional Development, Training and Professional Memberships Policy” presented to the May 2022 Council Forum had subheadings for:

- 4.1 Compulsory Training
- 4.2 Continuing Professional Development (CPD)
- 4.3 Intrastate, Interstate and Overseas CPD
- 4.4 External Committee Members

Following feedback from council members at the May 2022 Council Forum and further feedback received from the Governance Committee at the meeting held 14 November 2022, Officers amended the subheadings in the attached iteration of the draft policy to:

- 4.1 Compulsory Training
  - 4.1.1 Cost of Compulsory Training
- 4.2 Continuing Professional Development (CPD)
  - 4.2.1 Cost of CPD
  - 4.2.2 Conditionally Approved CPD – costing up to \$750
  - 4.2.3 Conditionally Approved CPD – costing \$750 and above
  - 4.2.4 Conditionally Approved CPD – WALGA Elected Member Diploma (included based on feedback from the Governance Committee)
  - 4.2.5 CPD – costing \$750 and above
- 4.3 External Committee Members
  - 4.3.1 Cost of External Committee Members CPD (removed based on feedback from the Governance Committee)

Following the Governance Committee held 14 November 2022, an additional subheading has been included for the conditional approval to complete the WALGA Local Government Diploma. Feedback was received that given the Diploma is the only formal qualification available specific to council members it is considered to be of significant value. The Diploma enhances the skills and knowledge of council members and should therefore be available with minimal restriction.

Council members had also indicated there was interest in being able to ‘gift’ their training allocation to another council member or to ‘roll over’ their training allocation to the following financial year. Consideration was given to this proposal; however, as this could potentially result in less than ideal outcomes in terms of fairness and equity, it is not recommended. The “gifting” of training could create the perception that the “gifting” council member is favouring particular council members over others. In addition, the ‘rolling over’ of the annual training allocation may encourage some council members to “bank” their annual allocation rather than undertake ongoing professional development. The reallocation and rolling over of annual training allocations would need to be tracked by staff via a spreadsheet. It is instead suggested that line items be included in the budget (refer to ‘Financial Implications’ above) with the policy including a definition of ‘training allocation’.

It is considered that having conditionally approved CPD, combined with the suggested budget allocations, will create greater flexibility for council members to undertake training and therefore less items being required to be presented to Council. If requests are

required to be presented to Council for approval, the updated policy provides clear criteria for assessment.

## VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.90A. Policy for attendance at events

Absolute Majority - *Local Government Act 1995* section 5.128. Policy for continuing professional development

<b>COMMITTEE RECOMMENDATION</b>
---------------------------------

That Council:

1. adopts, by absolute majority in accordance with section 5.90A of the *Local Government Act 1995*, the draft “Attendance by Council Members and CEO at Conferences and Events Policy” (**Attachment 1**);
2. adopts, by absolute majority in accordance with section 5.128 of the *Local Government Act 1995*, the draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” (**Attachment 2**); and
3. deletes “OR-26 Attendance at Events Policy”.

<b>COMMITTEE DECISION MOTION</b>		<b>GC2.02.23</b>	
Moved by	Cr Beale	Seconded by	Cr Martin

That Council:

1. adopts, by absolute majority in accordance with section 5.90A of the *Local Government Act 1995*, the draft “Attendance by Council Members and CEO at Conferences and Events Policy” (**Attachment 1**); subject to the following amendments:-
  - a) the table on page 2 of the policy be updated to include “Australian Local Government Association (ALGA)” and “WA Regional Local Government and other Local Governments” events as pre-approved conferences / events for council members;
  - b) item 4.6.5 to include parking costs; and
  - c) delete item 4.9
2. adopts, by absolute majority in accordance with section 5.128 of the *Local Government Act 1995*, the draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” (**Attachment 2**); subject to the following amendments:-
  - a) item 4.2.4 change to Diploma of Local Government – Elected Member;
  - b) item 4.6.5 to include parking costs; and
  - c) add a new point 4.9 as follows:-
 

*“Within one month from the conclusion of an approved interstate and overseas conferences, the attendee shall provide a written report or presentation for the information of council members. Where appropriate, this requirement shall also apply for intrastate conferences.*

*The report or presentation is only applicable to conferences and is to contain relevant observations and the identification of significant outcomes gained from the conference that would be of benefit to the Shire’s operations.”*
3. deletes “OR-26 Attendance at Events Policy”.

**CARRIED 5/0**

**For:** Cr Beale, Cr Cicchini, Cr Zlatnik, Cr McNeil and Cr Martin

**Against:** Nil

## Legislative Policy



## 1.2 ATTENDANCE BY COUNCIL MEMBERS AND CEO AT CONFERENCES AND EVENTS

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Governance	
<b>Adopted</b>	January 2005	RC10.01.05
<b>Reviewed</b>	March 2010	C7.03.10
	May 2018	C15.05.18
	February 2023	Res #
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

The *Local Government Act 1995* (the Act), section 5.90A provides that Shire of Mundaring (the Shire) is to adopt a policy on attendance at events for council members and the Chief Executive Officer (CEO).

Attending certain events to represent Shire of Mundaring is an important function for council members and the CEO. In order to carry out their functions impartially, council members and the CEO are required to demonstrate that attendance at events and the acceptance of tickets is transparent and that they are not improperly influenced by third parties.

This policy provides a framework for the acceptance of invitations to events and the reimbursement of expenses incurred during attendance whilst considering the benefit to the community.

### 2. SCOPE

This policy applies to the acceptance of tickets and attendance at events by council members and the CEO of the Shire (attending in their capacity as a council member or CEO) and includes:

- Acceptance of invitations to attend events and the criteria for approval
- The provision of tickets to events
- Payments in respect of event attendance

This policy does not apply to Shire employees, other than the CEO.

Where this policy relates to attendance at conferences, it should be read in conjunction with the "Council Member Continuing Professional Development, Training and Professional Memberships Policy".

### 3. DEFINITIONS

<b>attendees</b>	a council member or the CEO attending a conference/ event as applicable.
<b>conference</b>	a conference relevant to local government business.



<b>council member</b>	a person elected under the Act as a member of Council. The Shire's council members include the Shire President, Deputy Shire President and Councillors (as defined by the Act).
<b>event</b>	has the meaning given to it under section 5.90A of the Act and includes a concert, conference, function, sporting event and an occasion prescribed for the purposes of this definition by the <i>Local Government (Administration) Regulations 1996</i> . This is not an exhaustive list.
<b>gift</b>	has the meaning given to it under section 5.57 of the Act; a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or a travel contribution.
<b>ticket</b>	includes an admission ticket to an event or an invitation to attend an event, or complimentary registration to an event offered by a third party.

#### 4. POLICY

Council acknowledges that it has a responsibility to ensure that appropriate development opportunities are available to council members to assist in the fulfilment of the duties and responsibilities associated with their office. Attendance at appropriate conferences is one way to achieve this.

Attendance at an event as a representative of the Shire, where the attendee has not paid for the ticket, is a gift and must be disclosed if valued over \$300 (either one gift or cumulative over 12 months from the same third party).

##### 4.1. Pre-Approved Conferences/ Events

Attendance at a pre-approved event will exclude the recipient from the requirement to disclose an interest if the ticket is above \$300 (either one gift or cumulative over 12 months from the same donor) and the donor has a matter before Council.

Receipt of the gift will still be required under the gift register provisions.

The below table indicates pre-approved events (marked with an 'X'):

Conference/ Event Organiser	Shire President	Deputy Shire President	Council Members	CEO
Western Australian Local Government Association (WALGA)	X	X	X	X
Australian Local Government Association (ALGA)	X	X (if Shire President not attending)		
Local Government Professionals WA	X	X	X	X

Conference/ Event Organiser	Shire President	Deputy Shire President	Council Members	CEO
Local Government Professionals Australia				X
WA Government Agency (e.g. Public Sector Commission)	X	X	X	X
Perth Metropolitan Local Governments	X	X	X	X
WA Regional Local Governments and other Local Governments	X	X		X
State or Federal Member of Parliament (excluding political party event or fundraisers)	X	X	X	X
Shire of Mundaring hosted events	X	X	X	X
Not for Profits and Community organisations / groups within the district of the Shire of Mundaring	X	X	X	X

In addition to accepting invitations to attend pre-approved events, the CEO is approved to attend events in accordance with their contractual entitlements.

#### 4.1.1. Distribution of Tickets

Where an invitation to attend a pre-approved event, including tickets, is extended to the Shire and is addressed to the Shire President, and the President is unable or does not wish to attend the event, the Shire President may with the consent of the event organiser, distribute the ticket to the Deputy Shire President or another council member or employee.

Where an invitation to attend a pre-approved event, including tickets, is extended to a specific council member, and the individual council member is unable or does not wish to attend the event, the Shire President may with the consent of the event organiser, distribute the ticket to another council member or employee.

Where an invitation to attend a pre-approved event, including tickets, is extended to the CEO, and the CEO is unable, or does not wish to attend the event, the CEO is to advise the event organiser of their inability to attend and may, if the event organiser agrees, distribute the invitation to a nominated employee.

#### 4.2. Other Events

An invitation to an event accepted by a council member or CEO without payment (to attend in their capacity as a council member or CEO), where a member of the public is required to pay, unless noted as a pre-approved event in this policy, will generally be classified as a gift to which gift declaration provisions apply.

Where an event is a free event to the public then no action is required by the recipient in relation to this policy.

If the event is ticketed and the council member or CEO pays the full ticketed price and does not seek or obtain reimbursement then no action is required by the recipient in relation to this policy.

Where either the CEO proposes to Council or Council itself nominates a council member to attend a specific conference then that council member is not required to complete the Conference and Event Attendance Form, as the report to Council will have already been prepared and the assessment criteria examined. The expenditure is to be considered as part of a report to Council and allocated to the relevant service area or council member budget.

#### **4.3. Approval Process**

All event invitations or offers of tickets for a council member to attend must be forwarded in writing and addressed to the CEO for approval.

Where an event invitation or offers of tickets are for the CEO to attend must be forwarded in writing and addressed to the Shire President for approval.

#### **4.4. Criteria for Approval**

All proposals to accept invitations for enrolment and attendance at conferences/ events that incur costs (for the reimbursement of expenses) shall be subject to an initial assessment by the CEO based on the following criteria:

- The role of the attendee at the conference/ event (participant, observer, presenter, facilitator) and the value of their contribution.
- Whether the conference/ event relates to an objective identified within the current or future strategic direction of Council.
- The current relevance of the conference/ event to the Shire.
- Equity of opportunity of the council member concerned including recognition of the number of opportunities previously provided to that council member.
- Whether there are more cost effective options to acquire the relevant knowledge and information.
- Whether it is appropriate that more than one council member attends.
- The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the impact on future conference attendance by other council members.
- Whether the conference/ event is sponsored by the Shire.
- Remaining term of office.

