

**WARREN SHIRE COUNCIL**  
Policy Report of the General Manager  
to the Ordinary Meeting of Council to be held in the  
Council Community Room on Thursday, 24th April 2025

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**ITEM 1****EMPLOYEE ASSISTANCE PROGRAM POLICY****(P13-1, S12-1)****RECOMMENDATION:**

1. The information be received and noted; and
2. The reviewed Employee Assistance Program Policy be adopted.

**PURPOSE**

For Council to adopt the reviewed Employee Assistance Program (EAP) Policy.

**BACKGROUND**

At the Internal Audit and Risk Management Committee Meeting held on Wednesday, 13th March 2024 it was agreed that the Employee Assistance Program Policy was to be reviewed and presented to Council for adoption.

The current Policy was reviewed and adopted at Council's Meeting on the 22nd August, 2024.

**REPORT**

The object of the Policy is for Council to provide employees and Councillors reasonable access to professionally qualified and experienced psychologists in a highly confidential setting with a view to:

- decrease accidents, long-term disability costs, lost time injuries, reduce compensation claims;
- increase employee attendance and productivity;
- improve staff relations, motivation and morale; and
- minimise unplanned overtime due to absenteeism, sickness and turnover.

Council's current EAP provider is Converge International.

The main change at this time was to include casual employees and not just all permanent employees.

The General Manager has reviewed the Policy and there are no changes required.

**Attachment 1** is the amended Policy with changes in red.

The reviewed Policy with no changes was presented to Manex on the 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoptions of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

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**ITEM 1            EMPLOYEE ASSISTANCE PROGRAM POLICY**

**CONTINUED**

**LEGAL IMPLICATIONS**

Work Health and Safety Act 2011.  
Work Health and Safety Regulation 2017.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

There have been no amendments to the existing Policy, so no need for public exhibition.

**OPTIONS**

Council does not necessarily need to approve the reviewed Policy.

**CONCLUSION**

The Employee Assistance Program Policy has been reviewed with no changes and it is considered appropriate that the revised Policy be adopted.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks;
- 5.3.1 Provide effective training and development of our staff; and
- 5.3.2 Create a productive and cooperative working environment for Councillors to support their governance responsibilities.

**SUPPORTING INFORMATION /ATTACHMENTS**

Attachment 1 – Reviewed Employee Assistance Program Policy.

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ITEM 1

EMPLOYEE ASSISTANCE PROGRAM POLICY

CONTINUED

Attachment 1 – Reviewed Employee Assistance Program Policy.



## POLICY REGISTER

## EMPLOYEE ASSISTANCE PROGRAM

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Policy adopted: 25th January 2018 Minute No. 8.1.18

Reviewed: 27th September 2018 Minute No. 214.9.18  
22nd August 2024 Minute No. 212.8.24

File Ref: P13-1, S12-1

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ITEM 1

EMPLOYEE ASSISTANCE PROGRAM POLICY

CONTINUED

**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	General Manager	First Edition	Council Minute No. 8.1.18 (25th January 2018)
1.1	General Manager	Amended	Council Minute No. 214.9.18 (27th September 2018)
1.2	General Manager	Amended	Council Minute No. 212.8.24 (22nd August 2024)
1.3	General Manager April 2025	Reviewed	

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ITEM 1

EMPLOYEE ASSISTANCE PROGRAM POLICY

CONTINUED

Warren Shire Council Policy – Employee Assistance Program

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**I INTRODUCTION**

Warren Shire Council (Council) recognises that an employee's work performance can be affected by many business related and personal issues and has responsibilities under the Work Health and Safety Act 2011. This Policy offers support in overcoming the above issues before impeding work performance.

**II OBJECTIVE**

The essential objective of the program is to provide access to professionally qualified and experienced psychologists in a highly confidential setting with a view to:

- decrease accidents, long-term disability costs, lost time injuries, reduce compensation claims
- increase employee attendance and productivity
- improve staff relations, motivation and morale
- minimise unplanned overtime due to absenteeism, sickness and turnover

This support takes the form of the Employee Assistance Program (EAP) which is a confidential service to all employees of Council who have been employed in excess of three (3) months. This support is also extended to temporary/contract staff but excludes agency workers.

**III POLICY**

The EAP is available to the following employees who might require assistance in resolving work and/or personal issues:

- Casual employees
- permanent employees (part-time or full-time)
- temporary employees (part-time or full-time) where the current contract of employment exceeds three (3) months
- Councillors

The EAP can provide help through face to face or telephone counselling on a range of issues including the following:

Personal/Family Issues –

- work/life balance
- concerns about children
- relationship issues
- financial or legal problems
- stress management
- substance abuse (including tobacco)
- grief or loss
- midlife issues
- marriage guidance
- domestic violence
- emotional or physical abuse
- low self-esteem
- gambling addiction

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ITEM 1

EMPLOYEE ASSISTANCE PROGRAM POLICY

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Warren Shire Council Policy – Employee Assistance Program

Clinical Issues –

- anxiety
- depression
- alcohol, drugs or other dependencies

Work Issues –

- problems with work performance
- relationships between co-workers
- managing conflict
- manager coaching
- adjusting to change
- handling work stress
- making career choices
- dealing with traumatic events (see ‘Council Directed Counselling’)

EAP counselling services are available 24 hours a day, 365 days a year. The service operates in complete confidence between the provider and employee. The location of face to face counselling can be arranged directly between the provider and employee.

Employees may voluntarily and confidentially seek assistance by contacting the provider direct. Employees are to attend in their own time regarding the above program. The employee may utilise accrued flexi time or annual leave to access this program.

In each case, the employee’s immediate supervisor is to:

- respect the confidential nature of the issue (without having the need to know the detail of the issue)
- facilitate the employee’s access to the employee assistance provider as quickly as possible
- provide support to the employee throughout the employee assistance process.

Where the wellbeing of an employee from a work health and safety perspective is a matter of concern, the employee may be encouraged to attend by a colleague, supervisor or any manager.

Council Directed Counselling/Debriefing will be strongly encouraged with relevant employees in the following circumstances (NB the 3 month qualifying period does not apply):

- death of an employee of Council
- severe workplace accident causing injury or threat of death to an employee of Council
- death of a member of the public where a situation involves a Council employee, either through witnessing or actual involvement in the event
- severe personality conflict in the workplace
- armed hold up (perceived or actual) at the workplace
- a violent assault within or near the workplace and
- a natural or man-made disaster.

In the above circumstances, management will make arrangements for attendance during work hours without the need for the employee to access leave provisions.

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ITEM 1

EMPLOYEE ASSISTANCE PROGRAM POLICY

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Warren Shire Council Policy – Employee Assistance Program

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Employees may access the EAP for up to four visits relating to any one issue per calendar year. However, an employee or the provider may seek approval to increase the number of visits through their Direct Manager on a strictly confidential basis.

The employee must provide proof of employment to the provider (e.g. a current payslip).

The content/subject matter of the counselling sessions will be a matter of confidence between the employee and counsellor. No information can be released by the counsellor to any other party unless the employee has given express permission for the release of the information in question.

This program is offered on the basis that Council will meet the cost of counselling up to the maximum limits outlined above. For non-Council Directed/Debriefing travel is at the employee's own expense. If an employee seeks further counselling or is referred to another organisation for additional assistance, the costs of these additional services must be borne by the employee.

Any employee experiencing difficulties in accessing the EAP should contact their Direct Manager immediately.

Contact details or further information on Council's EAP Provider will be promoted throughout Council Workplaces and can also be obtained from members of management or the WHS/Risk Officer.

**IV RELATED DOCUMENTS**

Work Health and Safety Act 2011

**V REVIEW**

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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**ITEM 2                      REVIEW OF MOTOR VEHICLE POLICY**

**(P13-1, S12-20)**

**RECOMMENDATION:**

That Council adopt the reviewed Motor Vehicle Policy.

**PURPOSE**

For Council to reconsider the Motor Vehicle Policy that has only been slightly amended following review.

Councils Motor Vehicle Policy aims to achieve the following outcomes:

- a) Manage the fleet in an equitable and cost-effective manner, providing best value for money; and
- b) Provide employee benefits to assist in the task of attracting and retaining talent.

**BACKGROUND**

Council at its meeting on 27th September 2018 considered an update/renewed Motor Vehicle Policy.

The updated/reviewed Policy was subsequently adopted and has been reviewed in September 2019 and August 2021.

Arrangements are made each year as of 1st April to amend the 'Employee Contribution' amount in accordance with the CPI.

**REPORT**

Attached is a copy of the amended Policy following the review with changes shown in red.

The intent of the Policy has not changed as this currently would not be possible in accordance with the Local Government (State) Award and contractual arrangements with the General Manager. Appropriate timing would be required for any major changes of staff/employee conditions.

Typographical changes have been made, the amounts estimated to the value of the different Group cars have been made together with the employee contributions as of 1st April, 2025.

A slight amendment has been made to the Policy Review Section.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The replacement of Council's Motor Vehicles is subject to appropriate budgets being available.

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**ITEM 2            REVIEW OF MOTOR VEHICLE POLICY**

**CONTINUED**

**LEGAL IMPLICATIONS**

Local Government Act, 1993;  
Local Government (State) Award;  
Warren Shire Council Code of Conduct;  
Work Health and Safety Act, 2011; and  
Work Health and Safety Regulation, 2017.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

N/A.

**OPTIONS**

The only option is to further amend the reviewed Policy subject to the limitation of the requirements of the Local Government (State) Award and any employee contract arrangements.

**CONCLUSION**

The current Policy with only the minor amendments as detailed is considered appropriate for Council to adopt, particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 3.3.2    Maintain a well-resourced team of infrastructure staff to ensure that our infrastructure needs are met.
- 5.2.2    Proactively manage known compliance risks.

**SUPPORTING INFORMATION /ATTACHMENTS**

- 1.    Amended Motor Vehicle Policy.

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ITEM 2      REVIEW OF MOTOR VEHICLE POLICY

CONTINUED

Attachment 1 - Amended Motor Vehicle Policy.



## POLICY REGISTER

## MOTOR VEHICLE POLICY

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Policy adopted:      27th September 2018   Minute No. 214.9.18

Reviewed:            26th September 2019   Minute No. 191.9.19  
                              26th August 2021   Minute No. 174.8.21

File Ref:              P13-1, S12-20

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REVIEW OF MOTOR VEHICLE POLICY

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
1.1	Divisional Manager Engineering Services	Item 11 Replacement Motor Vehicles & Disposal of Motor Vehicles	Council Minute No. 191.9.19 (26th September 2019)
1.2	Divisional Manager Engineering Services	Item 9 Fringe Benefits Tax (FBT and Annualised Kilometres - Amendment to Table 1 Car Group Standard Values and Employee Contributions Amounts	Council Minute No. 174.8.21 (26th August 2021)
1.3	General Manager April 2025	Reviewed, minor typographical amendments including yearly price changes of leaseback fees and value purchase costs	Council Minute No.

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ITEM 2

REVIEW OF MOTOR VEHICLE POLICY

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Warren Shire Council – Motor Vehicle Policy

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**1. INTRODUCTION**

The Policy is intended to establish Council Policy and guidelines for the provision of motor vehicles to employees. The Council constantly assesses the cost-benefit implications in maintaining a motor vehicle fleet including the payment of goods & services and fringe benefit taxes. The ongoing provision of motor vehicles may therefore change depending upon the circumstances prevailing at the time and the overall cost-benefit to the Council.

**2. POLICY OBJECTIVE**

Through this Policy, Council aims to achieve the following outcomes:

- a. Manage the fleet in an equitable and cost-effective manner, providing best value for money.
- b. Provide employee benefits to assist in the task of attracting and retaining talent.

