



27 October 2022

NOTICE OF MEETING

Dear Committee Member,

The next Governance Committee meeting will be held at 5.30 pm on Monday, 14 November 2022 in the Committee Room, Shire of Mundaring Administration Centre.

The attached agenda is presented for your consideration.

Yours sincerely

Jonathan Throssell
CHIEF EXECUTIVE OFFICER

Please Note

If an Elected Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.

AGENDA

GOVERNANCE COMMITTEE MEETING

14 NOVEMBER 2022

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

1.0 OPENING PROCEDURES

Acknowledgement of Country

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

1.1 Announcement of Visitors

1.2 Attendance/Apologies

Members	Cr Paige McNeil	Central Ward
	Cr Amy Collins	Central Ward
	Cr James Martin	South Ward
	Cr Luke Ellery	South Ward
	Cr Neridah Zlatnik	East Ward
	Cr Karen Beale	West Ward
	Cr Jo Cicchini	West Ward

Staff	Jonathan Throssell	Chief Executive Officer
	Garry Bird	Director Corporate Services
	Stan Kocian	Manager Finance and Governance
	Liz Nicholls	Governance Co-ordinator
	Andrea Douglas	Minute Secretary

Apologies

Guests

1.3 Election of Presiding Person and Deputy Presiding Person

As this is the first Governance Committee meeting since the Committee was established, the Director Corporate Services will chair the meeting and will call for nominations for the position of Presiding Person of the Governance Committee.

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected 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*).

3.2 Declaration of Interest Affecting Impartiality

An Elected 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*).

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Governance Committee Meeting held 4 October 2022 be confirmed.

5.0 PRESENTATIONS

6.0 REPORTS OF EMPLOYEES

6.1 Policy Review - Code of Conduct for Council Members, Committee Members and Candidates and Gift Framework

File Code	CVV.OPP.1
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Code of Conduct for Council Members Committee Members and Candidates - adopted April 2021 ↓2. Feedback from Council Forum - Code of Conduct ↓3. Appendix 1 - Complaint about Alleged Breach Form ↓4. Appendix 2 - Gift Guidelines - Code of Conduct ↓5. Draft Code of Conduct for Council Members, Committee Members and Candidates ↓

SUMMARY

The draft *Code of Conduct for Council Members, Committee Members and Candidates* (the “Code of Conduct”) (**Attachment 1**) has been reviewed.

Sections 5.103 and 5.104 of the *Local Government Act 1995* provides what is to be included in a code of conduct.

The draft Code of Conduct has been updated to include the Shire’s vision and values, details of how it is enforced and a commitment from Council.

Gift Guidelines have also be drafted and included as an Appendix to the Code of Conduct to provide clarity to on the acceptance of gifts.

BACKGROUND

On 3 February 2021 regulations came into effect prescribing a Model Code of Conduct for Council Members, Committee Members and Candidates.

At the Ordinary Council Meeting held 13 April 2021 it was resolved:

“That Council, by absolute majority:

1. *in accordance with section 5.104 of the Local Government Act 1995, adopts Policy OR-34 ‘Code of Conduct for Council Members, Committee Members and Candidates...’*

The Code of Conduct for Council Members, Committee Members and Candidates adopted 13 April 2021 is attached (**Attachment 2**).

At the time of adopting the above resolution, it was agreed that the Code of Conduct would be provided to council members after approximately 12 months for review and further consideration of gift requirements.

At the Ordinary Council Meeting held 9 February 2021 it was resolved:

“That Council:

- 1. affirms its appointment of the Chief Executive Officer (CEO) as the complaints officer for minor breach complaints; and*
- 2. approves the Department’s template as the form to be used for lodging minor breach complaints”*

At the May 2022 Council Forum, a draft Code of Conduct was presented to council members seeking consensus feedback to inform the next iteration of the draft. Feedback has been incorporated into the final draft for adoption and is shown as track changes (**Attachment 3**)

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

5.103. Model code of conduct for council members, committee members and candidates

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) The model code of conduct must include —*
 - (a) general principles to guide behaviour; and*
 - (b) requirements relating to behaviour; and*
 - (c) provisions specified to be rules of conduct.*
- (3) The model code of conduct may include provisions about how the following are to be dealt with —*
 - (a) alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) alleged breaches of the rules of conduct by committee members.*
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*

5.104. Adoption of model code of conduct

- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*
 - (a) can only be expressed to apply to council members or committee members; and*
 - (b) are of no effect to the extent that they are inconsistent with the model code.*

The *Local Government (Model Code of Conduct) Regulations 2021* relate.

POLICY IMPLICATIONS

The reviewed policy will be adopted and current policies replaced if the recommendation is adopted by Council.

The Code of Conduct is considered to be a Legislative Policy.

FINANCIAL IMPLICATIONS

A need for legal advice may arise should Council wish to substantially vary the Code of Conduct from the content of the *Local Government (Model Code of Conduct) Regulations 2021*.

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
- Comply with relevant policy, legislation, regulation, criteria and guidelines

RISK IMPLICATIONS

Risk: <u>Compliance</u> : Non-compliance with the <i>Local Government Act 1995</i> .		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
Adopt policies as required to facilitate good governance, ensuring transparency, and accountability		

Risk: <u>Reputation</u> : not adopting the updated policy which provides transparent expectations of behaviour may have a perception that there is not accountability.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
That the updated policy is adopted.		

EXTERNAL CONSULTATION

Nil.

COMMENT

The content of the Code of Conduct has not been significantly amended from the *Local Government (Model Code of Conduct Regulations) 2021* (model Code of Conduct).

Two sections have been added to the draft Code of Conduct:

- Enforcing the Code (section 2.2)

This section addresses breaches of behavioural requirements as outlined in section 5.103 and breaches of the rules of conduct, section 5.105 of the *Local Government Act 1995*.

In addition to this section in the Code of Conduct, behaviour complaints and the values agreed to by council members will be included in a “Behaviour Complaints” policy which is currently being drafted.

- Commitment to the Code of Conduct (section 2.3)

The commitment to the Code of Conduct is in addition to the declaration that is made by a council member in accordance with section 2.29 of the *Local Government Act 1995* when a council member is elected to the office of Councillor.

A signing page was considered for inclusion in the Code of Conduct but it was considered that this would be repetitious of the declaration.

The following appendices have been drafted. These are operational in nature and do not require Council endorsement; however, should there be major changes relevant to council members a report would be provided to Council.:

- Complaint about Alleged Breach form based on the Department’s template (**Attachment 4**); and
- Gift Guidelines (**Attachment 5**) that outline the process for the acceptance or refusal of gifts, which includes flowcharts of relevant processes to ensure consistency.

Based on feedback from council members, the ‘Community Vision and Values’ as adopted in the Strategic Community Plan 2020-2030 have been included at the start of the document.

For consistency with the terminology used in the *Local Government Act 1995*, ‘Elected Member’ has been replaced with ‘council member’ throughout the policy. Based on the feedback received from council members, ‘local government’ has been replaced with ‘Shire of Mundaring’ throughout the policy.

Annual Electors’ Meeting Motion

At the Annual Electors’ Meeting held 9 March 2022 a motion was carried that ‘*No Councillor or Employee will accept any direct / indirect gift or other personal benefit from WALGA*’ (AEM 2022.03.14), with information provided that Decision 12 would be considered by Council when reviewing the Code of Conduct.

The *Local Government (Administration) Regulations 1996* provides:

20B. Excluded gifts prescribed (Act s. 5.62(1B)(b))

For the purposes of section 5.62(1B)(b) a gift is an excluded gift if the gift is made by any of the following entities —

- (a) WALGA;
- (b) Australian Local Government Association Limited (ABN 31 008 613 876);

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

Feedback from council members at the May 2022 Council Forum indicated that they were satisfied that the *Local Government (Administration) Regulations 1996* provides sufficient direction for council members and employees to be able to accept direct and indirect gifts or other personal benefits from WALGA. Therefore, no changes have been made to the Code of Conduct and related Gift Guidelines to exclude council members and employees to accept gifts from WALGA.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.104 - Adoption of model code of conduct

RECOMMENDATION

That Council:

1. by absolute majority and in accordance with section 5.104 of the *Local Government Act 1995*, adopts the updated *Code of Conduct for Council Members, Committee Members and Candidates* as attached (**Attachment 1**); and
2. in regards to Decision 12 from the Annual Electors Meeting held 9 March 2022, takes no further action in response to the decision that '*No Councillor or Employee will accept any direct / indirect gift or other personal benefit from WALGA*' (AEM 2022.03.14) as the acceptance of gifts by council members in accordance with the *Local Government (Administration) Regulations 1996* provides sufficient direction for council members and employees to be able to accept direct and indirect gifts or other personal benefits from WALGA.