Conferences/ events that will not be considered for approval include:

- Political party events and fundraisers.
- Entertainment events that do not have any relevance to the Shire or to the business of local government.
- An event that benefits a council member or the CEO in a personal capacity.

No council member is permitted to accept invitations to attend conferences/ events which will incur a cost to the Shire during caretaker period, unless otherwise determined by a resolution of Council.

#### **4.5. Authority for Approval**

Once the CEO undertakes an initial assessment in relation to the criteria for approval, a report will be presented to Council for approval.

#### **4.6. Reimbursement of Expenses**

Where payment or reimbursement of expenses is sought for costs incurred by acceptance of an invitation for the attendance at a conference/ event in excess of the available budget allocation, formal Council approval is required. Any request must be submitted on the Conference and Event Attendance Form (Appendix 1) at least fourteen days prior to the Council meeting at which the request will be considered.

The extent to which an attendee will be reimbursed will be in accordance with the "Elected Members Allowances and Expenses Policy" and this policy. Where appropriate, the Shire will pay reasonable costs associated with an attendee's accommodation.

Necessary approvals required by this policy are to be obtained prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.

##### **4.6.1. Private Motor Vehicle**

The use of a private motor vehicle is reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

##### **4.6.2. Intrastate, Interstate and Overseas Air Travel**

Economy class air travel arrangements shall apply to CPD requiring air travel. The most direct route to and from the airport situated closest to the venue shall be booked.

Where practicable, advantage should be taken of available discount fares.

Attendees have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

##### **4.6.3. Accommodation**

Unless other arrangements are specifically approved by Council the following applies:

- Accommodation costs shall be paid for the duration of the training/ CPD. This includes arrival the day before the start of the training/ CPD and departure the day following the close of training/ CPD where necessary (for example, timing makes it unreasonable to arrive at or return home in normal working hours or have a '10 hour break' between the end of the event and resuming normal hours of work).

- Accommodation will, where practicable, be booked at the associated venue or in close proximity to the venue and be a standard twin or double.
- Accommodation costs paid or reimbursed shall be the actual costs incurred. Wherever possible accommodation costs shall be pre-paid by the Shire.

In the event that an attendee wishes to extend their stay for personal reasons not associated with approved Council business, then any extended stay is to be at the full cost of the attendee.

4.6.4. Personal Accident and Corporate Travel Insurance

Personal accident and corporate travel insurance is provided in accordance with the "Elected Members Allowances and Expenses Policy".

Attendees may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

If an attendee extends their stay (item 4.6.3) or an accompanying person attends (item 4.6.8) the Shire will not cover the cost of the additional insurance.

4.6.5. Transportation

The cost of taxi, ride share or fares for public transport to and from the airport, training/ CPD venue or other approved places shall be reimbursed.

The cost of car hire will only be reimbursed when the request has been included in the notification of attendance and approval given at the time attendance the conference/ event is authorised.

4.6.6. Meals and Incidental Expenses

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel.

Incidental expenses are to be interpreted as reasonable expenses incurred by the Council Member for telephone calls, public transport and sundry food and beverages.

The CEO is authorised to set standards and calculate costs for reimbursement of approved incidental expenses. Alternatively, Council may determine the amount for meals and incidental expenses at the time of approving the attendance.

4.6.7. Child Care Expenses

Reimbursement for child care expenses that result from attendance at a conference/ event will be reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

4.6.8. Accompanying Person

Council appreciates that attendees may require someone to accompany them to training/ CPD. This is supported on the following basis:

- Details of the accompanying person is included when the request is submitted.
- Where it is more efficient for the Shire to make arrangements for registration, travel and accommodation for accompanying persons, it is appropriate that Council meets these expenses in the first instance. The attendee must arrange reimbursement of these costs prior to attendance at the training/ CPD.
- Expenses incurred by the accompanying person at the conference/ event will be borne by the Council Member, not the Shire.

4.6.9. Accompanying Carer

Where an attendee is attending training/ CPD and has a disability as defined in the *Disability Services Act 1993*, the Shire will meet the cost of an accompanying carer where that carer is a person who provides ongoing care or assistance.

The costs provided by the Shire for an accompanying carer will include travel, meals, registration, accommodation and participation in any programs.

4.6.10. Claiming Reimbursement of Expenses

Within 30 working days of the conclusion of the training/ CPD, receipts must be presented to support the expenditure that is to be reimbursed.

Only expenses incurred in the attendee's capacity to fulfil their role representing the Shire will be reimbursed.

4.6.11. Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where possible, travel and accommodation bookings that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

**4.7. Administration Process**

Registration for all conferences/ events approved in accordance with this policy, including travel and accommodation, are to be organised by the Executive Assistant to the CEO.

Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be pre-paid by the Shire.

Where items are unable to be pre-paid, council members may seek reimbursement for expenses in accordance with this policy.

#### **4.8. Reporting**

Gifts received by council members and the CEO will be listed in the Shire's Gift Register in accordance with section 5.87A and section 5.87B of the *Local Government Act 1995*.

#### **4.9. Sharing of Knowledge**

Within one month from the conclusion of an approved interstate and overseas conferences, the attendee shall provide a written report or presentation (including copies of conference papers) for the information of council members and for Shire records. Where appropriate this requirement shall also apply to intrastate conferences.

The report or presentation is only applicable to conferences and is to contain relevant observations and the identification of significant outcomes gained from the conference that would be of benefit to the Shire's operations.

### **5. APPENDICES**

**Appendix 1** Conference and Event Attendance Form

### **6. RELATED LEGISLATION**

*Local Government Act 1995*, section 5.90A Policy for attendance at events

*Local Government Act 1995*, section 5.98 Fees etc. for council members

### **7. RELATED DOCUMENTS**

Council Member Continuing Professional Development, Training and Professional Memberships Policy

Local Government Operational Guidelines – Attendance at Events Policy

Local Government Operational Guidelines – Disclosure of gifts and disclosure of interests relating to gifts



## Legislative Policy



### 1.3 COUNCIL MEMBER CONTINUING PROFESSIONAL DEVELOPMENT, TRAINING AND PROFESSIONAL MEMBERSHIPS

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Governance	
<b>Adopted</b>	December 2020	SC18.12.20
<b>Reviewed</b>	February 2023	Res #
<b>Procedure Ref</b>	N/A	

#### 1. PURPOSE

Shire of Mundaring (the Shire) is committed to supporting council members to fulfil their role as leaders and enable them comply with relevant legislation that prescribes training requirements.

The knowledge, skills and experiences that council members bring to their role when elected, which are enhanced during an induction program, will generally need to be supplemented with ongoing knowledge and skills development relevant to their complex and significant role as leaders in the community.

This policy provides a structured approach to Continuing Professional Development (CPD), compulsory training and professional memberships whilst maintaining the flexibility to enable council members to tailor to their individual needs.

#### 2. SCOPE

This policy applies to all council members of the Shire. This policy is to be reviewed after each ordinary local government election.

#### 3. DEFINITIONS

<b>compulsory training</b>	the <i>Local Government Act 1995</i> (the Act) and <i>Local Government (Administration) Regulations 1996</i> requires all council members to undertake training courses within 12 months of being elected.
<b>Elected Member Essentials</b>	as defined by the <i>Local Government (Administration) Regulations 1996</i> , regulation 35(2).
<b>council member</b>	a person elected under the Act as a member of Council. The Shire's council members includes the Shire President, Deputy Shire President and Councillors (as defined by the Act).
<b>external committee member</b>	a person appointed to a Committee established under the Act who is not a council member.



<b>Continuing Professional Development</b>	attendance or participation in (in person or online) training relevant to the role of a council member. Including but not limited to: conferences, workshops, courses, webinars, seminars, networking forums, formal qualifications or similar professional development provided by a Registered Training Organisation or government agency.
<b>Registered Training Organisation</b>	provider registered by the Australian Skills Quality Authority or similar state regulator to deliver nationally recognised training and qualifications.
<b>training allocation</b>	Council adopted budget allocation for the purposes of attending compulsory training or CPD to support the role of a council member to attend CPD.

#### 4. POLICY

Council members are encouraged to seek the assistance of their peers and the Chief Executive Officer (CEO) to identify opportunities for their particular development requirements and appropriate training, courses, conferences and formal qualifications to improve their skills and knowledge.

##### 4.1. Compulsory Training

Section 5.126 of the *Local Government Act 1995* (the Act) includes provisions relating to the universal training of council members. All council members are required to complete Elected Member Essentials within 12 months of election to Council. Compulsory training remains valid for five years.

A council member is only required to undertake compulsory training after every second election unless exempt under regulation 36 of the *Local Government (Administration) Regulations 1996*. Exemptions include:

- Completion of compulsory training courses within the period of 5 years ending immediately before the day on which the council member is elected.
- Completion of Diploma of Local Government (Elected Member) within the period of 5 years ending immediately before the day on which the council member is elected.
- Completion of the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

Immediately following each election, newly elected council members, be they first-time or returning, are to request to be enrolled in compulsory training on their preferred date either online or in person, depending on their preference.

It is the responsibility of the council member to complete their compulsory training in accordance with legislation.

4.1.1. Cost of Compulsory Training

Costs to undertake compulsory training are determined by the Training Providers.

A training allocation for compulsory training will be determined as part of the budget setting process.

Noting that the allocation for compulsory training will generally be expended every two years, based on election cycles, a training allocation will be made available to any new or returning council member who is required to complete compulsory training. The training allocation for compulsory training is in addition to the training allocation for CPD.

All unspent funds in the training allocation for compulsory training will not be carried forward at the end of the financial year.

**4.2. Continuing Professional Development (CPD)**

Where CPD is attendance at a conference, this policy is to be considered in conjunction with the "Attendance by Council Members and CEO at Conference and Events Policy" where relevant.

4.2.1. Cost of CPD

Costs to undertake CPD are determined by training providers or event organisers.

The training allocation for CPD will be determined as part of the budget setting process.

The training allocation for CPD is to be equally distributed between council members.

Any requests from council members to attend CPD that exceeds their available allocation will be presented to Council for consideration.

All unspent funds in the training allocation for CPD will not be carried forward at the end of the financial year.

4.2.2. Conditionally Approved CPD – costing up to \$750

CPD costing up to \$750, including reimbursement of expenses, is conditionally approved.

Conditions for approval include:

- a. A request is submitted in writing including all estimated expenses (see item 4.6) to the CEO.
- b. The council member has completed or enrolled in all compulsory training.
- c. The request addresses the council member's professional development needs.
- d. The CPD aligns with the strategic direction of the Shire.
- e. The CPD is held online or within the Perth metropolitan area.