**3. SCOPE**

This Policy applies to all Staff of Council who qualify for the use of a Council leaseback motor vehicle.

**4. DEFINITIONS**

*Executive*

Council's EXECUTIVE is comprised of Council's General Manager and Council's Divisional Managers.

*Manager*

For the purpose of this Policy, a Manager is defined as an officer who has the title "Manager" and who reports directly to the General Manager or a Divisional Manager.

*Partner*

A person who is formally nominated as the 'partner' of an employee who has access to a Council leaseback vehicle.

**5. POLICY STATEMENT**

It is Council's intention to provide motor vehicles in an equitable and cost-effective manner, providing best value for money to Council, the community and with consideration for the impact on the environment.

**6. ENVIRONMENTAL SUSTAINABILITY**

Council is committed to minimising the environmental impact of the motor vehicle fleet. The vehicle procurement process will include an assessment of all vehicles using the Federal Government's 'Green Vehicle Guide'. Wherever practicable, Council will aim to purchase vehicle models with superior emissions standards and fuel consumption ratings.

**7. ENTITLEMENT**

**7.1 POOL USE**

Council vehicles will be available as pool vehicles even though private use

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REVIEW OF MOTOR VEHICLE POLICY

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Warren Shire Council – Motor Vehicle Policy

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leaseback may apply. Whilst a staff member who has been allocated a vehicle, other than a novated lease vehicle, is at work on a regular weekday, the vehicle must be available for use by them or other staff for business purposes.

**7.2 ALLOCATION CRITERIA**

Staff positions will be allocated motor vehicles in accordance with the following criteria:

Group 1 (GM), Group 2 (Divisional Managers) and Group 3 (Managers)

Motor vehicles may be provided to employees on a leaseback basis within these groups in accordance with the agreed terms included in this **Policy**.

Please note that where a vehicle makes up part of a staff members remuneration package, they have the option of applying for a Novated Lease. For more information relating to Novated Leases, please see Clause 21 of this **Policy**.

Group 4 (All other staff on leaseback)

Motor vehicles may be allocated to staff positions where it can be substantially and materially demonstrated that:

- (a) The occupant of the position requires the continual daily use of a vehicle during working hours as an integral part of the position. That is, the position cannot be effectively and efficiently performed without the permanent assignment of a vehicle.

Furthermore, in all cases, it must be demonstrated that:

1. Demand for a vehicle cannot be substantially met from within the motor vehicle pool, and
2. Non-allocation will compromise the efficiency of the position.

OR

- (b) A vehicle allocation will be required to attract and or retain a suitably qualified and experienced employee to perform the duties of the position. Allocation of a vehicle under these circumstances will be on a “present occupant only” basis. A decision regarding the need to offer a vehicle as an inducement will be made subject to a market review and recommendation from the Divisional Manager, taking a Total Remuneration Package view across relevant internal and external benchmarks.

The above issues will be determined and approved by the General Manager only, with input from the relevant immediate Supervisor or Manager if required.

On the resignation, retirement, redeployment, transfer or other separation of existing employees from positions which currently have a motor vehicle allocated, it will be necessary for the relevant Manager to undertake a reassessment of vehicle allocation to the position in accordance with the above criteria and make a determination on whether to reapply for allocation of a vehicle to the vacated position.

Any employee affected by redeployment will have their continued entitlement to a vehicle reassessed in accordance with the above criteria and the terms and conditions of their existing employment. Council will comply with the Local Government (State) Award provisions as amended.

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Warren Shire Council – Motor Vehicle Policy

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Employees disqualified from holding a **drivers** licence for any reason, may be removed from this scheme and will not be permitted to drive any Council vehicle during the period of disqualification. Should the **drivers** job position require a valid **drivers** licence, the loss of the **drivers** licence could impact on eligibility for ongoing employment.

Employees applying for internal vacancies should note that their current position's entitlement to a vehicle is not transferable to another position. This is in accordance with the Local Government (State) Award.

**7.3 ASSESSMENT & SUBMISSION**

For positions below Group 3, the relevant Manager will:

- a) Document an assessment of the requirement for a vehicle to be allocated to the position, consistent with the preceding (7.2) criteria.
- b) Further to Clause (a) above, an Application for the Allocation of a Motor Vehicle form (as included in this **Policy**) must be completed along with an Employee Requisition for all new employees.
- c) Obtain endorsement of their Divisional Manager to submit an application for consideration, which will then be forwarded to the General Manager for determination. This determination will take into account not only the nominated criteria but also the availability of resources to acquire, maintain and operate the vehicle.

No employee will be eligible for the allocation of more than one (1) motor vehicle at a time.

**7.4 VARIATION**

The General Manager may apply or vary this **Policy** in respect of the entitlement and allocation of vehicles to any employee and for the General Manager, the elected officials (or Administrator) may make a determination.

**8. MAKES AND MODELS OF VEHICLES**

The overriding requirement is to ensure that the vehicle purchased meets the needs of the position while minimising the total cost of the vehicle to Council. Except for specialised work purposes, Council vehicles will be automatic, four door passenger sedans/ wagons or SUV. Standard inclusions will be air conditioning, bull bars to SUV's used for road inspection works, tow bars, seat covers, floor mats, boot liners and cruise control. The available selection will be from the list in Table 1 of this Policy.

Council will only purchase vehicles that are suitable to the **employees** role at Council or suitable for the roles undertaken by the **Divisional/ Department** staff. Personal needs to accommodate children, animals or towing of vehicles shall not form a basis of Councils future purchases. An employee should determine if the vehicle that is to be provided is suitable before agreeing to a lease back arrangement.

Table 1 stipulates the type of vehicle that is available for the employee level. It must be noted that the precise make and models within each vehicle type/category will be determined by the Executive on a case-by-case basis dependent on availability, market conditions, servicing Centre proximity, vehicle running costs and depreciation considerations.

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REVIEW OF MOTOR VEHICLE POLICY

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Warren Shire Council – Motor Vehicle Policy

### 9. FRINGE BENEFITS TAX (FBT) AND ANNUALISED KILOMETRES

#### (a) FBT Calculation

There are several methods of calculating Council's FBT liability with regards to car fringe benefits. Council will, at its discretion, choose the most appropriate method of calculation.

Where Council records indicate that it may be beneficial for FBT to be calculated utilising the 'Operating Cost method', relevant vehicle drivers will be instructed to maintain logbooks and other records as required that will assist Council in reducing its FBT liability. This will ultimately assist in keeping leaseback rates paid by employees to a minimum.

#### (b) Annualised Kilometres

It is in Council's interest (and therefore the employees interest), that the annualised kilometres allow application of lower statutory FBT percentage rates.

In order to optimise the usage of all vehicles, distances will be monitored through fuel usage data by the Engineering Services Department. Staff driving vehicles that will fall short of the desired distance will be advised and some staff may be directed to use an alternate vehicle for a period of months so that their original allocated vehicle can be utilised by someone else who will contribute greater kilometres for the purpose of optimising Council's FBT position. This will also ultimately assist in keeping leaseback rates paid by employees to a minimum.

Table 1:

LEVEL	CAR GROUP STANDARD	Employee Contributions
Group 1 General Manager (Full Private Use)	Vehicle to the value of \$80,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$236.79 per week adjusted as at 1 <sup>st</sup> April Annually to CPI, for a fully maintained vehicle.
Group 2 Divisional Managers (Full Private Use)	Vehicle to the value of \$75,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$236.79 per week adjusted as at 1 <sup>st</sup> April Annually to CPI, for a fully maintained vehicle.
Group 3 Managers (Full Private Use)	Vehicle to the value of \$65,000 inclusive of on-road costs (full registration and stamp duty and dealer delivery costs) ex gst	\$178.15 per week adjusted as at 1 <sup>st</sup> April Annually to CPI, for a fully maintained vehicle.
Group 4 Other Employees where circumstances dictate the need for the provision of a Council motor vehicle (as per paragraph 7.2 of this Policy).  (Private use determined by the General Manager on a case by case basis)	Type of vehicle determined by the Executive where primary consideration is work/duty suitability – such as a utility.	Where the General Manager approves private use – \$178.15 per week adjusted as at 1 <sup>st</sup> April Annually to CPI, for a fully maintained vehicle.

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Warren Shire Council – Motor Vehicle Policy

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**10. OPTIMUM REPLACEMENT PERIODS**

Changing motor vehicle market conditions necessitate a constant review of Whole of Life costs and optimum replacement criteria. In view of changing trends in the new and used vehicle markets, the replacement period for vehicles will be recommended by the Executive Managers. Please note that there is no set time or number of kilometres when Council must replace vehicles. Vehicle change-over cycles are being constantly monitored and will determine the appropriate vehicle replacement cycle depending on the following:

- General market conditions
- Local market conditions
- Model release dates
- Pending price increases from dealers
- Warranty conditions
- Capital and whole of life costs
- Government contract requirements (if any & if applicable)
- Special deals available at the time

**11. REPLACEMENT MOTOR VEHICLES & DISPOSAL OF MOTOR VEHICLES**

Disposal of vehicles will be conducted by trade-in or public auction, with the method chosen to be at the discretion of the General Manager.

**12. LEASEBACK RATES**

The leaseback rates will be reviewed as at the first pay period in April each year, to coincide with the start of the FBT year. All lease-back rates will be adjusted to reflect increases in motor vehicle costs (including FBT considerations) having regard to the requirements of the Local Government (State) Award.

The review will also determine if:

- a) The scheme is operating equitably
- b) The scheme is meeting the needs of Council with regard to attracting and retaining suitably qualified personnel.
- c) Reasonable costs are recovered from employees.

Leaseback rates will be calculated by the Divisional Manager of Finance and Administration for the vehicle categories available and will be advised to the employee prior to the application for a leaseback vehicle being completed.

The leaseback rates will consider the lifecycle costs of the vehicle including purchase costs, estimated trade-in value and estimated operating costs. The agreed leaseback rates will be those charged to the employee (regardless of the actual costs) for the duration that the vehicle is held, with the exception of indexation as referred to above.

**13. PRIVATE USE OF COUNCIL VEHICLE**

All Council vehicles (other than vehicles under a novated lease) are to be available for official Council business use whilst employees are on duty i.e. the **Council** vehicle must be at work whilst the employee is at work. Any variation to this requirement can only be approved by the General Manager.

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Warren Shire Council – Motor Vehicle Policy

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For all Groups (1 – 4), Council is responsible for all costs - registration, insurance, maintenance, fuel or any other expenditure approved by Council.

Please note that private use of a Council vehicle is only allowed within the states of New South Wales, Victoria, Queensland and the Australian Capital Territory. Only the General Manager can grant approval for private travel to areas outside the states listed above. If the General Manager wishes to use the Council vehicle outside the states listed above, the Mayor must grant approval.

For Group 4, the range and boundaries of private use must be determined by the General Manager on a case by case basis.

For all Groups (1 – 4), employees are entitled to grant permission to a Partner (husband, wife or legal partner) to drive the Council vehicle whilst on private use, provided such person is fully licensed. When the employee is present in the vehicle any competent fully licensed driver may drive the vehicle.

Under no circumstances are Council vehicles to be driven by "L" plate drivers. Council vehicles are not permitted to compete in any car rally or competitions. In the case of Four Wheel Drive (4WD) vehicles, whilst the recreational use of the vehicle for "four wheel driving" is allowed, please be aware of the Fair Wear and Tear conditions as included in this Policy.