Shire of Mundaring

POLICY

CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Policy Ref:	OR-34		
Adopted:	C10.04.21	Date:	13 April 2021
Amended:		Date:	
Reviewed:		Date:	
Procedure Ref:	N/A	Delegation Ref:	
Statute Ref:	<i>Local Government Act 1995 s. 5.104</i>		
	<i>Local Government (Model Code of Conduct) Regulations 2021</i>		
Local Law Ref:	N/A		

PURPOSE

To set out the standards of ethical and professional behaviour expected of Shire of Mundaring Council Members, Committee Members and Election Candidates.

POLICY

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

- (1) In this code —
 - Act** means the *Local Government Act 1995*;
 - candidate** means a candidate for election as a council member;
 - complaint** means a complaint made under clause 11(1);
 - publish** includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

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

6. Accountability

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

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

9. Relationship with others

A council member, committee member or candidate —

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

10. Council or committee meetings

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

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of the *Shire of Mundaring Meeting Procedures Local Law*; and

- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints. Council has resolved on 9 February 2021 (**C12.02.21**) that the Chief Executive Officer is the authorised complaints officer.

12. Dealing with complaint

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

- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 13(3).

15. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

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

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

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

21. Disclosure of information

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
- document** includes a part of a document;
- non-confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or

- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

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

23. Compliance with plan requirement

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

Legislative Policy



1.1 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Responsible Directorate	Corporate Services
Responsible Service Area	Governance
Adopted	April 2021 C10.04.21
Reviewed	July 2022
Procedure Ref	N/A

1. PURPOSE

The Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) sets out the standards of ethical and professional behaviour expected of Shire of Mundaring council members, committee members and election candidates.

The Code of Conduct is to be considered in conjunction with the Shire's Strategic Community Plan 2020-2030 which guides Council in its decisions and their engagement with the Community.

Community Vision

The place for sustainable living

What we value most as a community

<u>Protection of the natural environment</u>	<u>Peaceful lifestyle</u>	<u>Safe and inclusive community</u>
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2. POLICY

2.1. Code of Conduct

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Mundaring Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

- (1) In this code —
Act means the *Local Government Act 1995*;
candidate means a candidate for election as a council member;
complaint means a complaint made under clause 11(1);
publish includes to publish on a social media platform.
- (2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the ~~local government~~[Shire of Mundaring](#).
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by ~~the local government~~ [Shire of Mundaring](#) in relation to the performance of their role.

5. Relationship with others

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

6. Accountability

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

Division 3 — Behaviour

7. Overview of Division

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

8. Personal integrity

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

9. Relationship with others

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

10. Council or committee meetings

- (1) When attending a council or committee meeting, a council member, committee member or candidate —
 - (a) must not act in an abusive or threatening manner towards another person; and
 - (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of the *Shire of Mundaring Meeting Procedures Local Law 2015*; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by ~~the local government~~Shire of Mundaring; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) ~~The local government~~Shire of Mundaring must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints. Council has resolved on 9 February 2021 (C12.02.21) that the Chief Executive Officer is the authorised complaints officer.

12. Dealing with complaint

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

- (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action ~~the local government~~ Shire of Mundaring considers appropriate.
- (7) If ~~the local government~~ Shire of Mundaring makes a finding in relation to the complaint, ~~the local government~~ Shire of Mundaring must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before ~~the local government~~ Shire of Mundaring makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
 - (b) given to a person authorised under clause 13(3).

15. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by ~~the local government~~Shire of Mundaring or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

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

20. Relationship with ~~local government~~Shire of Mundaring employees

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

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;
non confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or

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

22. Disclosure of interests

- (1) In this clause —
interest —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

- (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

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

2.2. Enforcing the Code

2.2.1. Breaches of behaviour requirements

If there is reason to believe a council member, committee member or candidate has breached the behavioural requirements of this Code of Conduct, a complaint may be submitted to a person authorised to be the Shire's Complaints Officer. The complaint needs to be made within one month of the alleged breach occurring.

Complaints of this nature are to be dealt with in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*, this Code of Conduct, and any relevant Shire of Mundaring documents adopted by Council.

If an alleged breach is found to have occurred, the subject of the complaint may have their behaviour addressed in accordance with clause 12(4)(b) of this Code of Conduct.

2.2.2. Breaches of rules of conduct

Failure to act in accordance with Shire of Mundaring *Meeting Procedures Local Law 2015* or the prescribed rules of conduct under the *Local Government (Model Code of Conduct) Regulations 2021* may constitute a minor breach under the *Local Government Act 1995*.

The complaint needs to be made by completing a Complaint of Minor Breach form with all supporting evidence.

Complaints of this nature may be forwarded to the Department of Local Government Chief Executive Officer for determination.

2.3. Commitment to the Code of Conduct

As an elected representative of the community charged with decision making for Shire of Mundaring, Councillors are committed to undertaking the duties and responsibilities of their office by working together with fellow council members in a respectful and constructive manner to achieve the community vision for the Shire.

This Code sets out each Councillors commitment to their fellow council members and the community to govern the Shire in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations. Additionally, at least once every two years council members will review this Code to ensure that it meets and continues to meet community standards and expectations.

3. APPENDICES

Appendix 1 – Complaint of Minor Breach form

Appendix 2 – Gift Framework

4. RELATED LEGISLATION

Local Government Act 1995, Division 9 – Conduct

Local Government (Model Code of Conduct) Regulations 2021

5. RELATED DOCUMENTS

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

Complaint about Alleged Breach



Code of Conduct for Council Members, Committee Members and Candidates – Appendix 1

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

To make a complaint, this form must be completed and provided to the Chief Executive Officer of the Shire of Mundaring. A complaint can only be made within one month of the alleged breach occurring.

Details of person making the complaint	
Given name(s):	
Family name:	
Address:	
Phone:	Email:
Subject of complaint	
Name of Council Member, Committee Member or Candidate alleged to have committed breach:	
Alleged breach details. State the full and specific details of the alleged breach below, including the relevant section(s) and subsection(s) of the Code of Conduct. Attach any supporting evidence to this form.	
Behavioural requirement alleged to have been breached:	
Details of the alleged breach:	
Date of alleged breach:	
Complainant Signature:	Date:
Receipt by Authorised Person	
Name:	
Signature:	Date:

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APPENDIX 1

CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Gift Guidelines

Council members, the Chief Executive Officer (CEO) and Shire employees may be offered gifts from organisations and individuals as a result of their role. Additionally, committee members and election candidates may also be offered gifts during an election period (Ordinary Local Government Election and Extraordinary Local Government Elections).

Gifts can include items such as goods, discounts, hospitality, and attendance at events or contributions to travel.

The full definition of a gift is included under section 5.57 of the *Local Government Act 1995* (the Act).

When a gift is accepted, or in some instances, offered, a gift, there is a risk of real or perceived influence arising.

Receipt of Gifts

In accordance with sections 5.87A and 5.87B of the Act, council members and CEOs are required to disclose gifts that are received in their capacity as an council member (or CEO) and:

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

Additionally, a gift given by two or more related bodies corporate (as defined in the *Corporations Act 2001* (Cth)) is considered to have been given by a single corporation (donor).

Contributions to travel costs, whether financial or otherwise, are incorporated within the definition of gift.

The decision on whether a gift is received in the capacity of a council member or CEO must be made by the recipient of the gift. The question is whether the gift would have been given (or a gift of that value given) if the recipient were not a member of the council (or CEO). If the answer is no, it must be disclosed if the value of the gift (or aggregated value) is over \$300.

The onus is on the recipient to prove that it was not received in that capacity (and that the value of the gift(s) is not greater than \$300).

Real time reporting of gifts is achieved through requirements to disclose all gifts within 10 days of receipt, for the CEO to update the register within 10 days, and for an up-to-date version of the register to be published on the Shire's official website.

To assist council members and the CEO with complying with the guidelines, a flowchart is included in the Gift Guidelines.

The maximum penalty for failure to disclose a gift is a fine of \$10,000 or imprisonment for two years.

Conflicts of Interest – Interests relating to a gift

Receipt of a gift, any gift, whether or not in a person's capacity as council member or CEO, will create a relationship of a closely associated person and therefore an interest (sections 5.60 and 5.62 of the Act).

The following situations are specifically excluded from the interest provisions:

- where the gift (or gifts over a 12-month period from the one donor) do not exceed \$300 in value;
- where the gift is a ticket to, or otherwise relates to attendance at an event and the local government approves the person's attendance in accordance with the Attendance by Council Members and CEO at Conferences and Events Policy; or
- where the gift is received from one of the following organisations:
 - WALGA (but not LGIS)
 - Local Government Professionals Australia (WA)
 - Australian Local Government Association
 - A department of the public service
 - A government department of another State, a Territory or the Commonwealth
 - A local government or regional local government.