- f. The CPD is delivered by a reputable organisation or Registered Training Organisation.
- g. There are sufficient funds available in the council members training allocation.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

4.2.3. Conditionally Approved CPD – costing \$750 and above

Council members may request to attend conditionally approved CPD costing \$750 and above (refer to 4.2.5 for CPD costing up to \$750) including:

- Courses conducted by the Western Australian Local Government Association (WALGA). Excludes WALGA Elected Member Diploma. Refer to 4.2.4.
- Courses conducted by the Australian Institute of Company Directors.
- Courses conducted by the Institute of Public Administration Australia.
- Courses conducted by the Governance Institute of Australia.
- Courses conducted by the International Association for Public Participation (IAP2).

Conditions for approval include:

- a. A request is submitted in writing including all estimated expenditure (see item 4.6) to the CEO.
- b. The council member has completed or enrolled in all compulsory training.
- c. The request addresses the council member's professional development needs.
- d. The CPD aligns with the strategic direction of the Shire.
- e. The CPD is held online or within the Perth metropolitan area.
- f. There are sufficient funds available in the council members training allocation.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

4.2.4. Conditionally Approved CPD – WALGA Elected Member Diploma

Council members may request to complete the WALGA Elected Member Diploma.

Conditions for approval include:

- a. The intention to complete the WALGA Elected Member Diploma is raised during budget deliberations.

- b. A request is submitted in writing including all estimated expenditure (see item 4.6) to the CEO within the first 18 months of the council members term.
- c. The council member has completed or enrolled in all compulsory training.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

4.2.5. CPD – costing \$750 and above

Generally, CPD costing above \$750, including estimated expenditure (excluding conditionally approved CPD) are for intrastate, interstate or overseas CPD.

A request is to be submitted in writing to the CEO including all estimated expenditure (see item 4.6).

Criteria for assessment includes:

- a. The council member has completed or enrolled in all compulsory training.
- b. The request addresses the council member's professional development needs.
- c. The CPD aligns with the strategic direction of the Shire
- d. The CPD is delivered by a reputable organisation or Registered Training Organisation
- e. There are sufficient funds available in the council members training allocation.
- f. The CPD does not have an option to participate through an online learning format. If an online learning format is available, the council member is to attend via that means rather than travel to the course location.

Once the CEO undertakes an initial assessment, a report will be presented to Council for consideration.

**4.3. External Committee Members CPD**

External committee members may be invited to attend in-house training relevant to their role as a committee member.

**4.4. General Considerations for Compulsory Training and CPD**

No council member is permitted to undertake CPD during the caretaker period prior to the expiry of their term.

In circumstances where a council member is unable to attend Compulsory Training or CPD they have registered for and cancellation would result in a financial loss to the Shire, the CEO is authorised to determine a substitute council member and/or employee to attend the CPD in lieu of the registered council member.

Where other subsidies are provided to council members, they are only entitled to financial assistance through this policy to the extent that the other subsidies don't cover their expenses.

#### **4.5. Professional Memberships**

There are a range of professional bodies associated with local government matters. These provide a variety of learning and networking opportunities for council members.

Professional bodies have a range of membership fees which are a recognised cost to participate in training.

Requests for payment of professional membership may be initiated by the council member and must be forwarded to the CEO.

Criteria for approval include:

- a. Membership is to a recognised organisation and is relevant to role of the council member.
- b. The membership aligns with the strategic direction of the Shire.
- c. There are sufficient funds available in the training allocation.

If the request meets the above criteria, the CEO will arrange for the payment of the professional membership for the council member. Any requests that do not meet the above criteria will be presented to Council for consideration.

##### **4.5.1. Cost of Professional Memberships**

The cost of professional memberships are determined by the professional bodies.

Requests from council members for the cost of a professional membership to be paid by the Shire will be taken from the council members training allocation.

All unspent funds in the training allocation for professional memberships will not be carried forward at the end of the financial year.

#### **4.6. Reimbursement of Expenses**

Where payment or reimbursement of expenses is sought for costs incurred by the attendance at Compulsory Training or CPD exceeding \$500, the formal approval of Council is required. Any request must be submitted in writing at least fourteen days prior to the Council meeting at which the request will be considered.

The extent to which an attendee will be reimbursed will be in accordance with the "Elected Members Allowances and Expenses Policy" and this policy. Where appropriate, the Shire will pay reasonable costs associated with an attendee's accommodation.

Necessary approvals required by this policy are to be obtained prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.

4.6.1. Private Motor Vehicle

The use of a private motor vehicle is reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

4.6.2. Intrastate, Interstate and Overseas Air Travel

Economy class air travel arrangements shall apply to CPD requiring air travel. The most direct route to and from the airport situated closest to the venue shall be booked.

Where practicable, advantage should be taken of available discount fares.

Attendees have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

4.6.3. Accommodation

Unless other arrangements are specifically approved by Council the following applies:

- Accommodation costs shall be paid for the duration of the training/ CPD. This includes arrival the day before the start of the training/ CPD and departure the day following the close of training/ CPD where necessary (for example, timing makes it unreasonable to arrive at or return home in normal working hours or have a '10 hour break' between the end of the event and resuming normal hours of work).
- Accommodation will, where practicable, be booked at the associated venue or in close proximity to the venue and be a standard twin or double.
- Accommodation costs paid or reimbursed shall be the actual costs incurred. Wherever possible accommodation costs shall be pre-paid by the Shire.

In the event that an attendee wishes to extend their stay for personal reasons not associated with approved Council business, then any extended stay is to be at the full cost of the attendee.

4.6.4. Personal Accident and Corporate Travel Insurance

Personal accident and corporate travel insurance is provided in accordance with the "Elected Members Allowances and Expenses Policy".

Attendees may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

If an attendee extends their stay (item 4.6.3) or an accompanying person attends (item 4.6.8) the Shire will not cover the cost of the additional insurance.

4.6.5. Transportation

The cost of taxi, ride share or fares for public transport to and from the airport, training/ CPD venue or other approved places shall be reimbursed.

The cost of car hire will only be reimbursed when the request has been included in the notification of attendance and approval given at the time attendance the conference/ event is authorised.

4.6.6. Meals and Incidental Expenses

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel.

Incidental expenses are to be interpreted as reasonable expenses incurred by the Council Member for telephone calls, public transport and sundry food and beverages.

The CEO is authorised to set standards and calculate costs for reimbursement of approved incidental expenses. Alternatively, Council may determine the amount for meals and incidental expenses at the time of approving the attendance.

4.6.7. Child Care Expenses

Reimbursement for child care expenses that result from attendance at a conference/ event will be reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

4.6.8. Accompanying Person

Council appreciates that attendees may require someone to accompany them to training/ CPD. This is supported on the following basis:

- Details of the accompanying person is included when the request is submitted.
- Where it is more efficient for the Shire to make arrangements for registration, travel and accommodation for accompanying persons, it is appropriate that Council meets these expenses in the first instance. The attendee must arrange reimbursement of these costs prior to attendance at the training/ CPD.
- Expenses incurred by the accompanying person at the conference/ event will be borne by the council member, not the Shire.

4.6.9. Accompanying Carer

Where an attendee is attending training/ CPD and has a disability as defined in the *Disability Services Act 1993*, the Shire will meet the cost of an accompanying carer where that carer is a person who provides ongoing care or assistance.



The costs provided by the Shire for an accompanying carer will include travel, meals, registration, accommodation and participation in any programs.

**4.6.10. Claiming Reimbursement of Expenses**

Within 30 working days of the conclusion of the training/ CPD, receipts must be presented to support the expenditure that is to be reimbursed.

Only expenses incurred in the attendee's capacity to fulfil their role representing the Shire will be reimbursed.

**4.6.11. Loyalty Rewards or Bonus Points**

Consistent with the principle of not using public expenditure for private advantage, where possible, travel and accommodation bookings that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

**4.7. Administration Process**

Registration for all compulsory training, professional memberships and approved CPD including travel and accommodation are to be organised by the Executive Assistant to the CEO.

Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be pre-paid by the Shire.

Where items are unable to be pre-paid, council members may seek reimbursement for expenses in accordance with this policy.

**4.8. Reporting**

In accordance with section 5.127 of the Act, the Shire will publish a report on the Shire's website within one month of the financial year detailing the training/ CPD completed by council members.

The report will be in the format of a register which will include:

- Council member name
- Name of training or CPD completed
- Name of Registered Training Organisation

In order to complete the register, council members shall, following completion of compulsory training or CPD, provide evidence of attendance/ completion to the Chief Executive Officer via the Shire's generic email address.

**5. RELATED LEGISLATION**

*Local Government Act 1995*, section 5.126 Training for council members

*Local Government Act 1995*, section 5.127 Report on training

*Local Government Act 1995*, section 5.128 Policy for continuing professional development

7000 Great Eastern Highway Mundaring WA 6073 Ph: 9290 6666 [shire@mundaring.wa.gov.au](mailto:shire@mundaring.wa.gov.au) [www.mundaring.wa.gov.au](http://www.mundaring.wa.gov.au)



*Local Government Administration Regulations 1996, regulation 35 Training for council members (Act s. 5.126(1))*

*Local Government Administration Regulations 1996, regulation 36 Exemption from Act s. 5.126(1) requirement*

## **6. RELATED DOCUMENTS**

Attendance by Council Members and CEO at Conferences and Events Policy

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## Legislative Policy



## 1.2 ATTENDANCE BY COUNCIL MEMBERS AND CEO AT CONFERENCES AND EVENTS

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Governance	
<b>Adopted</b>	January 2005	RC10.01.05
<b>Reviewed</b>	March 2010	C7.03.10
	May 2018	C15.05.18
	February 2023	Res #
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

The *Local Government Act 1995* (the Act), section 5.90A provides that Shire of Mundaring (the Shire) is to adopt a policy on attendance at events for council members and the Chief Executive Officer (CEO).

Attending certain events to represent Shire of Mundaring is an important function for council members and the CEO. In order to carry out their functions impartially, council members and the CEO are required to demonstrate that attendance at events and the acceptance of tickets is transparent and that they are not improperly influenced by third parties.

This policy provides a framework for the acceptance of invitations to events and the reimbursement of expenses incurred during attendance whilst considering the benefit to the community.

### 2. SCOPE

This policy applies to the acceptance of tickets and attendance at events by council members and the CEO of the Shire (attending in their capacity as a council member or CEO) and includes:

- Acceptance of invitations to attend events and the criteria for approval
- The provision of tickets to events
- Payments in respect of event attendance

This policy does not apply to Shire employees, other than the CEO.

Where this policy relates to attendance at conferences, it should be read in conjunction with the "Council Member Continuing Professional Development, Training and Professional Memberships Policy".

### 3. DEFINITIONS

<b>attendees</b>	a council member or the CEO attending a conference/ event as applicable.
<b>conference</b>	a conference relevant to local government business.

