

ATTENDANCE AT EVENTS

Preamble

The Shire of Plantagenet (the Shire) is required under the Local Government Act 1995 to approve and report on attendance at events for Elected Members and the Chief Executive Officer (CEO).

Purpose

The purpose of this policy is to provide transparency about attendance at events of Council members and the CEO.

Scope

This policy addresses Council members and CEO (or delegated staff) attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

This Policy also sets out the Shire's position with respect to the attendance of Councillors and the CEO at events in accordance with Section 5.90A of the Act.

Definitions

Under Section 5.90A of the *Local Government Act 1995*, the definition of an event includes the following:

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

Policy

1. The attraction, development and approval of events will be in accordance with the following objectives:
 - a) generation of direct and indirect economic benefits to the community;
 - b) generation of social benefit, vibrancy and promotion of cultural diversity and inclusion;
 - c) creation of a calendar of events which brings visitors to the region year-round and provides broad activation across the area; and
 - d) positive promotion of the Shire of Plantagenet and the Great Southern region of WA.
2. The Council makes an allocation of funds each year which is distributed to incorporated clubs and community organisations under the Community Grants Program. Approval of applications for grants are prioritised based on what the Council

believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet.

3. Event sponsorship can be provided as cash or in-kind contributions, with sponsorship agreements entered into with event organisers on either a single or multi-year basis.
4. Invitations/tickets to events may be provided to the Shire by event organisers. Where attendance at these events is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.
5. In addition to invitations/tickets provided by event organisers, the CEO, in consultation with the Shire President, may purchase tickets for the purposes of Council representation at an event.
6. In determining approval for attendance at an event, the Council will consider:
 - a) who is providing the invitation or ticket to the event;
 - b) the location of the event;
 - c) whether the event is sponsored by the Shire of Plantagenet;
 - d) the relevance of the event to the Council's adopted policy objectives under item 1 above;
 - e) the role of the Council member or CEO when attending the event (participant, presenter, observer) and the value of their contribution;
 - f) the cost to attend the event and/or the public value of attendance if the ticket is being provided at no cost to the Shire;
 - g) the number of invitations/tickets received; and
 - h) the benefits or importance of Council and/or CEO representation at the event.
7. It is considered appropriate for a Councillor or CEO's partner to accompany them to an event held outside of normal business hours. While the Shire will not generally pay for such attendance, invitations/tickets received by the Council may be provided for this purpose where they are available.
8. The Shire President can delegate any approved attendance to an event to the Deputy Shire President, another Council member or staff member.
9. An invitation provided or addressed personally to a Councillor or to the CEO (for instance via a personal email account) will not be captured by this Policy, and the requirement to disclose a financial interest where the amount exceeds the amount prescribed under the Local Government (Administration) Regulation 20A will apply.
10. This policy does not apply where a Councillor or the CEO attends an event at their own cost and in a personal capacity.
11. Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:
 - a) the gift relates to attendance at an event where attendance has been approved by the Council in accordance with the Council endorsed Attendance at Event policy; and/or
 - b) the gift is from specified entities.

Excluded gifts are still a gift that must be disclosed and published on the Gifts Register if over the value of \$300.00 and received in the capacity of Council member or CEO.

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2	XX June 2025	Policy reviewed and reformatted	

CITIZENSHIP CEREMONIES DRESS CODE

Purpose

To provide an outline for the Shire of Plantagenet's (the Shire) expectations for conferees and guests attending Citizenship Ceremonies.

Policy

The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion.

The Shire encourages Citizenship Ceremony attendees to wear, as a minimum, smart casual attire. National/traditional costume reflecting the nationality of a conferee is also acceptable.

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CODE OF CONDUCT

BEHAVIOUR COMPLAINTS MANAGEMENT

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Preamble

This policy gives effect to the Shire of Plantagenet's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Purpose

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021 and Shire of Plantagenet Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of *the Act* for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of *the Act*, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of *the Act*.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

Code of Conduct means the Shire of Plantagenet Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee of Council, established in accordance with s.5.8 of *the Act*.

Committee Member means a Council Member, employee of the Shire of Plantagenet or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of *the Act*. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct [by Council resolution or by the CEO exercising delegated authority].

Council means the Council of the Shire of Plantagenet.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with *the Act*. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with *the Act*.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.

Policy

1. Principles

1.1. Procedural fairness

- i. The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:
 - the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
 - the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
 - any findings made will be based on proper and genuine consideration of the evidence.

1.2. Consistency

- i. The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3. Confidentiality

- i. The Shire of Plantagenet will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.
- ii. Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information.
- iii. Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4. Accessibility

- i. The Shire of Plantagenet will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Plantagenet's Administration and on the Shire of Plantagenet's website. The Shire will make information available in alternative formats if requested.
- ii. Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1. Behaviour Complaints Officer

- i. The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.
- ii. The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.
- iii. The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.
- iv. The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.
- v. In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2. Complaint Assessor

- i. The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.
- ii. The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.
- iii. The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3. Behaviour Complaints Committee

- i. The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of *the Act* for the purpose of dealing with Complaints.
- ii. The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1. Making a complaint

- i. Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [clause 11(1) of the Code of Conduct].

- ii. A Complaint must be made within one (1) month after the alleged Breach [clause 11(2)(c) of the Code of Conduct].
- iii. A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.
- iv. A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.
- v. A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.
- vi. Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.
- vii. Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [clause 11(2)(c) of the Code of Conduct].

3.2. Candidate complaints

- i. A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.
- ii. Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:
 - to the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
 - to the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.
- iii. No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.
- iv. If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected, and that the Complaint cannot be dealt with [clause 15(1) of the Code of Conduct].

3.3. Withdrawing a complaint

- i. A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [clause 14 of the Code of Conduct].

- ii. A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.
- iii. After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4. Notice to Complainant

- i. Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:
 - confirms receipt of the Complaint;
 - outlines the process that will be followed and possible outcomes;
 - explains the application of confidentiality to the complaint;
 - includes a copy of this Policy; and
 - if necessary, seeks clarifications or additional information.
- ii. If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5. Notice to Respondent

- i. Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:
 - advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
 - includes a copy of the Complaint Documents;
 - outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
 - includes a copy of this Policy; and
 - if applicable, advises that further information has been requested from the Complainant and will be provided in due course.
- ii. If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6. Alternative dispute resolution

- i. The Shire of Plantagenet recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.
- ii. To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree

to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

- iii. The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.
- iv. If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.
- v. If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7. Order of complaints

- i. Complaints will normally be dealt with in the order in which they are received.
- ii. If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8. Appointment of Complaints Assessor

- i. If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Plantagenet's Purchasing Policy.
- ii. The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9. Search of Local Government Records

- i. The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Plantagenet's Record Management System.
- ii. If the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- The behaviour occurred at a Council or Committee Meeting,
 - the behaviour was dealt with by the person presiding at the meeting, and/or
 - the Respondent has taken remedial action in accordance with Shire of Plantagenet Standing Orders.
- iii. The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10. Assessment of Complaints

- i. The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.
- ii. The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions or drafting the Complaint Report or recommendations.