In respect of absence on any type of leave in excess of eight (8) weeks in a 12-month period, Group 3 and 4 employees are required to obtain specific approval from the General Manager in writing, where the employee requires having use of the vehicle for that extended period. Instances relating to maternity and / or paternity leave will be dealt with on a case-by case basis. Group 2 employees must seek permission from the General Manager. The General Manager in such circumstances must seek permission from the Mayor.

Any form of Leave Without Pay - any period of more than one (1) week taken by employees from the Council, the motor vehicle is to be retained in the Pool for general Council use, (unless otherwise approved by the **General Manager** in writing). During this period of more than one (1) week, leaseback payments will be suspended for the staff member taking Leave Without Pay.

Any form of disciplinary action including suspension With Pay or Without Pay - any period of suspension required to be taken by an employee from the Council, the motor vehicle is to be retained in the Pool for general Council use, (unless otherwise approved by the **General Manager** in writing). During this period, leaseback payments will be suspended for the staff member.

When a leaseback agreement is entered into by an employee, the employee is agreeing to pay the leaseback fee for the entire period that they are entitled to a leaseback vehicle. The employee will be expected to continue payments for the vehicle whilst on leave of any type.

Where an employee is leaving the employment of Council, the vehicle must be returned in a clean condition (internal and external) on or prior to the last day in attendance at the workplace.

#### 14. EMPLOYEE CONTRIBUTIONS

All employees who have private use of a Council motor vehicle will be required to sign the declaration found at the end of this **Policy**. The amount proposed for employee contributions

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ITEM 2

REVIEW OF MOTOR VEHICLE POLICY

CONTINUED

Warren Shire Council – Motor Vehicle Policy

will be advised prior to commencing a leaseback agreement and will be reviewed annually. The amount will be deducted from the employees weekly earnings. It should be noted that the Australian Taxation Office has determined that driving a Council vehicle only between work and the employee's home is considered private use unless the vehicle is a panel van or utility designed to carry less than one (1) tonne.

Employees should seek their own independent tax advice.

**15. MAINTENANCE OF MOTOR VEHICLE**

Vehicles are to be maintained in a condition that portrays Council in a positive manner i.e. clean, tidy and well maintained. It is the responsibility of each employee allocated a vehicle to ensure that it is serviced and cleaned regularly and checked for unreasonable wear and tear.

Regular inspection of vehicles will be undertaken, and where a request to clean a vehicle is not acted upon within three (3) working days, Council may have the vehicle cleaned and detailed, with the cost being charged to the lessee. Unreasonable wear and tear which cannot be claimed on insurance may be charged at cost to the employee. Refer to Attachment 1 for definition of acceptable wear and tear.

In the event that an employee, who is allocated a vehicle is leaving Council, **Human Resources Officer** will notify the Divisional Manager Engineering Services of the employee's final day when known and during the employees final week, an inspection of the vehicle will be undertaken. Any unreasonable wear and tear will be identified and dealt with before the staff member leaves Council (Refer attachment 1) and if appropriate, arrangements made for payment to Council by the relevant employee.

You are required to notify the Divisional Manager Engineering Services of defects in the operation of the vehicle within three (3) days of the incident or damage to the vehicle however minor. This will entail the completion of a damage report.

In the case of staff using Pool vehicles, all such staff will be required to acknowledge that they have read and understood the Fair Wear & Tear conditions that form part of this **Policy**.

Employees may only obtain an emergency replacement hire vehicle with the approval of the Divisional Manager Engineering Services. The hiring of a vehicle will occur in extreme cases only and is intended to cover damage or mechanical failure of Council vehicles and not to cover normal servicing and maintenance. Hiring of vehicles may not replace other arrangements, which would otherwise suffice, and employees need to first consult the Divisional Manager Engineering Services for availability of other vehicles prior to requesting to hire a vehicle.

If approval is gained from the Divisional Manager Engineering Services to hire a vehicle, the vehicle hired will be the most economical option available, given the particular circumstances of the individual at the time and may not necessarily match that provided by the Council.

**16. PROCEDURES TO BE FOLLOWED**

Motor vehicles are to be provided in accordance with the procedures contained in this Motor Vehicle **Policy**.

All employees who are given approval for the use of any Council vehicle are to sign the declaration at the end of this **Policy** that states that they have read and understood the

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REVIEW OF MOTOR VEHICLE POLICY

CONTINUED

Warren Shire Council – Motor Vehicle Policy

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contents of this Policy and how it relates to them. This declaration will be distributed for resigning on an annual basis.

**17. SMOKING IN COUNCIL VEHICLES & ANIMALS IN COUNCIL VEHICLES**

Smoking is not permitted under any circumstances in Council vehicles at any time. This includes passengers. Non-compliance of this will lead to a breach of Council's lease back agreement, which can ultimately lead to the termination of the agreement.

The transport of animals in Council cars, whilst not encouraged, should be kept to a minimum (other than Rangers vehicles) and all efforts must be made to protect the vehicle upholstery and carpet. The Wear & Tear provisions included in this Policy will also apply to damage caused by animals travelling in Council cars.

**18. INSURANCE**

An excess of up to \$1,000 will be payable by the lessee for second and subsequent at fault or deemed at fault insurance claims occurring outside working hours in any twelve (12) month period.

**NOTE:** Should Council Insurers decline responsibility for any accident involving the motor vehicle while on private use, the employee leasing the vehicle will be liable for all costs resulting from the accident associated with the claim.

Specific Policy wording is available upon request from the Divisional Manager Engineering Services .

**19. USE OF FUEL CARD**

Council will supply all vehicles with a fuel credit card.

The fuel credit card shall be used at all times when fueling Council's vehicles. This must be done at service stations that accept the issued fuel card.

Employees are requested to fuel their vehicles to a full tank each time the Card is used. The speedometer reading is to be given to the service station operator at the time of fueling. This practice is compulsory as it assists in vehicle management. Consistent failure of not recording speedometer readings will be deemed as a breach of conditions and may result in disciplinary action.

(a) Other Purchases

The Fuel Card shall only be used for the purchase of fuel for Council vehicles, as well as oil and other transmission fluids if required. No other purchases are permitted on the fuel card.

The use of this card for obtaining bonus points (i.e. Fly buys Points) is prohibited, as Council will be liable for Fringe Benefits Tax.

(b) Card Cancellation

Fuel Cards must be surrendered to the **Divisional Manager Engineering Services** upon termination of employment. Lost Cards must be reported immediately to the **Divisional Manager Engineering Services** who will facilitate the cancellation of the Card.

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Warren Shire Council – Motor Vehicle Policy

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Misuse of a Fuel Card, in any way, will result in disciplinary action. This will be deemed as a breach of the leaseback agreement.

**20. REPORTABLE FRINGE BENEFITS**

Reportable fringe benefits were introduced by the **Australian Tax Office** on 1 April 1999. It requires employers to record the grossed up taxable value of a fringe benefit on an **employees** payment summary (Group Certificate) where the total taxable value of the fringe benefit exceeds \$2,000.

Employees are advised to obtain their own advice regarding this issue from a financial planner or tax agent prior to the acceptance of a Council Vehicle. Employees should be aware of the implications of any fringe benefit prior to the acceptance of a Council vehicle. Therefore, it is required that employees sign the declaration attached to this Policy, which states that they understand and accept the implications of having a reportable fringe benefit.

**21. NOVATED LEASES**

A Novated Lease is a three-way agreement between the employee, the employer and a lease company. The basic principles of a Novated Lease are:

- The employee leases the vehicle directly from a lease company.
- The employee, employer and the lease company sign a Novation Agreement.
- The employer undertakes to cover all agreed vehicle expenses during the **employees** term of employment.

**Council will not enter into a Novated Lease arrangement with an employee.**

**22. GENERAL CONDITIONS**

- a) Where Council retains a vehicle for operational reasons during a period of leave, or if the vehicle is unavailable for any other reason i.e. repairs or other Council business for a period in excess of five (5) working days, then Council will suspend the leaseback contributions for the relevant period. Where practicable an alternate vehicle may be provided in the case of repairs exceeding five (5) working days.
- b) Accessories other than standard vehicle inclusions may be considered, however the employee will need to demonstrate the need for such an accessory to the General Manager prior to requesting approval for the accessory. If it is deemed that Council will benefit from the addition of the accessory, the employee will fund the initial addition of the accessory, with Council to bear the cost of the accessory on any subsequent vehicles allocated to that employee. No accessory is to be fitted to any leaseback vehicle without the express prior permission of the Divisional Manager Engineering Services or General Manager.
- c) Wherever possible, vehicles are to be garaged off-street at the employee's expense.
- d) In the event of an **employees drivers** license being cancelled, suspended or not renewed, the leaseback of Councils vehicle will be withdrawn. The employee must advise Council of any license cancellation, suspension or non-renewal immediately.
- e) Employees are required to obey all traffic and parking laws, with any infringements being the employee's responsibility. Employees are not able to seek legal protection or reimbursement from Council for any penalty incurred.

**23. IMPLEMENTATION**

*Roles and Responsibilities*

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Warren Shire Council – Motor Vehicle Policy

Whilst the Divisional Manager Engineering Services and the Divisional Manager Finance and Administration are directly responsible for the implementation of this **Policy**, all staff are to ensure that this Policy is adhered to.

*Support and Advice*

The main contact for advice regarding this **Policy** is the Divisional Manager Engineering Services.

*Communication*

All amendments to this Policy will be reported to the General Manager for approval. Prior to a report going to the General Manager, appropriate internal consultation will be undertaken.

*Procedures and Forms*

The necessary applications and forms required for participation in Councils vehicle scheme are attached to this **Policy**.

**24. REVIEW**

This **Policy** will be reviewed annually **and within 12 months of a Council Election** and if changes are deemed necessary; employees will be notified accordingly. The review process will also ensure that:

- (a) The **Policy** is operating equitably;
- (b) The **Policy** is meeting the needs of Council with regard to attracting and retaining suitably qualified personnel; and
- (c) Appropriate costs are being recovered.

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Warren Shire Council – Motor Vehicle Policy

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**DECLARATION**

I have read and understand the above Motor Vehicle Policy and hereby agree to these conditions. I understand and accept the implications of having a motor vehicle and the implications regarding Reportable Fringe Benefits. I also agree to have the appropriate lease-back fee of \$ \_\_\_\_\_ deducted from my pay:

\_\_\_\_\_  
*Signature of Employee*

\_\_\_\_\_  
*Date*

\$ \_\_\_\_\_  
*Leaseback Fee Payable Weekly*

*A copy of this form is to be forwarded to the Finance Clerk - Payroll.*

**DIVISIONAL MANAGER ENGINEERING SERVICES TO COMPLETE**

Vehicle Description:

Registration:

Date Received:

Starting Odometer Reading:

Drivers Name:

Department:

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ITEM 2      REVIEW OF MOTOR VEHICLE POLICY

CONTINUED

Warren Shire Council – Motor Vehicle Policy

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ATTACHMENT 1

**WEAR & TEAR DEFINITIONS**

Acceptable condition means good appearance and sound mechanical order throughout with regard to distance travelled and the age of the vehicle. Council may bill the restoration charges on an actual cost basis to compensate for any loss in resale value due to unreasonable damage.

The following damage is deemed to be REASONABLE WEAR AND TEAR

- Superficial scratches to paintwork.
- Stone chipping to front and lower sides of the vehicle.
- Stone chippings to headlight glass and indicator lenses unless either is broken.
- Stone chippings to windscreen.
- Superficial scratches and scuffs to bumpers and plastic door strips.
- Minor paint blemishes.