<b>council member</b>	a person elected under the Act as a member of Council. The Shire's council members include the Shire President, Deputy Shire President and Councillors (as defined by the Act).
<b>event</b>	has the meaning given to it under section 5.90A of the Act and includes a concert, conference, function, sporting event and an occasion prescribed for the purposes of this definition by the <i>Local Government (Administration) Regulations 1996</i> . This is not an exhaustive list.
<b>gift</b>	has the meaning given to it under section 5.57 of the Act; a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or a travel contribution.
<b>ticket</b>	includes an admission ticket to an event or an invitation to attend an event, or complimentary registration to an event offered by a third party.

#### 4. POLICY

Council acknowledges that it has a responsibility to ensure that appropriate development opportunities are available to council members to assist in the fulfilment of the duties and responsibilities associated with their office. Attendance at appropriate conferences is one way to achieve this.

Attendance at an event as a representative of the Shire, where the attendee has not paid for the ticket, is a gift and must be disclosed if valued over \$300 (either one gift or cumulative over 12 months from the same third party).

##### 4.1. Pre-Approved Conferences/ Events

Attendance at a pre-approved event will exclude the recipient from the requirement to disclose an interest if the ticket is above \$300 (either one gift or cumulative over 12 months from the same donor) and the donor has a matter before Council.

Receipt of the gift will still be required under the gift register provisions.

The below table indicates pre-approved events (marked with an 'X'):

Conference/ Event Organiser	Shire President	Deputy Shire President	Council Members	CEO
Western Australian Local Government Association (WALGA)	X	X	X	X
Australian Local Government Association (ALGA)	X	X (if Shire President not attending)		
Local Government Professionals WA	X	X	X	X

Local Government Professionals Australia				X
WA Government Agency (e.g. Public Sector Commission)	X	X	X	X
Perth Metropolitan Local Governments	X	X	X	X
WA Regional Local Governments and other Local Governments	X	X		X
State or Federal Member of Parliament (excluding political party event or fundraisers)	X	X	X	X
Shire of Mundaring hosted events	X	X	X	X
Not for Profits and Community organisations / groups within the district of the Shire of Mundaring	X	X	X	X

In addition to accepting invitations to attend pre-approved events, the CEO is approved to attend events in accordance with their contractual entitlements.

#### 4.1.1. Distribution of Tickets

Where an invitation to attend a pre-approved event, including tickets, is extended to the Shire and is addressed to the Shire President, and the President is unable or does not wish to attend the event, the Shire President may with the consent of the event organiser, distribute the ticket to the Deputy Shire President or another council member or employee.

Where an invitation to attend a pre-approved event, including tickets, is extended to a specific council member, and the individual council member is unable or does not wish to attend the event, the Shire President may with the consent of the event organiser, distribute the ticket to another council member or employee.

Where an invitation to attend a pre-approved event, including tickets, is extended to the CEO, and the CEO is unable, or does not wish to attend the event, the CEO is to advise the event organiser of their inability to attend and may, if the event organiser agrees, distribute the invitation to a nominated employee.

#### 4.2. Other Events

An invitation to an event accepted by a council member or CEO without payment (to attend in their capacity as a council member or CEO), where a member of the public is required to pay, unless noted as a pre-approved event in this policy, will generally be classified as a gift to which gift declaration provisions apply.

Where an event is a free event to the public then no action is required by the recipient in relation to this policy.

If the event is ticketed and the council member or CEO pays the full ticketed price and does not seek or obtain reimbursement then no action is required by the recipient in relation to this policy.

Where either the CEO proposes to Council or Council itself nominates a council member to attend a specific conference then that council member is not required to complete the Conference and Event Attendance Form, as the report to Council will have already been prepared and the assessment criteria examined. The expenditure is to be considered as part of a report to Council and allocated to the relevant service area or council member budget.

#### 4.3. Approval Process

All event invitations or offers of tickets for a council member to attend must be forwarded in writing and addressed to the CEO for approval.

Where an event invitation or offers of tickets are for the CEO to attend must be forwarded in writing and addressed to the Shire President for approval.

#### 4.4. Criteria for Approval

All proposals to accept invitations for enrolment and attendance at conferences/ events that incur costs (for ~~the allowances or reimbursement of expenses~~) shall be subject to an initial assessment by the CEO based on the following criteria:

- The role of the attendee at the conference/ event (participant, observer, presenter, facilitator) and the value of their contribution.
- Whether the conference/ event relates to an objective identified within the current or future strategic direction of Council.
- The current relevance of the conference/ event to the Shire.
- Equity of opportunity of the council member concerned including recognition of the number of opportunities previously provided to that council member.
- Whether there are more cost effective options to acquire the relevant knowledge and information.
- Whether it is appropriate that more than one council member attends.
- The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the impact on future conference attendance by other council members.
- Whether the conference/ event is sponsored by the Shire.
- Remaining term of office.

Conferences/ events that will not be considered for approval include:

- Political party events and fundraisers.
- Entertainment events that do not have any relevance to the Shire or to the business of local government.
- An event that benefits a council member or the CEO in a personal capacity.

No council member is permitted to accept invitations to attend conferences/ events which will incur a cost to the Shire during caretaker period, unless otherwise determined by a resolution of Council.

#### 4.5. Authority for Approval

Once the CEO undertakes an initial assessment in relation to the criteria for approval, a report will be presented to Council for approval.

#### 4.6. ~~Allowances and~~ Reimbursement of Expenses

Where payment or reimbursement of expenses is sought for costs incurred by acceptance of an invitation for the attendance at a conference/ event in excess of the available budget allocation, formal Council approval is required. Any request must be submitted on the Conference and Event Attendance Form (Appendix 1) at least fourteen days prior to the Council meeting at which the request will be considered.

The extent to which an attendee will be reimbursed will be in accordance with the "Elected Member Allowances and Expenses Policy" and this policy. Where appropriate, the Shire will pay reasonable costs associated with an attendee's accommodation.

Necessary approvals required by this policy are to be obtained prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.

##### 4.6.1. Private Motor Vehicle

The use of a private motor vehicle is reimbursed in accordance with the "Elected Member Allowances and Expenses Policy".

##### 4.6.2. Intrastate, Interstate and Overseas Air Travel

Economy class air travel arrangements shall apply to conferences/ events requiring air travel. The most direct route to and from the airport situated closest to the venue shall be booked.

Where practicable, advantage should be taken of available discount fares.

Attendees have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

##### 4.6.3. Accommodation

Unless other arrangements are specifically approved by Council the following applies:

- Accommodation costs shall be paid for the duration of the conference/ event. This includes arrival the day before the start of the conference/ event and departure the day following the close of the conference/ event where necessary (for example, timing makes it unreasonable to arrive at or return home in normal working hours or have a '10 hour break' between the end of the event and resuming normal hours of work).
- Accommodation will, where practicable, be booked at the associated venue or in close proximity to the venue and be a standard twin or double.

- Accommodation costs paid or reimbursed shall be the actual costs incurred. Wherever possible accommodation costs shall be pre-paid by the Shire.

In the event that an attendee wishes to extend their stay for personal reasons not associated with approved Council business, then any extended stay is to be at the full cost of the attendee.

4.6.4. Personal Accident and Corporate Travel Insurance

Personal accident and corporate travel insurance is provided in accordance with the "Elected Member Allowances and Expenses Policy".

Attendees may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

If an attendee extends their stay (item 4.5.3) or an accompanying person attends (item 4.5.8) the Shire will not cover the cost of the additional insurance.

4.6.5. Transportation

The cost of taxi, ride share or fares for public transport to and from the airport, conference/ event venue or other approved places shall be reimbursed.

The cost of car hire will only be reimbursed when the request has been included in the Conference and Event Attendance Form (Appendix 1) approval given at the time attendance the conference/ event is approved.

4.6.6. Meals and Incidental Expenses

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel.

Incidental expenses are to be interpreted as reasonable expenses incurred by the council member for telephone calls, public transport and sundry food and beverages.

The CEO is authorised to set standards and calculate costs for reimbursement of approved incidental expenses. Alternatively, Council may determine the amount for meals and incidental expenses at the time of approving the attendance.

4.6.7. Child Care Expenses

Reimbursement for child care expenses that result from attendance at a conference/ event will be reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

4.6.8. Accompanying Person

Council appreciates that attendees may want someone to accompany them to conferences/ events. This is supported on the following basis:

- Details of the accompanying person is included in the Conference and Event Attendance Form (Appendix 1).
- Where it is more efficient for the Shire to make arrangements for registration, travel and accommodation for accompanying persons, it is appropriate that Council meets these expenses in the first instance. The attendee must arrange reimbursement of these costs prior to attendance at the conference/ event.
- Expenses incurred by the accompanying person at the conference/ event will be borne by the council member or CEO, not the Shire.

4.6.9. Accompanying Carer

Where an attendee is attending a conference/ event and has a disability as defined in the *Disability Services Act 1993*, the Shire will meet the cost of an accompanying carer where that carer is a person who provides ongoing care or assistance.

The costs provided by the Shire for an accompanying carer will include travel, meals, registration, accommodation and participation in any programs.

4.6.10. Claiming Reimbursement of Expenses

Within 30 working days of the conclusion of the conference/ event, receipts must be presented to support the expenditure that is to be reimbursed.

Only expenses incurred in the attendee's capacity to fulfil their role representing the Shire will be reimbursed.

4.6.11. Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where possible, travel and accommodation bookings that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

**4.7. Administration Process**

Registration for all conferences/ events approved in accordance with this policy, including travel and accommodation, are to be organised by the Executive Assistant to the CEO.

Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be pre-paid by the Shire.

Where items are unable to be pre-paid, council members may seek reimbursement for expenses in accordance with this policy.



#### 4.8. Reporting

Gifts received by council members and the CEO will be listed in the Shire's Gift Register in accordance with section 5.87A and section 5.87B of the *Local Government Act 1995*.

#### 4.9. Sharing of Knowledge

Within ~~three~~<sup>one</sup> months from the conclusion of an approved interstate and overseas conferences, the attendee shall provide a written report or presentation (including copies of conference papers) for the information of council members and for Shire records. Where appropriate this requirement shall also apply to intrastate conferences.

The report or presentation is only applicable to conferences and is to contain relevant observations and the identification of significant outcomes gained from the conference that would be of benefit to the Shire's operations.