(The gifts referred to in the second and third sub-dot points must still be disclosed in accordance with sections 5.87A and 5.87B of the Act as described above.)

This interest creates a perceived or actual conflict which prevents the council member from participating in the meeting or the CEO from providing advice or a report on the matter to be discussed (sections 5.67 and 5.71A), unless approval has otherwise been given.

If the amount of the gift(s) is less than \$1,000, under section 5.68 the council may allow the disclosing council member to participate if:

- The council member discloses the extent of the interest they have; and
- Council decides that the interest is so trivial or insignificant as to be unlikely to influence the disclosing person's conduct in relation to the matter; or
- The interest is common to a significant number of other electors or ratepayers.

The interest, the council's decision and the reasons for that decision must be recorded in the minutes.

If an interest valued at over \$1,000 is disclosed, under section 5.69, Councillors or the CEO may apply to the Minister to allow the disclosing member to participate in meetings or parts of meetings relating to that matter.

In this case, the Minister must consider that it is in the best interests of the electors or ratepayers for this to happen, or that approval is necessary to provide a quorum.

The Minister's decision and the reasons for that decision must be recorded in the minutes of the meeting where the matter is discussed.

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Similar provisions are contained in sections 5.71A and 5.71B in relation to the CEO providing advice or a report, directly or indirectly, to the council or a committee.

To assist council members and the CEO with understanding how the interests relating to gifts operate, a series of flowcharts are included in the Gift Guidelines .

Disclosure of Gifts and Gift Registers

The *Local Government Act 1995* sets out requirements for council members, the CEO and local government employees to ensure transparency and accountability in decision-making. The Shire maintains gift registers to record the disclosure of gifts received in an official capacity.

Statutory Gift Register (Council Members and CEO)

The Shire's council members and CEO are obliged by sections 5.87A, 5.87B and 5.89A of the *Local Government Act 1995* to formally disclose gifts that are worth over \$300 which they receive in their official capacity and prescribes the manner of disclosure.

Council members and the CEO often voluntarily disclose the acceptance or refusal of gifts above and beyond statutory gift disclosure requirements, such as the acceptance of one-off gifts that are worth \$300 or less. In line with the Shire's commitment to transparency, these gifts are included in the statutory gift register available on the Shire's website.

Details of gifts received are removed from the statutory gift register in accordance with section 5.89A of the *Local Government Act 1995*.

Gift Register (Employees)

The Shire's Employee Code of Conduct provides that under regulation 19AF of the *Local Government (Administration) Regulations 1996*, the CEO has determined a threshold amount for employees to accept gifts.

In the interest of transparency, the Shire maintains a register of gifts received by employees. Where gifts above the threshold amount are received, details are published on the Shire's website.

Details of gifts received by Officers no longer employed at the Shire are removed from the gift register.

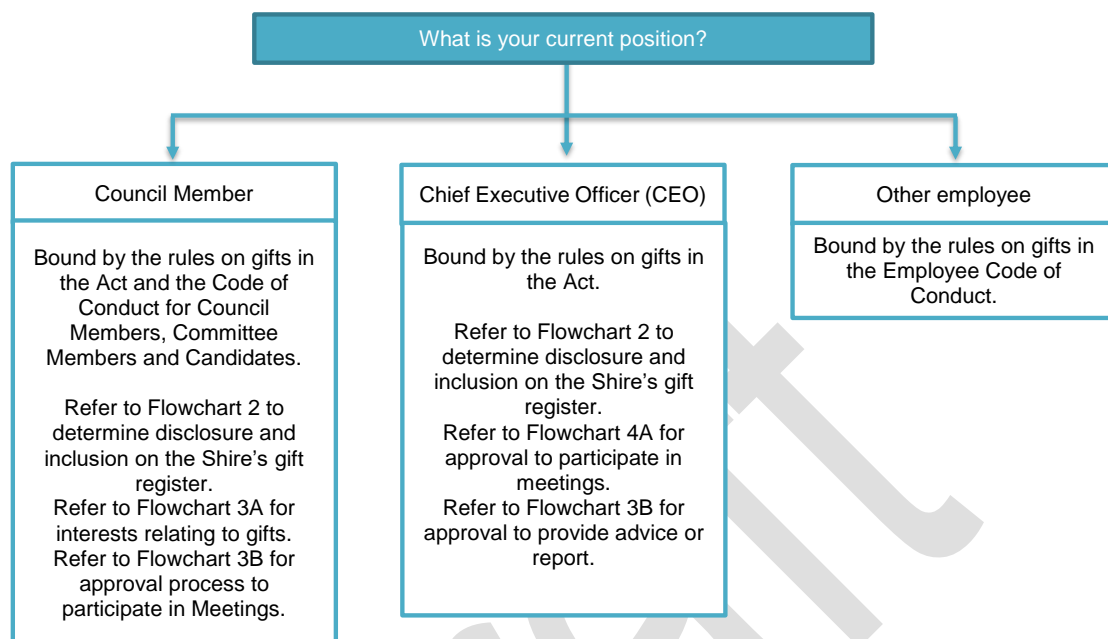
Electoral Gift Register

All candidates are subject to the electoral gift requirements of the *Local Government (Elections) Regulations 1997*, including candidates who are current council members. These gifts are included in the electoral gift register available on the Shire's website.

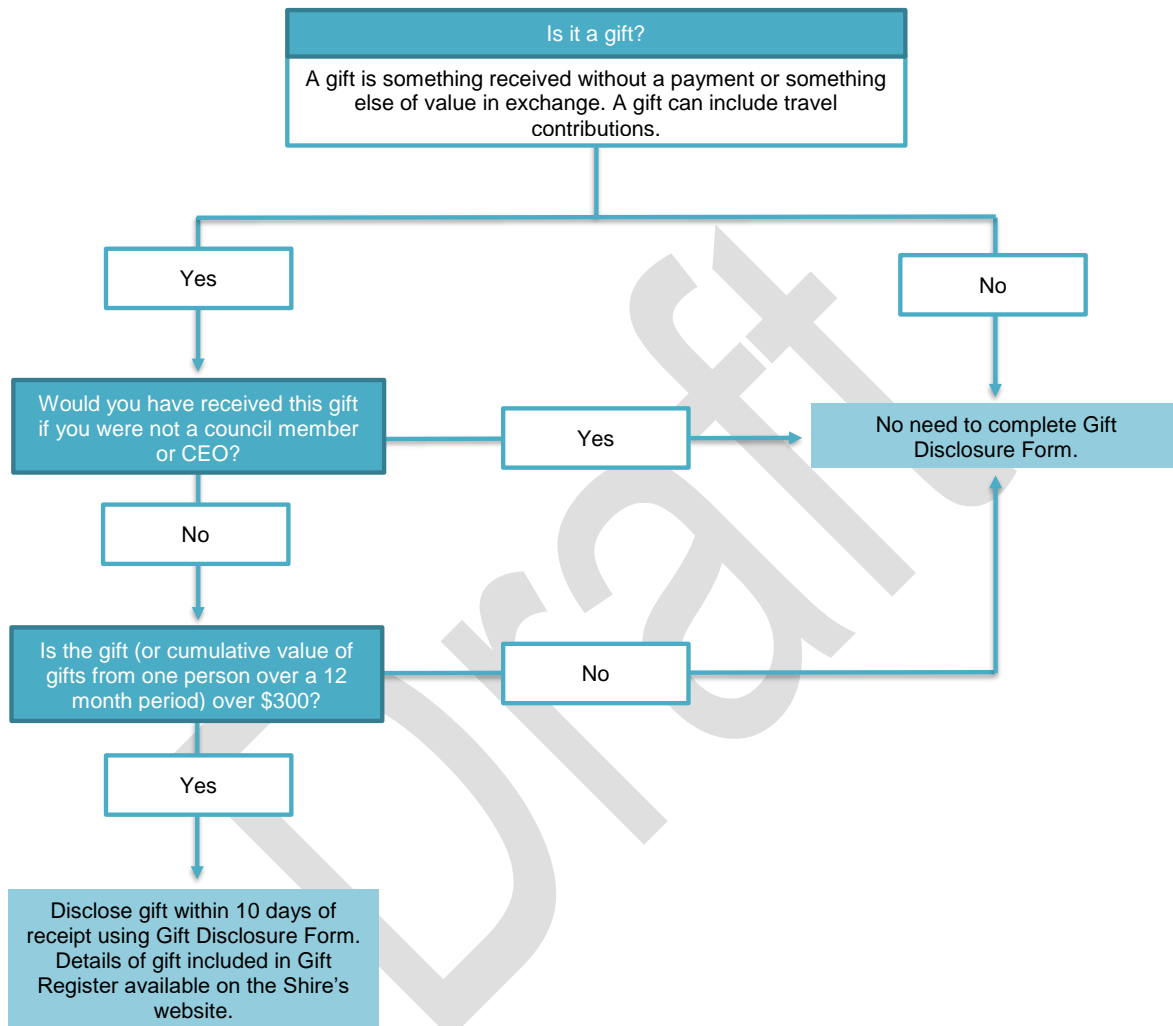
Electoral gifts do not include the provision of volunteer labour, gifts by will, or gifts by a relative (as defined by section 5.74(1) of the Act).