3.11. Complaint Report

- i. The Complaint Assessor will prepare a Complaint Report that will:
- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
 - include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
 - include recommendations on each decision that may be made by the Complaints Committee; and
 - include reasons for each recommendation, with reference to Part 4 of this Policy.
- ii. If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.
- iii. The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12. Complaints Committee Meeting

- i. The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

- ii. The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.
- iii. In accordance with Regulation 11(d)(a) of the Local Government (Administration) Regulations 1996, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.
- iv. If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.
- v. If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.
- vi. If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.
- vii. If the Behaviour Complaints Committee finds that the alleged Breach did not occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.
- viii. If the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.
- ix. If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.
- x. If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13. Compliance with Plan Requirement

- i. The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.
- ii. Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of *the Act* and clause 23 of the Code of Conduct.
- iii. The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objectives and Principles

- i. All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

- i. The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct 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 Respondent has taken remedial action in accordance with the Shire of Plantagenet Standing Orders.

4.3. Finding

- i. 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 [clause 12(3) of the Code of Conduct].
- ii. This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4. Action

- i. In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:
 - the nature and seriousness of the breach(es);
 - the Respondent's submission in relation to the contravention;
 - whether the Respondent has breached the Code of Conduct knowingly or carelessly;
 - whether the Respondent has breached the Code of Conduct on previous occasions;

- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5. Plan Requirements

- The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:
 - engage in mediation;
 - undertake counselling;
 - undertake training; and/or
 - take other action the Complaints Committee considers appropriate (e.g. an apology).
- The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.
- The Proposed Plan may also outline:
 - the actions to be taken to address the behaviour(s);
 - who is responsible for the actions;
 - any assistance the Local Government will provide to assist achieve the intent of the Plan; and
 - a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

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CODE OF CONDUCT

COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

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Division 1 — Preliminary provisions

1. Citation

This is the Shire of Plantagenet 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.
- (c) 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.
- (c) A council member or committee member —
 - (d) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (e) must comply with all policies, procedures and resolutions of the local government.

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; 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

- 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 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 —
 - (c) in writing; and
 - (d) 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 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.

Document Control			
Document Responsibilities			
Owner	Chief Executive Officer	Business Unit	Office of the CEO
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COMMUNICATIONS AND SOCIAL MEDIA

Preamble

This policy establishes protocols for the Shire of Plantagenet's (the Shire's) official communications with its public to ensure the Shire of Plantagenet is professionally and accurately represented, and to maximise a positive public perception of the Shire.

Purpose

To ensure that all the Shire's social media interactions are preserved and available as corporate knowledge in accordance with the *State Records Act 2000*.

Scope

This policy applies to communications initiated or responded to by the Shire of Plantagenet with the public and Elected Members when making comment, in either their role as a Councillor, or in a personal capacity.

Policy

1. Official Communications

- 1.1. The purposes of the Shire of Plantagenet's official communications include:
 - a) Sharing information required by law to be publicly available.
 - b) Sharing information that is of interest and benefit to the community.
 - c) Promoting Shire of Plantagenet events and services.
 - d) Promoting public notices and community consultation/engagement opportunities.
 - e) Answering questions and responding to requests for information relevant to the role of the Shire of Plantagenet.
 - f) Receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 1.2. The Shire of Plantagenet's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council, where applicable. Our communications will always be respectful and professional.
- 1.3. The Shire of Plantagenet will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:
 - a) Website;
 - b) advertising and promotional materials;
 - c) media releases;
 - d) Public Electronic Notice Board;
 - e) social media; and/or

- f) community newsletters, letter drops and other modes of communications at the discretion of the CEO.

2. Speaking on behalf of the Shire of Plantagenet

- 2.1. The Shire President is the official spokesperson for the Shire of Plantagenet and may represent the Shire in official communications, including speeches, comment, print, electronic and social media (s2.8 (1) (d) of the *Local Government Act 1995*).
- 2.2. Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson. (s.2.9 and s.5.34 of the *Local Government Act 1995*).
- 2.3. The CEO may speak on behalf of the Shire of Plantagenet, where authorised to do so by the Shire President. (s.5.41 (f) of the *Local Government Act 1995*).
- 2.4. The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government.

3. Responding to Media Enquiries

- 3.1. All enquiries from the media for an official Shire of Plantagenet comment, whether made to an individual Elected Member or employee, must be directed to the Shire President, CEO or a person authorised by the Shire President or CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire of Plantagenet.

4. Website

- 4.1. The Shire of Plantagenet will maintain an official website, as our public's online resource to access the Shire's official communications and publicly available information.

5. Social Media

- 5.1. The Shire of Plantagenet uses social media to facilitate interactive information sharing and to provide responsive feedback to our public. The use of social media does not replace traditional forms of communication but provides another avenue to engage the community.
- 5.2. Social media will not, however, be used by the Shire of Plantagenet to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.
- 5.3. The Shire of Plantagenet will ensure that social media activities are adequately resourced by staff to allow for content development, monitoring, interpreting the volume and content of messages, and responding as required. This includes using a social media management platform to ensure a high standard of content creation and delivery.

- 5.4. Access to social media platforms by employees, during work time, will only be for the purposes of managing the Shire of Plantagenet accounts. Access to personal accounts is not permitted.
- 5.5. The Shire of Plantagenet will maintain social media accounts approved by the CEO.
- 5.6. All Shire of Plantagenet social media pages will be branded using the Shire of Plantagenet logo, slogan, symbol, and/or colour combination ensuring a clearly identifiable and consistent presentation of the Shire brand.
- 5.7. The Shire of Plantagenet may also post and contribute to social media hosted by others, so as to ensure that the Shire of Plantagenet strategic objectives are appropriately represented and promoted.
- 5.8. The Shire of Plantagenet actively seeks ideas, questions and feedback from our community. However, we expect participants to behave in a respectful manner. The Shire of Plantagenet will moderate its social media accounts to address and where necessary delete content which is deemed as:
- a) Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading.
 - b) Promotional, soliciting or commercial in nature.
 - c) Unlawful or incites others to break the law.
 - d) Information which may compromise individual or community safety or security.
 - e) Repetitive material copied and pasted or duplicated.
 - f) Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot.
 - g) Content that violates intellectual property rights or the legal ownership of interests or another party.
 - h) Any other inappropriate content or comments at the discretion of the Shire of Plantagenet.
- 5.9. An opportunity exists to take part in social media conversations about the Plantagenet area and the Shire of Plantagenet, and will help us:
- a) Respond faster to the public's concerns.
 - b) Be more accessible when people want to be heard.
 - c) See what matters most to our public.
 - d) Reduce the risk and impact of negative comments and bad publicity.
- 5.10. Where a third party contributor to a Shire of Plantagenet social media page is identified as posting content which is deleted in accordance with the above, the Shire of Plantagenet may at its complete discretion block that contributor for a specified period of time or permanently.