The following are examples of UNREASONABLE WEAR AND TEAR

- **Bodywork** - dents and impact damage, including kerbing damage to wheels and wheel trims and roof rack damage to roof and gutters or damage from tree sap etc.
- **Interior** - significant tears, rips, cuts, cigarette burns and irremovable stains.
- **Equipment** - disfiguring marks resulting from the removal of accessories not sanctioned by Council.
- **Mechanical** - mechanical damage which is due to driver neglect or abuse.
- **Missing items** - items such as spare wheel, which are not on the vehicle at the return, will be charged at cost.

Where a vehicle is returned in an unsatisfactory condition, the Divisional Manager Engineering Services will obtain a quotation for restoration. If it is determined that the employee is responsible for the damage, the vehicle will be repaired and costs charged to the employee.

In the case of a dispute, an independent assessor will be engaged, the cost of which will be shared equally by Council and the employee. In general terms, the independent assessors recommendation will be final.

If an employee is taking control of a vehicle that has been previously utilised by another staff member, then it is that employees responsibility to inform the Divisional Manager Engineering Services of any unreasonable wear and tear applicable to the vehicle prior to taking possession.

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ITEM 2

REVIEW OF MOTOR VEHICLE POLICY

CONTINUED

Warren Shire Council – Motor Vehicle Policy

ATTACHMENT 2

**APPLICATION FOR THE ALLOCATION OF A MOTOR VEHICLE**

POSITION: \_\_\_\_\_  
(For which a motor vehicle is sought)

DIVISION/ DEPARTMENT: \_\_\_\_\_ SECTION: \_\_\_\_\_

SALARY GRADE: \_\_\_\_\_ BUDGETED COST: Yes / No

**CRITERIA:**

Demonstrate how the position requires the use of a vehicle during working hours as an integral part of the position, i.e. the position cannot be effectively and efficiently performed without the permanent assignment of a vehicle:

**MOTOR VEHICLE POOL:**

Indicate how demand for a vehicle has not been, or cannot be, substantially met from within the motor vehicle pool as per stated policies and procedures:

**POSITION INTEGRITY & EFFICIENCY:**

Indicate how the non-allocation will compromise the integrity and efficiency of the position:

**MARKET FORCES (Where Applicable):**

Please demonstrate why the allocation of a motor vehicle is necessary to attract suitably qualified people to this position:

Submission by: \_\_\_\_\_  
Manager Date

Endorsed for consideration: \_\_\_\_\_  
Divisional Manager Date

**DETERMINATION BY THE GENERAL MANAGER:**

To Manager \_\_\_\_\_ Date: \_\_\_\_\_

Your application for the allocation of a motor vehicle to the position of:  
\_\_\_\_\_ has been /not been approved.

Reasons why your application has not been successful include:

**Motor Vehicle Allocation Group as per the Motor Vehicle Policy**

Please tick appropriate box

- Group 1 General Manager
- Group 2 **Divisional Manager**
- Group 3 Manager
- Group 4 All other employees

**Copy to be forwarded to the Finance Clerk – Payroll.**

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**ITEM 3**

**REVIEW OF LOSS OF DRIVERS LICENCE POLICY**

**(P13-1, S12-29)**

**RECOMMENDATION:**

That Council adopt the reviewed Loss of Drivers Licence Policy.

**PURPOSE**

For Council to reconsider the Loss of Drivers Licence Policy that has only been slightly amended following review.

**BACKGROUND**

Council at its Meeting on the 6th December 2018 considered an updated/reviewed Loss of Drivers Licence Policy.

The reviewed Policy at the time was subsequently adopted.

**REPORT**

Attached is a copy of the amended Policy following the review, with changes shown in red.

The intent of the Policy has not changed and Council's standard Policy Review clause has been added.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act, 1993;  
Warren Shire Council Code of Conduct;  
Work Health and Safety Act, 2011;  
Work Health and Safety Regulation, 2017; and  
Local Government (State) Award.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

N/A.

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**ITEM 3**

**REVIEW OF LOSS OF DRIVERS LICENCE POLICY**

**CONTINUED**

**OPTIONS**

The only option is to further amend the reviewed Policy.

**CONCLUSION**

The Loss of Drivers Licence Policy provides a consistent and fair process for the management of the employment of a worker who has had their drivers licence lost, disqualified or suspended.

The current Policy with only minor amendments as detailed is considered appropriate for Council to adopt, particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Proactively manage known compliance risks.

**SUPPORTING INFORMATION /ATTACHMENTS**

1. Amended Secondary Employment Policy.

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ITEM 3      REVIEW OF LOSS OF DRIVERS LICENCE POLICY

CONTINUED

Attachment 1 - Amended Secondary Employment Policy.



## POLICY REGISTER

### LOSS OF **DRIVERS** LICENCE POLICY

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Policy adopted: 6th December 2018   Minute No. 273.12.18

Reviewed:      **24th April, 2025**

File Ref:        P13-1, S12-29

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REVIEW OF LOSS OF DRIVERS LICENCE POLICY

CONTINUED

Warren Shire Council – Loss of Drivers Licence Policy

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Kerry Jones November 2018	First Edition	Council Minute No. 273.12.18 (6th December 2018)
2.0	Gary Woodman General Manager April 2025	Minor amendments and typographical changes	Council Minute No.

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ITEM 3

REVIEW OF LOSS OF DRIVERS LICENCE POLICY

CONTINUED

Warren Shire Council – Loss of Drivers Licence Policy

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**BACKGROUND**

The **Policy** outlines the manner in which the loss of a worker's drivers licence affects the ability of that worker to perform his or her duties and outlines consequences.

**OBJECTIVE**

The objective of this **Policy** is to set out what courses of action are available to Warren Shire Council and the extent to which they shall be applied to all workers if they lose their driver licence.

**SCOPE**

This **Policy** applies to all workers.

**DEFINITION**

Worker – in the context of this **Policy** – has the same meaning as that in the Work Health and Safety Act 2011.

**POLICY**

**Obligations under this Policy**

All Warren Shire Council workers are responsible for any civil or criminal penalty that may be imposed following the suspension, cancellation or restrictions placed upon the use of their licence.

**Management (including supervisors)**

Management has the responsibility to:

- Ensure that each worker, who is required to have a **drivers** licence, maintains a current driver licence.
- Take the appropriate course of action should a worker have their **drivers** licence suspended, cancelled or its use restricted.

**Workers**

Have the responsibility to:

- Ensure that they maintain a current and appropriate **drivers** licence to perform the duties associated with their position.
- Advise their supervisor or General Manager, of the actual or impending suspension, cancellation or imposition of restrictions of or on their licence.

**Annual Review**

All workers must produce their **drivers** licence (and any other relevant work related 'ticket') as part of the annual staff appraisal process.

**Procedure**

Once made aware of a **drivers** licence suspension or pending disqualification the General Manager or their delegate must consult with the worker and decide upon what course of action is to be undertaken following the change of status of the worker's drivers licence.

**Actions**

Following the notification and evaluation of a change of status of the **workers drivers** licence Warren Shire Council shall take one or more of the following actions:

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ITEM 3

REVIEW OF LOSS OF DRIVERS LICENCE POLICY

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Warren Shire Council – Loss of Drivers Licence Policy

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- Transfer the worker to other duties, if available (the level of remuneration shall be adjusted if the worker is required to perform duties associated with a lower paid position).
- Require the worker to take leave (annual leave, long service leave, leave without pay) for the defined period.
- Suspend the workers employment for the defined period (with or without pay).
- Terminate the workers employment.
- Take no action.

If the period of suspension, cancellation or restrictive usage of the workers drivers licence is in excess of six (6) months, Warren Shire Council may terminate the workers employment, or if the worker is a contractor undertaking work on behalf of Warren Shire Council, the General Manager may cancel the contract.

If the worker is convicted of a driving offence, whilst the driver licence is disqualified or suspended during the relevant period, and the defined period is extended in excess of six (6) months, Warren Shire Council may terminate the employment of the worker.

**Review**

This Policy should be reviewed every Four (4) years or within 12 months following an election of Council. The Policy may be reviewed and amended at any time at Councils discretion (or if legislative changes occur).

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**ITEM 4                      REVIEW OF SECONDARY EMPLOYMENT POLICY**

**(P13-1, S12-1)**

**RECOMMENDATION:**

That Council adopt the reviewed Secondary Employment Policy.

**PURPOSE**

For Council to reconsider the Secondary Employment Policy that has only been slightly amended following review.

**BACKGROUND**

Council at its Meeting on the 27th April 2023 considered an updated/reviewed Secondary Employment Policy. The changes had come about following a review of the Policy at the time by Council's Contract Internal Auditor.

The reviewed Policy at the time was subsequently adopted.

**REPORT**

Attached is a copy of the amended Policy following the review with changes shown in red.

The intent of the Policy is to provide a framework for controlling secondary employment within Warren Shire Council to ensure that the provisions of the Local Government Act, 1993 are met in relation to managing secondary employment.

The intent of the Policy has not changed with only typographical changes made.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act, 1993;  
Warren Shire Council Code of Conduct;  
Work Health and Safety Act, 2011; and  
Work Health and Safety Regulation, 2017.

**RISK IMPLICATIONS**

The risk of secondary employment must be managed in accordance with the Local Government Act 1993 relating to Code of Conduct matters and Work Health and Safety.

**STAKEHOLDER CONSULTATION**

N/A.

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**ITEM 4            REVIEW OF SECONDARY EMPLOYMENT POLICY**

**CONTINUED**

**OPTIONS**

The only option is to further amend the reviewed Policy.

**CONCLUSION**

In 2023 advice was sort from Council’s Contract Internal Auditor to ensure that Council’s Secondary Employment Policy was appropriate.

The current Policy with only minor amendments as detailed is considered appropriate for Council to adopt particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Proactively manage known compliance risks.

**SUPPORTING INFORMATION /ATTACHMENTS**

1. Amended Secondary Employment Policy.

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ITEM 4      REVIEW OF SECONDARY EMPLOYMENT POLICY

CONTINUED

Attachment 1 - Amended Secondary Employment Policy



## POLICY REGISTER

## SECONDARY EMPLOYMENT POLICY

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Policy adopted: 27th September 2018   Minute No. 214.9.18

Reviewed:                      27th April 2023   Minute No. 91.4.23

File Ref:                        P13-1, S12-1

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REVIEW OF SECONDARY EMPLOYMENT POLICY

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Reviewed by Gary Woodman General Manager	Amendments and adjustments to Policy regarding relevant Clause numbers and stipulating the form must be completed and lodged annually by 30 June.	Council Minute No. 91.4.23 (27th April 2023)
3.0	Reviewed by Gary Woodman General Manager April, 2025	Reviewed Typographical changes made	Council Minute No.

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ITEM 4

REVIEW OF SECONDARY EMPLOYMENT POLICY

CONTINUED

Warren Shire Council – Secondary Employment Policy

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**PURPOSE/OBJECTIVES**

To provide the framework for controlling secondary employment within Warren Shire Council. To ensure that the provisions of the *Local Government Act 1993* are met in relation to managing secondary employment.

**SCOPE**

This Policy applies to all staff members of Warren Shire Council.

**POLICY STATEMENT**

**1. Notification and Application for Secondary Employment**

- (a) An existing staff member who seeks secondary employment, must, before they accept that position, or engage in any form of work outside the service of Council, seek approval from the General Manager. Where a new staff member already has other employment at the time of commencing work with Council, this employment must be disclosed and approval sought from the General Manager immediately.
- (b) Employees must seek renewal of any approval for secondary employment:
  - I. On the General Manager's request;
  - II. When they change their work position or location;
  - III. When the nature of the secondary employment activity changes.
- (c) Further, notification and application for the approval of secondary employment must be made on the Secondary Employment Declaration form (see attachment 1 to this policy). The Secondary Employment Form must be completed and lodged annually (by 30 June of any year whilst secondary employment continues). Approval will be made by the General Manager on an annual basis.