Details of gifts received by unsuccessful candidates are removed from the electoral gift register in accordance with regulation 30G (3) of the *Local Government (Elections) Regulations 1997*.

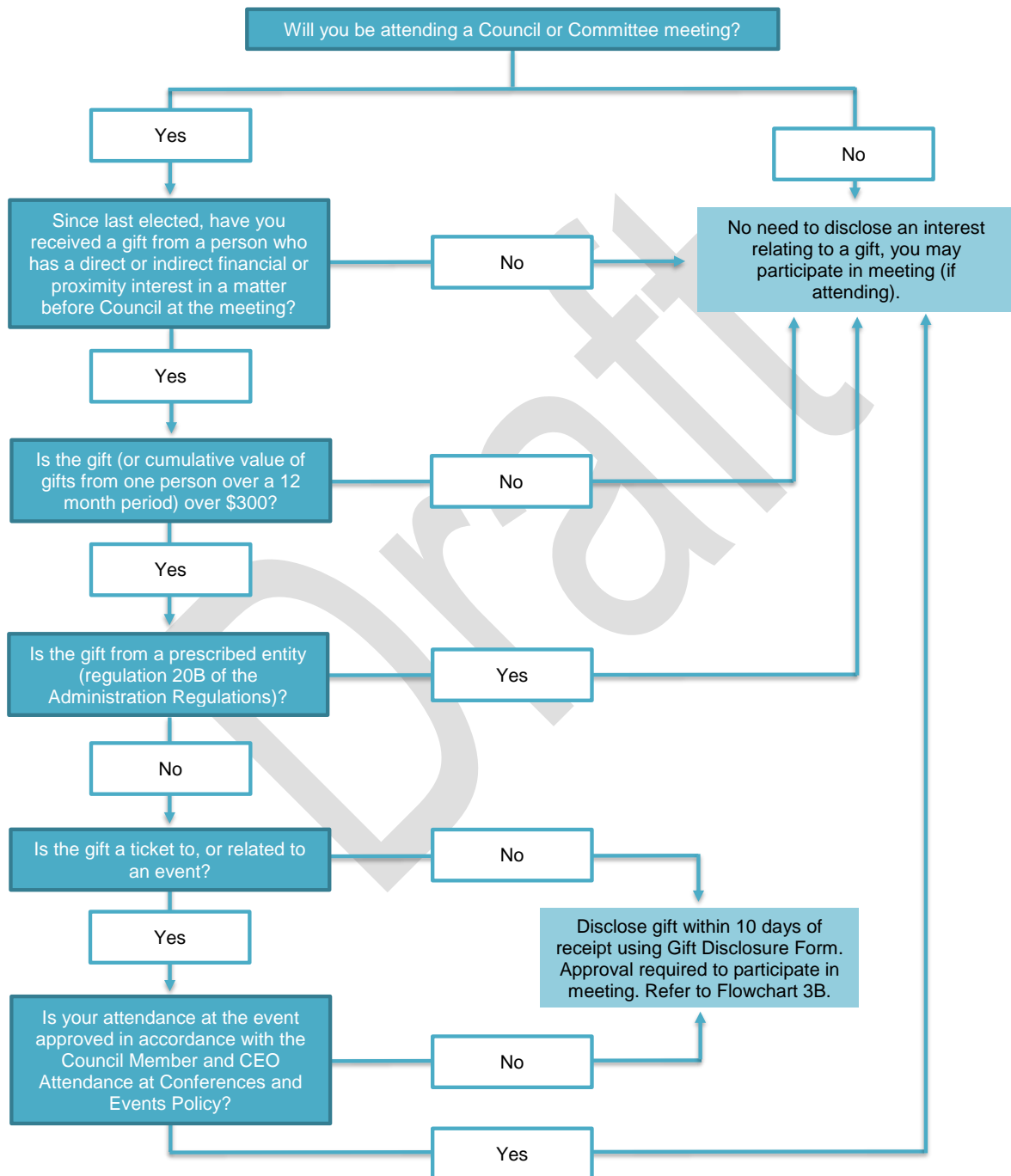
Flowchart 1 – What Applies to You?



