

WAGAIT SHIRE COUNCIL

**AGENDA
AUDIT COMMITTEE MEETING**

**COUNCIL CHAMBERS
LOT 62, WAGAIT TOWER ROAD
9.00AM**

Wednesday 22 January 2020



I hereby give notice that the Wagait Shire Council Audit Committee Meeting will be held on:

Date: Wednesday 22 January 2020

Time: 9.00am

Location: Council Chambers

142 Wagait Tower Road, Wagait Beach NT 0822

Interim CEO

Rebecca Taylor

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1.0 Present:

Committee members:

- Chair Clare Milikins
- Mr Barry Bamford
- Ms Maureen Newman
- Cr Graham Drake
- Cr Neil White

Council staff:

- Interim CEO, Rebecca Taylor
- Office Manager, Pamela Wanrooy

2.0 Opening of Meeting:

The Chair Clare Milikins declares the meeting open at and welcomes all to the meeting.

The Chair advises that the meeting will be audio taped for minute taking purposes as authorised by the Chief Executive Officer.

3.0 Apologies:

**Resolution No. 2020/
That the apology of be accepted.
Moved:
Seconded:
Vote:**

4.0 Confirmation of Previous Minutes for the Audit Committee held Wednesday 13 November 2019.

The Minutes of the Audit Committee Meeting held Wednesday 13 November 2019 are included as an attachment to the Agenda.

**Resolution No. 2020/
That the Minutes of the Audit Committee Meeting of Wednesday 13 November 2019 be confirmed by Committee Members as a true and correct record.
Moved:
Seconded:
Vote:**

5.0 Matters Arising from the Previous Minutes:

6.0 Declaration of Interests of Committee Members and Staff.

7.0 Action Sheet

Resolution No.	Resolution	Meeting Date	Status
Audit Committee 2019/485	That the Audit recommends to Council that a re-evaluation of Council's buildings be undertaken during the 2019/2020 financial year and that proper accounting procedures for the depreciation of buildings be adopted for future preparation of the Audited Financial Statements.	26/09/2019	Council agreed by resolution at its meeting of 15 October 2019 to receive and note the Minutes of the Audit Committee meeting of 26 September 2019. Resolution No. 2019/510.
2019/530		13/11/2019	RFQ to be issued in February 2020.
Audit Committee 2019/492	That the Audit Committee receives and notes the report entitled 2018 Compliance Review – Update.	26/09/2019	Council agreed by resolution at its meeting of 15 October 2019 to receive and note the Minutes of the Audit Committee meeting of 26 September 2019. Resolution No. 2019/510.
2019/528		13/11/2019	Updates will be provided until close out
Audit Committee 2019/529	That the Audit Committee recommends to Council that: b) a replacement vehicle better fit for purpose with improved economy be purchased during 2020/2021 financial year; c) the current Chief executive Officer's vehicle be sold through commercial auction following the delivery of the replacement vehicles; and d) appropriate Asset Management plans be developed for Council's vehicles, plant, machinery and equipment including an assessment of vehicles and plant based on age and suitability.	13/11/2019	Council received and noted the report at its meeting 19 November 2019. Agreed the matter of a replacement vehicle will form part of budget deliberations for 2020/2021 financial year. Resolution No. 2019/549
Audit Committee 2019/531	That the Audit Committee: b) endorses the Audit Committee 2020 Meeting Schedule.	13/11/2019	Council noted the meeting schedule. Meeting invitations have been sent to all Audit Committee members.

AUDIT COMMITTEE 2020 MEETING SCHEDULE

JANUARY	FEBRUARY	MARCH	APRIL
Council Meeting 21 January 2020	Council Meeting 18 February 2020	Council Meeting 17 March 2020	Council Meeting 21 April 2020
Audit Committee Meeting 22 January 2020			
MAY	JUNE	JULY	AUGUST
Council Meeting 19 May 2020	Council Meeting 16 June 2020 Rates Declaration Adoption of Budget Adoption of Shire Plan	Council Meeting 14 July 2020	Council Meeting 18 August 2020
Audit Committee Meeting 26 May 2020			
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Council Meeting 15 September 2020	Council Meeting 20 October 2020 Audited Financial Statements Annual Report	Council Meeting 17 November 2020	
Audit Committee Meeting 22 September 2020		Audit Committee Meeting 30 November 2020	

8.0 Agenda Items

8.1 Policy Review - P005 – Council Staff Code of Conduct

BACKGROUND

Previous Decisions:

Resolution No. 2017/08

That Council adopts the “Council Code of Conduct Policy”.

Moved: Co-Op Tom Dyer

Seconded: Cr Kurt Noble

Vote: AIF

17/01/2017

Resolution No. 08/214

That Council adopt Wagait Shire Council Policy No’s P 05, P 06, P 07, P 17, P 18.

Moved: Cr Withnall

Seconded: Cr Lamont

Vote: Carried 6-0

21/04/2009

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review. Policies are an internal control tool that ensures Council activities are conducted in a consistent, compliant and legal manner. Failure to review policies on a regular basis exposes Council to a higher level of business and corporate risk.

CURRENT SITUATION

It is not understood why the status of the current Policy 005 Council Staff Code of Conduct is listed as draft. A copy of the current policy is at Attachment A. The Policy requires revision and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers. A copy of the revised policy is at Attachment B.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled Policy Review P005 – Council Staff Code of Conduct be received and noted;**
- b) endorses the revised Council Employees Code of Conduct at Attachment B; and**
- c) recommends Council adopts the revised P005 – Council Employees Code of Conduct at Attachment B.**

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	COUNCIL STAFF CODE OF CONDUCT
POLICY NUMBER:	P5
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	GOVERNANCE
STRATEGIC PLAN REFERENCE:	Review of Council Policies and Procedures
CORPORATE GOVERNANCE AND PERFORMANCE: Develop performance management and work plans with staff members	
STATUS: Draft	Council Resolution: 2017/08
Date Approved:	Date for review: January 2018

Date Approved: 15.07.2008		Approved By:	Councillors – resolution no.	Date for review:	Next Council Election
Date Approved: 21.04.2009		Approved By:		Date for review:	21.04.2011
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	

SUMMARY

Council employees must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, the standards in the Code at all times.

This Code does not exclude the operation of the *Fair Work Act 2009*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act*. This Code does not affect the jurisdiction of the Industrial Relations Commission.

OBJECTIVE

This policy has been developed to comply with Section 104 of the *Local Government Act 2008* and to provide clear direction about the principles of ethical conduct and standards of behaviour expected from council staff.

POLICY

This Code of Conduct is to be observed by all Council employees.

PART 1—PRINCIPLES

Council employees of Wagait Shire Council (WSC) have a commitment to deliver a professional and committed service to the community and elected members of Council and to discharge their duties conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

Council employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of their Council is strong.

Council employees will respect the law, and the resolutions made by the elected member body of the Council.

The Council's Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

Council employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by Council.

PART 2—CONDUCT

Conduct required of Council employees

In line with 'PART 1—Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in WSC.

A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, including dismissal in accordance with Council's *Counselling, Disciplining and Dismissing Employees* policy.

Council employees must also comply with all relevant statutory requirements within the *Local Government Act*, the Work Health and Safety (National Uniform Legislation) Act and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, including dismissal, in accordance with Council's *Counselling, Disciplining and Dismissing Employees* policy.

Council employees will:

General behaviour

- 2.1. Act honestly in the performance of official duties at all times.
- 2.2. Act with reasonable care and diligence in the performance of official duties.
- 2.3. Discharge duties in a professional manner.
- 2.4. Act in a way that generates community trust and confidence in the Council.
- 2.5. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 2.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

Responsibilities as an employee of Council

2.7. Comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role.

2.8. Deal with information received in their capacity as a Council employee in a responsible manner.

2.9. Endeavour to provide accurate information to the Council and to the public at all times.

2.10. Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.

2.11. Not release or divulge information that the Council or Chief Executive Officer of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential.

2.12. Not make improper use of information, including confidential information, acquired by virtue of their position.

2.13. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.

2.14. Comply with all lawful and reasonable directions given by a person with authority to give such directions.

2.15. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.

Relationships within Council

2.16. Not make any public criticism of a personal nature of fellow Council employees or Council members.

2.17. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

2.18. Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.

Gifts and Benefits

2.19. Council employees must not:

2.19.1. Seek gifts or benefits of any kind.

2.19.2. Accept any gift or benefit that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty.

2.19.3. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.

2.20. Notwithstanding Code 2.19.3, Council employees may accept hospitality provided in the context of performing their duties, including:

2.20.1. Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

2.20.1.1. Council work related events such as training, education sessions, workshops and conferences; and

2.20.1.2. Council functions or events; and

2.20.1.3. Social functions organised by groups such as Council committees and community organisations.

2.20.2. Invitations to and attendance at local social, cultural, or sporting events.

2.21. Where any Council employee receives a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Use of Council Resources

2.22. Council employees using Council resources must do so effectively and prudently when undertaking Council work.

2.23. Council employees must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

2.24. Council employees must not use public funds or resources in a manner that is irregular or unauthorised.

Chief Executive Officers

2.25 Chief Executive Officers must act in accordance with the provisions specific to their position within the *Local Government Act* at all times.

Complaints

2.26 Any person may make a complaint about a Council employee under this Code.

2.27 Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.

2.28 Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Council's Principal Member.

