

Caretaker Period for Shire Elections

Statutory context	Local Government Act 1995 – • s. 3.73 – Caretaker period	
	Local Government (Elections) Regulations 1997 – • Reg 3A & 3B – Caretaker Period	
Corporate context	Code of Conduct for Council Members, Committee Members and Candidates	
History	Adopted	21 May 2025
	Review Period	Every 3 years or when legislation changes

Purpose

The primary objective of this Caretaker Policy is to:

- ensure the Shire of Moora makes no major decisions prior to an election, that would bind an incoming Council
- prevent the use of public resources in ways that are seen as advantageous to, or promoting Council Members who are seeking re-election
- recognising the requirement for the Shire of Moora administration to act impartially in relation to all candidates.

POLICY STATEMENT

This policy applies during a ‘Caretaker Period’ (defined below) to cover:

- Decisions that are made by the Council
- Materials published by the Shire
- Attendance and participation in functions and events
- Use of the Shire’s resources
- Access to information held by the Shire

This policy applies to Council Members, candidates, employees and volunteers, and contractors of the Shire of Moora.

Caretaker Period - means the period when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations (37 days prior to the election day) – s4.49(a) of the Local Government Act 1995) until 6.00pm on election day.

Election Day – means the day fixed under the Local Government Act 1995 for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.

Electoral Material - means any advertisement, handbill, pamphlet, notice, letter, or article that is intended or calculated to affect the result in an election but does not include:

- An advertisement in a newspaper announcing the holding of a meeting (s4.87(3) of the Moora Shire Council
- Any materials exempted under Reg 78 of the Local Government (Elections) Regulations 1997

- Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election

Extraordinary Circumstances – means a situation that requires a major policy decision of the Council because:

- In the CEO's opinion the urgent of the issue is such that it cannot wait until after the election
- Of the possibility of legal and/or financial repercussions if a decision is deferred
- In the CEO's opinion it is in the best interests of the Council and/or the Shire of Moora for the decision to be made as soon as possible.

Major Policy Decision – means:

- Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior employee, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their contract) pending the election
- Decisions relating to the Shire entering a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted 'in principle' support by the Council and sufficient funds have been included in the Council's annual budget to support the project
- Decisions relating to the Shire entering a commercial enterprise as defined by s3.59 of the LGA
- Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO's opinion are significant, such as that which might be brought about through a Notice of Motion
- Decisions that, in the CEO's opinion, will have a significant impact on the Shire or the community
- Reports requested or initiated by a Council Member, candidate, or member of the public that, in the CEO's opinion could be perceived within the general community as an electoral issue with the potential to call into question whether decisions are soundly based and in the best interests of the community

Public Consultation – means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation requirement to be undertaken to comply with a written law.

Substantial Expenditure – means expenditure that exceeds 0.1% of the Shire's annual budgeted revenue (inclusive of GST) in the relevant financial year.

Scheduling Major Policy Decisions

So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- Considered by the Council prior to the caretaker period; or
- Scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council.

Decisions made prior to Caretaker Period

This policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a caretaker period, as far as practicable any such announcements should be made before the caretaker period begins or after it has concluded.

Implementation of Caretaker Practices - Role of the CEO in Implementing Caretaker Practices

The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:

- The CEO will ensure as far as possible, that all Council Members and employees are aware of the Caretaker Policy and practices at least 30 days prior to the start of the caretaker period.
- The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the caretaker period or deferred where possible for determination by the incoming Council.
- The CEO will endeavour to make sure all announcements regarding decisions made by the Council, are made prior to the caretaker period.
- The CEO will provide guidelines for all relevant employees on the role and responsibilities of employees in the implementation of this policy.

Extraordinary circumstances requiring exemption

Despite other provisions in this Policy, the CEO may, where extraordinary circumstances exist, permit a matter defined as a 'major policy decision' to be submitted to the Council for determination during the caretaker period.

Whilst the definitions above establishes that a CEO may not be appointed or dismissed during a caretaker period, the Council may, where the substantive employee is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO pending the election, after which date a permanent decision can be made.