Flowchart 2 – Determining Disclosure (Gift Register) Council Members and CEO

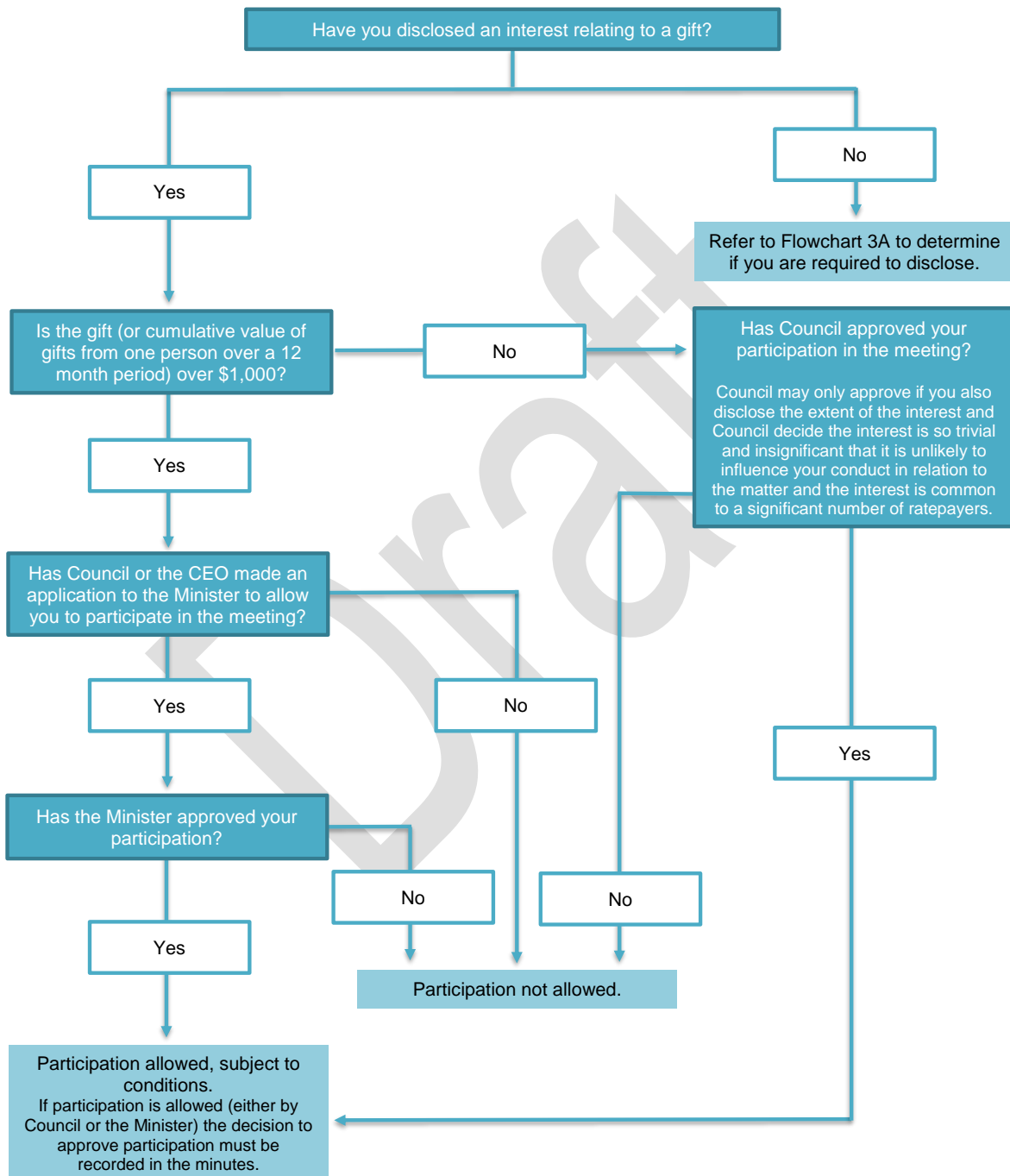


Flowchart 3A – Disclosing Interests Relating to Gifts Council Members



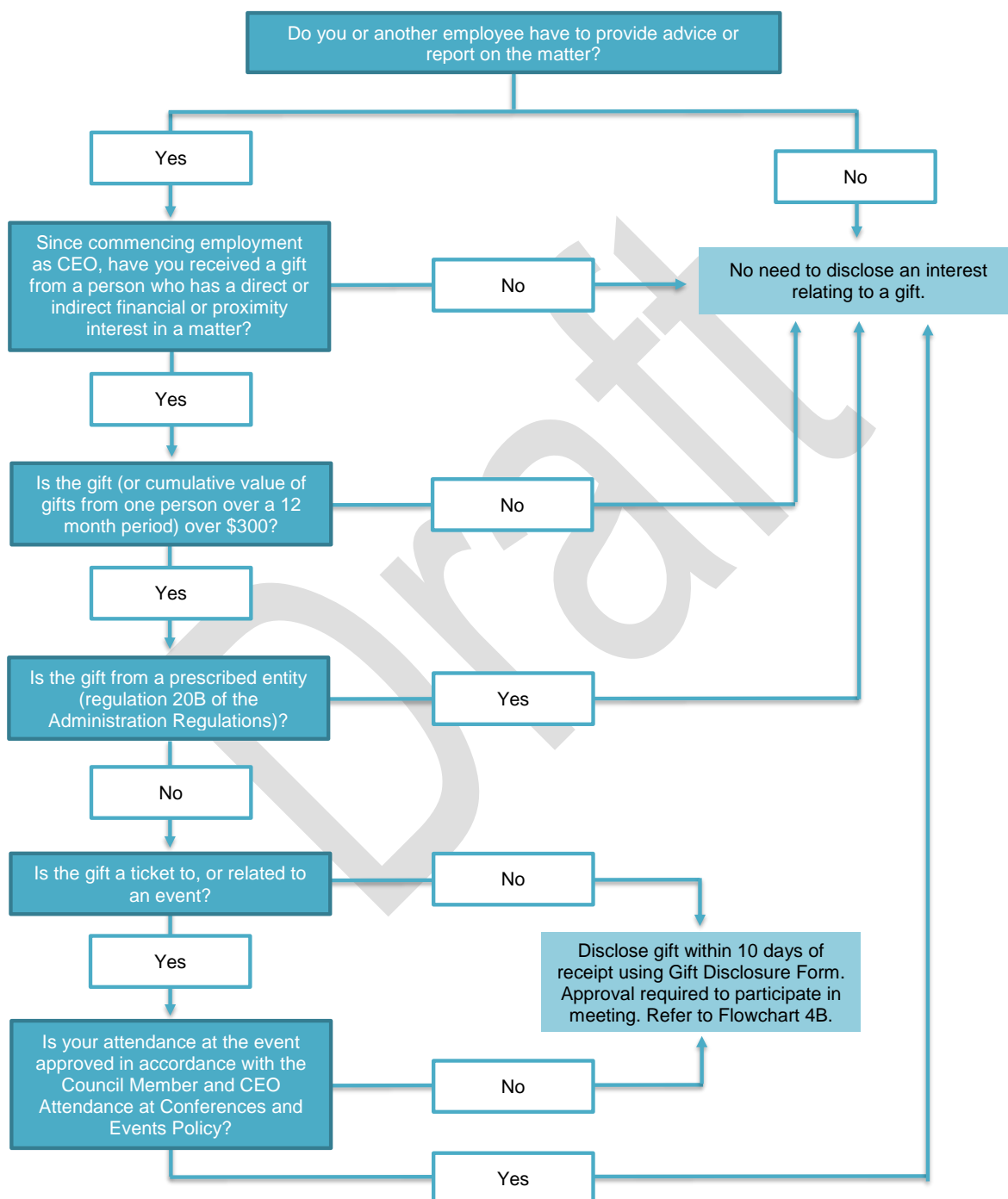
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Flowchart 3B – Approval Process for Participation in Meetings Council Members



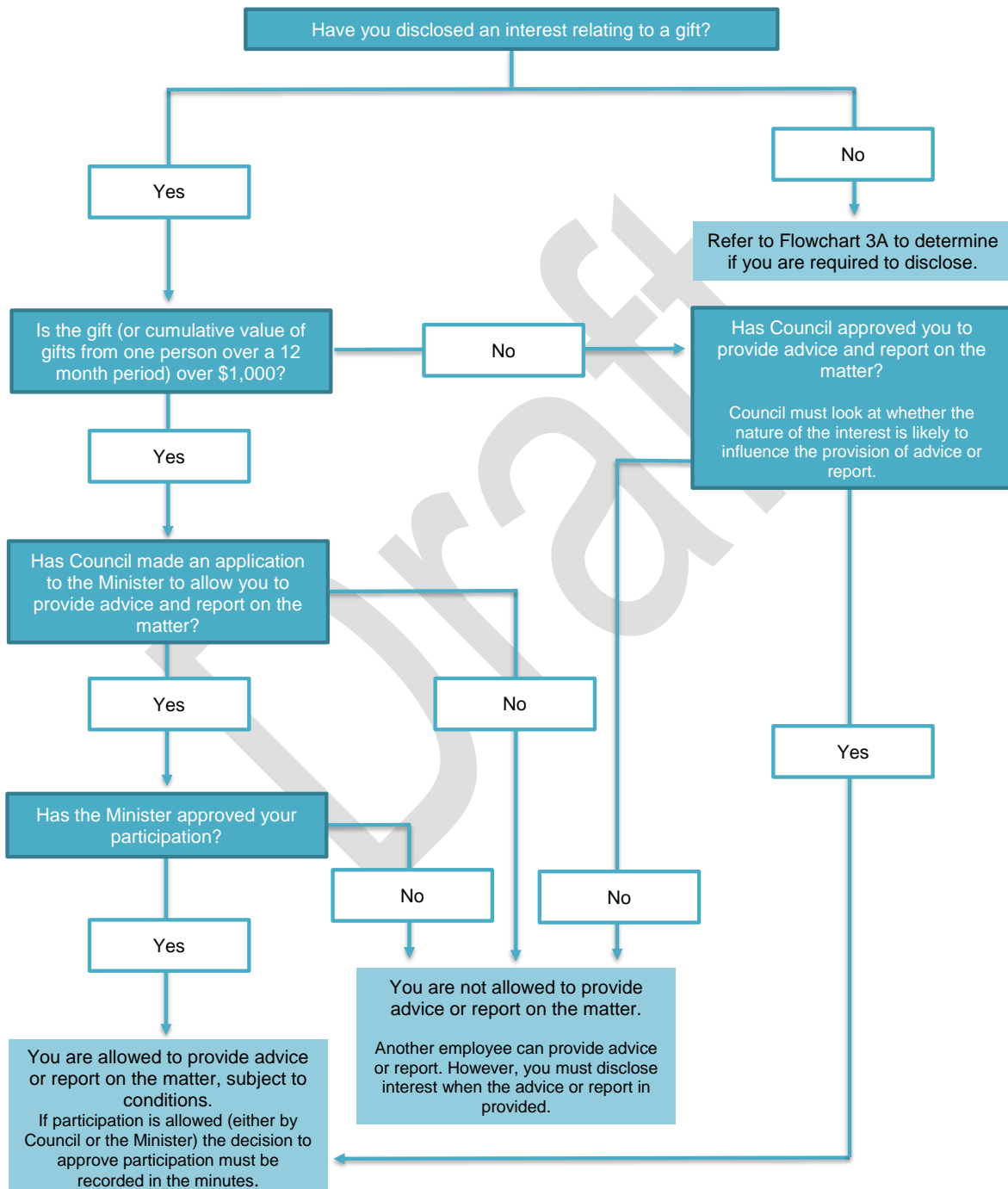
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Flowchart 4A – Disclosing Interests Relating to Gifts CEO



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Flowchart 4B – Approval Process to Provide Advice or Report CEO



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Legislative Policy



1.1 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Responsible Directorate	Corporate Services
Responsible Service Area	Governance
Adopted	April 2021 C10.04.21
Reviewed	July 2022
Procedure Ref	N/A

1. PURPOSE

The Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) sets out the standards of ethical and professional behaviour expected of Shire of Mundaring council members, committee members and election candidates.

The Code of Conduct is to be considered in conjunction with the Shire's Strategic Community Plan 2020-2030 which guides Council in its decisions and their engagement with the Community.

Community Vision

The place for sustainable living

What we value most as a community

Protection of the natural environment	Peaceful lifestyle	Safe and inclusive community
---------------------------------------	--------------------	------------------------------

2. POLICY

2.1. Code of Conduct

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Mundaring Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the Shire of Mundaring.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by Shire of Mundaring in relation to the performance of their role.