2.29 A complaint may be investigated and resolved according to the disciplinary processes of that Council.

2.30 In considering the lodgement of a complaint against a Council employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the Independent Commissioner Against Corruption—Directions and Guidelines.


2.31 Nothing in this code in any way derogates from the rights of an employee or duties of an employer under the Fair Work Act 2009, other legislation, an award, an industrial agreement or contract of employment.

REFERENCES:

Local Government Act 2008

Fair Work Act 2009

Work Health and Safety (National Uniform Legislation) Act

	POLICY TITLE:	COUNCIL EMPLOYEES CODE OF CONDUCT
	POLICY NUMBER:	P005
	CATEGORY:	COUNCIL POLICY
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this policy is to provide clear direction regarding the principles of ethical conduct and standards of behaviour expected from council staff.

2. SCOPE

Pursuant to Section 106 of the *Local Government Act*, the CEO and other members of a council's staff must maintain proper standards of integrity, diligence and concern for the public interest. This policy also relates to Council contractors whilst undertaking works on Council's behalf.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Council employees	Includes the Chief Executive Officer, full-time and part-time staff members, casual employees and contractors.

4. POLICY

4.1 Principles

- 4.1.1 Council employees have a commitment to deliver professional and committed service to the community and Elected Members of Council and to discharge their duties conscientiously and to the best of their ability.
- 4.1.2 Council employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice.
- 4.1.3 Council employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of Council is strong.
- 4.1.4 Council employees will respect the law and the resolutions made by the elected member body of the Council.
- 4.1.5 The Chief Executive Officer will make reasonable endeavours to ensure employees have current knowledge of both statutory requirements and best practices relevant to their position.

4.2 Conduct

The following behaviour is considered essential to upholding the principles of good governance at Wagait Shire Council. Failure to comply with any of these behaviours can constitute grounds for disciplinary action against the employee, including dismissal in accordance with Council's P031 Counselling, Disciplining and Dismissing Employees policy. Employees must also comply with all relevant statutory requirements within the *Local Government Act*, the *Work Health and Safety (National Uniform Legislation) Act* and *Regulations*. A failure to comply can also constitute grounds for disciplinary action against the employee.

Council employees will:

- 4.2.1 Act with reasonable care, diligence and professionalism in the performance and discharge of official duties.
- 4.2.3 Act in a just, and non-discriminatory way when dealing with all people.
respectful
- 4.2.5 Ensure that personal interest, including financial interests, do not influence or interfere with the performance of their role, pursuant to Section 107 Conflict of Interest, of the *Local Government Act*.

4.3 Responsibilities

- 4.3.1 Pursuant to Section 108 Disclosure of confidential information, of the *Local Government Act*, employees will not disclose confidential information obtained in the course of their duties.
- 4.3.2 Employees will always endeavour to provide accurate information to the Council and to the public.
- 4.3.3 Employees will take all reasonable steps to ensure that the information upon which they make decisions or actions is factually correct and that all relevant information has been obtained and considered.
- 4.3.4 Employees will ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions or actions.
- 4.3.5 Employees will not make public comment in relation to their duties except when specifically authorised to so.

4.4 Relationships with Council

- 4.4.1 Employees will not make any public criticism of fellow Council employees or elected members.
- 4.4.2 Employees will direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive Officer or nominated delegate.

4.4 Gifts and Benefits

- 4.4.1 Employees must not seek gifts or benefits of any kind.
- 4.4.2 Employees must not accept any gift or benefit that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty.

4.5 Use of Council Resources

- 4.5.1 Employees must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so.

4.6 Chief Executive Officer

4.6.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act* at all times.

4.7 Complaints

4.7.1 Any person may make a complaint against a Council employee under this Code.

4.7.2 Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer.

4.7.3 Complaints about the Chief Executive Officer's behaviour that is alleged to have breached this Code should be brought to the attention of the Council's Principal Member.

4.7.4 In considering the lodgement of a complaint against an employee for a breach of this Code, individuals should be mindful of the obligations outlined in the ICAC – Mandatory directions and guidelines.

4.7.5 Nothing in this Code in anyway derogates from the rights of an employee or duties of an employer under the *Fair Work Act 2009*, the *Local Government Industry Award 2010*, or a contract of employment.

5. ASSOCIATED DOCUMENTS

Policy 028 – Media Policy

Policy 030 – Privacy Policy

Policy 031 – Counselling, Disciplining and Dismissing Employees

Policy 045 – Vehicle use Policy

Policy 050 – Fraud and Corruption Protection

6. REFERENCES AND LEGISLATION

Fair Work Act 2009

Local Government Act 2008

Local Government Industry Award 2010

Office of the Independent Commissioner Against Corruption – Mandatory reporting directions and guidelines

Work Health and Safety (National Uniform Legislation) Act 2011

Work Health and Safety (National Uniform Legislation) Regulations 2011

7. REVIEW HISTORY

Date Approved:	21/04/2009	Approved By: Moved: Cr Withnall Seconded: Cr Lamont Vote: 6 - 0	Councillors – Resolution No. 2008/214	Date for review:	Next Council Election
Date Approved:	17/01/2017	Approved By: Moved: Co-Op T Dyer Seconded: Cr K Noble Vote: AIF	Councillors – Resolution No. 2017/08	Date for review:	
Date Approved:		Approved By:	Councillors – Resolution No.	Date for review:	

8.2 Policy Review - P06 – Vehicular Crossovers/Drainage

BACKGROUND

Previous Decisions:

Resolution No.08/214

That Council adopt Wagait Shire Council Policy No's P05, P06, P07, P17, P18.

Moved: Cr Withnall

Seconded: Cr Lamont

Vote: Carried 6 – 0

21/04/2009

Resolution No. 08/65

That Council is responsible for the care and maintenance of the drainage network. Any person desiring to undertake work within the road reserve (drainage) area is required to obtain the approval of the Council. This also applies to vehicular crossovers where approval is required. The adjoining landowner is responsible for all costs for any requested works, including crossovers.

Moved: Cr Edwards

Seconded: Cr Murphy

Vote: Carried 6 – 0

16/09/2008

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review. Policies are an internal control tool that ensures Council activities are conducted in a consistent, compliant and legal manner. Failure to review policies on a regular basis exposes Council to a higher level of business and corporate risk.

CURRENT SITUATION

In 2008, Council considered a development proposal from a private individual that may have impacted on adjoining properties and the natural flow of water. At that time, it was agreed Council is responsible for the care and maintenance of the drainage network and that any person desiring to undertake work within the road reserve (drainage) area would require the approval of Council. This also applied to vehicular crossovers. It was also determined that Council was within its rights to charge the adjoining landowner for any requested works, including crossovers. As a result, a policy statement was developed, a copy of which is at Attachment A. The last time this policy was reviewed was in April 2009.

The Policy requires revision and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers. A copy of the revised policy is at Attachment B.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled Policy Review P06 – Vehicular Crossovers/Drainage be received and noted;**
- b) endorses the revised P06 – Vehicular Crossovers & Drainage at Attachment B; and**
- c) recommends Council adopts the revised P06 – Vehicular Crossovers & Drainage at Attachment B.**

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	VEHICULAR CROSSOVERS/DRAINAGE
POLICY NUMBER:	P06
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	
STRATEGIC PLAN REFERENCE:	
STATUS: Draft	Council Resolution

Date Approved:	Approved By:	Councillors – resolution no.	Date for review:	Next Council Election
16.09.08				
21.04.09				20.01.2011

PURPOSE:

To clearly define the responsibility and financial liability for the provision of vehicular crossovers to private property.

POLICY:


The Council is responsible for the care and maintenance of the drainage network adjacent to roads. Any person desiring to undertake work within the road reserve (drainage) area is required to obtain the approval of the Council. This also applies to vehicular crossovers where approval is required.

The adjoining landowner is responsible for all costs for any requested works, including crossovers.

EFFECT:

Property owners are not to undertake any works within the verge without the prior approval of the Council.

The cost of any works undertaken at the request of the property owner shall be at the property owners expense.

	POLICY TITLE:	VEHICULAR CROSSOVERS & DRAINAGE
	POLICY NUMBER:	P06
	CATEGORY:	COUNCIL POLICY
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this policy is to define the responsibility and financial liability for the provision of vehicular crossovers to private property and maintenance of the drainage network.

2. SCOPE

This policy applies to all vehicular crossovers on Council roads within the Shire and the drainage network.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Drainage Network	The network of structures supporting the road network including unlined open drains, open V drains and culverts.
Road Network	Refers to the road reserve (verge), that is the area of land from a property boundary and includes all roadways and pathways.
Vehicular Crossover	The vehicle accessway from the road carriageway to the property boundary.

4. POLICY

- 4.1 Council is responsible for the care and maintenance of the drainage network adjacent to roads.
- 4.2 Council is responsible for the care and maintenance of the road network, that includes road reserves (verges).
- 4.3 Any person wanting to undertake work within the road reserve and drainage area, needs to obtain the prior written approval of Council.
- 4.4 Any person wanting to undertake work on vehicular crossovers needs to obtain the prior written approval of Council.
- 4.5 All works that are undertaken at the request of a property owner shall be at the property

owners' expense.