6. Content

- 6.1. When using social media platforms, Elected Members and Shire employees will:
- a) Abide by the Code of Conduct Policy and Customer Service Charter.
 - b) Adhere to Shire policies and procedures.
 - c) Uphold the values of the Shire of Plantagenet.
 - d) Act in a timely and appropriate manner.
 - e) Be transparent, accurate, professional, fair, respectful, responsible, aware of confidentiality and privacy, and be careful at all times.
 - f) Ensure that all relevant legislation has been complied with.
 - g) Avoid political bias.
 - h) Take steps to avoid real or perceived conflicts of interest.
- 6.2. Content uploaded to social media must only disclose information which is classified as suitable for the public domain. Information posted must be accurate and not misleading in any way. When developing or posting content, staff must not:
- a) Use abusive, profane or sexually explicit language.
 - b) Undertake commercial solicitations or transactions.
 - c) Use copyright or ownership protected materials without appropriate approvals.
 - d) Be discriminatory, defamatory, or encourage law breaking behaviour.
 - e) Compromise the Council, its employees, or safety.
 - f) Reference clients, partners or suppliers without approval.
 - g) Promote or create spam.
 - h) Air personal campaigns.
- 6.3. Content which is subject to copyright (applications, audio, video, graphics, images, photographs, publications) will not be used unless prior written consent is obtained from the creator or copyright owner and the original author or source of the material is acknowledged. Employees will be diligent in their consideration of brand, copyright, fair use and trademarks.

7. Record Keeping and Freedom of Information

- 7.1. Official communications undertaken on behalf of the Shire of Plantagenet, including on the Shire's social media accounts and third-party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the Freedom of Information Act 1992.

8. Personal Communications

- 8.1. Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members must ensure that their personal or private communications do not breach the requirements of this policy,

the Code of Conduct, and the Local Government (Rules of Conduct) Regulations 2007.

9. Elected Member Statements on Shire of Plantagenet Matters

- 9.1. Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:
- a) Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire of Plantagenet.
 - b) Be made with reasonable care and diligence.
 - c) Be lawful, including avoiding contravention of copyright, defamation, discrimination or harassment laws.
 - d) Not contain factually incorrect statements.
 - e) Avoid damage to the reputation of the local government.
 - f) Not reflect adversely on a decision of the Council.
 - g) Not reflect adversely on the character or actions of another Elected Member or employee.
 - h) Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, employee or community member.
- 9.2. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had an opportunity to speak on behalf of the Shire of Plantagenet.
- 9.3. Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:
- a) Bring the Shire of Plantagenet into disrepute.
 - b) Compromise the person's effectiveness in their role with the Shire of Plantagenet.
 - c) Imply the Shire's endorsement of personal views.
 - d) Disclose, without authorisation, confidential information including matters discussed in Council workshops.
- 9.4. Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Plantagenet.
- 9.5. Elected Member communications must comply with the Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.
- 9.6. An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.
- 9.7. Comments which become public, and which breach this policy, the Code of Conduct, or the Local Government (Rules of Conduct) Regulations 2007, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

Document Control			
Document Responsibilities			
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CONSULTATION AND ENGAGEMENT

Purpose

This policy will guide the delivery of community and stakeholder engagement activities across the organisation, to achieve the following objectives:

- Provide the public with a clear understanding of Council's commitment to community and stakeholder engagement.
- Achieve good governance by facilitating open and honest communication with stakeholders and the community on programs, projects and initiatives that may impact their lives.
- Raise awareness of Council decisions and community aspirations surrounding programs, projects, and initiatives.
- Allow for informed decision-making to achieve an improved quality of life in the Shire of Plantagenet by planning for projects where they are needed and supported by the community.
- Ensure more members of our community will feel encouraged build local networks and participate in civic life with a greater understanding of the role of local government.

Scope

Council will undertake community engagement activities for the following purposes:

- when community input can enhance decision making or project outcomes;
- to gain new information about community needs, aspirations, and concerns;
- when there will be a real or perceived change to existing services, programs or the use of public spaces and facilities;
- when community members, business communities or other groups would have a particular interest in the outcome of a decision, project or development;
- when Council resolves to consult the community; and/or
- when legislation, policy or other agreement mandates.

Policy

1. The Shire of Plantagenet commits to the implementation of this Policy to ensure:
 - as an organisation, we understand wider community views when making decisions;
 - the community can express their views and participate in the decision-making process.
 - we regularly reach out and stay up to date with changing opinions and situations our community is living and working in each day; and
 - we can be a responsive organisation.
2. In planning a community engagement process, the Shire will determine the potential impact of the proposal (Table 1 below) and at which level they will engage and what corresponding commitment they will make to the community and/or stakeholders (Table 2 below).

Table 1: Potential Impact Table

High – Level 3
<ul style="list-style-type: none"> There is a <i>high level of impact of risk</i> (perceived or real) on the Plantagenet region; or sections of the communities. There is <i>potential for decisions</i> to create controversy and / or have varying levels of acceptance within the community.
Medium – Level 2
<ul style="list-style-type: none"> There is a <i>medium level of impact or risk</i> (perceived or real) on the Plantagenet region; or sections of the communities. It is <i>likely that the decision will be accepted by the majority of the community</i> impacted; however the decision may be inconvenient for some sections of the community.
Low – Level 1
<ul style="list-style-type: none"> There is a <i>low level of impact or risk</i> (perceived or real) on the Shire of Plantagenet region or section(s) of the community. It is <i>likely that the decision will be widely accepted</i> by the community and seen as having a positive outcome or being required.

- The application of the community engagement levels listed below and applying the associated engagement tools will be utilised to ensure that community members have genuine opportunities to participate in Council decision-forming processes about matters that affect them.
- Our engagement activities will be accessible and inclusive and include online and offline methods that are designed to suit the project and its stakeholders.