5. Relationship with others

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

6. Accountability

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

Division 3 — Behaviour

7. Overview of Division

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

8. Personal integrity

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

9. Relationship with others

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

10. Council or committee meetings

- (1) When attending a council or committee meeting, a council member, committee member or candidate —
 - (a) must not act in an abusive or threatening manner towards another person; and
 - (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of the *Shire of Mundaring Meeting Procedures Local Law 2015*; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by Shire of Mundaring; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) Shire of Mundaring must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints. Council has resolved on 9 February 2021 (C12.02.21) that the Chief Executive Officer is the authorised complaints officer.

12. Dealing with complaint

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

- (d) take other action Shire of Mundaring considers appropriate.
- (7) If Shire of Mundaring makes a finding in relation to the complaint, Shire of Mundaring must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before Shire of Mundaring makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 13(3).

15. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by Shire of Mundaring or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

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

20. Relationship with Shire of Mundaring employees

- (1) In this clause —
Shire of Mundaring employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a Shire of Mundaring employee to do or not to do anything in their capacity as a Shire of Mundaring employee; or

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

21. Disclosure of information

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

22. Disclosure of interests

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

23. Compliance with plan requirement

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

2.2. Enforcing the Code

2.2.1. Breaches of behaviour requirements

If there is reason to believe a council member, committee member or candidate has breached the behavioural requirements of this Code of Conduct, a complaint may be submitted to a person authorised to be the Shire's Complaints Officer. The complaint needs to be made within one month of the alleged breach occurring.

Complaints of this nature are to be dealt with in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*, this Code of Conduct, and any relevant Shire of Mundaring documents adopted by Council.

If an alleged breach is found to have occurred, the subject of the complaint may have their behaviour addressed in accordance with clause 12(4)(b) of this Code of Conduct.

2.2.2. Breaches of rules of conduct

Failure to act in accordance with Shire of Mundaring *Meeting Procedures Local Law 2015* or the prescribed rules of conduct under the *Local Government (Model Code of Conduct) Regulations 2021* may constitute a minor breach under the *Local Government Act 1995*.

The complaint needs to be made by completing a Complaint of Minor Breach form with all supporting evidence.

Complaints of this nature may be forwarded to the Department of Local Government Chief Executive Officer for determination.

2.3. Commitment to the Code of Conduct

As an elected representative of the community charged with decision making for Shire of Mundaring, Councillors are committed to undertaking the duties and responsibilities of their office by working together with fellow council members in a respectful and constructive manner to achieve the community vision for the Shire.

This Code sets out each Councillors commitment to their fellow council members and the community to govern the Shire in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations. Additionally, at least once every two years council members will review this Code to ensure that it meets and continues to meet community standards and expectations.

3. APPENDICES

Appendix 1 – Complaint of Minor Breach form

Appendix 2 – Gift Guidelines

7000 Great Eastern Highway Mundaring WA 6073 Ph: 9290 6666 shire@mundaring.wa.gov.au www.mundaring.wa.gov.au

4. RELATED LEGISLATION

Local Government Act 1995, Division 9 – Conduct

Local Government (Model Code of Conduct) Regulations 2021

5. RELATED DOCUMENTS

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

Draft

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

File Code	GV.OPP.01
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Attendance by Council Members and CEO at Conferences and Events Policy ↓2. Draft Council Member Continuing Professional Development, Training and Professional Memberships Policy ↓3. Attendance by Elected Members at Conferences Policy - reviewed May 2018 ↓4. Continuing Professional Development Policy - adopted December 2020 ↓5. Attendance at Events Policy - adopted March 2020 ↓6. Attendance by Council Members and CEO at Conferences and Events Policy - with track changes ↓7. Council Member Continuing Professional Development, Training and Professional Memberships Policy - with track changes ↓

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 was determined 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”. It is therefore recommended that the “Attendance at Events Policy” be deleted.

BACKGROUND

Attendance by Council Members and CEO at Conferences and Events Policy

Previously titled “Attendance by Elected Members at Conferences Policy” (**Attachment 3**), 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 4**). 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 5**) was adopted in March 2020. It is recommended that this policy be deleted.

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.

Consideration has been 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 (**Attachment 6**) and the draft “Council Member Continuing Professional Development, Training and Professional Memberships Policy” with track changes (**Attachment 7**) are attached.

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 (2 day course)	\$990 (incl GST) - Face-to-face at WALGA \$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 four 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”:

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 Council Member Continuing Professional Development (CPD)

This training allocation is to be equally distributed between council members. This allocation is also to be used for any requests for the Shire to pay professional membership fees. Any requests from council members to attend CPD that exceeds their available allocation will be presented to Council for consideration.

3. Allocation for Attendance by Council Members and CEO at Conferences and Events Policy

This allocation would be used for allowances or reimbursements in relation to the “Attendance by Council Members and CEO at Conferences and Events Policy” (where a council member is invited to attend). If there was to be a training session organised by the Shire for all council members to attend, this budget allocation would be used instead of the allocation for individual Councillors.

Whilst the “Attendance by Council Members and CEO at Conferences and Events Policy” references the CEO, the CEO’s allocation to attend conferences and events is separate and dealt with under the CEO contract of employment.

4. Allocation for External Committee Member CPD

The amount included in each training allocation is to be determined by Council as part of the adopted budget.

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.

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

Risk: <u>Compliance</u>: Non-compliance with the <i>Local Government Act 1995</i> .		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
Adopt policies as required to meet regulatory compliance, which also facilitate good governance, ensuring transparency, and accountability.		
Risk: <u>Financial</u>: Cost of attendance for council members to attend compulsory training, conferences and events exceeds annual budget allocations.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
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.		
Risk: <u>Reputation</u>: 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.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
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.

Where information was included more than once in the policy, or repeats legislation (gift provisions etc.), or is related to the budgetary process, it has been removed. Additionally, officers have sought to provide clarity in the policy based on the feedback received.

Although not included in the policy itself, consideration has been given to a budget line item specific to allowances and reimbursements in accordance with this policy (refer to financial implications).

Council Member Continuing Professional Development, Training and Professional Memberships Policy

There has been a significant number of changes to the draft policy. Overarching changes are summarised below, with changes to specific sections of the "Council Member Continuing Professional Development, Training and Professional Memberships Policy" captured in the below table.

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, 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 \$500

4.2.3 Conditionally Approved CPD – costing \$500 and above

4.2.4 CPD – costing \$500 and above

4.3 External Committee Members

4.3.1 Cost of External Committee Members CPD

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 four 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 four suggested budget allocations, would 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.

In the draft reviewed CPD Policy presented to the May 2022 Council Forum, a statement was included that no council member was permitted to undertake CPD within a specified period before the end of their term (4.2.2, 4.2.3 and 4.2.4), unless otherwise determined by a resolution of Council. This has been amended to be included under 4.4 General Consideration for Compulsory Training and CPD that *‘no council member is permitted to undertake CPD during the caretaker period’*.

1. Purpose	The wording in the purpose of the policy has been strengthened to indicate the importance of CPD and training given the complex nature of the role of council member. References to legislation removed (included in other sections of the policy).
4. Policy	Overarching policy statement encouraging council members identify opportunities for training.

4.1 Compulsory Training	Reference to section 5.126 of the <i>Local Government Act 1995</i> included as it was removed from the purpose of the policy.
4.1.1 Cost of Compulsory Training	Subheading added. References the training allocation for compulsory training for new or returning council members in addition to the training allocation for CPD.
4.2.2 Conditionally Approved CPD – costing up to \$500	This category is for CPD that costs up to \$500 (including allowances and expenses). Second paragraph has been deleted as it repeats information included under “1. Purpose.” As 4.2.2 has the heading of Conditionally Approved CPD, criteria for approval has been amended to conditions for approval for consistency.
4.2.3 Conditionally Approved CPD – costing \$500 and above	This category is specific to courses conducted by the listed providers costing \$500 or above (noting that the cost will vary depending on the course). It is recognised that the courses available are likely to be of interest (based on previous requests to attend) and will benefit council members who participate in the courses. A condition has been included that the course is to be held online or within the Perth metropolitan area.
4.2.4 CPD – costing \$500 and above	This category has been included as, generally, CPD costing above \$500, including allowances and expenses, (excluding conditionally approved CPD) are for intrastate, interstate or overseas CPD. Requests of this nature will be subject to an initial assessment with a report to be presented to Council for consideration.
4.3.1 Cost of External Committee Member CPD	Section added regarding the cost of CPD for external committee members providing specifics on the budget allocation (refer to ‘Financial Implications’)
4.5.1 Cost of Professional Memberships	Section added regarding the cost of professional memberships for council members including the budget allocation.
4.7 Administration Process	All registration and payments are to be organised by the Shire where possible.