5. ASSOCIATED DOCUMENTS

Nil

6. REFERENCES AND LEGISLATION

Local Government Act 2008

7. REVIEW HISTORY

Date Approved:	16/09/2008	Approved By: Moved: Cr Edwards Seconded: Cr Murphy Vote: 6 - 0	Councillors – Resolution No. 2008/65	Date for review:	Next Council Election
Date Approved:	21/04/2009	Approved By: Moved: Cr Withnall Seconded: Cr Lamont Vote: AIF	Councillors – Resolution No. 2008/214	Date for review:	Next Council Election
Date Approved:		Approved By:	Councillors – Resolution No.	Date for review:	

8.3 Policy Review – P08 – Human Resource Management

BACKGROUND:

Previous Resolutions:

Resolution No 08/228

That Council adopt revised Wagait Shire Council Policy No P 01 and new Policy P 08.

Moved: Cr McIntyre

Seconded: Cr Lamont

Vote: Carried 6-0

19/05/2009

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review. Policies are an internal control tool that ensures Council activities are conducted in a consistent, compliant and legal manner. Failure to review policies on a regular basis exposes Council to a higher level of business and corporate risk.

CURRENT SITUATION:

The current P08 Human Resource Management at Attachment A indicates that the policy was approved at a Council meeting on 15 December 2009. There is no reference or resolution relating to P08 in the minutes for that meeting. A record search identified that the policy was presented to the meeting held on 19th May 2009 where it was adopted. There are no further references to this policy, so it is assumed the policy has not been reviewed since the date of its adoption. As Council's annual budget relies greatly on external funds raised through grants or external contract work, this underpinned the policy basis for employee terms of engagement. The practice of reviewing and agreeing to extend employee contracts by a further term lapsed around 2016. This matter needs to be revisited during the 2020 calendar year and as part of the employee performance review process. The Policy requires revision and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers. A copy of the revised policy is at Attachment B.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled Policy Review P08 – Human Resource Management be received and noted; and
- b) endorses the revised P08 – Human Resource Management Policy at Attachment B; and
- c) recommends Council adopts the revised P08 – Human Resource Management Policy at Attachment B.

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	HUMAN RESOURCE MANAGEMENT
POLICY NUMBER:	P08
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	
STRATEGIC PLAN REFERENCE:	
STATUS: Draft	Council Resolution

Date Approved: 15.12.2009		Approved By:	Councillors – resolution no.	Date for review:	Next Council Election
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	

PURPOSE:

To provide clear direction for the employment of Council employees and to provide a safe working environment for their ongoing employment.

POLICY:

Term of Engagement:

The Council favours the granting of two year contracts with an extension option in the engagement of its employees.

Selection Process:

The selection process for appointment or promotion must be based on merit and must be fair and equitable.

Training:

Staff will have reasonable access to training and development and opportunities for advancement and promotion.

Treatment of Staff:

Staff must be treated fairly and consistently and must not be subjected to arbitrary or capricious decisions.

Staff Grievances: Where a staff member has a grievance against another staff member the matter is to be adjudicated by the CEO. The CEO shall use whatever resources are available to resolve any grievance or conflict.

Where a staff member has a grievance against the CEO the matter is to be adjudicated by the human resource team or LGANT.

Where the CEO has a grievance against any individual Councillor, the matter is unable to be resolved the matter shall be adjudicated by the human resource team at LGANT.

Where the Council has a grievance against the CEO, and the matter is unable to be resolved, the matter shall be adjudicated by the human resource team at LGANT.

Health and Safety:

The Council will provide working conditions that comply with Occupational Health and Safety requirements including the provision of protective clothing.

Discrimination:

There shall be no unlawful discrimination against a member, or potential member of staff on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground.

LEGISLATIVE NOTE:

The Local Government Act provides that;

The CEO is responsible to appoint, manage and, where necessary, terminate the appointment of Council Staff.


The CEO is responsible for the appointment of staff in accordance with a staffing plan approved by Council.

EFFECT:

Provides for clear direction in the employment of staff.

REFERENCES:

LGA Sec.101, 103, 104, 105

	POLICY TITLE:	HUMAN RESOURCE MANAGEMENT
	POLICY NUMBER:	P08
	CATEGORY:	COUNCIL POLICY
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this policy is to provide clear direction for the employment of Council employees and for the provision of a safe working environment during their employment.

2. SCOPE

This policy applies to all employees of Wagait Shire Council.

3. DEFINITIONS

Nil

4. POLICY

Council will ensure it meets its statutory and governance obligations in the management and development of its employees. Council is committed to ensuring it attracts the most suitable individuals, who through a progressive management approach, can make a difference, experience high levels of job satisfaction, whilst working in a safe, healthy, supportive work environment.

4.1 Term of Engagement

The Council favours the granting of two-year contracts with an extension option in the engagement of its employees.

4.2 Selection Process

The selection process for the appointment or promotion of all employees must be based on merit and equity principles and in accordance with standard protocols to ensure the most suitable candidate is selected for the role.

4.3 Induction

All new employees will be required to participate in the induction program upon commencement.

4.4 Training and Development

Staff will have reasonable access to training and development opportunities to enhance their knowledge and skills and to support them for advancement and promotion.

4.5 Employee Entitlements and Payments

Employee terms and conditions of employment shall be in accordance with the *Local Government Industry Award 2010*. The classification and remuneration for each position will be determined against the classification and pay schedules as contained in the *Local*

Government Industry Award 2010.

4.6 Performance Management

All new employees shall participate in a performance and evaluation review during their initial three months of employment (probationary period) and thereafter will have their performance development review on an annual basis.

4.7 Equal Opportunity and Workplace Harassment

The Council is an equal opportunity employer. The Council will not tolerate any form of discrimination or harassment toward a staff member, or potential member of staff on the grounds of gender, sexuality, marital status, pregnancy, ethnicity, physical or intellectual challenge, age or any other ground.

4.8 Grievance and Dispute Resolution

All grievances or disputes raised by an employee will be treated with seriousness, respect, promptness and confidentiality as per the approved policy and procedure.

4.9 Occupational Health, Safety and Environment

The Council is committed to ensuring the health, safety and welfare of its employees by providing an environment where hazards and risk of injury are reduced and/or eliminated.

5. ASSOCIATED DOCUMENTS

P021 Dispute Resolution

P031 Counselling, Disciplining and Dismissing Employees

P033 Work Health and Safety Policy

6. REFERENCES AND LEGISLATION

Local Government Act 2008

Local Government Industry Award 2010

7. REVIEW HISTORY

Date Approved:	19/05/2008	Approved By: Moved: Cr McIntyre Seconded: Cr Lamont Vote: 6 - 0	Councillors – Resolution No. 2008/228	Date for review:	Next Council Election
Date Approved:		Approved By:	Councillors – Resolution No.	Date for review:	Next Council Election

8.4 Policy Review – P011 – Complaints Against Council Employee Work Practices

BACKGROUND

Previous Decisions:

Resolution No. 08/195

That Council adopt revised Wagait Shire Council Policy No's P02, P03, P04, P07, P11, P13, P14, with a further review of Policy P01 to be undertaken at the next meeting.

Moved: Cr McIntyre

Seconded: Cr Lamont

Vote: Carried 5 - 0

17/03/2009

Resolution 7/186

That the public be made aware that any member of the public is entitled to air any grievance at any Council meeting on the giving of notice to the Chief Executive Officer outlining their grievance.

Moved: President Stow

Seconded: Cr Duncan

Vote: Carried 7-0

19/02/2008

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review.

CURRENT SITUATION

Policy No. P011 – Complaints Against Council Employee Work Practices at Attachment A, was developed and endorsed at a Council Meeting on 17 March 2009. This policy has not been reviewed since that date. The policy purpose is to manage the airing of complaints at Council meetings.

Policy No. P015 – Procedures for Council and Council Committee Meetings – provides a framework and procedure for the management of deputations and questions from the public. This provides opportunity for the orderly and respectful airing of grievances also. The following clauses apply:

4.7 Deputations

(1) A deputation wishing to attend and be heard at a meeting must apply in writing to the CEO not less than 5 business days before the meeting.

(2) The application must state why the deputation wishes to attend and be heard.

(3) The CEO, on receiving the application, must notify the Principal Member of the application.

- (4) *The Principal Member must determine whether the deputation may be heard and notify the CEO accordingly.*
- (5) *The CEO must:*
- (a) *Inform the deputation of the Principal Member's determination; and*
 - (b) *If the Principal Member has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the Council.*
- (6) *Only 2 persons in the deputation may address the meeting unless the members determine otherwise by resolution.*
- (7) *A person in the deputation who is addressing the meeting must be temperate in speech and matter and must not use insulting or offensive language.*
- (8) *The deputation must be given adequate opportunity and facility to explain the purpose of the deputation.*
- (9) *The Principal Member may halt an address by a person in a deputation if:*
- (a) *The Principal Member is satisfied that the purpose of the deputation has been sufficiently explained to the members; or*
 - (b) *The person is severe in speech or manner or uses insulting or offensive language.*

4.23 Public Attendance and participation at meetings.

- (1) *Members of the public, including journalists, shall be allowed to attend ordinary, special or committee meetings unless Council chooses to close them for confidential reasons.*
- (2) *A member of the public must not take part, or attempt to take part, in the proceedings of a meeting without notice as outlined in either Section 7 or Section 4.23(4).*
- (3) *No members of the public shall ask questions of invited guests under any circumstances.*
- (4) *A member of the public who wishes to ask a question must do so in writing to the CEO at least 7 business days prior to the meeting.*
- (5) *A question on notice from a member of the public must be included in the agenda for the next meeting of the Council or otherwise answered administratively.*

Given 015 – Procedures for Council and Council Committee Meetings provides opportunity and procedures it is recommended that P011 provides no value or benefit to Council and therefore should be rescinded.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled Policy Review P011 Complaints Against Council Employee Work Practices be received and noted; and**
- b) recommends to Council that P011 Complaints Against Council Employee Work Practices be rescinded.**

Moved:

Seconded:

ATTACHMENT A

POLICY TITLE:	COMPLAINTS AGAINST COUNCIL, EMPLOYEES & WORK PRACTICES
POLICY NUMBER:	P11
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	
STRATEGIC PLAN REFERENCE:	
STATUS: Draft	Council Resolution

Date Approved: 19.02.08		Approved By:	Councillors – resolution no.	Date for review:	Next Council Election
Date Approved:		Approved By:		Date for review:	20.01.11, 17.03.09
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	

PURPOSE:

To deal with complaints at Council Meetings.