Caretaker Statement

To assist the Council to comply with its commitment to appropriate decision making during the caretaker period, a caretaker statement will be included in each report submitted to the Council where the Council's decision would, or could, be a major policy decision.

The caretaker statement will state: "The decision the Council may make in relation to this item could constitute a Major Policy Decision within the context of the Shire of Moora Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption....)"

Shire of Moora Website

During the caretaker period the Shire's website will not contain any material which is precluded by this policy.

Information about Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed by the Council.

Public consultation during the caretaker period

It is prohibited under this policy for public consultation to be undertaken during the caretaker period (either new consultation or existing) on an issue which, in the CEO's opinion could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.

This policy does not prevent any mandatory public consultation required by the Local Government Act 1995 or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

Approval for Public Consultation

Given the general prohibition above, the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the caretaker period.

Where public consultation is approved to occur during the caretaker period, the results of that consultation will not be reported to the Council until after the caretaker period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in the Local Government Act 1995 or any other relevant Act.

Attendance and participation at events and functions

Public Events Hosted by External Bodies

Council Members may continue to attend events and functions hosted by external bodies during the caretaker period.

Shire of Moora Organised Civic Events/Functions

Events and/or functions organised by the Shire and held during the caretaker period will be limited to only those that the CEO considers essential to the operation of the Shire and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of an election. All known candidates are to be invited to civic events/functions organised by the Shire during the caretaker period.

Addresses by Council Members

Excluding the Shire President and Deputy Shire President fulfilling their functions as prescribed by s2.8, 2.9 of the Local Government Act 1995, respectively, Council Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the caretaker period.

Use of Shire resources

The Shire of Moora's Code of Conduct provides that the Shire's resources are only to be utilised for authorised activities (e.g. no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business).

This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the caretaker period.

The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Council Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

Access to Shire information and assistance

Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire's administration.

Any assistances and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

Media Advice

Any requests for media advice or assistance from Council Members during the caretaker period will be referred to the CEO. No media advice will be provided in relation to election issues or regarding publicity that involves specific Council Members. If satisfied that advice sought by a Council Member during the caretaker period does not relate to the election or publicity involving any specific Council Member/s, the CEO may authorise the provision of a response to such a request.

Publicity Campaigns

During the caretaker period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the CEO. In any event, the Shire's publicity during the caretaker period will be restricted to communicating normal Shire activities and initiatives.

Media Attention

Council Members will not use or access Shire employees or resources to gain media attention in support of their or any other candidate's election campaign.

Election Process Enquiries

All election process enquiries from candidates, whether current Council Members or not, will be directed to the Returning Officer, or where the matter is outside of the responsibilities of the Returning Officer, to the CEO.

SECTION I – COUNCIL

Code of Conduct for Council Members, Committee Members and Candidates

Statutory context Sections of the Acts, Regulations and/or Local laws that apply to this item include:

- Local Government Act 1995
- Local Government (model Code of Conduct) Regulations 2021

Corporate context None

History

Adopted	14 June 2021
Reviewed	21 May 2025
Review Period	Every 3 years or when legislation changes

Purpose

This Policy is adopted in accordance with section 5.104 of the Local Government Act 1995 which requires a Code be prepared and adopted according to the Model Code, and may be amended, must be by Absolute Majority.

Division 1—Preliminary provisions

1. Citation

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

2. Terms used

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

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of Council Members, Committee Members and Candidates.

4. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —

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

5. Relationship with others

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

6. Accountability

A council member or committee member should —

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

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

9. Relationship with others

A council member, committee member or candidate —

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

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

10. Council or committee meetings

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

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

11. Complaint about alleged breach

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

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 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been Council 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

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.

Acquisition and Use of Shire Vehicles

Statutory context	Work Health and Safety Act 2020	
Corporate context	Code of Conduct – Employees	
	Code of Conduct – Elected members	
	Procedure – Use of Shire Vehicles	
History	Reviewed	20 April 2016
	Reviewed	18 June 2025
	Review Period	Every 3 years

OBJECTIVES

To provide guidelines on the selection, allocation and use of vehicles in the Shire of Moora fleet.