### 5. APPENDICES

**Appendix 1** Conference and Event Attendance Form

### 6. RELATED LEGISLATION

*Local Government Act 1995*, section 5.90A Policy for attendance at events

*Local Government Act 1995*, section 5.98 Fees etc. for council members

### 7. RELATED DOCUMENTS

Council Member Continuing Professional Development, Training and Professional Memberships Policy

Local Government Operational Guidelines – Attendance at Events Policy

Local Government Operational Guidelines – Disclosure of gifts and disclosure of interests relating to gifts

## Legislative Policy



### 1.3 COUNCIL MEMBER CONTINUING PROFESSIONAL DEVELOPMENT, TRAINING AND PROFESSIONAL MEMBERSHIPS

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Governance	
<b>Adopted</b>	December 2020	SC18.12.20
<b>Reviewed</b>	February 2023	Res #
<b>Procedure Ref</b>	N/A	

#### 1. PURPOSE

Shire of Mundaring (the Shire) is committed to supporting council members to fulfil their role as leaders and enable them comply with relevant legislation that prescribes training requirements.

The knowledge, skills and experiences that council members bring to their role when elected, which are enhanced during an induction program, will generally need to be supplemented with ongoing knowledge and skills development relevant to their complex and significant role as leaders in the community.

This Policy provides a structured approach to Continuing Professional Development (CPD), compulsory training and professional memberships whilst maintaining the flexibility to enable council members to tailor to their individual needs.

#### 2. SCOPE

This Policy applies to all council members of the Shire. This Policy is to be reviewed after each ordinary local government election.

#### 3. DEFINITIONS

<b>compulsory training</b>	the <i>Local Government Act 1995</i> (the Act) and <i>Local Government (Administration) Regulations 1996</i> requires all council members to undertake training courses within 12 months of being elected.
<b>Elected Member Essentials</b>	as defined by the <i>Local Government (Administration) Regulations 1996</i> , regulation 35(2).
<b>council member</b>	a person elected under the Act as a member of Council. The Shire's council members includes the Shire President, Deputy Shire President and Councillors (as defined by the Act).
<b>external committee member</b>	a person appointed to a Committee established under the Act who is not a council member.

<b>Continuing Professional Development</b>	attendance or participation in (in person or online) training relevant to the role of a council member. Including but not limited to: conferences, workshops, courses, webinars, seminars, networking forums, formal qualifications or similar professional development provided by a Registered Training Organisation or government agency.
<b>Registered Training Organisation</b>	provider registered by the Australian Skills Quality Authority or similar state regulator to deliver nationally recognised training and qualifications.
<b>training allocation</b>	Council adopted budget allocation for the purposes of attending compulsory training or CPD to support the role of a council member <del>or for external committee members</del> to attend CPD.

#### 4. POLICY

Council members are encouraged to seek the assistance of their peers and the Chief Executive Officer (CEO) to identify opportunities for their particular development requirements and appropriate training, courses, conferences and formal qualifications to improve their skills and knowledge.

##### 4.1. Compulsory Training

Section 5.126 of the *Local Government Act 1995* (the Act) includes provisions relating to the universal training of council members. All council members are required to complete Elected Member Essentials within 12 months of election to Council. Compulsory training remains valid for five years.

A council member is only required to undertake compulsory training after every second election unless exempt under regulation 36 of the *Local Government (Administration) Regulations 1996*. Exemptions include:

- Completion of compulsory training courses within the period of 5 years ending immediately before the day on which the council member is elected.
- Completion of Diploma of Local Government (Elected Member) within the period of 5 years ending immediately before the day on which the council member is elected.
- Completion of the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

Immediately following each election, newly elected council members, be they first-time or returning, are to request to be enrolled in compulsory training on their preferred date either online or in person, depending on their preference.

It is the responsibility of the council member to complete their compulsory training in accordance with legislation.

4.1.1. Cost of Compulsory Training

Costs to undertake compulsory training are determined by the Training Providers.

A training allocation for compulsory training will be determined as part of the budget setting process.

Noting that the allocation for compulsory training will generally be expended every two years, based on election cycles, a training allocation will be made available to any new or returning council member who is required to complete compulsory training. The training allocation for compulsory training is in addition to the training allocation for CPD.

All unspent funds in the training allocation for compulsory training will not be carried forward at the end of the financial year.

**4.2. Continuing Professional Development (CPD)**

Where CPD is attendance at a conference, this Policy is to be considered in conjunction with the Attendance by Council Members and CEO at Conference and Events Policy where relevant.

4.2.1. Cost of CPD

Costs to undertake CPD are determined by training providers or event organisers.

The training allocation for CPD will be determined as part of the budget setting process.

The training allocation for CPD is to be equally distributed between council members (excluding the allocation for the WALGA Elected Member Diploma).

Any requests from council members to attend CPD that exceeds their available allocation will be presented to Council for consideration.

All unspent funds in the training allocation for CPD will not be carried forward at the end of the financial year.

4.2.2. Conditionally Approved CPD – costing up to ~~\$750500~~

CPD costing up to ~~\$750500~~, including reimbursement of allowances and expenses, is conditionally approved.

Conditions for approval include:

- a. A request is submitted in writing including all estimated expected allowances and expenses (see item 4.6) to the CEO.
- b. The council member has completed or enrolled in all compulsory training.
- c. The request addresses the council member's professional development needs.
- d. The CPD aligns with the strategic direction of the Shire.

- e. The CPD is held online or within the Perth metropolitan area.
- f. The CPD is delivered by a reputable organisation or Registered Training Organisation.
- g. There are sufficient funds available in the council members training allocation.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

4.2.3. Conditionally Approved CPD – costing ~~\$750~~~~500~~ and above

Council members may request to attend conditionally approved CPD costing ~~\$500~~~~750~~ and above (refer to 4.2.~~53~~ for CPD costing up to ~~\$500~~~~750~~) including:

- Courses conducted by the Western Australian Local Government Association (WALGA).  
Excludes WALGA Elected Member Diploma. Refer to 4.2.4.
- Courses conducted by the Australian Institute of Company Directors.
- Courses conducted by the Institute of Public Administration Australia.
- Courses conducted by the Governance Institute of Australia.
- Courses conducted by the International Association for Public Participation (IAP2).

Conditions for approval include:

- a. A request is submitted in writing including all estimated ~~expected allowances and~~ expenses (see item 4.6) to the CEO.
- b. The council member has completed or enrolled in all compulsory training.
- c. The request addresses the council member's professional development needs.
- d. The CPD aligns with the strategic direction of the Shire.
- e. The CPD is held online or within the Perth metropolitan area.
- f. There are sufficient funds available in the council members training allocation.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

4.2.4. Conditionally Approved CPD – WALGA Elected Member Diploma

Council members may request to complete the WALGA Elected Member Diploma.

Conditions for approval include:

- a. The intention to complete the WALGA Elected Member Diploma is raised during budget deliberations.
- b. A request is submitted in writing including all estimated expenditure (see item 4.6) to the CEO within the first 18 months of the council members term.
- c. The council member has completed or enrolled in all compulsory training.

If the request meets the above conditions, the CEO will arrange for the council member to be enrolled/ registered. Any requests that do not meet the above conditions will be presented to Council for consideration.

#### 4.2.4.4.2.5. CPD – costing \$500750 and above

Generally, CPD costing above \$500750, including allowances and estimated expenses (excluding conditionally approved CPD) are for intrastate, interstate or overseas CPD.

A request is to be submitted in writing to the CEO including all estimated expected allowances and expenses (see item 4.6).

Criteria for assessment includes:

- a. The council member has completed or enrolled in all compulsory training.
- b. The request addresses the council member's professional development needs.
- c. The CPD aligns with the strategic direction of the Shire
- d. The CPD is delivered by a reputable organisation or Registered Training Organisation
- e. There are sufficient funds available in the council members training allocation.
- f. The CPD does not have an option to participate through an online learning format. If an online learning format is available, the council member is to attend via that means rather than travel to the course location.

Once the CEO undertakes an initial assessment, a report will be presented to Council for consideration.

#### **4.3. External Committee Members CPD**

External committee members may be invited to attend in-house training relevant to their role as a committee member. are able to request to attend CPD relevant to the Committee they have been appointed to.

Requests for CPD may be initiated by an external committee member and must be forwarded to the CEO.

Criteria for approval include:

- a. The request addresses the external committee member's professional development needs.
- a. The CPD aligns with the strategic direction of the Shire.
- b. The CPD is delivered by a reputable organisation or Registered Training Organisation.

~~The CPD is held within the Perth metropolitan area or by an online learning format.~~

~~There are sufficient funds available in the training allocation for external committee members CPD.~~

~~Any requests that do not meet the above criteria will not be approved.~~

#### ~~4.3.1. Cost of External Committee Members CPD~~

~~Costs to undertake CPD are determined by the training providers or the event organisers.~~

~~The training allocation for external committee member CPD will be determined as part of the budget setting process.~~

~~Unspent funds in the training allocation for external committee member CPD will not be carried forward at the end of the financial year.~~

#### **4.4. General Considerations for Compulsory Training and CPD**

No council member ~~or external committee member~~ is permitted to undertake CPD during the caretaker period prior to the expiry of their term, ~~unless otherwise determined by a resolution of Council.~~

In circumstances where a council member ~~or external committee member~~ is unable to attend Compulsory Training or CPD they have registered for and cancellation would result in a financial loss to the Shire, the CEO is authorised to determine a substitute council member and/or employee to attend the CPD in lieu of the registered council ~~member or external committee member.~~

~~If a council member does not successfully complete conditionally approved CPD (including CPD up to the cost of \$500), they will be required to reimburse any payments made in accordance with this Policy.~~

Where other subsidies are provided to council members, they are only entitled to financial assistance through this Policy to the extent that the other subsidies don't cover their expenses.

#### **4.5. Professional Memberships**

There are a range of professional bodies associated with local government matters. These provide a variety of learning and networking opportunities for council members.

Professional bodies have a range of membership fees which are a recognised cost to participate in training.

Requests for payment of professional membership may be initiated by the council member and must be forwarded to the CEO.

Criteria for approval include:

- a. Membership is to a recognised organisation and is relevant to role of the council member.
- b. The membership aligns with the strategic direction of the Shire.
- c. There are sufficient funds available in the training allocation.

If the request meets the above criteria, the CEO will arrange for the payment of the professional membership for the council member. Any



requests that do not meet the above criteria will be presented to Council for consideration.

4.5.1. Cost of Professional Memberships

The cost of professional memberships are determined by the professional bodies.

Requests from council members for the cost of a professional membership to be paid by the Shire will be taken from the council members training allocation.

All unspent funds in the training allocation for professional memberships will not be carried forward at the end of the financial year.

4.6. ~~Allowances and Reimbursement~~ of Expenses

Where payment or reimbursement of expenses is sought for costs incurred by the attendance at Compulsory Training or CPD ~~including allowances and reimbursement~~ exceeding \$500, the formal approval of Council is required. Any request must be submitted in writing at least fourteen days prior to the Council meeting at which the request will be considered.

The extent to which an attendee will be reimbursed will be in accordance with the "Elected Members Allowances and Expenses Policy" and this Policy. Where appropriate, the Shire will pay reasonable costs associated with an attendee's accommodation.