POLICY:

The Council has resolved that:

1. That the public be made aware that any member of the public is entitled to air any grievance at any Council Meeting on the giving of notice to the Chief Executive Officer outlining their grievance.
2. That due to the possibility of litigation verbal complaints to Councillors on Council works or practices or administration will no longer be discussed at Council Meetings.

LEGISLATIVE NOTE:

That Local Government (Administration) Regulations provide for the public to be excluded when dealing with certain matters, including;

- Information about the employment of a particular individual as a member of staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;
- Information about the personal circumstances of a resident or ratepayer;
- Information that could cause commercial prejudice or unfairness;
- Information that could prejudice the security of the Council, its members or staff.

EFFECT:

To provide for the orderly conduct of Council Meetings when discussing issues that may at times cause conflict.

REFERENCES:

LGA Sec 65, LG 9Admin) Regs 9,10

8.5 Policy Review – P013 – Use of Council Firearms

BACKGROUND

Previous Decisions:

Resolution No. 08/195

That Council adopt revised Wagait Shire Council Policy No's P 02, P 03, P 04, P 07, P 11, P 13, P14, with a further review of Policy P 01 to be undertaken at the next meeting.

Moved: Cr McIntyre

Seconded: Cr Lamont

Vote: Carried 5-0

17/03/2009

Resolution No. 08/62

That pursuant to Section 112 of the Local Government Act the Council appoints Mr Wally Lenyszyn and Mr Gary Zikan as authorised officers of the Wagait Shire Council for the purpose of dealing with the humane destruction of injured or vicious animals.

Moved: Vice President Duncan

Seconded: Cr Murphy

Vote: Carried 6 – 0

16/09/2008

Resolution 07/07

That Council adopt the above policy for the use of Council firearms.

Moved: Cr Clee

Seconded: Cr Egan

Vote: Carried 6-0

21/01/2007

Resolution 07/08

That Council authorise Chief Executive Officer Wally Lenyszyn to be the representative of the holder of the Cox Peninsula Community Government Council Firearms Licence and that the advice be forwarded to the NT Police Firearm Policy and Recording Unit.

Moved: Cr Clee

Seconded: Cr Marr

Vote: Carried 6-0

21/01/2007

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review.

CURRENT SITUATION

Wagait Shire Council maintains two firearms, one Category A and one Category B firearm, the storage and safe keeping of which comply with requirements prescribed in the *Firearms Act 1997* (the Act). Wagait Shire Council holds a corporate licence under the Act for the purposes of animal welfare and control. The current licence expires on 13 January 2022.

Pursuant to Section 116(4)(b)(c) of the *Local Government Act 2008*, Council authorised by resolution, the Works Supervisor, Mr Gary Zikan (Resolution 08/62 refers).

The Policy requires revision and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers. The current policy also includes operational and procedural detail that should not be accessible to the public for security reasons.

A copy of the revised policy is at Attachment B.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled Policy Review P013 – Use of Council Firearms be received and noted;**
- b) endorses the revised P013 – Use of Council Firearms at Attachment B; and**
- c) recommends Council adopts the revised P013 – Use of Council Firearms at Attachment B**

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	USE OF COUNCIL FIREARMS
POLICY NUMBER:	P13
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	
STRATEGIC PLAN REFERENCE:	
STATUS: Draft	Council Resolution

Date Approved: 21.01.07		Approved By:	Councillors – resolution no.	Date for review: 17.03.09	Next Council Election
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	

PURPOSE:

To provide for the control and use of Council firearms in accordance with the requirements of the NT Police Firearms Unit.


1. The Council maintains two firearms.
2. The firearms are only to be used in accordance with the conditions of the licence and for the humane destruction of animals as determined by the Works Supervisor or any other authorised person.
3. At all times when not in use the firearms are to be kept locked in the firearms safe located in the Council Office.
4. There are two keys to the firearms safe. The keys are in the custody of the Works Supervisor and Works Employee.
5. The keys to the firearms safe are not to be made available to any person who is not authorised by the Council. To be authorised by the Council that person has to undertake the required training and the Firearms Policy and Recording Unit notified.
6. No person is to have access to or use the firearms unless they are authorised by the Council and fulfil the criteria for the holding of an employee licence.
7. Whenever a firearm is taken from the safe a record is to be made of the date and time taken, person taking the firearm, purpose of use and date and time of return. A copy of the record is to be stored in the safe. A firearm taken from the safe shall be returned as soon as practicable.
8. When a firearm/s is carried in a vehicle it/they must be secured in an appropriate manner. Ammunition for the firearm/s shall be stored in a separate compartment of the vehicle. If the vehicle is left unattended and a firearm is stored in the vehicle, the vehicle must be locked and the firearm must be secured in the appropriate manner and obscured from view.
9. Ammunition for the firearms shall be stored in a separate compartment in the safe.
10. Whenever ammunition is taken from the safe a record is to be made of the date taken, amount taken and purpose of use. A copy of the record is to be stored in the safe.

EFFECT:

To ensure that there is no improper use of Council firearms and licence conditions are complied with.

REFERENCES:

Related Legislation: The Council is the holder of Corporate Licence No. 1023568. The licence is renewable in the October of each year.

	POLICY TITLE:	USE OF COUNCIL FIREARMS
	POLICY NUMBER:	P013
	CATEGORY:	COUNCIL POLICY
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The purpose of this policy is to prescribe standards and accountabilities for the safe use and compliant keeping of firearms.

2. SCOPE

This policy applies to all authorised officers of Wagait Shire Council who have as part of their responsibilities, the safe and proper use of firearms.

3. DEFINITIONS

Nil

4. POLICY

Council firearms are to be used in accordance with the conditions of Council’s licence, that is for animal control and welfare.

The storage, safe use and maintenance of firearms will comply with the requirements as set out in the *Firearms Act 1997*.

Authorised officers must maintain an incident log that records:

- each occasion the firearm is removed from, storage; and
- any incident involving the use of the firearm.

These should also be verbally reported to the Chief Executive Officer as soon as possible after the event. An audit will be undertaken by the Chief Executive Officer each time a firearm is used, to account for what ammunition has been taken.

Authorised officers must clean the firearms they have been assigned and maintain it in a safe and functional condition at all times. Authorised officers must report any faults or outside maintenance required immediately to the Chief Executive Officer. Council’s principal nominee must ensure that the complaint is rectified within 7 days and must notify the Chief Executive Officer. Firearms will be sent to be professionally cleaned and sights checked biannually.

5. ASSOCIATED DOCUMENTS

P033 Work Health and Safety Policy

6. REFERENCES AND LEGISLATION

Animal Welfare Act 1999

Firearms Act 1997

Local Government Act 2008

Wagait Shire Council (Dog Management) By Laws 2019

Weapons Control Act 2001

Work Health and Safety (National Uniform legislation) Act 2011

7. REVIEW HISTORY

Date Approved:	21/01/2007	Approved By: Moved: Cr Clee Seconded: Cr Egan Vote: 6 - 0	Councillors – Resolution No. 2007/07	Date for review:	Next Council Election
Date Approved:	17/03/2009	Approved By: Moved: Cr McIntyre Seconded: Cr Lamont Vote: 5-0	Councillors – Resolution No. 2008/195	Date for review:	Next Council Election
Date Approved:		Approved By:	Councillors – Resolution No.	Date for review:	

8.6 Policy Review – P21 Wagait Shire Council’s Dispute Resolution Policy

BACKGROUND

Previous Decisions:

Resolution No. 2016/044

That Council adopt the Wagait Shire Council’s Dispute Resolution Policy.

Moved: President Peter Clee

Seconded: Cr Alex Richmond

Vote: AIF

21/06/2016

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review.

CURRENT SITUATION

Council Policy P021 – Wagait Shire Council’s Dispute Resolution Policy was last reviewed at Council’s meeting of 21st June 2016. A copy of the policy is at Attachment A.