Table 2: Community Engagement

Level	What the language sounds like	Examples of engagement tools
Inform	'Here's what's happening'	Website notice, Facebook posts, fact sheets, information sessions
Consult	'Here are some options, what do you think?'	Letters to residents, written submissions, focus groups, surveys, public meetings, Plantagenet News advert
Involve	'Here's a problem, what ideas to you have?'	Workshops, resident voting, deliberative polling, expert panels
Collaborate	'Let's work together to solve this problem'	Advisory Committees, expert working group
Empower	'You care a lot about this issue and are leading an initiative, how can we support you?'	Citizen Juries, ballots, delegation decision

- The selection of those which are relevant will be determined by Shire staff using the Community Engagement Toolkit. This decision is likely to impact the nature and methods of engagement, the final decision rests with the Shire of Plantagenet Officers.
- Council decision-making processes are influenced by several factors such as financial and resource considerations, political directives, and environmental and social concerns. As such, if a difference occurs between the engagement outcomes and the Council's final decision, the reasons will be clearly stated.

7. The impact rating and consultation level rating will be included within Council reports for information and consideration by Council.
8. Council will seek participant feedback to monitor and evaluate engagement and continue to adapt and improve our processes.

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COUNCIL FORUMS AND WORKSHOPS

Preamble

Council Forums are a component of the Shire of Plantagenet's (the Shire's) Council Decision-Making Framework. Council Forums provide an opportunity for Councillors and employees to discuss strategies, policy and concepts without the constraints of Standing Orders and the requirement for public participation.

Purpose

This policy seeks to ensure that Council Forums maintain standards of behaviour, probity and public accountability, by detailing policy parameters and procedures for Council Forums.

Scope

No decisions can be made in Council Forums.

Instead, Council Forums are useful for (including, but not limited to):

- discussing strategic ideas;
- discussing policy ideas;
- reviewing services;
- workshops on informing strategies;
- seeking feedback on a notice of motion;
- alerting each other about emerging issues;
- hearing presentations from stakeholders;
- providing updates on significant projects;
- providing progress on Corporate Business Plan priorities;
- discussing service delivery; and
- providing information on operational matters.

Policy

1. Calling Council Forums and Workshops

- a) The Shire President or Chief Executive Officer may call a Council Forum or Workshop.

2. Presentations

- a) In consultation with the Shire President, the CEO may approve a request for a presentation to a Council Forum or Workshop on issues considered of special significance to the Shire.

3. Agenda

- a) The CEO shall prepare an agenda for each Council Forum or Workshop.
- b) Council members may submit agenda items for a Council Forum by email up to one week prior.

4. Notice

- a) The CEO shall give Council Members at least one-week written notice of a Council Forum or Workshop unless the CEO, in consultation with the Shire President, agrees to provide a lesser period of notice in urgent or exceptional circumstances.

5. Presiding Person

- a) The Shire President shall preside at Council Forums or Workshops. The Shire President may nominate another person to be the presiding person.

6. Disclosure of Interests

- a) Those provisions in the Code of Conduct dealing with Conflict of Interests shall apply to Council Forums and Workshops.

7. Notes of Meetings

- a) The CEO will cause notes to be kept of each Council Forum and workshop.
- b) These notes will include the date, attendance and title of the subjects addressed.
- c) These notes will record any actions that the CEO intends to take regarding the subjects addressed.

8. Decisions

- a) As these meetings are outside the statutory framework of the *Local Government Act 1995* and are not intended to replace ordinary council meetings, Council cannot make decisions at Council Forums or Workshops.

9. Voting Intentions

- a) Council Members must not indicate their voting intentions at a Council Forum or Workshop.

10. Council Forums

- a) Council Forums provide an opportunity for Council Members to discuss ideas, strategies and concepts for the development of the Shire or projects that are in the early planning stage and are some time away from being presented to Council for a decision. They provide an opportunity for staff or consultants to present information to Council Members on the concept or project.
- b) They allow Council Members to ask questions of relevant staff or consultants and enables Council Members to discuss aspects of the concept or project.

11. Council Forum – Procedure

- a) Council Members may ask questions of relevant staff or consultants and must address their questions and all discussion through the presiding person.
- b) The CEO may provide background briefing notes prior to the Council Forum to inform discussion.
- c) Council Members must limit their discussion about issues arising in the Council Forum to brief statements on relevant matters. Council Members must not enter into debate.
- d) Council Forums will be limited to two hours and any remaining agenda items will be carried over to the next agenda.

12. Council Forum – Public Attendance

- a) Council Forums are generally closed to the public.

13. Workshops

- a) Workshops provide an opportunity for Council Members to have input into the development of a strategy, policy, concept or project scope. They allow Council Members to explore different options with relevant staff and to participate more fully in the development of a strategy, policy, concept or project scope.

14. Workshops – Procedure

- a) Council Members may ask questions of relevant staff and may address their questions through the presiding person or directly to the person concerned.
- b) Council Members must not debate their voting intentions at a Workshop.

15. Workshops – Public Attendance

- a) Workshops are generally closed to the public.

Document Control			
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Shire of
Plantagenet
Mount Barker • Kendenup • Narrikup
Porongurup • Rocky Gully

CUSTOMER SERVICE CHARTER



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2 Customer Service Commitment

The Shire of Plantagenet's commitment to the Community includes:

- Integrity through honesty, ethical behaviour and trustworthiness.
- Professionalism through understanding our roles and responsibility, the need to work efficiently and strive for excellence.
- Supportiveness by being patient, caring and friendly.
- Responsibility by taking ownership.
- Customer focus by understanding needs, being proactive and responsive.
- We handle all your information in accordance with the Australian Privacy Principles.

3 Our Vision

Plantagenet, building a sustainable and respectful community, where the environment is preserved, and natural beauty and diversity provide opportunities for all.

4 Our Mission

To enhance the quality of life for the people of Plantagenet and the region, through the provision of leadership, services, and infrastructure.

4.1 We will achieve our Commitment to you by:

- Promptly attending to you at all times in a professional, polite and attentive manner to ensure we understand your needs and direct your enquiry to the correct officer.
- Promptly answering all telephone calls during business hours or if you leave a message, we will get back to you within two business days.
- Following through on commitments.
- Providing a 24-hour telephone service for emergency calls.
- Acknowledging your written request within 10 business days of receipt.
- Providing information to you that is accurate and consistent, relevant, practical and easy to access.
- Our fair and impartial actions, completed within a specified timeframe and with your individual needs into consideration.

4.2 You can assist us by:

- Being prepared with relevant information at hand when contacting us with queries or requests for assistance.
- Providing us with your contact details and letting us know if circumstances change.
- Provide constructive feedback so we can deliver better services.
- Phoning to make an appointment if you have a complex enquiry or need to speak with a specific officer.
- Acknowledging that the Shire may not have the authority to deal with your request / complaint and may need to refer it to another agency/organisation.