Necessary approvals required by this policy are to be obtained prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.

4.6.1. Private Motor Vehicle

The use of a private motor vehicle is reimbursed in accordance with the "Elected Members Allowances and Expenses Policy".

4.6.2. Intrastate, Interstate and Overseas Air Travel

Economy class air travel arrangements shall apply to CPD requiring air travel. The most direct route to and from the airport situated closest to the venue shall be booked.

Where practicable, advantage should be taken of available discount fares.

Attendees have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

4.6.3. Accommodation

Unless other arrangements are specifically approved by Council the following applies:

- Accommodation costs shall be paid for the duration of the training/ CPD. This includes arrival the day before the start of the training/ CPD and departure the day following the close of training/ CPD where necessary (for example, timing makes it



unreasonable to arrive at or return home in normal working hours or have a '10 hour break' between the end of the event and resuming normal hours of work).

- Accommodation will, where practicable, be booked at the associated venue or in close proximity to the venue and be a standard twin or double.
- Accommodation costs paid or reimbursed shall be the actual costs incurred. Wherever possible accommodation costs shall be pre-paid by the Shire.

In the event that an attendee wishes to extend their stay for personal reasons not associated with approved Council business, then any extended stay is to be at the full cost of the attendee.

#### 4.6.4. Personal Accident and Corporate Travel Insurance

Personal accident and corporate travel insurance is provided in accordance with the "Elected Members Allowances and Expenses Policy".

Attendees may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.

If an attendee extends their stay (item 4.76.3) or an accompanying person attends (item 4.76.8) the Shire will not cover the cost of the additional insurance.

#### 4.6.5. Transportation

The cost of taxi, ride share or fares for public transport to and from the airport, training/ CPD venue or other approved places shall be reimbursed.

The cost of car hire will only be reimbursed when the request has been included in the notification of attendance and approval given at the time attendance at the conference/ event is authorised.

#### 4.6.6. Meals and Incidental Expenses

Meal expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel.

Incidental expenses are to be interpreted as reasonable expenses incurred by the Council Member for telephone calls, public transport and sundry food and beverages.

The CEO is authorised to set standards and calculate costs for reimbursement of approved incidental expenses. Alternatively, Council may determine the amount for meals and incidental expenses at the time of approving the attendance.

#### 4.6.7. Child Care Expenses

Reimbursement for child care expenses that result from attendance at a conference/ event will be reimbursed in

accordance with the “Elected Members Allowances and Expenses Policy”.

4.6.8. Accompanying Person

Council appreciates that attendees may require someone to accompany them to training/ CPD. This is supported on the following basis:

- Details of the accompanying person is included when the request is submitted.
- Where it is more efficient for the Shire to make arrangements for registration, travel and accommodation for accompanying persons, it is appropriate that Council meets these expenses in the first instance. The attendee must arrange reimbursement of these costs prior to attendance at the training/ CPD.
- Expenses incurred by the accompanying person at the conference/ event will be borne by the Council Member, not the Shire.

4.6.9. Accompanying Carer

Where an attendee is attending training/ CPD and has a disability as defined in the *Disability Services Act 1993*, the Shire will meet the cost of an accompanying carer where that carer is a person who provides ongoing care or assistance.

The costs provided by the Shire for an accompanying carer will include travel, meals, registration, accommodation and participation in any programs.

4.6.10. Claiming Reimbursement of Expenses

Within 30 working days of the conclusion of the training/ CPD, receipts must be presented to support the expenditure that is to be reimbursed.

Only expenses incurred in the attendee’s capacity to fulfil their role representing the Shire will be reimbursed.

4.6.11. Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where possible, travel and accommodation bookings that accrue loyalty rewards or bonus points, should not be personally claimed or used for private purposes and where possible be used only for further official purposes.

**4.7. Administration Process**

Registration for all compulsory training, professional memberships and approved CPD including travel and accommodation are to be organised by the Executive Assistant to the CEO.

Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be pre-paid by the Shire.

Where items are unable to be pre-paid, council members may seek reimbursement for expenses in accordance with this Policy.

#### **4.8. Reporting**

In accordance with section 5.127 of the Act, the Shire will publish a report on the Shire's website within one month of the financial year detailing the training/ CPD completed by council members.

The report will be in the format of a register which will include:

- Council member name
- Name of training or CPD completed
- Name of Registered Training Organisation

In order to complete the register, council members shall, following completion of compulsory training or CPD, provide evidence of attendance/ completion to the Chief Executive Officer via the Shire's generic email address.

#### **5. RELATED LEGISLATION**

*Local Government Act 1995*, section 5.126 Training for council members

*Local Government Act 1995*, section 5.127 Report on training

*Local Government Act 1995*, section 5.128 Policy for continuing professional development

*Local Government Administration Regulations 1996*, regulation 35 Training for council members (Act s. 5.126(1))

*Local Government Administration Regulations 1996*, regulation 36 Exemption from Act s. 5.126(1) requirement

#### **6. RELATED DOCUMENTS**

Attendance by Council Members and CEO at Conferences and Events Policy

## Shire of Mundaring

**POLICY****ATTENDANCE BY ELECTED MEMBERS AT CONFERENCES**

<b>Policy Ref:</b>	<b>OR-01</b>		
<b>Adopted by:</b>	RC10.01.05	<b>Date:</b>	Jan 2005
<b>Amended by:</b>	C7.03.10	<b>Date:</b>	March 2010
<b>Amended by:</b>	C15.05.18	<b>Date:</b>	May 2018
<b>Procedure Ref:</b>	n/a	<b>Delegation Ref:</b>	n/a
<b>Statute Ref:</b>	<i>Local Government Act 1995 s. 5.98 (expenses to be reimbursed)</i>		
<b>Local Law Ref:</b>	n/a		

**PURPOSE**

To establish standards for the attendance of elected members at both intrastate and interstate conferences and the reimbursement of expenses incurred during those attendances.

**Definition**

<b>CEO</b>	means the Chief Executive Office of the Shire of Mundaring
<b>Conference</b>	includes conferences, seminars, congresses, workshops, training courses, industry forums, presentations, awards and study tours that will benefit an elected member in his or her decision making role on Council
<b>Council</b>	means the Council of Shire of Mundaring
<b>Elected Member</b>	means a Councillor of the Shire of Mundaring Council

**POLICY**

1. Council acknowledges that it has a responsibility to ensure that appropriate training and development opportunities are available to elected members to assist in the fulfilment of the duties and responsibilities associated with their office. Attendance at appropriate conferences is one way to achieve this.
2. All elected members have an annual conference allowance of no more than \$3000 per financial year. All unspent funds for this purpose will not be carried forward at the end of the financial year.

3. The cost of attendance by an elected member at the Annual Western Australian Local Government (WALGA) Convention will be part of the individual conference allowance.
4. The President or Deputy President is approved to attend the Annual National General Assembly of Local Government. Costs of attendance is not part of the individual conference allowance.
5. If an elected member wishes to attend a conference in addition to the above or which exceeds their total allocation of \$3000, then a request shall be placed before Council for consideration in accordance with the assessment criteria.

#### **Approval**

6. For elected members to be able to seek payment or reimbursement of expenses incurred in the attendance at conferences in excess of the individual allowance, the formal approval of Council is required. Any request must be submitted on the Attendance Request Form (**Appendix 1**) at least fourteen days prior to the Council meeting at which the request will be considered.
7. Where either the CEO proposes to Council or Council itself nominates an elected member to attend a specific conference then that elected member is not required to complete the relevant Attendance Request Form, as the report to Council will have already been prepared and the assessment criteria examined. In these circumstances, the attendance cost are not to be taken from the elected member's annual allowance.
8. Elected members should obtain the necessary approvals required by this policy prior to making any financial or other commitments. No reimbursement of expenses will be approved retrospectively.

#### **Assessment Criteria**

9. All proposals for attendance at conferences in addition to those detailed above shall be subject to an initial assessment by the CEO based on the following criteria:
  - Whether the proposal relates to an objective identified within the current or future strategic direction of Council.
  - The current relevance of the proposal to the Shire.
  - The relationship of the proposal to the outcomes to be delivered and how these relate to the elected member's role.
  - Equity of opportunity of the elected member concerned including recognition of the number of opportunities previously provided to that elected member.
  - Whether there are more cost effective options to acquire the relevant knowledge and information.
  - Whether it is appropriate that more than one elected member attends.

- The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the impact on future conference attendance by other elected members during the current financial year.

#### **Administration Process**

10. Registration for all approved conferences including travel and accommodation must be organised through the CEO's Executive Assistant. Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be paid direct by the Shire.

#### **Payment of Travel, Accommodation and Related Costs**

##### **Interstate Travel**

11. Economy class air travel arrangements shall apply provided that individual elected members have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

##### **Intrastate Travel**

12. Reimbursement of actual vehicle costs will be provided on a cents per kilometre basis payable at the rates specified in the *Local Government Officers' (Western Australia) Interim Award 2011*, where travel is solely for the purpose of attending the conference.
13. Economy class air travel arrangements shall apply to intrastate conferences requiring air travel, provided that individual elected members have the option to upgrade their travel arrangements to business class by supplementing the economy airfare at their own cost.

#### **Accommodation**

14. Accommodation costs for elected members shall be paid for the duration of the conference, including allowing elected members to arrive the day before the start of the conference and depart the day following the close of the conference where this is necessary because of travel and/or the conference event timetable which makes it unreasonable to arrive at or return home in normal working hours or have a '10 hour break' between the end of the event and resuming normal hours of work, unless other arrangements are specifically approved by Council. In the event that an elected member wishes to extend their stay for personal reasons not associated with approved Council business, then any extended stay is to be at the full cost of the elected member.
15. Elected members are generally expected to stay in a standard "twin or double" room at the conference venue unless that facility is fully booked or alternative accommodation can be used at no additional cost to Council.
16. Accommodation costs paid or reimbursed shall be the actual costs incurred. Wherever possible accommodation costs shall be pre-paid.

#### **Transportation**

17. The cost of taxi or bus fares to and from the airport, conference venues or other approved places shall be reimbursed.

18. The cost of car hire will only be reimbursed when specific approval has been obtained at the time attendance at the conference is authorised.

**Incidental Expenses**

19. The CEO is authorised to set standards and calculate costs for reimbursement of approved incidental expenses up to \$124 per day, or any other amount predetermined by Council at the time of approving the attendance

**Reimbursement of Expenses**

20. Within 10 working days of the conclusion of the conference, elected members must present receipts to support the expenditure that is to be reimbursed.

**Accompanying Partners**

21. Council appreciates that elected members may wish their partner to accompany them to conferences. This is supported on the following basis –
- Where it is more efficient for the Shire to make arrangements for registration, travel and accommodation for partners, it is appropriate that Council meets these expenses in the first instance. The elected member must arrange reimbursement of these costs prior to attendance at the conference.
  - The elected member shall meet directly all attending partner's expenses at the conference.