The policy relates to the procedures and principles relating to the management of disputes amongst staff members. The policy was generated in response to a specific interpersonal matter between council staff members at the time. The policy in many respects duplicates the Council Staff Code of Conduct, the Wagait Shire Employee Handbook and P031 Counselling, Disciplining and Dismissing Employees. It is suggested the Audit Committee recommend to council that the Policy P021 be rescinded and elements of the current policy be incorporated into P031 Counselling, Disciplining and Dismissing Employees which is also overdue for review and is to be considered at this meeting.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled P21 Wagait Shire Council’s Dispute Resolution Policy be received and noted; and**
- b) Council rescinds Policy No. 21 Wagait Shire Council’s Dispute Resolution Policy.**

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	WAGAIT SHIRE COUNCIL'S DISPUT RESOLUTION POLICY
POLICY NUMBER:	P21
CATEGORY:	COUNCIL POLICY
CLASSIFICATION:	GOVERNANCE
STRATEGIC PLAN REFERENCE:	EFFECTIVE AND EFFICIENT SHIRE MANAGEMENT
ENCOURAGE HIGH LEVELS OF EXPERTISE AND ACCOUNTABILITY OF CEO AND STAFF	
STATUS: Final	

Date Approved:	21.06.2016	Approved By: Council Meeting 21.6.2016	Councillors – resolution no. 2016/043	Date for review:	Next Council Election
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	
Date Approved:		Approved By:		Date for review:	

2. PURPOSE:

To inform staff of the grievance process and ensure any disciplinary procedure shall be applied in a consistent, fair and objective manner.

3. ORGANISATIONAL SCOPE:

This policy applies to all employees of Wagait Shire Council.

The Wagait Shire Council may consider issues of staff misconduct and unacceptable performance levels that require disciplinary action.

4. POLICY STATEMENT:

Council is committed to ensuring that staff have access to an appropriate grievance resolution process. This is to ensure that a fair and equitable process is followed and actively encourages employees to follow the process in order to resolve workplace grievances.

5. PROCEDURE

Self-Resolution

A complainant should attempt to resolve the issue directly with the person(s) concerned. The complainant should identify the specific conduct that has caused offence, explain the impact of that conduct on them and request that the conduct stops. This attempt should be made as soon as possible.

If the complainant is not comfortable attempting to resolve the issue directly with the person(s) concerned, or if their attempts to resolve the issue are unsuccessful, they should lodge a written complaint.

Making a Complaint

Written complaints should be made to the complainant's immediate supervisor. If the complaint is about the supervisor, the complaint should be made to the next most senior manager, who will handle the complaint or refer it to another manager at an appropriate level. If the complaint is to be made about the Chief Executive Office of Council, the complaint is to be made to the President of the Council. The complaint should be made as soon as possible.

Complaints should include the following information:

- The complainant's name and contact details
- Details of the specific incident or issue being complained about
- If the complaint is about a person(s), the identity of the person(s) being complained about and their relationship to the complainant
- The remedy/outcome the complainant is seeking
- Action already taken in an effort to resolve the issue

Complainants should be aware that the supervisor handling their complaint will generally need to disclose details of the complaint to the respondent (if there is one) in order to afford them procedural fairness.

Complainants should consider how they would like their complaint to be handled and indicate their preference. There are two options: informal and formal.

Informal: The informal complaint procedure is more appropriate for less serious issues such as interpersonal conflict or the application of Local Government policies and procedures. The informal procedure may also be appropriate where the parties are likely to continue working together.

Formal: The formal complaint procedure is suited to serious issues such as sexual harassment, discrimination or other similar conduct. It may also be appropriate for sensitive matters or where there is a high level of factual dispute. If the complainant would like their complaint handled under the complaint handled under the formal complaint procedure, the complaint must be made in writing and copied to the Chief Executive Officer.

The Chief Executive Officer may still take action without a written complaint if it considers a staff member's health, safety or wellbeing is in jeopardy or if the Chief Executive Officer considers that misconduct or serious misconduct may have occurred.

Whilst the Chief Executive Officer will take into account the complainants preferred option for handling the dispute, the Chief Executive Officer is ultimately responsible for determining which process will be used.

Informal Complaint Procedure

The Complainant's supervisor is responsible for conducting the informal complaint procedure. Under the informal complaint procedure there is a broad range of options for resolving the complaint to the satisfaction of all parties. The supervisor should take action to resolve the complaint within 14 days.

The following list provides possible options for resolving the dispute in accordance with the informal complaint procedure.

- The supervisor meeting with the complainant and respondent (either separately or together) to discuss the issues and explore possible solutions
- The supervisor writing to the complainant and respondent to obtain further information about the complaint and explore possible solutions
- The supervisor requesting approval from the Chief Executive Officer to arrange a mediation or conciliation session
- The supervisor exploring an issue on behalf of the complainant and options to address the issue

If the matter is resolved to the satisfaction of all parties, the matter will be concluded. If the matter is not resolved, the supervisor handling the complaint will determine whether any further action is required. The complainant may also respond if the matter is not resolved.

Information collected during the informal complaint procedure may be provided to the person handling the formal complaint.

Formal Complaint Procedure

The person responsible for conducting the formal complaint procedure is the complainant's supervisor. If the complaint is serious or complex, the matter can be referred directly to the Chief Executive Office. The request can be made by the complainant or by the supervisor handling the complaint.

Part A: Preliminary Inquiry

Before commencing a formal investigation, the supervisor will normally conduct a preliminary enquiry. The purpose of a preliminary enquiry is to:

- Obtain details about the complaint and assess the seriousness of the allegations
- Determine the level of factual dispute
- Assess whether there is sufficient evidence to proceed to a formal investigation

A preliminary enquiry normally involves collecting information from the complainant and the respondent about the complaint. It does not normally involve interviewing witnesses. Where this information has already been collected through the informal complaint procedure, it may not be necessary to conduct a preliminary enquiry. A preliminary enquiry should be conducted within 21 days of the complaint having been made.

The supervisor will consider the information and determine the next steps. A matter should not proceed to a formal investigation or misconduct proceeding if there is insufficient evidence, the matter is not serious enough to warrant a formal investigation or misconduct proceeding or if there is not (or little) factual dispute. The supervisor should notify the complainant of the decision and provide reasons for their decision.

Part B: Formal Investigation

If deemed necessary, the supervisor is to conduct a formal investigation or the Chief Executive Officer can elect to appoint a person from outside Council to conduct the formal investigation.

The role of the supervisor is to collect information about the complaint and make findings about whether the factual allegations are substantiated. The supervisor should focus on determining the facts. The supervisor should not determine outcomes, as this role is allocated to the Chief Executive Officer. A formal investigation should be conducted within 6 weeks of the complaint having been made.

Determination of outcomes

The outcomes of the informal or formal complaint procedure will vary depending on the circumstance.

Some possible outcomes include:

- The parties getting a clear understanding of the issue
- An apology
- A change in working arrangements
- A commitment to change behaviour
- Guidance, counselling or warnings being issued
- Disciplinary action

Under the informal complaint procedure, the supervisor handling the complaint is responsible for determining outcomes through discussion and consultation with the parties. Under the formal complaint procedure, the Chief Executive Officer is responsible for determining outcomes and advising the complainant and the respondent. It may also be appropriate for the supervisor handling the complaint to consult with the Chief Executive Officer about any outcomes which affect the respondent.

A determination of outcomes should occur within 7 days after the conclusion of the complaint procedure.

Variation to Policy

This policy may be varied or cancelled when required.

All employees will be notified by the normal correspondence method of any variation to this policy.

REFERENCES:

Fair Work Act

Local Government Act

8.7 Policy Review – P031 – Counselling, Disciplining & Dismissing Employees

BACKGROUND

Previous Decisions:

Resolution No. 2017/14

With amendments, Council adopts the “Counselling, Disciplining and Dismissing Employees” Policy.

Moved: President Peter Clee

Seconded: Cr Alex Richmond

Vote: Carried

21/02/2017

Resolution No. 2017/06

That council adopts the “Counselling, Disciplining and Dismissing Employees” Policy as amended.

Moved: Vice-President Brad Irvine

Seconded: Co-Op Tom Dyer

Vote: Carried

17/01/2017

In December 2018, the Department of Local Government, Housing and Community Development delivered its 2018 Compliance Review Report to Wagait Shire Council. The Review identified several policy omissions or policies that were overdue for review. Policies are an internal control tool that ensures Council activities are conducted in a consistent, compliant and legal manner.

CURRENT SITUATION

Council Policy P031 – Counselling, Disciplining and Dismissing Employees was last reviewed at Council’s meeting of 21st February 2017. A copy of the policy is at Attachment A.

The Policy requires updating and needs to be drafted consistent with the requirements documented in Council Policy 01 - Policy Framework, which was adopted by Council Resolution in June 2018. Council Resolution No: 2018/199 refers. In addition, it is recommended the content of Policy 21 – Dispute Resolution, be incorporated into Policy 31. In addition, rather than strict timeframes in which counselling or disciplinary action is to be taken, given each situation is unique, and stress should be made on performance improvement rather than punitive action, it is recommended that each situation is tailored to the individual and alleged misconduct or performance matter.

A copy of the Revised P031 Counselling, Dispute Resolution, Disciplining and Dismissing Employees is at Attachment B.