5 Unacceptable Behaviour

The Shire of Plantagenet is responsible for providing staff with a safe working environment and holds a Zero Tolerance position on rude, abusive or aggressive behaviour:

- Any abuse or discrimination, written or verbal
- Threatening behaviour or intimidation
- Serious or persistent harassment
- Any behaviour that causes anyone to feel intimidated, threatened, frightened or physically at risk.

If a customer displays any of the above behaviours, we may immediately cease interactions with them and reserve the right to set limits or conditions on how they may engage with us in the future.

6 Contacting Us

We are committed to communicating with you in a timely and responsive manner in order to address your issues, enquiries and concerns.

We provide up to date information including forms, application forms, information sheets and meeting Agendas and Minutes on our website.

You can contact us in person, by telephone, by mail or via our website:

In person:	Administration Office, 22 – 24 Lowood Road MOUNT BARKER WA 6324
By Mail:	PO Box 48 MOUNT BARKER WA 6324
By Telephone:	9892 1111
By Email:	info@sop.wa.gov.au

Please note comments on Facebook, LinkedIn, Instagram or twitter are not monitored and will not be responded to.

Yours sincerely



Julian Murphy
CHIEF EXECUTIVE OFFICER
29 April 2025

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DEALING WITH UNREASONABLE BEHAVIOUR

Preamble

Council representatives are expected to treat customers with courtesy and respect at all times and to make every reasonable effort to address the needs of customers, even when they are being difficult. However, sometimes there are customers whose issues cannot be dealt with to their satisfaction.

Purpose

This policy guides staff on how to deal with unreasonable behaviour from customers.

Policy

1. Customers who cannot be satisfied

- 1.1. The Chief Executive Officer (CEO) can determine that a customer does not accept that the Shire is unable to assist them. Where a Supervisor/Manager is satisfied that every effort has been made by staff to address a customer's needs, the CEO may make a decision that there is no reasonable prospect of reaching a position where a particular customer is satisfied. In this instance, the CEO may decide to stop or limit responses to the customer in relation to the issue in question.
- 1.2. The CEO is to ensure that this is communicated in writing to the customer and that the customer is given the opportunity to make representations to the Council about the proposed course of action. The CEO will continue to monitor any further contact with the customer over the issue.

2. Customers who make unreasonable demands

- 2.1. Customers who make unreasonable demands can result in a significant diversion of Shire staff resources away from other functions and staff requirements. They can also create an inequitable allocation of resources.
- 2.2. The CEO can determine to write to the customer requesting that they limit and focus their requests and that if the unreasonable requests recur, staff may not respond to such requests where in the opinion of the CEO no new specific, substantial and serious issues have been raised.
- 2.3. The CEO may also determine to limit responses to a fixed number of responses in a given period.

3. Customers who consistently raise the same issue with different staff

- 3.1. If the CEO determines that a customer is constantly raising the same issue with different staff or elected members, the CEO can determine that only a nominated staff person will deal with the customer, that an appointment must be made for

any discussions required, or that all future contact with the Shire must be in writing.

4. Customers who are rude, abusive or aggressive

4.1. The Shire holds a Zero Tolerance position on rude, abusive or aggressive behaviour.

4.2. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or against a person.

4.3. On the Telephone

- a) If in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in the telephone conversation, the staff member is to:
 - i. Warn the caller/customer that if the behaviour continues, the conversation will be terminated; and
 - ii. Terminate the conversation if the rude, abusive or aggressive behaviour continues after a warning has been given.
- b) Where a conversation is terminated, the staff member is to inform his/her Supervisor/Manager of the incident.
- c) The staff member involved must make file notes of exactly what has happened, and these should be recorded in the Electronic Records Management System (ERMS) and Site Docs.

4.4. In Person

- a) At the Shire Office - If a staff member is dealing with a customer at the front desk and feel that they or other customers or staff may be placed in a dangerous situation, the staff member is to use the duress alarm. Assistance should be provided immediately by the first available Supervisor/Manager or the CEO, and another member of staff may call the police if required.
- b) If, in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in person at the front desk, the staff member is to:
 - i. Warn the customer that the Shire has a zero tolerance in regard to bad behaviour, and if the behaviour continues, customer service will be terminated; with the customer being asked to leave the premises and not return until such time that they are able to conduct themselves appropriately.
 - ii. Terminate the conversation, excuse yourself or walk away if the rude, abusive or aggressive behaviour continues after a warning has been given.
- c) Where customer service is terminated, and the customer refuses to leave the premises, the staff member is to inform the CEO (if available) or his/her Supervisor/Manager immediately of the incident.

- d) The CEO, Manager or Supervisor should confirm with the customer that they have been advised to leave the premises and that they may return the following day and may be served if their behaviour is appropriate.
- e) If required, the police should be contacted to remove the customer from the premises.
- f) The staff member involved must make file notes of exactly what has happened, and these should be recorded in the Electronic Records Management System (ERMS) and Site Docs.
- g) At all other Shire Outstations/Workplaces - If a staff member is dealing with a customer and feels that they or other customers or staff may be placed in a dangerous situation, a staff member is to call the Shire Office front desk and ask them to inform the relevant Supervisor/Manager of the situation.
 - i. If the relevant Supervisor/Manager is not there, then any available Supervisor/Manager should be informed. That Supervisor/Manager should then go to the assistance of the staff member immediately.
 - ii. Where assistance is required outside of normal working hours the Emergency Call Out Phone (Works

Reporting

In all situations, staff are to document the incident, and a record must be made and maintained in the Electronic Records Management System (ERMS) and the Work Health and Safety Management system – SiteDoc.

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ELECTED MEMBERS TO BE REIMBURSED

Purpose

To enable the Shire of Plantagenet (the Shire) Councillors to attend meetings, conferences and training opportunities, while ensuring that individuals are not financially disadvantaged in doing so.

Scope

Elected members may receive reimbursement of expenses, as detailed in this policy, whilst attending the following:

- Shire Council and Committee meetings held in accordance with the provisions of the *Local Government Act 1995*;
- any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- conferences, seminars and training sessions specifically authorised by the Council; and
- any official social function organised by, or on behalf of, the Shire.

Policy

1. Travel

- 1.1. Councillors should use Council vehicles to attend conferences, seminars and training where they are authorised delegates of the Council subject to a vehicle being available.
- 1.2. Reimbursement for the use of a private vehicle to be set in accordance with Clause 19.3 (Vehicle Allowance) of the Local Government Industry Award 2020.
- 1.3. Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of expenses will not be provided by the Council.
- 1.4. If a Council vehicle is made available and not used, no expenses will be reimbursed for the use of a private vehicle, unless prior arrangements are agreed by the CEO.