POLICY STATEMENT/S

Acquisition

The purpose of the Shire's vehicle fleet is to service the operational objectives of the various management, administration and works positions within Council. Vehicles will be purchased with this as the primary consideration.

Apart from this primary consideration, other factors that should be considered:

- Appropriately sharing purchases as equally as possible between motor vehicle dealerships established within Moora Shire.
- Whole of life cost
- Safety factors, e.g. ANCAP rating
- Sustainability factors – where possible, vehicles should be selected with the least environmental impact

Allocation

CEO is to ensure vehicles are provided appropriately to meet the operational requirements of the Shire.

Provision is to be in accordance with conditions of employment, including contractual arrangements, where applicable.

Use

CEO is to ensure appropriate controls and processes are developed and implemented to ensure the safe use of Council vehicles and minimise whole of life costs.

All drivers of Council vehicles must be appropriately licensed and provide Council with such evidence as requested, prior to driving the vehicle.

Subject to any restrictions implemented by the CEO, vehicles may be driven by the following persons:

- an authorised employee of the Shire
- Elected Members when travelling to or from meetings or events when designated by Council as its representative outside of normal working hours by the spouse or partner of the employee allocated the use of the vehicle
- Other such persons as are authorised by the Chief Executive Officer.

Elected Member Training & Continuing Professional Development

Statutory context Local Government Act 1995
 s.5.126 – Training for Council Members
 s.5.127 – Report on Training
 s.5.128 – Council must prepare and adopt, and may amend, a Policy for continuing Professional Development (must be by Absolute Majority)
 Local Government (Administration) Regulation 1996 Part 10

Corporate Context

History Adopted 17 March 2021
 Reviewed 21 May 2025
 Review Period Every 3 years or when legislation changes

OBJECTIVE

To comply with the legislated requirement for elected Members to undertake ongoing professional development and to provide Council Members an opportunity to request consideration to attend a conference or meeting that affords individual development or value to the community.

POLICY STATEMENT

Compulsory Newly Elected Council Member Training

There are 5 mandatory modules, pursuant to the Local Government Act 1995:

- Understanding Local Government
- Conflicts of Interest
- Serving on Council
- Meeting Procedures and Debating
- Understanding Financial Report and Budgets

It is the preferred approach that such training be undertaken as online training, however if a newly elected Council Member prefers in person training, the Shire President, in conjunction with the CEO will evaluate and determine such a request and may approve it.

All unit fees and associated costs will be paid for by the Shire.

Continuing Professional Development (CPD)

Generally, preference will be given to the delivery of relevant training for Council Members at the Shire of Moora, and for all Council Members.

However, it is recognised that some Council Members may wish to avail specialised training which is not available to be delivered at the Shire of Moora, nor of interest to all Council Members - examples might include specialised training for the Shire President on meeting

procedures and chairing meetings or to an individual Council Member on town planning laws and procedures.

Council Members are encouraged to identify their CPD preferences to the CEO as early as possible, to ensure that the CEO can monitor training opportunities as they arise, and which may be relevant to a Council Member's needs.

In such cases application must be made to the Shire President, who in conjunction with the CEO, will evaluate the request, considering:

- The costs of attendance including registration, travel, and accommodation, if required
- The Budget provisions allowed and the uncommitted or unspent funds remaining
- Any justification provided by the applicant when the training is submitted for approval
- The benefits to the Shire of the person attending
- Identified skills gaps of elected members both individually and as a collective
- Alignment to the Shire's Strategic Objectives
- The number of Shire representatives already approved to attend

If a request is refused, the Council Member may request that Council consider the matter, and in such an event the decision of Council shall be final.

Proposals for professional development for the Shire President must be considered and approved by the Deputy Shire President, in conjunction with the CEO.

Reporting

The Shire will publish, on the Shire's website, training undertaken by all Council Members within one month after the end of the financial year pursuant to the *Local Government Act 1995*.

Retiring Elected Members

The intent of providing training and CPD for is to develop the capabilities of the members elected by the community. On that basis, it is generally inappropriate for community resources to be allocated to training, CPD or conference attendance after an elected member has determined their intention to resign from Council or, within 90 days of the end of their term, when it is their intention not to nominate as a candidate at the next election.