Resolution No. 2020/

That the Audit Committee recommends to Council that:

- a) the report entitled P31 Counselling, Disciplining and Dismissing Employees be received and noted;**
- b) endorses the revised Policy 31 Counselling, Dispute Resolution, Disciplining and Dismissing Employees; and**
- c) recommends Council adopts the revised P31 – Counselling, Dispute Resolution, Disciplining and Dismissing Employees at Attachment B.**

Moved:

Seconded:

Vote:

ATTACHMENT A

POLICY TITLE:	COUNSELLING, DISCIPLINING AND DISMISSING EMPLOYEES
POLICY NUMBER:	P31
CATEGORY:	HUMAN RESOURCES
CLASSIFICATION:	GOVERNANCE
STRATEGIC PLAN REFERENCE:	1.1 ADMINISTRATION AND SERVICE FACILITIES
CORPORATE GOVERNANCE AND PERFORMANCE: Performance and work plans	
STATUS: APPROVED	Council Resolution: 2017/14
Date Approved: 21/02/2017	Date for review: January 2018

SUMMARY

The Wagait Shire Council may consider issues of staff misconduct and unacceptable performance levels that require disciplinary action. Disciplinary procedure shall be applied in a consistent, fair and objective manner.

OBJECTIVE

To ensure that the processes and outcomes of disciplinary procedures are in accordance with the relevant Territory and Federal laws and the Local Government Industry Award. To ensure that the principles of natural justice apply to the process.

POLICY

It is recommended to seek legal advice from an accredited entity such as WALGA before disciplinary action is taken.

Problem Resolution/Mediation

The following problem resolution framework has been implemented for those employees with a desire to resolve matters as responsible employees:

All employees will be invited to discuss matters with their respective supervisor or co-worker openly and positively. If matters cannot be resolved efficiently and professionally, the employee wishing to resolve the matter may contact the Chief Executive Officer (CEO) for assistance. The CEO may see the parties individually, or as a group, to mediate and resolve any outstanding matters. Where a resolution fails to evolve, the services of counselling and mediation consultants will be used.

During the course of the resolution, both parties may seek guidance and support from a peer or union representative. These people have no influencing or implementation power other than to assist the process through its natural course.

All stages must be documented and file notes provided to all parties involved and accessible by those concerned by contacting the CEO.

Employee Misconduct and Consequences

Employees are expected to act in a suitable manner at all times. Certain rules of conduct and behaviour are set out in the Code of Conduct.

Failure to follow these rules may result in disciplinary action, from a written warning to termination, depending on the severity of the offence. Any disciplinary action will be recorded in employees personnel file, and will be taken into consideration when conducting performance reviews.

Below is a list of some violations or events that can result in disciplinary action, but it should not be considered all-inclusive. The CEO has the discretion to review this list or its interpretation:

- removing or misplacing Council property or equipment, client records or Council documentation without prior approval
- destroying or damaging any Council property
- any violation of any Council policy or procedure as outlined in any policy or guideline
- falsification or misrepresentation of qualifications or experience whilst employed
- failure to follow the rules and responsibilities as outlined by management or immediate supervisor
- inappropriate consumption of alcohol or any controlled substance during work hours
- misrepresentation of the prime directive as outlined in the Council documents and plans
- consistent absence from work without proper cause and documentation
- consistent lateness without proper cause or documentation

Disciplinary Procedures

Breach of Discipline

An employee is guilty of a breach of discipline if they:

- behave in a manner that is liable to bring the Council into disrepute
- disobey or disregard a lawful instruction
- are negligent, careless, inefficient or incompetent in the discharge of their duties
- are absent from duty except
 - on authorised leave; or
 - with reasonable cause
- commit any other act of misconduct, or conduct him/herself in a manner inconsistent with the duties and responsibilities of the position held by the employee

Complaint Procedure

Any complaint received that an employee has committed a breach of discipline will be forwarded to the Chief Executive Officer, who will ensure that the employee is notified of the complaint within 24 hours.

The Chief Executive Officer may suspend an employee where a complaint has been made, with pay.

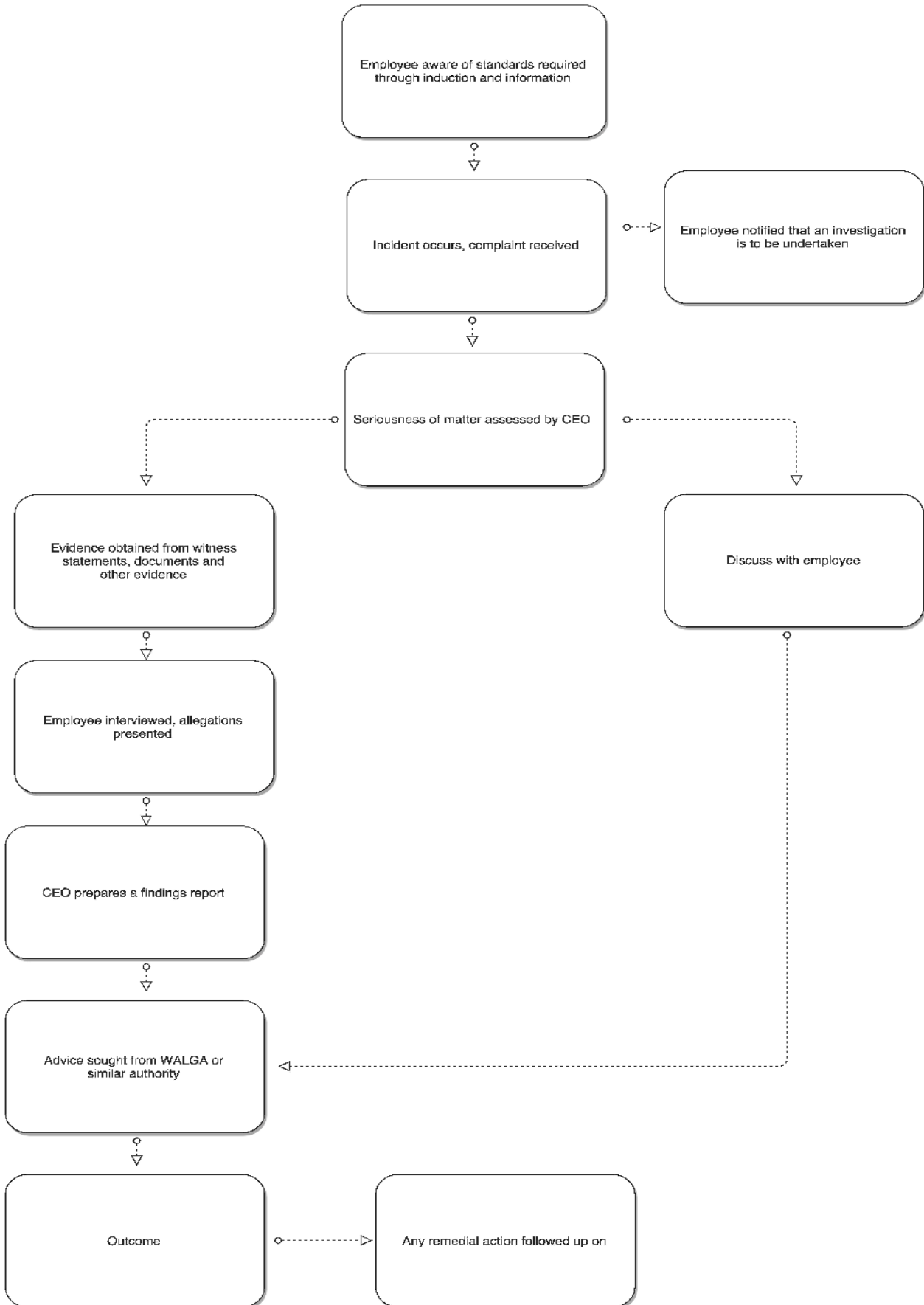
Resolution Process

- A review shall be started within 2 working days of receiving a complaint.
- Relevant information shall be collected in relation to the complaint, such as interviewing witnesses and other documentation and finalised within 7 working days of the start date.
- The employee shall be given a written copy of the complaint and/or allegation(s) against him/her together with any other material necessary to enable the employee to respond to the complaint/allegation.
- The employee shall be given the opportunity to make written representations or, if approved, oral representations with respect to the matter within 7 working days of receiving a written copy of the complaint.
- Employees may be accompanied during any interview by a representative.
- A report containing the findings will be prepared by the Chief Executive Officer within 7 working days of receiving the employee's representation.