2. Accommodation

- 2.1. Accommodation, meals, and parking expenses incurred to a maximum of \$400.00 per day will be reimbursed provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.
- 2.2. Refreshments consumed with meals will be reimbursed. However, all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

3. Conference/Meeting/Training Attendance Costs

- 3.1. Where conference attendance is authorised by the Council, all conference attendance costs will be paid/reimbursed. Reimbursement for partners of members will be limited to:
 - a) all meal costs;
 - b) accommodation, where such does not incur any additional expenditure for the Council;
 - c) any official social functions included on the official program of the conference/meeting; and
 - d) all events listed on the partner's itinerary.
- 3.2. Priority will be given to any conference/seminar or training that is specifically relevant to Councillors and in particular, conferences, seminars or training courses held by organisations of which the Council is a member, or has an interest in, and which would usually be attended by the Council's appointed representatives to those organisations. Attendance at such conference, seminar or training is subject to approval by the Council. Councillors' attendance at seminars / conferences / training is subject to budget provision.
- 3.3. When determining costs of a conference, seminar or training, all costs associated with attendance at the conference, seminar or training, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.
- 3.4. Reports of conference or seminar attendance are required in writing to the Council for inclusion in the Information Bulletin within six weeks following the conference/seminar attendance.
- 3.5. The type of conference/seminar or training that Councillors attend would generally be related to a particular function or activity in which the Council is involved, rather than individual or personal development type conference / seminars.

4. Elected Member –Training for Council Members – Council Member Essentials

- 4.1. As soon as practicable after appointment, newly elected councillors are required to undertake the training course 'Council Member Essentials'. This course provides an overview of the roles and responsibilities of Elected Members, the Local Government environment and protocols and procedures affecting the way Local Governments operate and consists of the following modules: (i) Understanding Local Government; (ii) Serving on Council; (iii) Meeting Procedures; (iv) Conflicts of Interest; and (v) Understanding Financial Reports and Budgets.
- 4.2. All Councillors are encouraged to strive for a Diploma of Local Government which involves 13 modules (five of which will have been completed within the 'Council Member Essentials' training).
- 4.3. All Local Government training requests referred to in 4.1 and 4.2 above are to be forwarded to the CEO who, in consultation with budget allocations, is authorised to make arrangements for registrations.

5. Childcare

- 5.1. Childcare will be reimbursed as per the Salary and Allowances Tribunal determination.
- 5.2. Childcare costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the council member.
- 5.3. Claims must be made on the claim form provided and be accompanied by a receipt or invoice detailing the date, number of hours, rate and meeting attended and the details of the service provider.

6. Reimbursement of Expenses

- 6.1. Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.

Document Control			
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HABITUAL OR VEXATIOUS COMPLAINANTS

Purpose

Habitual or vexatious complainants are problematic for both the Shire of Plantagenet (the Shire) Council and employees. The matters raised by habitual and vexatious complainants – both in terms of the nature of the complaint(s) and the volume of complaints received – are time consuming, diverting valuable Shire resources away from Council priorities.

Council endeavours to respond with empathy to the needs of all complainants, however, there are times when there is nothing further which can reasonably be done to assist or rectify a real or perceived problem.

Within this context, this policy seeks to:

- identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be habitual or vexatious and ways of responding to these situations; and
- assist in identifying and managing such persons or groups.

Scope

This policy provides members of Shire Council and employees of the Shire with guiding principles for identifying and managing habitual or vexatious complainants.

Definitions

“Vexatious” in a legal context means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”.

For the purpose of this policy, **“habitual or vexatious complainants”** are persons or groups in repeated and/or obsessive pursuit of:

- unreasonable complaints and/or unrealistic outcomes; and/or
- reasonable complaints in an unreasonable manner.

Where complaints continue and have been identified as habitual or vexatious as per the criteria set out in this policy, the CEO will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken, as per the process set out in the policy guidelines.

The CEO will notify complainant, in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action will be taken. The CEO will also notify the elected members that a constituent has been designated as a habitual or vexatious complainant.

Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, their status will be reviewed.

Policy

1. Criteria for determining habitual or vexatious complainants

1.1. Complainants (and/or those acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one or more of the following criteria:

- a) Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
- b) Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
- c) Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- d) Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- e) Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- f) Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with a notification of how future contact with the Council is to be made.
- g) Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax.

Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.

- h) Have harassed or been verbally abusive on more than one occasion towards employees dealing with their complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- i) Are known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.
- j) Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquires being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- k) Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - i. Clearly does not have any serious purpose or value; or
 - ii. Is designed to cause disruption or annoyance; or
 - iii. Has the effect of harassing the public authority; or
 - iv. Can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- l) Make repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

2. Process for addressing habitual or vexatious complainants

2.1. The below options can be used (singularly or in combination) depending on the circumstances of the case and whether the complaint process is ongoing or completed.

- a) A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- b) Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this.
- c) Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising

the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

- d) Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complainants.
- e) Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from our solicitor or other relevant agencies.

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MINING AND EXPLORATION

Purpose

This policy defines the Shire of Plantagenet's (the Shire's) position to guide advocacy with regard to mining and exploration in defined areas within the Local Government.

Definitions

The **Porongurup Tourism Corridor** is defined as the area outlined in the attached map (Attachment A).

Policy

1. Mining is incompatible with all other land uses including Agricultural, Viticultural and Nature-based Tourism and may not be beneficial to the environment and the community.
2. Exploration and mining are inconsistent with the purposes of National Parks and other areas of high primary production, lifestyle and tourism value.
3. Mining and exploration activities have the potential to negatively impact directly and indirectly on other land uses and Communities in the Shire.
4. Whilst exploration has less of an impact on land, the negative impacts of exploration are cumulative and the potential for exploration activities to lead to mining also poses a risk to high value land and the environment.
5. The Shire does not support mining and exploration activities in circumstances where proposals for mining and exploration have the potential to negatively impact on the environment, tourism, lifestyle and other land uses.
6. The Shire specifically identifies the Porongurup, Stirling Ranges and Mount Lindesay National Parks and the Porongurup Tourism Corridor as areas of high value in which mining will be opposed by the Local Government.
7. The Shire will advocate for and on behalf of the Plantagenet Community to ensure the best interests of the Shire and its Communities, in circumstances where proposals for mining and exploration activities will negatively impact on areas of high value within its Local Government Area.