**2. Engaging in Secondary Employment**

- (a) Employees must not engage for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or is work that might conflict with the member's Council duties unless he or she has notified the General Manager in writing (section 353 (2) *Local Government Act* – the LGA and clause 5.24 of Council's Code of Conduct)
- (b) The General Manager may prohibit a member of staff from engaging in private employment or contract work outside the service of Council that relates to the business of Council or is work that might conflict with the member's council duties or is work that might conflict with the member's council duties – section 353 (3) of the LGA.
- (c) Pursuant to clause 5.27 of the Code of Conduct, as a staff member, you must ensure that any outside employment or business that you in engage in will not:
  - I. Conflict with their official duties;
  - II. Involve using confidential information or council resources obtained through their work with the Council including where private use is permitted
  - III. Require them to work while on Council duty;
  - IV. Discredit or disadvantage the Council;
  - V. Pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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ITEM 4

REVIEW OF SECONDARY EMPLOYMENT POLICY

CONTINUED

Warren Shire Council – Secondary Employment Policy

- (d) A member of staff must not engage, for remuneration, in private employment or contract outside the service of Council if prohibited from doing so as prescribed at paragraph 2(b) of this **Policy**.
- (e) The General Manager must not engage, for remuneration, in private employment or contract work outside the service of the Council, without the approval of Council.
- 3. Determination**
- (a) The General Manager will determine all applications for secondary employment (other than his/her own). The General Manager may make any inquiries he or she deems necessary to make such a determination. An approval may be subject to any terms and conditions deemed appropriate by the General Manager. Any prohibition finding will list the reasons for such a decision.
- (b) The following factors should be considered in any determination:
- The potential for conflict with the **employees** Council duties;
  - The hours of work required in the secondary employment and the likelihood of any impact on the **employees** normal duties;
  - The likelihood of public perception of a conflict of interest between the employee's secondary employment and their Council position/duties;
  - Risk of using Council resources to fulfil or conduct the **employees** secondary employment duties.
- 4. PROCEDURE**
- Employee**
- I. The employee must complete the prescribed Secondary Employment Declaration form (attachment 1 to this **Policy**).
  - II. The employee must forward the completed Declaration form to the General Manager.
  - III. The Secondary Employment Form must be completed and lodged annually (by 30 June of any year whilst secondary employment continues). Approval will be made by the General Manager on an annual basis.
- General Manager**
- I. The General Manager will make appropriate inquiries (if necessary) and determine the secondary employment or contract work request and attach any conditions deemed necessary. This will be undertaken on an annual basis.
  - II. If the request is refused, the reasons for refusal are to be recorded with the declaration form.
  - III. The employee is advised in writing of the decision and provided with the reasons if the request is refused.
  - IV. The determination is sent to the **Human Resources Officer** and is recorded on the **employees** personnel file.

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ITEM 4

REVIEW OF SECONDARY EMPLOYMENT POLICY

CONTINUED

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Warren Shire Council – Secondary Employment Policy

**DEFINITIONS**

**Secondary Employment** – is when a staff member employed by Council does work (whether contract, self-employed, part time, casual or other) for oneself, another person or an organisation.

**Conflict of Interest** – exist when a Council employee could be influenced, or a reasonable person would perceive that the employee could be influenced by a personal interest, relating to the employee or others, when carrying out their public duty.

**REVIEW**

This **Policy** should be reviewed every 4 years or within 12 months of a Council election. The **Policy** may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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REVIEW OF SECONDARY EMPLOYMENT POLICY

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Warren Shire Council – Secondary Employment Policy

Appendix 1 – Secondary Employment Application Form



**Secondary Employment  
Application Form**

Name:	
Current position:	
Name of outside organisation:	
Title of outside position:	
Estimated time required: (hours duration, days per week)	
Start and end date of proposed outside work:	
Main business activity of outside organisation:	
Please describe the nature of the proposed outside work:	
Does the proposed outside work employer undertake or are they likely to undertake work for or have any business or other arrangement with Council?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be a need to make changes to your work arrangements at Council e.g. flexi days to undertake proposed outside work, variation of usual start or finish times?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be any use of or perception of use of Council resources, materials or equipment or information that is obtained through your work with the Council in the proposed outside work?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
Is there likely to be any other conflict or perceived conflict or interest between the proposed outside work and your Council duties and/or Council business?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes please explain:
<b>For Part Time and Casual Employees only:</b> What is your primary employment (e.g. major income sources)? Please explain.	
<b>Employee Declaration: That the above information is accurate and correct.</b>	
Signature:	Date:

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REVIEW OF SECONDARY EMPLOYMENT POLICY

CONTINUED

Warren Shire Council – Secondary Employment Policy



**Secondary Employment  
Application Form**

<b>Supervisor's Comments:</b>		
Signature:	Date:	
<b>Divisional Manager/Manager Comments:</b>		
Signature:		Date:
<b>General Manager's Determination</b>	<input type="checkbox"/> Prohibited	<input type="checkbox"/> Not Prohibited
Reason:		
Signature:		Date:
Office use:	<input type="checkbox"/> Original to Personnel File <input type="checkbox"/> Copy to Secondary Employment Register <input type="checkbox"/> Copy to employee	

**General Manager Comment:**

This approval is only for 12 months from date of approval of this application, on expiry you are requested to submit another application for secondary employment.

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**ITEM 5**

**REVIEW OF MEDIA POLICY**

**(P13-1, C8-1, M4)**

**RECOMMENDATION:**

That Council adopt the reviewed Media Policy.

**PURPOSE**

Council's Media Policy has been developed to provide a framework to assist Council when dealing with the media and to ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances the Council's reputation.

This report is for Council to reconsider the Media Policy that has only been slightly amended following review.

**BACKGROUND**

Council at its Meeting on the 23rd March 2023 considered its first Media Policy which used the Office of Local Government (OLG) Model Policy as its base.

The Policy was subsequently adopted.

The OLG Model Media Policy was developed following two (2) rounds of consultation with the Local Government Sector and reflects best practice in the Local Government Sector.

At the heart of the Media Policy are the four (4) "Principles" of media engagement being – openness, consistency, accuracy and timeliness.

Council's current Policy was Option 1 – the General Manager led Model instead of Option 2 – the Media Co-Ordinator led model.

The Policy clearly identifies who can engage with the media and associated limitations.

The current Policy has been reviewed.

**REPORT**

Attached is a copy of the amended Policy following the review with changes shown in red.

The intent of the Policy has not changed with only typographical corrections and use of Council's Standard Policy Review Clause.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

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**ITEM 5**

**REVIEW OF MEDIA POLICY**

**CONTINUED**

**LEGAL IMPLICATIONS**

Local Government Act, 1993;  
Warren Shire Council Code of Conduct;  
Work Health and Safety Act, 2011;  
Work Health and Safety Regulation, 2017;  
Government Information (Public Access) Act, 2009; and  
State Records Act, 1998.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

N/A.

**OPTIONS**

Council does not necessarily have to have a Media Policy however, it is recommended.

The only option is to further amend the reviewed Policy.

**CONCLUSION**

The current Policy with only minor amendments as detailed is considered appropriate for Council to adopt particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 1.2.1 Maintain ongoing community engagement to instil a strong collaborative environment with the community.
- 5.1.3 Promote Warren Shire Council to wide audiences both within the Shire and externally.
- 5.2.2 Proactively manage known compliance risks.
- 5.3.2 Create a productive cooperative working environment for Councillors to support their governance responsibilities.

**SUPPORTING INFORMATION /ATTACHMENTS**

- 1. Amended Secondary Employment Policy.

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ITEM 5

REVIEW OF MEDIA POLICY

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## POLICY REGISTER

## MEDIA POLICY

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Policy adopted: 23rd March 2023 Minute No. 72.3.23

Reviewed:

File Ref: P13-1, C8-1, M4

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Gary Woodman General Manager March 2023	First Edition	Council Minute No. 72.3.23 (23rd March 2023)
2.0	Gary Woodman General Manager March 2023	Reviewed, Typographical corrections and Policy Review Clause	Council Minute No.

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ITEM 5

REVIEW OF MEDIA POLICY

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ITEM 5

REVIEW OF MEDIA POLICY

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Warren Shire Council – Media Policy

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### Introduction

#### Media – Opportunities and Challenges

The Media Policy has been developed to provide a framework to assist Council when dealing with the media and to ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances the Council's reputation.

Effective media engagement can assist Council to keep its community informed, explain decisions and to promote community confidence in the Council and its decisions.

The term "media" used in this Policy means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.

The advancement of technology and the development of non-traditional media means that the media now has unprecedented reach and accessibility. Anyone with a computer or hand-held device can access media platforms and actively engage in content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

How Council is portrayed in the media impacts greatly on how the organisation is perceived. Media can be an effective tool to promote Council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- Maintaining the accuracy, reliability, and integrity of information;
- Ensuring confidential information is managed appropriately; and
- The increased exposure and risk to reputation where information is not managed appropriately.

#### The Development and Intent of this Policy

This Media Policy has been developed using the Office of Local Government (OLG) Model Policy.

The Media Policy provides Council with a robust framework for the administration and management of its interaction with the media. It also sets standards of conduct for all Council **Officials** who are required to interact with media in their official capacity.

#### Content of the Media Policy

At the heart of the Media Policy are the four 'principles' of media engagement.

These are:

- Openness;
- Consistency;
- Accuracy; and
- Timeliness.

These principles, which are expanded upon in Part 1, underpins every aspect of Council's media engagement and all Council officials should commit to upholding them.

This Policy applies to engagement between Council **Officials** and the media. It does not apply to social media use. Council has a separate Policy for social media use.

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Warren Shire Council – Media Policy

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The Media Policy is structured as follows:

- Part 1** Sets out the principles of media engagement for Council
- Part 2** Contains the administrative model that Council has adopted in relation to the management of media enquiries and dealing with the media
- Part 3** Details Council’s authorised spokespersons when engaging with the media
- Part 4** Prescribes the standards of conduct expected of Council officials when engaging with the media in an official capacity or in connection with their role as a Council **Official**
- Part 5** Prescribes who will be the spokesperson to the media during emergencies
- Part 6** Prescribes how Councillors should engage with the media in the lead up to an election
- Part 7** Contains information about records management requirements relating to media
- Part 8** Definitions

#### **Adoption**

The Media Policy reflects best practice.

#### **Enforcement**

Clause 3.1(b) of the Warren Shire Council *Code of Conduct* provides that Council officials must not conduct themselves in a manner that is contrary to a Council’s policies. A breach of the Policy will be a breach of Council’s Code of Conduct.

Concerns or complaints about the administration of a Council’s engagement with media should be made to the Council official responsible for media management in the first instance.