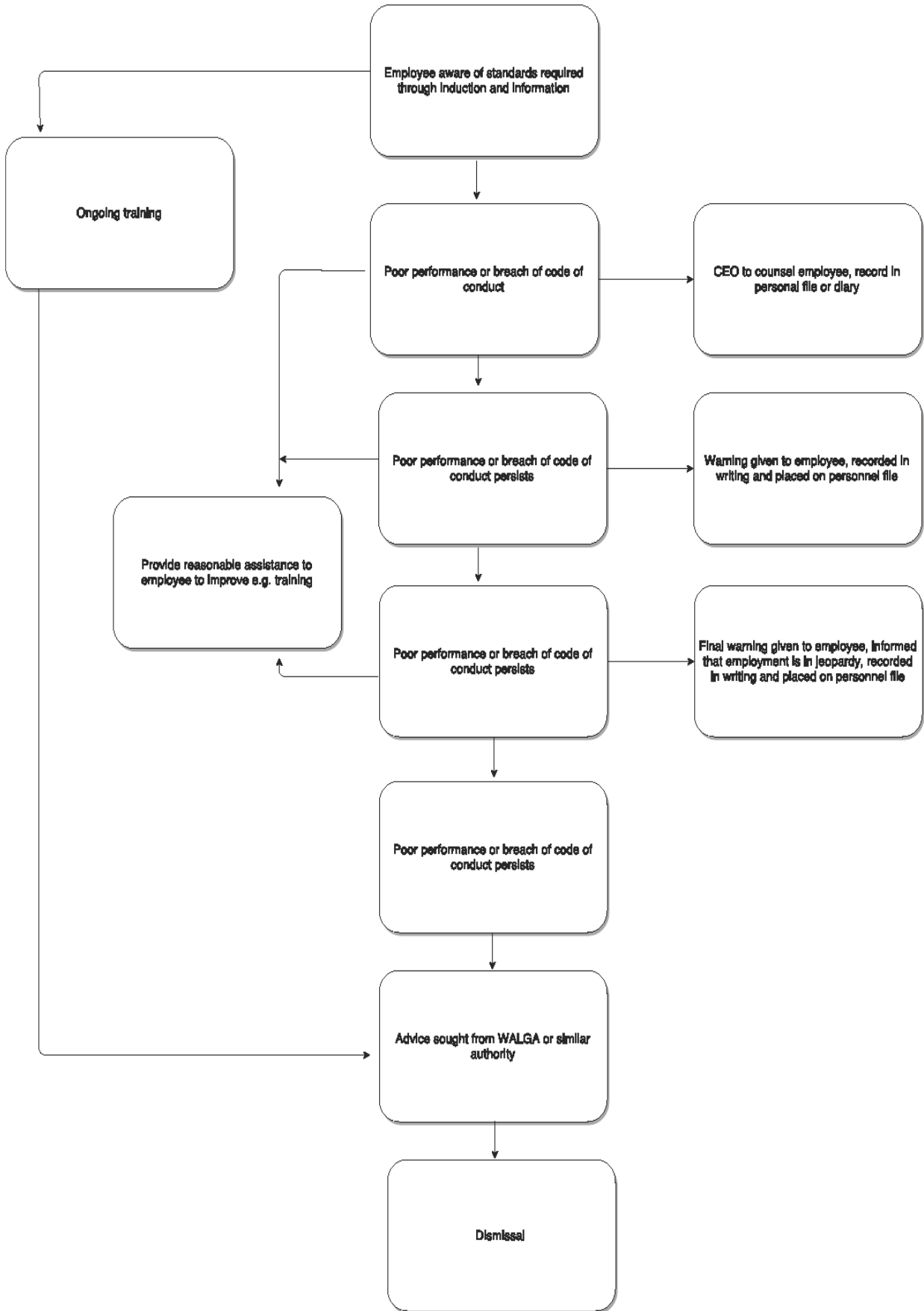
Report Outcome

- The Chief Executive Officer shall offer the employee an opportunity to attend an interview to discuss the report findings before the outcome is decided.
- The Chief Executive Officer will consider the findings of the report and decide on the appropriate outcome.
- The outcome may include, but is not limited to the following;
 - dismissal of the complaint
 - placing a written warning on the employee's personal file
 - reducing the employee's classification or position
 - limiting the areas the employee is permitted to work
 - terminating the employee's employment

Incident Discipline Process




Performance Discipline Process



REFERENCES:

Local Government Act
Fair Work Ombudsman

	POLICY TITLE:	COUNSELLING, DISPUTE RESOLUTION, DISCIPLINING AND DISMISSING EMPLOYEES
	POLICY NUMBER:	P031
	CATEGORY:	GOVERNANCE
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The primary purpose of this policy is to establish a fair, equitable and consistent process for addressing unsatisfactory work performance or alleged instances of inappropriate behaviour or misconduct. The principles of fairness, equity and natural justice will be applied.

2. SCOPE

This policy applies to all employees of Wagait Shire Council and ensures all are treated fairly and consistently and that appropriate action is taken promptly. All reasonable opportunity will also be provided to employees to improve their performance where required.

3. DEFINITIONS

Term	Definition
Code of Conduct	The standards of behaviour expected of all employees as outlined in Wagait Shire Council Policy 005.
Employees	Means all those employed by Council including full-time, part-time, contract and casual employees, but excludes all contractors.
Natural Justice	The right to be given a fair hearing and the opportunity to present one's case, and the right to have a decision made by an unbiased or objective decision maker.
WALGA	Means the Western Australian Local Government Association.

4. POLICY

- 4.1 All employees are bound by the Wagait Shire Council Staff Code of Conduct, employment agreements, role descriptions and internal policies and procedures that provide clarity regarding expected behaviours and conduct of all staff members.

All counselling and disciplinary matters will be kept confidential and be dealt with in a professional manner.

- 4.2 Dispute Resolution and Mediation

All employees will be invited to discuss matters with their respective supervisor or co-worker openly and positively. If matters cannot be resolved efficiently and professionally, the employee may contact the Chief Executive Officer (CEO) for assistance. The CEO will see parties individually and/or as a group, to mediate and resolve any outstanding matters. Where resolution cannot be attained, professional mediation and/or counselling services will be called upon.

Throughout the process, all employees may seek guidance and support from a peer or union representative. All stages must be documented, and file notes provided to all parties involved.

- 4.3 Disciplinary Procedure

It is recommended legal advice be obtained from an accredited entity such as WALGA before disciplinary action is taken.

Disciplinary action, except in cases of serious misconduct, fraud and corruption, is an incremental process and can be terminated at any stage. The procedure for implementing disciplinary action is as follows:

Step 1 - Warning, Guidance and Counselling

Where an employee's work performance or conduct is considered to be unsatisfactory, the employee shall be informed, in the first instance, of the nature of the unsatisfactory performance or conduct and of the standard that is required to be achieved.

The employee will be interviewed by their immediate supervisor. The employee has the option of having a peer or union representative present at this interview. The employee will have an opportunity to respond to the allegation(s).

The purpose of the interview will be to identify the causes of the problem and agree on solutions. Where the problem is acknowledged by the employee, a corrective action/performance management plan will be agreed by the employee. A review date will also need to be agreed upon to allow reassessment of the employee to be discussed and assessed.

Should the requisite improvement be forthcoming, it will be acknowledged by the supervisor and no further action will be taken. If no satisfactory improvement occurs, then the matter will proceed to step 2.

A written record of the interview must be kept by the Chief Executive Officer and a copy of the report is to be given to the employee concerned for their own records

Step 2 - Formal Warning

Where there is a recurrence of unsatisfactory work performance or conduct, the employee shall be warned formally in writing by the employee's supervisor.

The employee shall also be counselled. Counselling should reinforce the standard of work or conduct that is expected and advise the severity of the situation and whether disciplinary action will follow, if the employee's work performance or conduct does not improve. A suitable review period for monitoring the employee's performance will be set at this time.

A written record shall be kept of this formal warning and counselling. The employee will be entitled to sight and sign this written record and add any notations regarding the contents of such record.

Step 3 - Final Warning

If the employee's unsatisfactory work performance or conduct continues or resumes following the formal warning and counselling, the employee shall be given a final warning in writing giving notice that disciplinary action will be taken should the unsatisfactory work performance or conduct not cease immediately.

Step 4 – Disciplinary Action

If, after careful consideration and investigation, the Chief Executive Officer reaches the conclusion that the alleged offender is guilty of a breach of discipline which warrants penalty, the Chief Executive Officer may impose one or more of the following:

- A change of duties
- Closer supervision
- Lateral transfer
- Demotion
- Suspension or termination of employment

4.4 Serious Misconduct, Fraud, Corruption

In cases of serious misconduct, fraud or corruption, Council may suspend or terminate the employee.

5. ASSOCIATED DOCUMENTS

Policy 05 Wagait Shire Council Staff Code of Conduct
Policy 08 Wagait Shire Council Human Resource Management
Policy 50 Wagait Shire Council Fraud and Corruption Protection

6. REFERENCES AND LEGISLATION

Fair Work Act 2009
Local Government Act 2008 (NT)
Local Government (Accounting) Regulations (NT)
Local Government Industry Award 2010

7. REVIEW HISTORY

Date Approved:	17.01.2017	Approved By: Moved: V Pres B Irvine Seconded: Co-Op T Dyer Vote: Carried	Councillors – Resolution No. 2017/06	Date for review:	Next Council Election
Date Approved:	21.02.2017	Approved By: Moved: Pres Peter Clee Seconded: Cr A Richmond Vote: Carried	Councillors – Resolution No. 2017/14	Date for review:	Next Term of Council
Date Approved:		Approved By:	Councillors -	Date for review:	

8.8 Half Yearly Budget Report

At Attachment A is the Half Yearly Budget Report for Wagait Shire Council.

The Office Manager will be present at the meeting to answer questions from Audit Committee Members.