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

RECOMMENDATION

That Council:

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

Legislative Policy



1.1 ATTENDANCE BY COUNCIL MEMBERS AND CEO AT CONFERENCES AND EVENTS

Responsible Directorate	Corporate Services	
Responsible Service Area	Governance	
Adopted	January 2005	RC10.01.05
Reviewed	March 2010	C7.03.10
Reviewed	May 2018	C15.05.18
Reviewed	September 2022	
Procedure Ref	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

The 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

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

council member	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).
event	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.
gift	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.
ticket	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

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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 allowances or reimbursements) 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

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, the 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 Shire's 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 Shire's 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. 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 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

Responsible Directorate	Corporate Services
Responsible Service Area	Governance
Adopted	December 2020 SC18.12.20
Reviewed	September 2022
Procedure Ref	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

compulsory training	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.
Elected Member Essentials	as defined by the <i>Local Government (Administration) Regulations 1996</i> , regulation 35(2).
council member	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).
external committee member	a person appointed to a Committee established under the Act who is not a council member.

Continuing Professional Development	attendance or participation (in person or online) in 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.
Registered Training Organisation	provider registered by the Australian Skills Quality Authority or similar state regulator to deliver nationally recognised training and qualifications.
training allocation	Council adopted budget allocation for the purposes of attending compulsory training or CPD to support the role of a council member or for external committee members 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 \$500

CPD costing up to \$500, including allowances and expenses, is conditionally approved.

Conditions for approval include:

- a. A request is submitted in writing including all 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 \$500 and above

Council members may request to attend conditionally approved CPD costing \$500 and above (refer to 4.2.3 for CPD costing up to \$500) including:

- Courses conducted by the Western Australian Local Government Association (WALGA).
- 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 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. CPD – costing \$500 and above

Generally, CPD costing above \$500, including allowances and 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 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 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.
- b. The CPD aligns with the strategic direction of the Shire.
- c. The CPD is delivered by a reputable organisation or Registered Training Organisation.
- d. The CPD is held within the Perth metropolitan area or by an online learning format.
- e. 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 caretaker period, 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

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 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 Shire's 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 Shire's 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 4.7.3) or an accompanying person attends (item 4.7.8) 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 Shire's 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. 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

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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

DRAFT

Shire of Mundaring

POLICY

ATTENDANCE AT EVENTS

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

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.

Shire of Mundaring

POLICY**CONTINUING PROFESSIONAL DEVELOPMENT**

Policy Ref:	OR-30		
Committee Rec:	ARC5.12.20	Date:	14 December 2020
Adopted:	SC18.12.20	Date:	17 December 2020
Amended:		Date:	
Reviewed:		Date:	
Procedure Ref:	N/A	Delegation Ref:	N/A
Statute Ref:	<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		
Guidance:	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 BY ELECTED MEMBERS AT CONFERENCES**

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

CEO	means the Chief Executive Office of the Shire of Mundaring
Conference	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
Council	means the Council of Shire of Mundaring
Elected Member	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:	\$
ESTIMATED TOTAL COST	\$
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:	
Date:	
Submitted to Council on:	
Approved/Not Approved	Decision No:
Chief Executive Officer:	
Date:	

Legislative Policy



1.1 ATTENDANCE BY COUNCIL MEMBERS AND CEO AT CONFERENCES AND EVENTS

Responsible Directorate	Corporate Services	
Responsible Service Area	Governance	
Adopted	January 2005	RC10.01.05
Reviewed	March 2010	C7.03.10
Reviewed	May 2018	C15.05.18
Reviewed	<u>July 2022</u>	
Procedure Ref	N/A	

1. PURPOSE

The *Local Government Act 1995* (the Act), section 5.90A provides that the 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 the 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 the attendance at events and 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. ~~Where Elected Member wish to attend conferences and events, this Policy provides criteria for approval and clarifies who pays for tickets/ registration.~~

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:

- Approval for attendance at events and the criteria for approval
- The provision of tickets to events
- Payments in respect of event attendance

The 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

Attendees An Council Member or the CEO attending a conference/ event as applicable.

Conference A conference relevant to local government business.

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Council Member	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).
Event	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.
Gift	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 <u>one+</u> 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.
Ticket	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, ~~whether~~ as a representative of ~~the Shire of Mundaring or otherwise as an Elected Member or CEO~~, 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).

~~However, attendance at a pre-approved event (refer to 4.1 Pre-Approved Conferences/ Events) will exclude the recipient of complimentary tickets from the requirement to disclose an interest if the ticket is over \$300 and the third party has a matter before Council.~~

~~Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same third party) also does not need to be disclosed as an interest.~~

~~All Elected Members have an annual budget allocation for conferences, events, continuing professional development, training etc. All unspent funds for this purpose will not be carried forward at the end of the financial year.~~

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.

Commented [EN1]: Moved to 4.4

Commented [EN2]: Redundant – covered by the Regs Framework

Commented [EN3]: Information relevant to budget. Incl in CPD Policy.

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

The below table indicates pre-approved events (marked with an 'X') that ~~Shire President, Deputy Shire President, Elected Member and the CEO~~ are authorised to accept invitations, including tickets to attend conferences/ events:

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 (if Deputy Shire President not attending)	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~~ CEO 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 CEO 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 an Council Member or CEO without payment (to attend in their capacity as an 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.

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.

Where either the CEO proposes to Council or Council itself nominates an Council Member to attend a specific conference then that Council 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 costs are not to be taken from the Elected Member's annual allowance.~~ The expenditure is to be considered as part of ~~the a~~ report to Council and allocated to the relevant service area or Council Member budget.

~~If an Elected Member wishes to attend a conference or event that incurs a cost which exceeds their total budget allocation, then a request shall be placed before Council for consideration in accordance with the criteria for approval.~~

Commented [EN4]: Redundant – included in criteria for approval

4.3. Approval Process

All event invitations or offers of tickets for an 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 allowances or reimbursements) 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 ~~during the current financial year.~~
- 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 an Council Member or the CEO in a personal capacity.

No Council Member is permitted to accept invitations to attend conferences/ events which will incur at the a cost of to the Shire in the last three months of their term during caretaker period, unless otherwise determined by a resolution of Council.

4.5. Authority for Approval

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

4.6. Allowances and Reimbursement

Where payment or reimbursement of expenses is sought for costs incurred by the attendance at a conference/ event in excess of the available budget allocation, the 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 Shire's 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 [bus-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 Shire's Elected Members Allowances and Expenses Policy.

4.6.8. Accompanying Person

Council appreciates that attendees may ~~wish for their partner~~ 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. Reimbursement of Expenses

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Within ~~10-30~~ 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 ~~or associated bookings are made and carry that accrue~~ loyalty rewards or bonus points, ~~they~~ should not be personally claimed or used for private purposes and where possible be - ~~They may be~~ used only for further official purposes.

4.7. Administration Process

Registration for all approved conferences/ events 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 ~~direct~~ 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 Town'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 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

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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

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1.3 COUNCIL MEMBER CONTINUING PROFESSIONAL DEVELOPMENT, TRAINING AND PROFESSIONAL MEMBERSHIPS

Responsible Directorate	Corporate Services
Responsible Service Area	Governance
Adopted	December 2020 SC18.12.20
Reviewed	July 2022
Procedure Ref	N/A

1. PURPOSE

The 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 role. To ensure that Elected Members have the skills and knowledge to undertake 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.

The *Local Government Act 1995* (the Act) describes provisions related to the universal training of Elected Members:

- Section 5.126 provides that each Elected Member must complete training in accordance with the Regulations.
- Section 5.127 provides that the Chief Executive Officer (CEO) must publish a report on the local government's website within 1 month of the end of the financial year detailing the training completed.
- Section 5.128 provides that a local government must prepare and adopt a policy in relation to the continuing professional development of Elected Members.

This Policy ensures the Shire complies with relevant legislation that prescribes training requirements for Elected Members.

2. SCOPE

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

3. DEFINITIONS

compulsory training the *Local Government Act 1995* (the Act) and *Local Government (Administration) Regulations 1996*

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Elected Member Essentials	requires all council members to undertake training courses within 12 months of being elected. as defined by the <i>Local Government (Administration) Regulations 1996</i> , regulation 35(2).
council member	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).
external committee member	a person appointed to a Committee established under the Act who is not a council member.
Continuing Professional Development (CPD)	attendance or participation (in person or online) in training relevant to the role of a council member. Including but not limited to: conferences, workshops, courses, webinars, seminars, <u>networking forums, formal qualifications</u> or similar professional development provided by a Registered Training Organisation or government agency.
Registered Training Organisation	provider registered by the Australian Skills Quality Authority or similar state regulator to deliver nationally recognised training and qualifications.
training allocation	Council adopted budget allocation for the purposes of attending Compulsory Training or CPD to support the role of a council member or for external committee members 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.