**Sharing of Knowledge**

22. Within three months from the conclusion of an approved interstate conference, the elected member shall provide a written report or presentation (including copies of conference papers) of the conference for the information of other elected members and for Shire records. Where appropriate this requirement shall also apply to intrastate conferences.
23. The report or presentation is only applicable to conferences and is to contain relevant observations and the identification of significant outcomes gained from the conference that would be of benefit to the Shire's operations.

**Loyalty Rewards or Bonus Points**

24. Consistent with the principle of not using public expenditure for private advantage, where travel and accommodation bookings or associated bookings are made and carry loyalty rewards or bonus points, they should not be personally claimed or used for private purposes. They may be used only for further official purposes.

**REQUEST FOR ATTENDANCE AT CONFERENCES**

Elected Member's Name:	
Proposed Conference:	
Location of Conference:	
Duration of Conference:	
Dates of Travel:	
Conference Registration Fee:	\$
Airfares:	\$
Accommodation:	\$
Associated Costs:	\$
<b>ESTIMATED TOTAL COST</b>	<b>\$</b>
Details of committee membership of elected members:	
Details of conferences previously attended during current financial year:	
Expiration of Term of Office:	
Elected Member's signature:	
<b>Date:</b>	
<b>Submitted to Council on:</b>	
<b>Approved/Not Approved</b>	<b>Decision No:</b>
<b>Chief Executive Officer:</b>	
<b>Date:</b>	



## Shire of Mundaring

**POLICY****CONTINUING PROFESSIONAL DEVELOPMENT**

<b>Policy Ref:</b>	<b>OR-30</b>		
<b>Committee Rec:</b>	ARC5.12.20	<b>Date:</b>	14 December 2020
<b>Adopted:</b>	SC18.12.20	<b>Date:</b>	17 December 2020
<b>Amended:</b>		<b>Date:</b>	
<b>Reviewed:</b>		<b>Date:</b>	
<b>Procedure Ref:</b>	N/A	<b>Delegation Ref:</b>	N/A
<b>Statute Ref:</b>	<i>Local Government Act 1995</i> sections 5.126, 5.127 and 5.128 <i>Local Government (Administration) Regulations 1996</i> r. 35 and 36		
<b>Guidance:</b>	DLGSC Circular no. 2019-8 Council Member Training and Candidate Induction		

**PURPOSE**

To ensure that Elected Members have the skills and knowledge to undertake their complex and significant role as leaders in the community.

**BACKGROUND**

The *Local Government Act 1995* (The Act) and *Local Government (Administration) Regulations 1996* require all Elected Members to undertake the compulsory training course *Council Members Essentials* within 12 months of being elected.

The Act requires the Shire to report on its website on the training completed by Elected Members within one month after the end of each financial year.

The Shire is also required to adopt a policy outlining the continuing professional development (CPD) of its Elected Members. This policy must be reviewed after each ordinary election to take into account the needs and skills sets of new councillors.

**SCOPE**

This policy applies to Elected Members of Shire of Mundaring.

**POLICY****1. Mandatory Elected Member Training**

All Elected Members\* are required to complete the *Council Members Essentials* within 12 months of election to Council.

The training remains valid for five years, so that an Elected Member is only required to undertake the training once during every four year term.

*Council Members Essentials* consists of five modules:

1. Understanding Local Government;
2. Serving on Council;
3. Meeting Procedures;
4. Conflicts of Interest; and
5. Understanding Financial Reports and Budgets.

This training course will be sourced by the Shire at no cost to Elected Members.

Immediately following each election newly Elected Members, be they first-time or returning councillors, will be enrolled in the *Council Members Essentials* course's five modules online or in person, depending on their preference.

Elected Members are required to report their progress towards completion of the modules to the Council Forum meetings in February, May and August.

- \* Regulation 36(2) exempts Elected Members whose term commenced before the October 2019 elections from the requirement of compulsory training until the end of their term in October 2021.

## **2. Other Continuing Professional Development**

Once the full *Council Members Essentials* course has been completed, Elected Members are strongly encouraged to take advantage of other CPD opportunities relevant to their roles and in line with the strategic objectives of the Shire, in particular the following courses, delivered by WALGA:

- Effective Community Leadership;
- Dealing with Conflict;
- Integrated Strategic Planning – the Essentials;
- Planning Practices – the Essentials;
- Planning Practices – Advanced;
- CEO Performance Appraisals;
- Integrated Strategic Planning – Policy; and
- Infrastructure Asset Management.

Successful completion of these courses plus *Council Members Essentials* will result in the achievement of the *Diploma of Local Government* (Elected Member) qualification.

Other CPD opportunities that may be considered:

- Emergency Management Fundamentals – WALGA;
- Managing Recovery Activities for Local Government – WALGA;

- Waste 101: Introduction to Waste Management – WALGA.

This list is not exhaustive.

Requests for non-mandatory professional development training may be initiated by the Elected Member and must be forwarded to the CEO, who will arrange enrolment if –

1. The request addresses the Elected Member's professional development needs;
2. The training aligns with the strategic direction of the Shire;
3. The training is delivered by a registered training provider;
4. The training is held within the Perth metropolitan area; and
5. There are sufficient funds in the Elected Members training budget.

Any requests that do not meet the above criteria will be submitted to Council for consideration.

### **3. Reporting**

Annually in July Shire of Mundaring will publish on its website a report listing each Elected Member and the training they have completed in the previous financial year. This will include both the *Council Members Essentials* course and other continuing professional development consistent with this policy.

## Shire of Mundaring

**POLICY****ATTENDANCE AT EVENTS**

<b>Policy Ref:</b>	<b>OR - 26</b>		
<b>Committee Rec:</b>	ARC3.02.20	<b>Date:</b>	18 Feb 2020
<b>Adopted:</b>	C7.03.20	<b>Date:</b>	10 Mar 2020
<b>Amended:</b>		<b>Date:</b>	
<b>Reviewed:</b>		<b>Date:</b>	
<b>Related Policy:</b>	OR-01 Attendance by Elected Members at Conferences		
<b>Delegation Ref:</b>			
<b>Statute Ref:</b>	Local Government Act 1995 section 5.90A		
<b>Local Law Ref:</b>			

**PURPOSE**

- For Council to actively consider the purpose of and benefits to the community from Elected Members and the CEO attending events;
- To provide a framework for the acceptance of invitations to such events;
- To clarify who pays for tickets to events; and
- To provide transparency to the community on the acceptance of tickets to events.

**POLICY**

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

**Scope**

This policy applies to Elected Members and the CEO of Shire of Mundaring. It must be read in conjunction with Policy OR-01 "Attendance by Elected Members at Conferences".

This policy does not apply to Shire of Mundaring employees other than the CEO. Refer to OP-10 "Employee Attendance at Conferences and Travel".

**Definition**

In accordance with section 5.90A of the *Local Government Act 1995*, **event** includes:

- a concert;
- a conference;

- a function;
- a sporting event; and
- an occasion prescribed for the purposes of this definition by the *Local Government (Administration) Regulations 1996*.

This is not an exhaustive list. This policy also applies to agricultural shows, cultural events and festivals etc.

### **Policy**

Council acknowledges that it is an important function for Elected Members and the CEO to represent their local government and fulfil their leadership role in the community.

Council's accountability to the community requires it to ensure that tangible benefits from spending ratepayers' money can be identified and that there is no perception of bias from accepting complimentary tickets when matters affecting the donor come before Council. It is important that Elected Members and the CEO make decisions – and are seen to be making decisions – free from influence and in the best interests of the community.

Attendance at an event, whether as a representative of Shire of Mundaring or otherwise as an Elected Member or CEO, where the Elected Member or CEO has not paid for the ticket or hospitality, is a gift and must be disclosed if the gift is valued over \$300 (either one gift or cumulative over 12 months from the same donor).

However attendance at an event in accordance with clause 1.3 of this policy will exclude the recipient of complimentary tickets from the requirement to disclose an interest if the ticket is over \$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.

#### **1. Provision of tickets to events**

- 1.1 All invitations for an Elected Member or CEO to attend an event must be addressed in writing to Shire of Mundaring.
- 1.2 Invitations addressed to Elected Members or the CEO, but not submitted in writing to the Shire, are not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 Events for Elected Members and the CEO authorised in advance of the event by this policy are:
  - a. Shire hosted or sponsored ceremonies, functions, events and art exhibitions;
  - b. Meetings and events hosted by clubs and not-for-profit organisations in the shire;
  - c. Any free events held in the shire;
  - d. Cultural events or festivals in the shire;
  - e. Events run by schools within the shire;
  - f. Events for which representation by the Shire President or the CEO has been requested; and

- g. Events run by other local governments, WALGA and Local Government Professionals Australia.

## **2. Approval of attendance**

2.1 In making a decision on attendance at an event, Council will consider:

- a) who is providing the ticket to the event;
- b) the location of the event ie whether in the district or out of the district;
- c) the role of the Elected Member or CEO when attending the event, i.e. participant, observer, presenter and the value of their contribution;
- d) whether the event is sponsored by the Shire;
- e) the benefit of Shire representation at the event;
- f) the number of invitations or tickets received;
- g) the cost to attend the event, including the cost of the ticket and any other expenses such as travel and accommodation.

2.2 Decisions to attend events in accordance with this policy will be made by simple majority and may be delegated.

## **3. Payments in respect of attendance**

3.1 Where an invitation or ticket to an event outside the Shire is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, if Council determines attendance to be of public value.

3.2 Unless listed at clause 1.3, for any events where generally members of the public are required to pay, Council will determine whether it is in the best interests of the Shire for an Elected Member or the CEO to attend on behalf of Council.

3.3 If Council determines that an Elected Member or CEO should attend a paid event, the Shire will pay the cost of attendance and appropriate expenses, such as travel and accommodation, for events outside the Shire and the cost of attendance for events within the Shire.

3.4 Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative.

## Conference and Event Attendance



<b>Attendee Details:</b>	
Attendee Name:	
Accompanying person (if applicable):	
<b>Conference/ Event Details:</b>	
Conference/ Event:	
Location:	
Duration:	
Dates of travel (if applicable):	
<b>Costs (if there is not sufficient space, please outline costs on a separate page):</b>	
Conference/ Event registration fee:	\$
Airfares (if applicable):	\$
Accommodation (if applicable):	\$
Other expenses (refer to Policy):	\$
Other expenses (refer to Policy):	\$
<b>Estimated total costs:</b>	\$
<b>Statement addressing criteria for approval:</b>	
Refer to Policy for criteria for approval:	
Details of conferences previously attended during current financial year:	
Expiration of term of office:	
<b>Signatures/ Consideration by Council:</b>	
Signature:	Date:

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## 6.2 Governance Committee Work Plan

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<b>File Code</b>	GV.MTG 6.9
<b>Author</b>	Elizabeth Nicholls, Governance Co-ordinator
<b>Senior Employee</b>	Garry Bird, Director Corporate Services
<b>Disclosure of Any Interest</b>	Nil
<b>Attachments</b>	1. Governance Committee Work Plan <a href="#">↓</a>

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### SUMMARY

Following the establishment of the Governance Committee, a 'Work Plan' (**Attachment 1**) has been developed based on legislative requirements to review local laws and from information previously received from council members on what policies they have a preference to be drafted or reviewed.