Attachment A: Porongurup Tourism Corridor

ADDENDUM

As given to Plantagenet CEO, President and Exec Staff Ms Noleen Wake

Boundary Description of the Proposed Porongurup Tourism Corridor Mining Exclusion Area – Eastern Portion

Moving clockwise around the area lying East of Albany Highway (Western portion to be described later)

1. From Albany Highway Roundabout, follow Woogenellup Road to Barrow Rd.
2. Follow Barrow Rd to Northwest corner of the Porongurup Locale Boundary
3. From Northwest corner of the Porongurup Locale, travel East / clockwise to Southeast corner of the Porongurup Locale
4. From Southeast corner of the Porongurup Locale, travel directly South on property line to Bennett Rd
5. From Bennett Rd, travel approx. 0.82km West to Property Line on the north side
6. Follow North on Property Line to rejoin the Porongurup Locale Boundary
7. From Porongurup Locale Boundary, travel West to Chester Pass Rd
8. From Chester Pass Rd, travel North to Shanhun Rd
9. From Shanhun Rd, West approx. 1.65km to Property Line on South side
10. Follow the Property Line South approx. 2.18km to Property Line on West side
11. Follow the Property Line West approx. 2.35km to Morande Rd
12. Follow Morande Rd North to Luscombe Rd
13. Follow Luscombe Rd alignment West to Reynolds Rd
14. Follow Reynolds Rd West to Yellanup Rd
15. Follow Yellanup Rd Northeast to Townshend Rd
16. Follow Townshend Rd North to Watermans Rd
17. Follow Watermans Rd West to Albany Highway
18. Follow Albany Highway North to the Roundabout

Proposed Porongurup Tourism Corridor Mining Exclusion Area – Eastern Portion - Boundary in Purple



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Document Control			
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2	29 April 2025	Policy reviewed and reformatted	

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO

Purpose

To establish a policy, in accordance with Section 5.39C of the *Local Government Act 1995* (*the Act*), that details the Shire of Plantagenet's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Definitions

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Policy

1. Acting and Temporary CEO Requirements and Qualification

- 1.1. When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of *the Act*, and other duties as set out in *the Act* and associated Regulations.
- 1.2. Through this policy and in accordance with section 5.36(2)(a) of *the Act*, the Council determines that employees appointed to the substantive position(s) of Executive Manager are considered suitably qualified to perform the role of Acting or Temporary CEO.
- 1.3. A person appointed to act in the position of Executive Manager is not included in the determination set out in Clause 3 (2).

2. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- 2.1. The CEO is authorised to appoint an Executive Manager in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Executive Manager's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- 2.2. The CEO must appoint an Acting CEO for any leave periods greater than five working days and less than 6 weeks.

- 2.3. The CEO is to immediately advise all Council Members when and for what period of time the Executive Manager is appointed as Acting CEO.
- 2.4. Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.
- 2.5. Should the incumbent CEO become incapacitated and unable to appoint an Acting CEO, the Shire President is to determine which senior employee is to be Acting CEO until either the incumbent CEO is able to make an appointment, or Council resolves to make an appointment.

3. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months

- 3.1. This clause applies to the following periods of extended leave:
 - a) substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - b) substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- 3.2. The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a) appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b) conduct an external recruitment process.
- 3.3. The Shire President will liaise with the CEO, or in their unplanned absence the Coordinator People and Culture to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

4. Appoint Temporary CEO – Substantive Vacancy

- 4.1. In the event that the substantive CEO's employment with the Shire of Plantagenet is ending, the Council when determining to appoint a Temporary CEO may either:
 - a) by resolution, appoint an Executive Manager as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b) by resolution, appoint an Executive Manager as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c) following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of *the Act*, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

- 4.2. The Shire President will liaise with the Coordinator People and Culture to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 4.3. The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Coordinator People and Culture.

5. Remuneration and conditions of Acting or Temporary CEO

- 5.1. The CEO is authorised to determine the remuneration paid to an Acting CEO, which is to be based on a percentage of the cash component only of the substantive CEO's total reward package.
- 5.2. Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of *the Act*.
- 5.3. Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment

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WORK HEALTH AND SAFETY

Purpose

The Shire of Plantagenet (the Shire) will, as far as reasonably practicable, provide and maintain a safe and healthy working environment for all Shire workers on Shire premises or while engaged in Shire-related activities.

This policy details the Shire's commitment and approach to maintaining a safe and healthy workplace, including the implementation of work health and safety systems and processes which are compliant with relevant State and Commonwealth legislation, regulations and standards.

Scope

This policy applies to the Shire Council and all Shire employees, contractors, volunteers or any other person engaged or appointed to perform work in any capacity by the Shire (collectively referred to as "workers").

Definitions

EAP Employee Assistance Program.

Workplace means all Shire of Plantagenet work premises and worksites.

WHS Act means the *Work Health and Safety Act 2020*.

WHS Regulations means the Work Health and Safety (General) Regulations 2022.

Worker means an employee, contractor, and subcontractor (and their employees), outworkers, apprentices, work experience students, volunteers and trainees or any other person engaged or appointed to perform work in any capacity by the Shire, as defined in the *WHS Act 2020*.

A **Person Conducting a Business or Undertaking (PCBU)** is the employer, as defined in the Work Health and Safety Act 2020 (WHS Act), in this instance the Shire of Plantagenet Council and CEO.

Management Representative is a manager appointed to represent management on the Health and Safety Committee (HSC) in accordance with the WHS Act by the determined work group.

Health and Safety Representative (HSR) is a worker elected by a work area to represent the members of their work group and bringing issues to the attention of the PCBU and provide a basis for worker consultation as a member of the HSC.

Health and Safety Committee (HSC) is a group of elected HSRs and appointed management representatives who form a consultative committee as defined in the *WHS Act 2020* that meets a minimum of once per quarter or as required.

Reasonably Practicable is that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account all relevant matters including likelihood, degree of harm, what is known, availability and suitability of ways to eliminate or minimise risks and associated costs.

Work Health and Safety Management System (WHSMS) is defined as a system or set of policies, plans, actions, and procedures that provide a systematic approach to managing health and safety and underpin continuous safety improvement, such as all items collated in the Shire digital WHSMS, SiteDocs.

Policy

1. Overview

The Shire is committed to maintaining a healthy and safe workplace by integrating health and safety into all workplace activities. The Shire aims to achieve this by:

- promoting participation in safety efforts for works undertaken by and on behalf of the Shire;
- reducing, eliminating and controlling the risks to the health and safety of all workers;
- protecting persons performing work for and on behalf of the Shire from risks to the health and safety of those individuals;
- obeying the laws and regulations associated with the health and safety of all workers; and
- consulting, listening, and responding openly to our workers, customers, contractors and the community with regards to all safety related concerns and issues.

Specific objectives and targets are set and monitored in the annual safety plans set by the Health and Safety Committee, the WHS Officer and the Management team.

The Shire is committed to the continual improvement and ongoing review of all policies and procedures. This commitment includes development, implementation, monitoring and reviewing of SiteDocs Work Health and Safety Management System.