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Warren Shire Council – Media Policy

### Media Policy

#### Part 1 – Principles

1.1 We, the Councillors, staff, and other **Officials** of Warren Shire Council, are committed to upholding and promoting the following principles of media engagement:

**Openness** We will ensure that we promote an open exchange of information between our Council and the media.

**Consistency** We will ensure consistency by all Councillors and staff when communicating with the media.

**Accuracy** The information we share with the media will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.

**Timeliness** We will ensure that we respond to media enquiries in a timely manner.

#### Part 2 – Administrative Framework for Engagement with the Media

##### The role of the General Manager

1.2 The role of the General Manager is to

- a) Be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes;
- b) Be responsible for preparing all media statements prior to their release;

- c) Delegate to staff members to respond to media enquiries where appropriate;
- d) Maintain a register of delegated staff;
- e) Maintain effective oversight of delegated staff;
- f) Revoke a staff **members** status as a delegated staff member when required;
- g) Ensure that media statements are approved by the Mayor prior to their release where appropriate;
- h) Develop and/or approve media training and/or induction to be provided to delegated staff and/or Councillors;
- i) Maintain a record of all media enquiries and responses;
- j) Ensure that media organisations and their representatives are treated professionally, equally and without bias;
- k) Ensure that media enquiries are dealt with promptly;
- l) Provide guidance to Councillors approached by the media for comment to avoid communication of misinformation; and
- m) Ensure that all media releases are published on Council's website.

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Warren Shire Council – Media Policy

**Part 3 – Who can Engage with the Media**

**The General Manager**

- 1.3 The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 1.4 The General Manager may delegate to other Council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).

**The Mayor**

- 1.5 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the *Local Government Act 1993*).
- 1.6 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 1.7 The Mayor may delegate their role as spokesperson to other Councillors where appropriate, (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

**Councillors**

- 3.1 As a member of the governing body and as a representative of the community, Councillors are free to express their personal views to the media.
- 3.2 When engaging with the media Councillors:

- Must not purport to speak for the Council unless authorised to do so;
- Must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so);
- Must uphold and accurately represent the policies and decisions of the Council;
- Must not disclose Council information unless authorised to do so; and
- Must seek information and guidance from the General Manager where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

- 3.3 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 3.4 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager.

**Council Staff**

- 3.5 Council staff must not speak to the media about matters relating to the Council unless authorised by the General Manager to do so.
- 3.6 If Council staff receive a media enquiry or they are invited to comment to the media on a matter

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Warren Shire Council – Media Policy

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relating to the Council, they must refer the enquiry to the General Manager.

3.7 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.

3.8 If authorised to speak to the media, Council staff:

- Must uphold and accurately represent the policies and decisions of the Council;
- Must not disclose Council information unless authorised to do so by the General Manager; and
- Must seek information and guidance from the General Manager where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

3.9 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the General Manager.

#### **Tone**

3.10 All media engagement by Council officials must be conducted in a professional, timely and respectful manner.

#### **Induction and Training**

3.11 The Council must provide training to Council **Officials** who engage or are authorised to engage with the media.

3.12 Media engagement training will be provided to Councillors as part of their induction or refresher training or as part of their ongoing professional development program.

#### **Councillors' Questions about Media Engagement**

3.13 Councillors must direct any questions about their obligations under this Policy to the General Manager.

#### **Part 4 – Standards of Conduct when Engaging with the Media**

4.1 Council **Officials** must comply with the Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council official.

4.2 Council **Officials** must not share information or make comments to the media through either direct or indirect mechanisms that:

- a) Are defamatory, offensive, humiliating, threatening, or intimidating to other Council **Officials** or members of the public;
- b) Contains profane language or is sexual in nature;
- c) Constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory;
- d) Is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures

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Warren Shire Council – Media Policy

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- adopted by the Council to ensure workplace health and safety;
- e) Contains content about the Council, Council **Officials** or members of the public that is misleading or deceptive;
  - f) Divulges confidential Council information;
  - g) Breaches the privacy of other Council **Officials** or members of the public;
  - h) Contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*;
  - i) Could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment;
  - j) Commits the Council to any action;
  - k) Violates an order made by a court;
  - l) Breaches copyright; and
  - m) Advertises, endorses, or solicits commercial products or business.

**Part 5 – Use of Media During Emergencies**

5.1 During emergencies, such as natural disasters or public health incidents, Council's Senior Management Team (General Manager, Divisional Manager Engineering Services (LEMO), Divisional Manager Finance & Administration and Manager Health and Development Services) and the Mayor will be responsible for coordinating media releases and statements on behalf of the Council.

5.2 Councillors, Council staff and other Council **Officials** must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

5.3 Training on media engagement during emergencies will be provided to Councillors and relevant staff and other Council **Officials**.

**Part 6 – Media Engagement in the Lead Up to Elections**

6.1 This Policy does not prevent the Mayor or Councillors who are candidates at a Council or any other election from providing comment to the media in their capacity as candidates at the election.

6.2 Any media comment provided by the Mayor or Councillors who are candidates at a Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the Council or with Council resources.

**Part 7 – Records Management Requirements**

7.1 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

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Warren Shire Council – Media Policy

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**Part 8 – Review Date**

This Policy should be reviewed every four (4) years or within 12 months of a Council Election. He Policy may be reviewed and amended at any time at Council’s discretion (or if legislative changes occur).

**Part 9 - Definitions**

In this Media Policy, the following terms have the following meanings:

<b>Council</b>	In the case of a Council – means Councillors, members of staff and delegates of the Council (including members of Committees that are delegates of the Council)
<b>Official</b>	
<b>Media Coordinator</b>	Means a person appointed under clause 1.3 of this Policy
<b>Media</b>	Means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
<b>Personal Information</b>	Means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>Social Media</b>	Means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

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**ITEM 6                      REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY                      (P13-1, C14-5.1)**

**RECOMMENDATION:**

That Council adopt the reviewed Councillor Access to Information Policy.

**PURPOSE**

This report is for Council to reconsider the Councillor Access to Information Policy that has only been slightly amended following review.

**BACKGROUND**

The purpose of Councillor Access to Information Policy is to provide a consistent set of guidelines to ensure legal and appropriate Councillor access to Council records, information and staff that may assist them in undertaking their responsibilities as elected representatives.

This Policy defines appropriate interactions between Councillors, employees and contractors of Warren Shire Council. It defines potential, perceived and actual improper or undue influence or direction by Councillors of staff and ensures that risk associated with improper or undue influence are mitigated.

**REPORT**

The General Manager has reviewed the existing Policy with only minor amendments such as position name changes/additions/removals and some very minor typographical changes.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

Nil.

**OPTIONS**

Nil.

**CONCLUSION**

After a review of the Councillor Access to Information Policy where the only changes have been to correct information, update position names with minor word amendments and no change to the intent of the Policy it is appropriate for the Council to adopt the reviewed Policy.

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**ITEM 6                    REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY                    CONTINUED**

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2    Proactively manage known compliance risks.
- 5.3.2    Create a productive cooperative working environment for Councillors to support their governance responsibilities.

**SUPPORTING INFORMATION /ATTACHMENTS**

- 1.    Amended Councillor Access to Information Policy.

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ITEM 6

REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY

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## POLICY REGISTER

### COUNCILLOR ACCESS TO INFORMATION POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 22nd July 2021 Minute No. 157.7.21

File Ref: P13-1, C14-5.1

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
1.1	Reviewed by Gary Woodman 25th May 2021	Updated position names and Acts and minor word amendments.	Council Minute No. 157.7.21 (22nd July 2021)
1.2	Reviewed by Gary Woodman 24th April 2025	Updated position names and minor word amendments.	

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ITEM 6

REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY

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Warren Shire Council – Councillor Access to Information

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**PURPOSE**

The purpose of this **Policy** is to provide a consistent set of guidelines to ensure legal and appropriate Councillor access to Council records, information and staff that may assist them in undertaking their responsibilities as elected representatives.

This **Policy** defines appropriate interactions between Councillors, employees and contractors of Warren Shire Council. It defines potential, perceived and actual improper or undue influence or direction by Councillors of staff and ensures that risks associated with improper or undue influence are mitigated.

**SCOPE**

This **Policy** applies to Councillors, all staff and contractors of Warren Shire Council.

**DEFINITIONS**

**Councillors** - all elected representatives of Warren Shire Council as defined by the Local Government Act 1993.

**General Manager** – Executive as appointed by Council.

**Managers** – refers to the Council Officers within the Manex Team (General Manager, Executive Assistant, Infrastructure Projects Manager, Divisional Manager Finance & Administration, Treasurer/**Management Accountant**, Divisional Manager Engineering Services, Roads Infrastructure Manager, Town Services Manager and Manager Health and Development Services, **Librarian, Economic Development and Visitation Manager, Flood Restoration and Special Projects Manager**

**Public Officer** – this position is held by the Divisional Manager Finance & Administration.

**Staff** – is defined as any staff member below the level of Manager.

**POLICY CONTENT ACCESS TO COUNCIL RECORDS BY COUNCILLORS**

Councillors are entitled to access all council files, records or other documents in accordance with the Government Information Public Access Act 2009 (GIPA) and as identified in Councils GIPA Publication Guide, or which relate to a matter currently before the Council.

Councillors can request access to Council documents relating to their civic duties from the General Manager or relevant Manager.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights as any other person.

Councillors must not release personal information about a third party except in accordance with the provisions of the Privacy and Personal Information Protection Act 1998.

The Government Information Public Access Act 2009 (GIPA) also include provisions for a member of the public to a general right of access to Council documents.

The General Manager, **Public Officer** or a person identified by the General Manager shall keep a record of all requests by Councillors for access to information (other than those listed in the GIPA Act or GIPA Publication Guidelines or by a Notice of Motion at a Council Meeting).

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**ITEM 6**

**REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY**

**CONTINUED**

Warren Shire Council – Councillor Access to Information

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**USE OF INFORMATION BY COUNCILLORS**

Reference should be made to Council's Code of Conduct and Statement of Business Ethics which offer specific guidance to Councillors in dealing with information provided to them in the course of their civic duties.

It is recognised that Councillors have a role both as a member of the governing body of the Council and as an elected person and importantly it recognises the difficulty for Councillors to reconcile the two areas of responsibility when dealing with Council information and documents. It notes that while it is desirable in the public interest to maintain open government, not all information available to Councillors is available to members of the public.

Councillors are made privy to information of a confidential nature the disclosure of which is specifically prohibited in certain circumstances.

Councillors must undergo to protect confidential information and only use confidential information for the purpose it was intended. Confidential information gained through your official position should not be used for the purpose of securing a private benefit for yourself or any other person.

Confidential information must not be used with the intention to cause harm or detriment to Council or any other person or body and information discussed during a confidential session of a Council meeting must not be disclosed.

The right of Councillors to have access to records is for the purpose of exercising the office of Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless it is already in the public domain. A Councillor has no authority to release documents on behalf of Council.

The Mayor shall not cause the by-passing of the general access provisions by providing to another Councillor information made available through the Mayoral role.

Councillors shall not cause the by-passing of GIPA provisions by providing to a member of the public information made available to Councillors as an elected representative.

The General Manager will provide further guidance and assistance to Councillors in determining whether a document is confidential and/or not to be released.

**INTERACTION BETWEEN COUNCILLORS AND STAFF**

The General Manager is responsible to the Council for the performance of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and Committee meetings, be directed to the General Manager or to person(s) nominated by the General Manager.

Persons nominated by the General Manager include the Managers. Only the General Manager and Managers can provide advice to Councillors and any other officer nominated by the General Manager and/or Manager, from time to time.

Requests for actions, services or maintenance should be made by emailing [council@warren.nsw.gov.au](mailto:council@warren.nsw.gov.au) or by contacting a customer service area who will record the request in Council's Customer Request Management system.

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Warren Shire Council – Councillor Access to Information

When a detailed report is required, a Notice of Motion should be made to Council.

If a Councillor is concerned about any refusal to provide information, the matter should be raised with the General Manager. If the Councillor is still dissatisfied they should request the information by way of a Notice of Motion to the Council.