ATTACHMENT A

	Dec 2019 Actual \$	Dec 2019 Budget \$	Variance in \$	Variance as %	Year to date Actuals \$	Year to date Budget \$	Variance in \$	Variance as %	Actual Approved Budget	Forecast to June 2020	Notes
INCOME											
RATES	\$8,896	\$8,800	\$96	1.1%	\$185,222	\$166,549	\$18,673	11.2%	\$233,297	\$233,297	1
WASTE MANAGEMENT	\$4,361	\$26,700	-\$22,339	0.0%	\$93,384	\$90,900	\$2,484	2.7%	\$117,800	\$117,800	2
GRANTS - Operational	\$20,953	\$0	\$20,953	#DIV/0!	\$254,220	\$145,408	\$108,812	74.8%	\$294,931	\$294,931	3
GRANTS - Subject to approval	\$0	\$0	\$0	0.0%	\$0	\$52,200	-\$52,200	-100.0%	\$65,700	\$65,700	4
CONTRACTS	\$6,671	\$8,150	-\$1,479	-18.1%	\$48,052	\$48,900	-\$848	-1.7%	\$98,000	\$98,000	5
RENTAL INCOME	\$364	\$665	-\$301	-45.3%	\$5,105	\$4,000	\$1,105	27.6%	\$8,000	\$8,000	6
MISCELLANEOUS	\$264	\$0	\$264	#DIV/0!	\$9,080	\$7,066	\$2,014	28.5%	\$14,000	\$14,000	7
TRANSFER FROM RESERVES		\$34,500	-\$34,500			\$34,500	-\$34,500		\$34,500	\$34,500	
TOTAL INCOME	\$41,509	\$78,815	-\$37,306	-47.3%	\$595,062	\$515,023	\$80,040	15.5%	\$866,228	\$866,228	
EXPENSES											
ADMINISTRATION EXPENSES	\$4,313	\$3,895	-\$418	-10.7%	\$69,852	\$70,135	\$283	0.4%	\$103,200	\$103,200	8
EMPLOYMENT EXPENSES	\$29,656	\$36,550	\$6,894	18.9%	\$198,230	\$221,100	\$22,870	10.3%	\$441,300	\$441,300	9
ROADS	\$1,426	\$2,000	\$574	28.7%	\$2,393	\$39,000	\$36,607	93.9%	\$73,000	\$73,000	10
CONTRACTS & MATERIALS	\$0	\$0	\$0		\$1,860	\$0	-\$1,860		\$5,000	\$5,000	11
REPAIR & MAIN TOWN ASSETS	\$25	\$4,000	\$3,975	99.4%	\$9,740	\$8,400	-\$1,340	-15.9%	\$17,400	\$17,400	12
VEHICLE & PLANT	\$735	\$1,408	\$673	47.8%	\$9,324	\$11,048	\$1,724	15.6%	\$22,600	\$22,600	13
GRANT EXPENSES	\$23	\$34,915	\$34,892	99.9%	\$64,451	\$69,190	\$4,739	6.8%	\$67,700	\$67,700	14
WASTE MANAGEMENT	\$6,277	\$12,500	\$6,223	49.8%	\$44,100	\$45,000	\$900	2.0%	\$90,000	\$90,000	15
SERVICES	\$120	\$200	\$80	40.0%	\$5,056	\$6,650	\$1,594	24.0%	\$11,400	\$11,400	16
TOTAL EXPENSES	\$42,575	\$95,468	\$52,893	-55.4%	\$405,007	\$470,523	\$65,516	-13.9%	\$0	\$831,600	\$831,600
TOTAL OPERATIONAL SURPLUS / DEF	-\$1,065	-\$16,653	\$15,588	-93.6%	\$190,055	\$44,500	\$145,556	327.1%	\$34,628	\$34,628	

Notes on Cash Income and Expenditure Report – December 2019

1. December on par with budget and year to date overall higher due to more rate payers paying either in full or their instalments on time.
2. December lower than budgeted due to more paying earlier & Year to Date slightly higher than budgeted as a result of more rate payers in full and/or their instalments on time.
3. Grants Year to date higher mainly due to grants being carried forward & not included in budget, namely Electronic Records Management, Water Tank & Solar Panels. Additional grants received December included money for Australia Day & from Dept of Sport & Rec.
4. Grants received subject to approval are included in the above totals, namely Senior's week, dog pound & Australia Day. Grants yet to be received as per budget include Youth Vibe & Cloppengurg Park Irrigation
5. Variance minimal. Slightly under for December, yet slightly over for year to date.
6. December actual lower than budget due to NT Police no longer renting & year to date higher than budgeted due to additional rentals received from CEO house.
7. December & Year to date slightly higher than budgeted mainly due to interest received being higher than expected
8. December slightly lower than budget. Overall year to date is slightly lower than budgeted however as stated in October report variance relates to the timing of expenses. Considering we are at the halfway mark, administration costs for cleaning supplies, travel, insurance & memberships are all fully expended, with travel costs being more than double the budget. Costs yet to be expensed include FBT, valuation costs and costs lower than budget include meeting & community expenses which gives us the current result.
9. December and year to date lower than budgeted overall. However to be noted Sport & Rec wages were closer to budget for December but year to date still remains above budget while all other wages & employment costs below budget.
10. December slightly lower than budget & year to date lower as stated previously due to budgeted road works not yet commenced
11. No costs December. Year to date higher as mentioned in October report for additional expenses not included in budget for jetty & water compound fencing. Costs here budgeted to be spent between January & June.
12. December lower than budget, however year to date still higher than budgeted overall due to timing of maintenance projects and budget being averaged on quarterly basis.
13. Slightly lower than budgeted overall.
14. December lower than budget, however, Year to date costs slightly lower overall than budget and due to timing of expenses
15. December lower, however year to date now on par with budget again possible timing of expenses. Overall in relation to budget year to date hard waste is under, regular & green waste marginally over.
16. December & year to date lower due to savings being made using solar power, however to be noted water & sewerage charges over budget to date

Financial Report for month ended December 2019

Cash at Bank & on Hand					TOTAL
Petty Cash					\$ 262.19
CBA - transaction account					\$ 34,837.81
CBA - Cash Saver					\$ 55,674.78
CBA - Fixed Term Deposit 1					\$ 400,000.00
CBA - Fixed Term Deposit 2					\$ 150,000.00
CBA - Fixed Term Deposit 3					\$ 100,000.00
Undeposited Funds					\$ 100,000.00
Bendigo Bank - Investment Q/C					\$ 500,000.00
Total Cash at Bank & on Hand					\$ 1,340,774.78
Debtors	Current	> 30 days	> 60 days	> 90 days	
Trade Debtors	165.00	5,542.00	65.00	350.00	\$ 6,122.00
Rates 19/20 financial year		57,934.28			\$ 57,934.28
Rate Arrears				30,205.90	\$ 30,205.90
					\$ 94,262.18
less Rates paid in Advance					-\$ 500.39
Total Debtors					\$ 93,761.79
Creditors & Current Liabilities	Current	> 30 days	> 60 days	> 90 days	
Trade	13,138.22				\$ 13,138.22
Tax Liabilities (PAYG & GST)	9,942.35				\$ 9,942.35
Sundry Creditors (Credit Cards)	0.00				\$ -
Unexpended Grants	116,417.44				\$ 116,417.44
Total Creditors & other current Liabilities					\$ 139,498.01
				Net Cash Position	\$ 1,295,038.56

8.9 Work Plan – Wagait Shire Council Audit Committee

BACKGROUND

Previous Decisions:

Resolution No. 2019/554

That Council:

- a) receives and notes the report entitled Appointment of Chair and Community Member Wagait Shire Council Audit Committee;*
- b) appoints Ms Clare Milikins as Chair of the Wagait Shire Council Audit Committee;*
- c) appoints Ms Maureen Newman as a Community Member of the Wagait Shire Council Audit Committee; and*
- d) moves this decision into open following the acceptance of the appointments by the nominated appointees.*

Moved: Cr Neil White

Seconded: Cr Graham Drake

Vote: AIF

19/11/2019

Resolution No. 2019/503

That Council:

- a) adopts the amended P29 Audit Committee terms of Reference at Attachment C;*
- b) nominates Councillor Neil White and Councillor Graham Drake as replacement Council representatives to the Audit Committee; and*
- c) calls for expressions of interest for the position of Chair and an additional Community Member.*

Moved: President Peter Clee

Seconded: Cr Neil White

Vote: AIF

15/10/2019

CURRENT SITUATION

P29 Audit Committee Terms of Reference contains a clause that provides for a Work Plan to be developed by the Audit Committee, which sets out the short, medium and long term focus of the Committee. The Work Plan is to be reviewed annually. The current Work Plan includes:

Program of Work.

Short term (to be carried out annually):

- Review of Strategic Plan and Annual Plan Financial Statements;
- Review of quarterly budget position;
- Review draft Annual Report and Financial Statements;
- Meet with Council auditors and review and assess annual audit and auditor's opinion; and

Medium Term (to be carried out during the term of the Council):

- Review finance, governance and employment policies.
- Recommendations on new policies
- Review Audit Committee Terms of Reference and Work Plan.

Long Term (To be raised and considered as required and taking into consideration Legislative requirements, critical incidents and unacceptable risk as identified by the Chief Executive Officer).

- Asset Plans
- Critical Risk Analysis

The Audit Committee will be required to review the current Work Plan and make appropriate amendments and/or recommendations.

Resolution No. 2020/

That the Audit Committee:

- a) receives and notes the report entitled Work Plan – Wagait Shire Council Audit Committee;**
- b) endorses the Wagait Shire Council Audit Committee Work Plan as amended; and**
- c) recommends Council notes the Wagait Shire Council Audit Committee Work Plan.**

Moved:

Seconded:

Vote:

9.0 General Business

10.0 Confidential Items:

Nil

11.0 In-Camera

12.0 Closure of Meeting:

The next meeting of the Wagait Shire Council Audit Committee will be held in the Wagait Shire Council Chambers at 9.00am, Wednesday 27th May 2020.

The Chair declared the meeting closed at