2. Roles and Responsibilities

A PCBU has a primary duty to ensure the health and safety of workers while they are at work in the business or undertaking and others who may be affected by the carrying out of work.

Any individual person can have more than one duty under the *WHS Act 2020*. For example:

- the CEO, the WHS Officer, the Human Resources Coordinator and Executive Managers can be decision makers for the Shire, a Department or Work Area as well as a manager and worker; or
- a Shire Councillor is a decision maker as part of the Shire Council, and a worker when acting as a volunteer capacity or representative of the Shire on a committee or function.

	If you are a decision maker for			If your role is		
	The Shire	Department	Work Group or Area	Manager, Leading Hand or Supervisor	Worker or Contractor	Visitor
RESPONSIBILITY						
Foundations of Work Health & Safety						
<p>Ensure that all workers and “key persons” undertake:</p> <ul style="list-style-type: none"> A Safety Induction (General) for Workers, Contractors, Volunteers or Councillors (as applies) A Site or Project Specific Safety Induction prior to the commencement of work at any work location 	✓	✓	✓	✓	✓	
<p>Ensure that all workers and “key persons” are aware of:</p> <ul style="list-style-type: none"> Emergency Exits and Evacuation processes Location of First Aid, AED, Fire Extinguishers and Fire Blankets Other site specific security & safety management processes 	✓	✓	✓	✓		
<p>Ensure that all workers and “key persons” have suitable training and access to SiteDocs Work Health & Safety Management system for:</p> <ul style="list-style-type: none"> Safety Reporting (incl. Incident reporting) Safety Resources & Notifications Safety Compliance 	✓	✓	✓	✓		
<p>Have a Work Health & Safety Noticeboard, digital system (eg SiteDocs) or file at each work location that is accessible to all workers with:</p> <ul style="list-style-type: none"> Emergency Contacts & EAP information Key Safety Areas (Injury & Incident Management) Names of HSRs, Wardens and First Aid Officers Emergency Management Plan Access to Safety documents, Policies, Procedures and other resources 	✓	✓	✓	✓		
<p>Have the Work Health & Safety Policy displayed in the workplace – visible to workers and visitors.</p>	✓	✓	✓			
<p>Adhere to clear reporting timelines and guidelines as advised in Safety documentation and inductions. (eg Report all incidents within 24hrs)</p>	✓	✓	✓	✓	✓	

Ensure that all workers are capable of performing their tasks in a safe working manner through the provision of: <ul style="list-style-type: none"> • Correct Tickets, Licences and qualification to ensure adequate skills to fulfil the tasks • Verification of Competency • Provision of information to undertake tasks correctly • Suitable PPE • Tools & Resources • Suitable work instruction & mentoring • Adequate supervision and feedback processes 	✓	✓	✓	✓		
Individual Roles & Responsibilities within the workplace						
Understand and apply your WHS duties	✓	✓	✓	✓	✓	✓
Take reasonable care of your own health and safety, and the health and safety of others, and follow safety directions and rules as required.	✓	✓	✓	✓	✓	✓
Report health and safety hazards, injuries and incidents utilising Site Docs WHSMS and Shire of Plantagenet reporting procedures (as per Safety inductions)	✓	✓	✓	✓	✓	Verbally or in writing
Notify the Shire (via CEO or WHS Officer) of any WorkSafe notifiable incident on the day of the incident.	✓	✓	✓	✓	✓	
Participate in Work Health & Safety training, risk management and consultation processes.	✓	✓	✓	✓	✓	
Use safety equipment and personal protective equipment (PPE) as instructed.	✓	✓	✓	✓	✓	
Supervise and “spot-inspect” the workplace to ensure that safe work procedures and processes are followed by workers.	✓	✓	✓	✓		
Lead by example and promote safe work practices at every opportunity	✓	✓	✓	✓	✓	
Leave the workplace in a clean, tidy and safe condition	✓	✓	✓	✓	✓	✓
Duty to Consult regarding WHS matters						
A minimum of one worker from each main work area is to be elected (HSR) and represented on the Health & Safety Committee (HSC)	✓					
A minimum of one management representative is to be appointed by the CEO	✓					

and represented on the Health & Safety Committee (HSC). Note: The number of management representatives to be less than the number of worker representatives.						
All HSRs to be suitably trained with a WorkSafe WA approved Health & Safety 5 Day representative training course.	✓					
Ensure that workers have been consulted (through the relevant HSRs and HSC) prior to the decision making and/or implementation of any organisational / Shire policy that relates to the Work Health & Safety of workers.	✓	✓	✓	✓		
Ensure compliance with WHS matters through reference to the WHS Act 2020, WHS (General) Regulations 2022 and relevant Codes of Practice, Guidance Notes and safe work directions from WorkSafe WA.	✓	✓	✓	✓	✓	
PCBU Commitment to WHS						
Incorporate the principles of good work design for work tasks and the work environment.	✓	✓	✓	✓		
Consult with workers when planning and designing the workplace.	✓	✓	✓	✓		
Ensure that there is the correct PPE, training, tools and resources available to workers to ensure the ability to work in a safe manner.	✓	✓	✓	✓		
Ensure that there is a clear process explained and available to workers for Incident Reporting, Injury Management and Return to Work	✓	✓	✓	✓		
Support and assist in the implementation of WHS policies and procedures work areas.	✓	✓	✓	✓	✓	
Undertake routine reviews and risk assessments of all safety areas to encourage continual improvement and identification of risks & hazards in the workplace.	✓	✓	✓	✓	✓	
Undertake routine site inspections, safety audits and inspections to benchmark and to proactively identify risks, hazards and improvement areas across the Shire.	✓	✓	✓	✓	✓	

Document Control			
Owner	Chief Executive Officer	Division	Office of the CEO
Reviewer	Executive Officer	Approval	Council
Document Compliance			
Legislation	Work Health and Safety Act 2020 and (General) Regulations 2022 (WA)		
Other	<ul style="list-style-type: none">• Code of Practice: Work Health and Safety Consultation, Cooperation and Coordination 2022• Code of Practice: Managing the Work Environment and Facilities 2022• Code of Practice: Workplace Behaviour 2022• Model Code of Practice: How to Manage Work Health and Safety Risks 2018• Safe Work Australia - Guidance Note: Worker Representation and Participation Guide 2024• Shire of Plantagenet:<ul style="list-style-type: none">○ Code of Conduct○ Safety Induction○ Safety Manual○ Site Docs WHSMS○ Health & Safety Committee – Terms of Reference		
Document Management			
Version #	Effective Date	Sections Modified (if applicable)	
1	XX XXX 2025	Adopted	