Councillors who have lodged a Development Application must not discuss their application with staff unless the Manager or General Manager is present. All enquiries must be directed through the General Manager or Manager. Discussions must be documented.

Councillors shall not approach members of staff directly for information or advice, other than public contact staff and then only for routine administrative matters.

The Mayor may communicate with Council staff in the course of fulfilling the Mayor's responsibilities and the General Manager is responsible for keeping the Mayor informed of all matters relevant to those responsibilities.

Staff members will not approach Councillors directly on matters other than routine administrative matters. Any other contact with Councillors must be arranged through their Manager or the General Manager.

Staff members will not lobby Councillors on **Policy** issues.

Councillors must not attempt to direct or influence staff as to the performance of their work.

Councillors must not request staff to undertake work of a personal nature for them or any other person.

#### **COUNCILLOR ACCESS TO COUNCIL OFFICES**

As elected members of the Council, Councillors are entitled to have unimpeded access to all civic areas, the Council Chamber and meeting rooms.

Councillors who are not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

Councillors may not enter "staff only" areas unless with the permission of the General Manager or Manager.

The General Manager provides secretarial services through the Executive **office** and will instruct staff to provide secretarial support on particular matters as required.

#### **RESPONSIBILITY AND ACCOUNTABILITY**

Councillors and staff are responsible for ensuring that any breaches of this **Policy** are reported to the General Manager.

Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Mayor and where the breach relates to the conduct of the Mayor, the General Manager is responsible for reporting this to Council.

Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

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Warren Shire Council – Councillor Access to Information

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**INAPPROPRIATE INTERACTIONS**

The Council has determined that the following interactions are inappropriate:

- Councillors approaching members of staff for information on sensitive or controversial matters, other than the General Manager, Managers or other staff nominated by the General Manager and as advised to Councillors;
- members of staff approaching Councillors directly other than via the General Manager or their Manager on staffing or political issues;
- Councillors approaching staff outside the Council building or outside hours of work to discuss Council business;
- staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views;
- Councillors who have a development application before the Council discussing the matter with staff in staff-only areas of the Council;
- Councillors entering general staff only areas with the exception of the intention to visit the office of the General Manager or Managers;
- staff being asked to answer questions or provide documents to Councillors who are overbearing or threatening;
- Councillors directing or pressuring staff in the performance of their work, or recommendations they should make; and
- staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

**LINKS TO POLICY**

Bullying and Harassment Policy  
Code of Meeting Practice Policy  
Internal Reporting (Public Interest) Disclosure Policy  
Model Code of Conduct Policy  
National Competition Policy and Complaints Handling Procedure  
Statement of Business Ethics Policy

**LINKS TO FORMS**

Government Information (Public Access) Act 2009 Access Application

**REFERENCES**

Under Careful Consideration: Key Issues for Local Government (ICAC)  
Good Conduct & Administrative Practice-Guidelines for Councils (NSW Ombudsman)

**RELEVANT LEGISLATION**

Local Government Act 1993  
Local Government (General) Regulations 2005  
Government Information (Public Access) Act 2009  
Public Interest Disclosures Act 1994  
Independent Commission Against Corruption Act 1988  
Privacy and Personal Information Protection Act 1998

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Warren Shire Council – Councillor Access to Information

**REVIEW**

This Policy should be reviewed every four (4) years or within twelve (12) months of a Council Election. The Policy may be reviewed and amended at any time at Councils discretion (or if legislative changes occur).

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**ITEM 7**

**REVIEW OF COUNCILLOR AND STAFF INTERACTION POLICY**

**C14-1, P13-1**

**RECOMMENDATION:**

That Council adopt the reviewed Councillor and Staff Interaction Policy.

**PURPOSE**

For Council to reconsider the Councillors and Staff Interaction Policy that has been slightly amended following review.

**BACKGROUND**

Council at its Meeting on the 23rd June, 2022 considered a completely renewed Councillors and Staff Interaction Policy that was based on the Office of Local Government (OLG) "Model Councillor and Staff Interaction Policy" that had been developed using the model Policy formulated by industry partners using best practice and extensive consultation with various Stakeholders.

The model Policy by the OLG is not mandatory, Council's are free to choose whether to use it or adapt it for their own purposes. If adopted the Policy operates to supplement the provisions of Council's adopted Code of Conduct.

Council subsequently resolved to adopt the renewed Policy subject to no adverse submissions being received, which there were none.

**REPORT**

The purpose of the Councillor and Staff Interaction Policy is to provide a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from authorised staff.

The objectives of the Policy is to:

- a) Establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy.
- b) Enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles.
- c) Ensure Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties.
- d) Ensure Councillors have adequate access to information to exercise their statutory roles.
- e) Provide direction on, and guide Councillor interactions with, staff for both obtaining information and in general situations.
- f) Maintain transparent decision making and good governance arrangements.
- g) Ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties.
- h) Provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

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**ITEM 7                      REVIEW OF COUNCILLOR AND STAFF INTERACTION POLICY                      CONTINUED**

The General Manager has reviewed the existing Policy with only amendments being the use of Council's Standard 'Policy Review' Clause.

Authorised staff contacts for the Councillors remain the same which are as follows:

<b><i>Authorised staff members name</i></b>	<b><i>Position</i></b>
Gary Woodman	General Manager (SMT)
Bradley Pascoe	Divisional Manager Engineering Services (SMT)
Sylvester Otieno	Divisional Manager Engineering Services (SMT)
Maryanne Stephens	Manager Health and Development Services (SMT)
Jody Burtenshaw	Executive Assistant to the Mayor & General Manager (Councillor Support Officer) (SMT)

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act 1993; and  
Warren Shire Council Code of Conduct.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

N/A.

**OPTIONS**

Nil.

**CONCLUSION**

After a review of the Councillor and Staff Interaction Policy where the only change has been to replace the Policy Review Clause with Council's Standard Clause and no change to the intent of the Policy, it is appropriate for the Council to adopt the reviewed Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks.
- 5.3.2 Create a productive cooperative working environment for Councillors to support their Governance responsibilities.

**SUPPORTING INFORMATION /ATTACHMENTS**

- 1. Amended Councillor and Staff Interaction Policy.

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Attachment 1 - Amended Councillor and Staff Interaction Policy



## POLICY REGISTER

## COUNCILLOR AND STAFF INTERACTION POLICY

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Policy adopted: 23rd June 2022 Minute No. 165.6.22

Reviewed:

File Ref: P13-1, C14-1

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Councillor and Staff Interaction Policy

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox General Manager	First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Gary Woodman General Manager	Second Edition	Council Minute No. 165.6.22 (23rd June 2022)
3.0	Gary Woodman General Manager 24th April 2025	Use of Councils Standard Clause for Policy Review	

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Councillor and Staff Interaction Policy

### Preface

#### Positive working relationships between Councillors and staff: a Council's key asset

Positive, professional working relationships between Councillors and staff are a key element of any Council's success. If relationships between Councillors and staff are functioning effectively, the Council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk<sup>1</sup>, and ultimately the Council's performance will suffer.

A good relationship between Councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Warren Shire Code of Conduct for Local Councils*.

In broad terms, a Councillor's role is a strategic one. As members of the governing body, Councillors are responsible not only for representing the community, but also for setting the strategic direction of the Council and keeping its performance under review. A comprehensive outline of the role of a Councillor is provided in Part 4 of this Policy.

The role of Council staff, under the leadership of the General Manager, is to carry out the day-to-day operations of the Council and to implement the decisions, plans, programs and policies adopted by the governing body.

#### Access to information: the key to the relationship

Councillors need access to information about the Council's strategic position and performance to perform their civic functions effectively. The General Manager and staff are responsible for providing Councillors with this information to facilitate the decision-making process.

<sup>1</sup> As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha <https://www.icac.nsw.gov.au>

Given Councillors' role in setting the Council's strategic direction and keeping its performance under review, Councillors are entitled to request information about a range of issues.

However, in requesting information, Councillors should not be seeking to interrogate the minutiae of the Council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a Council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between Councillors and staff should be positive, respectful and professional.

#### Official capacity versus private capacity

It is also inevitable that Councillors and Council staff will engage with their Council in their private capacity. This can be for something as simple as borrowing a book from a Council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that Councillors and Council staff do not seek to use, or appear to use, their position within Council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on Councillors and/or Council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a Council's decision-making processes, as well as the community's confidence in Council, and so must be avoided.

#### The development and intent of this Policy

This Councillor and Staff Interaction Policy has been written using a Model Policy developed by the Office of Local Government (OLG) in consultation with Councils. It is applicable to Councils, County Councils and Joint Organisations.

It provides an exemplar approach,

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Councillor and Staff Interaction Policy

incorporating examples of best practice from a diverse range of NSW Councils. At its core, the Policy has three main goals:

- to establish a framework by which Councillors can access the information they need to perform their civic functions;
- to promote positive and respectful interactions between Councillors and staff; and
- to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and staff.

The Councillor and Staff Interaction Policy is structured as follows:

<b>Part 1</b>	Introduction
<b>Part 2</b>	Sets out the scope of the Policy
<b>Part 3</b>	Describes the Policy's objectives
<b>Part 4</b>	Sets out the respective roles and responsibilities of Councillors and staff and the principles that should guide their interactions
<b>Part 5</b>	Sets out the administrative framework for a Councillor requests system
<b>Part 6</b>	Identifies which staff Councillors can contact directly
<b>Part 7</b>	Addresses Councillors' entitlement to access Council buildings
<b>Part 8</b>	Describes appropriate and inappropriate interactions between Councillors and staff
<b>Part 9</b>	Provides advice about who complaints can be made to
<b>Schedule 1</b>	Contains a template for a list of staff Councillors can contact directly under Part 6 of the Policy

### Adoption

The Model Councillor and Staff Interaction Policy reflects best practice and all Councils, County Councils and Joint Organisations have been encouraged to adopt it. In doing so, they are free to adapt the Policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Warren Shire Council has used the Model Councillor and Staff Interaction Policy as the base for this renewed Policy.

### Enforcement

Clause 3.1(b) of the Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to a Council's policies. If adopted by a Council, a breach of the Policy may also constitute a breach of Council's Code of Conduct.

Concerns or complaints about the administration of a Council's Councillor request system should be raised with the General Manager (or the Mayor in the case of a complaint about the General Manager). If the matter cannot be resolved locally, Councillors may raise their concerns with OLG.

### Acknowledgements

OLG wishes to thank Local Government NSW, the NSW Independent Commission Against Corruption, Local Government Professionals, United Services Union, and the Councils involved for their invaluable assistance in developing the Model Councillor and Staff Interaction Policy, which has been used to form the base for this renewed Policy.

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Councillor and Staff Interaction Policy

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## **Councillor and Staff Interaction Policy**

### **Part 1 – Introduction**

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Warren Shire Council's *Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

### **Part 2 – Application**

- 2.1 This Policy applies to all Councillors and Council staff.
- 2.2 This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both Council and Non-Council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

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### Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy
- b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure Councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide Councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

### Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a Councillor is as follows:
  - a) to be an active and contributing member of the governing body
  - b) to make considered and well-informed decisions as a member of the governing body
  - c) to participate in the development of the integrated planning and reporting framework
  - d) to represent the collective interests of residents, ratepayers and the local community
  - e) to facilitate communication between the local community and the governing body
  - f) to uphold and represent accurately the policies and decisions of the governing body
  - g) to make all reasonable efforts to acquire and maintain the skills

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necessary to perform the role of a Councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between Councillors and staff:

<b>Principle</b>	<b>Achieved by</b>
<b>Equitable and consistent</b>	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
<b>Considerate and respectful</b>	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Ethical, open and transparent</b>	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
<b>Fit for purpose</b>	Ensuring that the provision of equipment and information to Councillors

is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 12 people.