The Work Plan provides a high level schedule of work to be undertaken from January 2023 to December 2025.

### BACKGROUND

The duties and responsibilities of the Governance Committee included in the terms of reference adopted at the Ordinary Council Meeting held September 2022 include:

- a. *provide guidance and assistance to Council in fulfilling its legislative responsibilities to 'determine the local government's policies' (section 2.7 (2)(b) of the Act) by:*
  - i. *recommending to Council a biennial work plan for policy and local law review and development;*
  - ii. *reviewing and developing policies and local laws in accordance with the endorsed work plan and making recommendations to Council as a result of those reviews at the next available Ordinary Council Meeting; and*
- b. *assist Council in such other matters as the Council may refer to the Committee.*

### STATUTORY / LEGAL IMPLICATIONS

The *Local Government Act 1995* provides for Council's role in determining Policies.

#### **2.7. Role of council**

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

The *Local Government Act 1995* provides details on the legislative powers of local governments, the procedure for making local laws (section 3.12) and how local laws are to be published (section 3.15). Excerpts are included below of other relevant sections of the *Local Government Act 1995*.



### **3.5. Legislative power of local governments**

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

### **3.16. Periodic review of local laws**

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

Local laws are made under various legislation:

- The *Local Government Act 1995* enables the making of Activities on Thoroughfares and Trading in Public Places local law, Extractive Industries local law, Local Government Property local law, Meeting Procedures local law, Parking local law, and Signs local law;
- The *Cat Act 2011* enables the making of Keeping of Cats local law;
- The *Dog Act 1976* enables the making of Dogs local law;
- The *Dividing Fences Act 1961* enables the making of Fencing local law;
- The *Cemeteries Act 1986* enables the making of Cemeteries local law; and
- The *Bush Fires Act 1954* enables the making of Bush Fire Brigades local law.

## **POLICY IMPLICATIONS**

The Governance Committee will review new or revised policies developed by staff and will provide feedback prior to the policies being presented to Council.

Where policies may be revoked, the Governance Committee would be presented with a report outlining the recommendation for deletion prior to it being presented to Council.

## **FINANCIAL IMPLICATIONS**

The cost of an employee resource is included in the 2022/23 budget.

Where policies or local laws are required to be advertised there is sufficient funding in the budget.

## **STRATEGIC IMPLICATIONS**

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

<b>Risk:</b> <u>Reputation:</u> Not reviewing policies, especially ones of interest to the community, on a
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regular basis may lead the community to believe that the Shire does not have consistency and accountability when dealing with matters directed by policies and the credibility of the policy may be undermined.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
A review of the Shire's policies is undertaken as scheduled by the Work Plan and relevant policies be available on the Shire's website.		

<b>Risk: Reputation:</b> Not reviewing policies on a regular basis may lead to a reputational risk if matters are not dealt with consistently especially if policies are changed without due consideration given to the implications on staff and financial resources and associated procedures.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
A review of the Shire's policies is undertaken as scheduled by the Work Plan.		

<b>Risk: Compliance:</b> Not reviewing local laws in accordance with the <i>Local Government Act 1995</i> .		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
A review of the Shire's local laws is undertaken in accordance with legislated requirements and as scheduled by the Work Plan.		

## EXTERNAL CONSULTATION

Nil

## COMMENT

The Governance team are not responsible for drafting or reviewing local laws and policies for the entire organisation. Instead officers will liaise with the subject matter experts from the relevant service area to facilitate the process and provide advice on good governance.

## Local Laws

The *Local Government Act 1995* enables local governments to make local laws considered necessary for the good government of their districts.

A consultant has been appointed to review the Shire's current local laws and draft a new Waste Local Law. This review will occur concurrently with the items outlined in the Work Plan and workshops with all council members will be facilitated by the consultant. Once the local laws are reviewed/ drafted, they will be presented direct to Council.

Shire of Mundaring has 12 local laws listed below in alphabetical order:

- Activities on Thoroughfares and Trading in Public Places
- Bush Fire Brigades
- Cemeteries
- Dogs
- Extractive Industries

- Fencing
- Health
- Keeping of Cats
- Local Government Property
- Meeting Procedures
- Parking
- Signs

Additionally, a Waste Local Law will be drafted to address items previously captured in the Health Local Law.

Note: the Department of Health is in the process of modernising the *Health Act 1911* into the *Public Health Act 2016*. It is the intention of the Health Department to provide draft model Health Local Laws once the legislative changeover has been completed.

## **Policies**

Policies reflect the current strategic positions of Council and provide direction to further the Shire's strategic goals and/or fulfil statutory requirements. There are currently a total of 51 Council adopted policies, which are split into three categories:

- Legislative (adopted in accordance with the *Local Government Act 1995* and associated regulations);
- Council (which provides strategic direction); and
- Planning (specific to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015*). Planning policies are presented directly to Council, not to the Governance Committee.

All policies adopted by Council are publicly available on the Shire's website.

When a policy is drafted or reviewed, consideration is to be given to the Shire's Engagement Policy to provide the community with an opportunity to comment, with feedback considered for inclusion in the draft or reviewed policy.

As policies are reviewed, they will be updated onto the most recent template and checked to ensure consistent terminology is used, based on the Shire's Style Guide.

Council adopted policies (i.e. Legislative, Council and Planning Policies) have procedures and guidelines which also require review to ensure consistency with the relevant policy. Again, there is no legislated requirement to review procedures, but, where possible, the Shire concurrently reviews procedures and guidelines associated with policies.

## **Governance Framework**

The Shire's Governance Framework examines the principles and practices of good governance. It was last reviewed and endorsed by Council in 2018.

The principles included in the Governance Framework are:

- Principle 1 – Culture and vision
- Principle 2 – Roles and relationships

- Principle 3 – Decisions-making and management
- Principle 4 – Accountability

The Governance Framework will be reviewed and presented to the Governance Committee at the April 2023 meeting prior to being presented to Council.

As the Governance Framework provides the foundations of all aspects of governance in the Shire it is considered imperative that this document be reviewed to ensure consistency, prior to further work being undertaken.

## **Work Plan**

The Work Plan provides a high level schedule from January 2023 to December 2025. The Work Plan (subject to change) encompasses:

- 17 policies to be reviewed or drafted (excluding policies to be reviewed after each ordinary local government election).
- 15 policies are listed for review that are not anticipated to have significant changes (in alphabetical order):
  - Art Collection
  - Bush Fire Service - Long Service and Outstanding Service Awards
  - Christmas Closure
  - Civic Functions
  - Community Gardens
  - Designated Senior Employees
  - Honorary Freeman of the Shire of Mundaring
  - Provision of Financial Assistance for Legal Services for Elected Members and Employees
  - Public Art
  - Related Party Transactions and Disclosures
  - Roadside Conservation
  - Short Term Use of Shire Ovals and Reserves for Accommodation
  - Support for Volunteerism
  - Temporary Accommodation
  - Youth Grants

Timeframes have been based on:

- minimal changes required based on feedback from Governance Committee / Council
- items being presented to the Executive Leadership Team/Governance Committee/ Council once each

Possible factors that may increase timeframes:

- if an item is deferred or requires significant changes.

- If proposed reforms are announced by the Department of Local Government there may be a requirement to adopt Legislative Policies within a prescribed period of time.

Some policies will not be under the purview of the Governance Committee. These include:

- Planning policies (draft policies are presented directly to Council for approval to advertise) – and as such these are not included in the Work Plan; and
- Accounting and finance policies and practices (presented to the Audit and Risk Committee) – and as such these are not included in the Work Plan.

## VOTING REQUIREMENT

Simple Majority

<b>COMMITTEE DECISION RECOMMENDATION</b>		<b>GC3.02.23</b>	
Moved by	Cr Zlatnik	Seconded by	Cr Beale

That the Committee endorses the ***amended*** Governance Committee Work Plan (**Attachment 1**).

## CARRIED 5/0

**For:** Cr Beale, Cr Cicchini, Cr Zlatnik, Cr McNeil and Cr Martin

**Against:** Nil

Policy and Local Law Review Work Plan		Q1 2023	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025
Comment													
					ELECTION October 2023								ELECTION October 2025
Policies due for review with no significant changes expected													
Governance Framework	Including Policy Development and Review												
Behaviour Complaints Policy	Review commenced late 2022.												
Attendance by Electronic Meetings Policy	New policy required due to changes to legislation. Waiting on information from WALGA.												
Community Leases Policy Review	Review to commence early Q2 2023.												
Election Caretaker Policy Review	Review to be completed prior to 2023 Local Government Election Caretaker Period.												
Council Member Allowances and Expenses Policy Review	Review to be completed prior to 2023 Local Government Election Caretaker Period.												
Financial Hardship Policy Review	Brought forward to Q2 2023 from Q3 2023												
Execution of Documents and Common Seal Policy	New policy to be drafted												
Review of Policies to be undertaken after LG Election as required	Code of Conduct, Continuing Professional Development Policy etc.												
Investments Policy Review													
Management of Property for Investments Policy Review	Review to be completed following the adoption of the Investments Property Strategy												
Purchasing Policy Review	Review to be informed by the outcomes of the Procurement audit scheduled 2023/24.												
Complaints Management Policy Review													
Compliance Policy Review													
Creation of 'Recreation Needs' Policy	New policy to be drafted following the adoption of the Recreation Informing Strategy												
Risk Management Policy Review													
Environmental Sustainability Policy Review													
Mobile Vendors on Shire Owned Land Policy Review													
Review of Policies to be undertaken after LG Election as required (Code of Conduct, Continuing Professional Development etc.)	Code of Conduct, Continuing Professional Development Policy etc.												
Disposal of Minor Surplus Assets Policy Review													

## **7.0 URGENT BUSINESS (LATE REPORTS)**

Nil

## **8.0 CLOSING PROCEDURES**

### **8.1 Date, Time and Place of the Next Meeting**

The next Governance Committee will be held on Monday, 17 April at 5.30pm in the Committee Room, Shire of Mundaring Administration Centre.

### **8.2 Closure of the Meeting**

The Presiding Person declared the meeting closed at 6.24pm.