~~This training course will be sourced by the Shire in accordance with the Shire's Purchasing Policy at no cost to Elected Members.~~

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 ~~this purpose~~ compulsory training will not be carried forward at the end of the financial year.

4.1.4.2. 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.

4.1.1.4.2.2. Conditionally Approved CPD – costing up to \$500

CPD costing up to \$500, including allowances and expenses, is conditionally approved.

~~Elected Members are encouraged to take advantage of CPD opportunities relevant to their roles and in line with the strategic objectives of the Shire.~~

~~Requests for CPD may be initiated by an Elected Member and must be provided in writing to the CEO~~

Criteria/Conditions for approval include:

- a. A request is submitted in writing including all 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.
~~Refer to 4.3 for intrastate, interstate and overseas CPD.~~
- 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 ~~criteria/conditions~~, the CEO will arrange for the council member to be enrolled/registered. Any requests that do not meet the above ~~criteria/conditions~~ will be ~~submitted-presented~~ to Council for consideration.

4.1.2.4.2.3. Conditionally Approved CPD – costing \$500 and above

Council members may request to attend conditionally approved CPD costing \$500 and above (refer to 4.2.3 for CPD costing up to \$500) including:

- Courses conducted by the Western Australian Local Government Association (WALGA).
- 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 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.

~~4.1.3. Intrastate, Interstate and Overseas CPD~~

4.2.4. CPD – costing \$500 and above

Generally, CPD costing above \$500, including allowances and 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 expected allowances and expenses (see item 4.6).

~~Requests for intrastate, interstate or overseas CPD may be initiated by an Elected Member and must be submitted by a notice of motion through Council.~~

Criteria for approval 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. The CPD is held within the Perth metropolitan area. Refer to below for intrastate, interstate and overseas CPD~~
- 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.

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

4.2.4.3. External Committee Members CPD

External committee members 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.
- b. The CPD aligns with the strategic direction of the Shire.
- c. The CPD is delivered by a reputable organisation or Registered Training Organisation.
- d. The CPD is held within the Perth metropolitan area or by an online learning format.
- e. There are sufficient funds available in the training allocation for external committee members CPD-Elected Members training budget.

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.

4.3.4.4. General Considerations for Compulsory Training and CPD

No Council Member is permitted to undertake CPD during caretaker period~~in the last three months 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.

4.4.4.5. 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 ~~submitted~~ 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 Councillors training allocation.

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

4.5.4.6. Allowances and Reimbursement

Where payment or reimbursement of expenses is sought for costs incurred by the attendance at compulsory training or CPD including allowances and reimbursement in excess of the individual allowance 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 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.

4.5.1.4.6.1. Private Motor Vehicle

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

4.5.2.4.6.2. Intrastate, Interstate and Overseas Air Travel

Economy class air travel arrangements shall apply to ~~training and~~ 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.

4.5.3.4.6.3. 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.

4.5.4.4.6.4. Personal Accident and Corporate Travel Insurance

Personal accident and corporate travel insurance is provided in accordance with the Shire's 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 4.7.3) or an accompanying person attends (item 4.7.8) the Shire will not cover the cost of the additional insurance.

4.5.5.4.6.5. Transportation

The cost of taxi, **ride share** or **bus-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.

4.5.6.4.6.6. 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.

4.5.7-4.6.7. Child Care Expenses

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

4.5.8-4.6.8. Accompanying Person

Council appreciates that attendees may ~~wish for their partner~~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.

4.5.9-4.6.9. 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.

4.5.10-4.6.10. Reimbursement of Expenses

Within ~~10-30~~ 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.

4.5.11-4.6.11. Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where possible, travel and accommodation bookings ~~or associated bookings are made and carry that accrue~~

loyalty rewards or bonus points, ~~they~~ should not be personally claimed or used for private purposes and where possible. ~~They may~~ 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.

4.6.4.8. Reporting and Training Register

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

6.3 Governance Committee Work Plan

File Code	GV.MTG 6.9
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Governance Committee Work Plan ↓

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 August 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

Risk: Reputation: Not reviewing policies, especially ones of interest to the community, on a 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.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
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.		

Risk: Reputation: 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.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
A review of the Shire's policies is undertaken as scheduled by the Work Plan.		

Risk: Compliance: Not reviewing local laws in accordance with the <i>Local Government Act 1995</i> .		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
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

Local Laws

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

It was previously suggested that the local law review not proceed as the Local Government reforms proposed by the Minister for Local Government are likely to have significant impact on the Shire's local law and subsequent review. At that time Council advised that it was its preference to proceed; however, it is recommended that this be reconsidered given that it is expected that half of the Shire's local laws will need to be updated to reflect the changes to the *Local Government Act 1995* and subsidiary regulations. To this end a local law review has not been incorporated into the Work Plan. If local laws are to be reviewed, this would occur concurrently with the items outlined in the Work Plan.

Shire of Mundaring has twelve local laws. The below table lists the local laws (in alphabetical order), the date of the current s3.16 periodic review requirements under the Act, and the date of the periodic review under the proposed reforms.

Local Law	Date of s3.16 review (8 years under <i>Local Government Act 1995</i>)	Date of s3.16 review (15 years under proposed reforms)
Activities on Thoroughfares and Trading in Public Places	24 February 2012	24 February 2019
Bush Fire Brigades	16 August 2021	16 August 2028
Cemeteries	18 February 2023	26 November 2030
Dogs	14 November 2025	14 November 2032
Extractive Industries	18 February 2022	18 February 2029
Fencing	9 July 2022	9 July 2029
Health	31 July 2015	31 July 2022
Keeping of Cats	13 May 2023	13 May 2030
Local Government Property	18 February 2022	18 February 2029
Meeting Procedures	9 December 2023	9 December 2030
Parking	27 May 2017	27 May 2024
Signs	13 May 2021	13 May 2028

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 will 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. The time frame to review a policy allowing sufficient time for consultation has been incorporated into the work plan.

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

It is intended that the Governance Framework be reviewed and presented to the Governance Committee in early 2023 prior to being presented to Council for endorsement.

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 August 2025. The Work Plan (subject to change) encompasses:

- 17 policies to be reviewed or drafted
- 15 policies are listed for review that are not anticipated to have significant changes.

It should be noted that the proposed reforms announced by the Department of Local Government may impact the scheduled Work Plan should there be a requirement to adopt Legislative Policies within a prescribed period of time.

As local laws and 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.

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.

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

Council adopted policies (ie 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. The current time frame for the review of stand-alone procedures and guidelines is every four years.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Committee endorses the Governance Committee Work Plan (**Attachment 1**), noting that the Governance Framework will be presented to the Governance Committee in the first quarter of 2023.

Policy and Local Law Review Work Plan			Start	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Governance Officer Contract end			
													ELECTION																														
olicies due for review with no significant changes expected (see covering notes)																																											
lection Caretaker Policy Review (without consultation)	Feb-23	Complete prior to 2023 Local Government Election										Election																															
M Allowances and Expenses Policy Review (without consultation)	Feb-23																																										
vestments Policy Review (without consultation)	Apr-23																																										
anagement of Property for Investments Policy review (without consultation)	Apr-23																																										
reation of 'Recreation Needs' Policy (with community consultation)	Jun-23																																										
urchasing Policy Review (without consultation)	Aug-23																																										
review of Policies to be undertaken after LG Election as required (Code of Conduct, Continuing Professional development etc.)	Nov-23											Election																															
ccupational Safety and Health Policy Review (without consultation)	Nov-23																																										
omplaints Management Policy Review (with community consultation)	Feb-24																																										
inancial Hardship Policy Review (with community consultation)	Feb-24																																										
ompliance Policy Review (without consultation)	Apr-24																																										
isk Management Policy Review (without consultation)	Jun-24																					Scheduled in anticipation of Risk Officer																					
nvironmental Sustainability Policy Review (with community consultation)	Feb-25																																										
obile Vendors on Shire Owned Land Policy Review (with community consultation)	Apr-25																																										
review of Policies to be undertaken after LG Election as required (Code of Conduct, Continuing Professional development etc.)	Nov-25																																										
isposal of Minor Surplus Assets Policy Review (without consultation)	Aug-25																																										
ommunity Leases Policy Review (with community consultation)	Aug-25																																										

7.0 URGENT BUSINESS (LATE REPORTS)

8.0 CLOSING PROCEDURES

8.1 Date, Time and Place of the Next Meeting

8.2 Closure of the Meeting