Elected members, in those circumstances, should not nominate for CPD or conference attendance and should discuss cancelling attendance with the Shire President & CEO of any such attendance arrangements in progress.

Fraud and Misconduct Policy

Statutory context	Local Government (Audit) Regulations 1996 –	
	• r.17 – CEO to review certain systems and procedures	
	Local Government (Financial Management) Regulations 1996 –	
	• r.5 – CEO’s duties as to financial management	
Corporate context	Elected Member Code of Conduct Employees Code of Conduct	
History	Adopted	21 May 2025
	Review Period	Every 2 Years

Policy Objective

To articulate the Shire of Moora’s (Shire) commitment to a zero-tolerance approach to fraud, misconduct, bribery and corruption (Fraud and Misconduct) and to building resilience through the identification and implementation of strategies to prevent, detect and respond to Fraud and Misconduct.

Policy Statement

The Shire adopts a zero-tolerance approach to Fraud and Misconduct and will appropriately deal with all allegations and suspected instances of Fraud and Misconduct. This includes notifying, reporting or referring any such instances to the appropriate authority for investigation and possible prosecution. The Shire will seek to recover any losses incurred after considering all relevant issues.

Policy Scope

The management of Fraud and Misconduct is a collective responsibility of all persons engaged or closely associated with the Shire in any capacity.

The Shire’s Values, its Code of Conduct for Council Members, Committee Members, and Candidates and Code of Conduct (Employees) outlines the integrity and ethical standards expected by the Shire to ensure business relationships between the Shire (and its Employees), suppliers and/or service providers exhibit the highest standards of integrity when conducting business.

Implementation

This policy along with the Shire’s two separate codes of conduct, the Shire’s values and culture and

Internal controls together operate prevent, detect and respond to potential or actual fraud and misconduct.

This Policy confirms the intent of Council that any fraudulent activities identified through internal control processes or information received from internal or external sources will be thoroughly investigated, treated seriously and promptly and appropriately dealt with.

Reporting Serious or Minor Misconduct

A Public Officer or any other person may report to the Corruption & Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct. Information on reporting to the appropriate authority is available on the Shire's public website.

Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to the Shire, including anonymously. If disclosures are made in accordance with the PID Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability, disciplinary action or dismissal.

The PID Act requires local governments to appoint a PID Officer to whom disclosures may be made. The PID Officer may be consulted when considering whether to make a disclosure. Information on disclosures and the Shire's PID Officer are maintained on the Shire's public website.

Disciplinary and Recovery Action

The Shire will respond to all instances of Fraud and Misconduct which may lead to termination, in accordance with its disciplinary process. The Shire will also seek to recover any losses it may have suffered through Fraud and Misconduct.

1.13 Honorary Freeman of the Shire

Statutory context s.5.93(3) of the Local Government Act 1995

Corporate context None

History	Reviewed	20 April 2016
	Reviewed	18 June 2025
	Review Period	Every 3 years

Purpose

To detail the process for nominating and awarding the honorary “Freeman of the Shire of Moora”.

POLICY STATEMENT

The awarding of the honorary “Freeman of the Shire of Moora” is to honour those exceptional individuals, who through their personal endeavours and commitment have made an outstanding contribution to the Shire of Moora and community.

Nomination for Freeman

Council encourages the community to nominate people for consideration as Freeman at any time. Nominations must be in writing addressed confidentially to the Chief Executive Officer (CEO) and justify in chronological order the actions/endeavours of nominees. Nominees must not be consulted or advised of nominations.

Council may also wish to nominate any person for the award who have rendered exceptional service to the Shire of Moora community.

Eligibility Criteria for ‘Freeman of the Shire’

A person may be nominated for the honorary award ‘Freeman of the Shire of Moora’ if they meet all the following:

- Minimum service of 12 years to the Moora community in any capacity
- Resident of the district (lived, worked and served) for all or most of the period
- Have identifiable and long-standing connections with the community
- Not a currently serving Elected member or employee

Consideration by Council

From time-to-time Council may receive a nomination for the prestigious award of “Honorary Freeman of the Shire of Moora”. The nomination and consideration of proposal to award the title of “Freeman of the Shire of Moora” shall be dealt with in the strictness of confidence.

When Council meets to consider the nomination, the meeting shall be closed to the public and reports concerning the nomination procedure shall be deemed to be a confidential item pursuant to s.5.93(3) of the Local Government Act.

Council may bestow the honorary title of Freeman of the Shire of Moora on a person who has served the community in an outstanding and meritorious manner that stands above the service and contribution of most other persons in advancing the districts strategic interest and in the provision of benefits for the greater community. Council will consider nominations in a confidential "in-camera" setting in accordance with the principles detailed in the Eligibility Criteria.

A decision by Council to award the title is to be by absolute majority.

Entitlement of Freeman

Any person who has the honour of Freemanship bestowed may refer to themselves as Freeman of the Shire of Moora.

Freeman will be presented with a special badge and certificate at a function to be hosted by Council to acknowledge their Freemanship.

The Freeman shall be invited at no cost to formal civic functions by Council.

A photograph and plaque of the Freeman is to be displayed in the Moora Performing Arts Centre

Freemen shall be included on the Shire of Moora Honour Board.

Awarding the Titles

The formal conferring of these titles is to be carried out at a civic reception held by Council which may be a special reception for this purpose or form a focal point of any other suitable Council reception.

The decision on the occasion and format of the ceremony is to rest with the Shire President in consultation with the CEO.

The successful nominee is to receive a certificate (presented in a quality frame) and an official name badge (of a similar design to Council Member badges) which confirms his or her status.

SECTION 3 – FINANCE

Purchasing and Tenders

Statutory context	Local Government (functions and General) Regulations 1996- • R.11A – purchasing policy required, and matters to be addressed
Corporate context	Code of Conduct – Employees Procedure - Purchase Orders
History	Adopted 15 September 2021 Reviewed 21 May 2025 Review Period Every 2 years or if legislation changes

OBJECTIVES

To provide compliance with relevant legislation and deliver an ethical and sustainable approach to procurement with appropriate internal controls

POLICY STATEMENT

Context

Reg 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's Policies, Procedures and Code of Conduct
- Be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

Ethics and Integrity

All employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora. The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct

- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly, and consistently
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements,
- any actual or perceived conflicts of interest are to be identified, disclosed, and appropriately managed
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly considering user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, and disposal
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality
- the financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history)
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining enough competitive quotations wherever practicable
- Minimising the social, environmental, and economic impacts in procurement decision making

Where a higher priced conforming offer is recommended, there should be clear, demonstrable and documented benefits over and above the lowest total priced, conforming offer

Sustainable Procurement

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts.

Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives.

Practically, sustainable procurement means the Shire of Moora shall always endeavour to identify and procure products and services that:

- Have been determined as necessary
- Demonstrate environmental best practice in water efficiency, energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling,
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage,
- that can be refurbished, reused, recycled, or reclaimed - these shall be given priority and/or those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste
- For fleet motor vehicles – vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles,
- For new buildings and refurbishments – where available use renewable energy and technologies.

Quote, tender and purchase record capture

Written information and documents associated with quotes and purchases will be captured and retained as per the requirements of the General Disposal Authority for Local Government Records, under the State Records Act 2000.

Quotation and tender exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency as defined by the Local Government Act 1995
- The supply of the goods or services associated with a state of emergency
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government
- The purchase is under auction which has been authorised by Council
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines
- Any of the other exclusions under Reg 11 of the Functions and General Regulations apply.

Purchasing thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Required Quotation/s or Tender
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.
\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

*A minimum of one quotation may be accepted at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

Reimbursement of Elected Members' Expenses

Statutory context	Local Government Act 1995 Section 5.98 (2)(a)(b)
	Local Government (Administration) Regulations 1996 – r.30 – Meeting attendance fees r.31 & 32 – Expenses that may be approved for reimbursement
Corporate Context	Training and Continuing Professional Development Policy Code of Conduct
History	Reviewed 20 April 2016
	Reviewed 18 June 2025
	Review Period Every 3 years or if legislation changes

POLICY STATEMENTS

1. The Shire will consider reimbursing all reasonable expenses Council Members incurred in performing their role, which are not prescribed expenses, and which are not otherwise recoverable under an insurance policy.
2. Such expenses may include –
 - Accommodation
 - Meals
 - Refreshment
 - Travel
 - Other expenses related to the elected members' fulfilling their role, subject to budget allocations and prior approval by the CEO
3. Eligible conferences, training, meetings etc
Elected Members are to be paid travel costs for the use of private vehicles at the rates determined by the Salaries and Allowance Tribunal determination each year for any travel to and from Council whilst attending any of the following, as provided by Regulation r.30 –
 - Council meetings (Ordinary and special)
 - Meetings of Council appointed committees
 - Annual and Special Meetings of Electors
 - Officially called Civic Receptions
 - Visits by Ministers of the Crown
 - Council authorised meetings of Elected members and staff
 - Meetings where the elected member is representing the Shire of Moora.
4. Accommodation
Expenses automatically met by Council are limited to accommodation in single/twin or double room, registration fees, meals associated with registration, parking and breakfasts for elected members only.
5. Travel
Unless otherwise authorised by Council, travel expenses will only be paid where:

- The elected member is the appointed delegate to the organisation
- To an appointed deputy delegate, where the delegate is unable to attend, and the deputy is performing functions consistent with the principles of section 5.11A(3) and (4) of the Act

6. Other expenses

Unless otherwise authorised by Council or the CEO, meals, non-alcoholic refreshments, parking, taxi or other out-of-pocket expenses will be reimbursed to:

- Persons authorised to attend by Council
- Delegate appointed by Council to the meeting or organisation
- Deputy delegate appointed by Council, only when attending in the place of the appointed delegate

7. Carer expenses

Care and other related expenses are childcare expenses and/or the care of elderly, disabled and/or sick immediate family members of Councillors and relates to costs that are incurred directly because of the elected member's attendance at an approved meeting. Childcare expenses will only be reimbursed in relation to children of the Councillor that are up to and including the age of 16 years. The cost of care arrangements will be reimbursed subject to lodgement of a completed Claim Form supported by valid receipts and details of the Council related activity that was attended. Expenses are not reimbursable if care is provided by an immediate family member, spouse or partner or someone who ordinarily resides with the Councillor.

8. Accompanying person

Only at the WALGA Annual Convention, or similar event where the elected member's partner is reasonably expected to attend, will the reasonable additional costs incurred by a partner accompanying an elected member at the event, such as breakfasts, attending the official conference dinner, official sundowners, or Shire President or CEO convened dinners, be met by the Shire. All other partner costs, such as lunches, tours or evening meals not convened with the Shire President or CEO will be met or reimbursed by the elected member or employee.

Note:

The reimbursement of actual expenses incurred are to be verified by sufficient information (i.e. tax invoices, receipts, etc). In the absence of these documents, a statutory declaration will be required.

2.1 Standards for CEO Recruitment and Performance Management

Statutory context Local Government Act 1995, Section 5.39B
 Local Government (Administration) Regulations 1996

Corporate context

History Adopted 17 March 2021
 Reviewed 21 May 2025
 Review Period Every 3 years or when legislation changes

Statutory Requirement –

The Local Government Act requires that the standards must be prepared and adopted that incorporate the Model Standards and may only be adopted or amended by Absolute Majority.

Purpose

To comply with legislation in adopting Standards for the Recruitment and Performance Management of the Chief Executive Officer (CEO)

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Moora *Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b)

applicant means a person who submits an application to the local government for the position of CEO

contract of employment means the written contract, as referred to in s5.39 of the Act, that governs the employment of the CEO

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in s5.39(3)(b) of the Act

job description form means the job description form for the position of CEO approved by the local government under clause 5(2)

local government means the Shire of Moora

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of s5.36(5A) of the Act; or

(b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with s5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

(a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

- (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
- (a) Council Members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
- (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
- (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in s5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

(1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

- (a) clause 5 does not apply to the new recruitment and selection process;
- and
- (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day,

and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government during a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements, and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under s5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.