**Accountable and measurable** Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a Council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on Council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

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4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to Councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to Councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

### **Part 5 – The Councillor requests system**

- 5.1 Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the Councillor Support Officer) under this Policy for the management of requests from Councillors.
- 5.4 Councillors can use the Councillor requests system to:
  - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
  - b) bring concerns that have been raised by members of the public to the attention of staff
  - c) request ICT or other support from the Council administration
  - d) request that a staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting.
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the General Manager or staff member

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- authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- 5.7 The General Manager or the staff member authorised to manage a Councillor request will provide a response within a two (2) week period. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.
- 5.8 Requests under clause 5.4 (d) must be made three (3) working days before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:
- a) whether a staff member can attend the meeting; and
  - b) which staff member will attend the meeting.
- Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.10 Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.
- 5.11 Where a Councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.12 The General Manager may refuse access to information requested by a Councillor if:
- a) the information is not necessary for the performance of the Councillor's civic functions, or
  - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
  - c) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
  - d) the General Manager is prevented by law from disclosing the information.
- 5.13 Where the General Manager refuses to provide information requested by a Councillor, they must act reasonably. The General Manager must advise a Councillor in writing of their reasons for refusing access to the information requested.
- 5.14 Where a Councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the Councillor may instead request the information through a resolution of the Council by way of a notice of motion. This clause does not apply where the General Manager refuses a Councillor's request for information under clause 5.12 (c) or (d).
- 5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a Councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 5.16 Where a Councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may,

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on the advice of the General Manager, resolve to limit the number of requests the Councillor may make.

- 5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 5.18 A report will be provided to Council annually regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

### **Part 6 – Access to Council staff**

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise Councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4 If Councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's Senior Management Team (SMT) may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

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**Part 7 – Councillor access to Council buildings**

- 7.1 Councillors are entitled to have access to the Council Community Room (Chamber), Conference Room (Committee Room), Mayor's office (subject to availability) and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

**Part 8 – Appropriate and inappropriate interactions**

8.1 Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and Council staff are courteous and display a positive and professional attitude towards one another
- b) Council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
- c) Council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
- d) Council staff, including Council's Management Executive Team members, document Councillor requests via the Councillor requests system
- e) Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
- f) Councillors and Council staff feel supported when seeking and providing clarification about Council related business
- g) Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

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- a) Councillors and Council staff conducting themselves in a manner which:
  - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader Workforce Policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader Workforce Policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to clause 5.12, staff refusing to give information that is available to other Councillors to a particular Councillor
- e) Councillors who have lodged an application with the Council, discussing the matter with staff in staff-only areas of the Council
- f) Councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
  - i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
  - j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a Councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the Councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

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### **Part 9 – Complaints**

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a Councillor or member of Council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

### **Part 10 – Policy Review**

This Policy should be reviewed every four (4) years or within 12 months of a Council Election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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**Schedule 1 – Authorised staff contacts for Councillors**

1. Clause 6.1 of this Policy provides that Councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If Councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate (other Senior Management Team (SMT) Member).
5. If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's Senior Management Team may direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

<b>Authorised staff members name</b>	<b>Position</b>
Gary Woodman	General Manager (SMT)
Bradley Pascoe	Divisional Manager Engineering Services (SMT)
Sylvester Otieno	Divisional Manager Engineering Services (SMT)
Maryanne Stephens	Manager Health and Development Services (SMT)
Jody Burtenshaw	Executive Assistant to the Mayor & General Manager (Councillor Support Officer) (SMT)

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**ITEM 8                      REVIEW OF COMPLAINTS MANAGEMENT POLICY**

**(S12-10, P13-1)**

**RECOMMENDATION:**

That Council adopt the reviewed Complaints Management Policy.

**PURPOSE**

For Council to reconsider the Complaints Management Policy that has only been slightly amended following review.

**BACKGROUND**

Council at its Meeting on 23rd June, 2022 considered a review of the Complaints Management Policy. Amendments at this time were only of a minor nature from the Policy that was adopted by Council on the 27th September 2018.

The reviewed Policy was subsequently adopted.

The current Policy has again been reviewed.

**REPORT**

Attached is a copy of the amended Policy following review with changes shown in red.

The intent of the Policy is to provide guidance on the management of complaints that facilitates a consistent, fair and equitable process for resolution.

The intent of the Policy has not changed with only typographical and Act changes undertaken together with use of Council's Standard Policy Review Clause.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act, 1993;

Warren Shire Council Code of Conduct;

Public Interest Disclosures Act, 2022;

Privacy and Personal Information Protection Act, 1998; and

OLG Pecuniary Interest Guidelines, 2006.

**RISK IMPLICATIONS**

Nil.

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**STAKEHOLDER CONSULTATION**

N/A.

**OPTIONS**

Council needs to have a Complaints Management Policy as it is a legal requirement under the Local Government Act, 1993.

The only option is to further amend the reviewed Policy.

**CONCLUSION**

The current Policy with only minor amendments as detailed is considered appropriate for Council to adopt particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Proactively manage known compliance risks.

**SUPPORTING INFORMATION /ATTACHMENTS**

1. Amended Complains Management Policy.

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Attachment 1 - Amended Complains Management Policy



## POLICY REGISTER

## COMPLAINTS MANAGEMENT POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 23rd June 2022 Minutes No. 166.6.22

File Ref: P13-1, S12-10

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox General Manager	First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Gary Woodman General Manager	Minor typographical grammar amendments	Council Minute No. 166.6.22 (23rd June 2022)
3.0	Gary Woodman General Manager 24th April 2025	Minor typographical grammar amendments, Correction of Act Update Policy Review	

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Warren Shire Council – Complaints Management Policy

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**1. PURPOSE AND SCOPE**

To provide guidance on the management of complaints that facilitates a consistent, fair and equitable process for resolution.

**1.1 Applies to:**

This Policy applies to complaints covered by the following definition;

*A complaint is generally any formal expression of dissatisfaction with Council's policies and procedures, quality of service or follow up communication. It includes dissatisfaction with the outcome of a decision, level or quality of service, the failure to adhere to a Policy or a procedure or the behaviour of an employee or agent that can be acted upon.*

The following are regarded by Council as requests rather than complaints and as such are not covered by this Policy:

- Requests for service e.g. collection of waste, repairing of pothole or clearing of drains;
- Reports of hazards e.g. fallen trees;
- Requests for information or explanation of policies, procedures or decisions of Council;
- Concerns about neighbours or neighbouring properties e.g. barking dogs, unauthorised works;
- An objection to a Council decision;
- Submissions relating to an item on public exhibition or a notification; and
- An internal grievance (Governed by Council's internal Policy framework).

**2. REFERENCE**

Legislation / Recognized Standards	Ombudsman NSW complaint handler's toolkit Practice Note 9 – Complaints Management in Councils
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**3. DEFINITIONS**

**3.1 Complaint**

An expression of dissatisfaction with the Council's policies, procedures, charges, agents, or quality of service presenting the opportunity to improve in these areas.

**3.2 Complainant**

Person or organisation making a complaint.

**3.3 Grievance**

An expression of dissatisfaction by an employee of Council about the way in which they have been treated by another member of staff (including a supervisor).

**3.4 Public Interest Disclosure**

An allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Public Interest Disclosures Act 2022.

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**4. TYPES OF COMPLAINTS**

Listed below are the different types of complaints that may be received by Council. Complaints classified as ‘General **Complaints**’ will be dealt with under this Policy.

The other types of complaints listed below are covered under separate policies because they may have external reporting requirements, or they may be required to be dealt with by an external agency therefore are not dealt with under this **Policy**.

**4.1 General Complaints**

General **Complaints** are an expression of dissatisfaction with Council’s **Policies**, procedures or quality of service. They will be dealt with and resolved by the organisation and have no specific statutory reporting obligations.

**4.2 Complaints against staff**

Complaints made against a member of staff are to be directed to the Public Officer in writing.

The complaint will then be referred to the Executive Managers and managed in accordance with the Local Government State Award and the appropriate Policy or protocol (see above for related policies/protocols/procedures).

All complaints made against staff will be documented on the employee’s personnel file. A response regarding the complaint will be provided to the customer in writing.

If a complaint against a staff member is in breach of the Code of Conduct the complaint will be managed under section 4.3 of this Policy.

**4.3 Complaints with statutory reporting requirements**

**4.3.1 Complaints concerning the Code of Conduct**

Complaints concerning corrupt conduct, maladministration, serious or substantial waste or misuse by Councillors or Staff are covered under the Code of Conduct and will be dealt with in accordance with these requirements. The complaint handling procedure for Code of Conduct complaints is specified in Council’s Code of Conduct.

**4.3.2 Public Interest Disclosures**

Public Interest Disclosures are covered by Council’s Public Interest Disclosures – Internal Reporting Policy and will be handled in accordance with that Policy.

**4.3.3 Allegations Under Child Protection Legislation**

Complaints relating to child protection are dealt with in accordance with Council’s Child Protection Policy.

**4.3.4 Competitive Neutrality Complaints**

An actual or potential competitor of a Council business may make a complaint if it believes that it is being adversely affected through a failure to adopt competitive neutrality – that is, Council is operating with an unfair competitive advantage.

Competitive Neutrality complaints must be in writing and will be referred to Council’s Public Officer who will acknowledge and investigate the complaint and will provide a response within twenty-one (21) days.

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### 4.3.5 Privacy Complaints

Complaints relating to privacy and breaches of the Privacy & Personal Information Protection Act 1998 are to be referred to the Public Officer. Complaints regarding privacy are dealt with in accordance with Council's Privacy Management Plan.

### 4.4 Anonymous Complaints

While anonymous complaints will be recorded, Council will generally only act on them where the matter is of a safety or serious nature and there is sufficient information in the complaint to enable an investigation to be undertaken. The decision on whether to investigate will be made at the discretion of the Public Officer.

## 5. PROCESSES AND TIMEFRAMES FOR COMPLAINTS RECEIVED

Timeframe	Action
Immediate	Complaints lodged by phone and 'in person' will be acknowledged at time of receipt.
Within 1 day	All complaints will be recorded in Council's file records and/or electronic document management system. All complainants who provide contact details will be provided with written acknowledgement of the complaint.
Within 10 days	Written or electronic complaints - the staff member dealing with the complaint will provide acknowledgement and aim to give a timeframe for resolution of the matter where it is complex or requires investigation.
Within 28 days	Council will aim to address the full complaint or keep the complainant informed of progress. For long and complicated issues updates will be provided at periodic intervals with the interval determined by the nature of the issue.
Within 28 days	Internal reviews should be completed within 28 days of the lodgment for a request for an internal review. For long and complicated reviews, an estimate of the time required and periodic updates should be provided by the Public Officer.

*Please note: Where a complaint relates to matters of a criminal nature, the investigation of such complaints is at the behest of an agency external to Council and the above timeframes should only be used as a guide.*

## 6. UNREASONABLE COMPLAINANT CONDUCT

Unreasonable complainant conduct is any behaviour by a complainant which, because of its nature or frequency raises substantial health, safety or resource issues for the organisation or staff.

Such conduct can be categorised as unreasonable persistence, unreasonable demands, unreasonable lack of co-operation, unreasonable arguments or unreasonable behaviour. Council's strategy will depend on the circumstances of the unreasonable conduct in question.

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The following strategies/processes may assist staff in dealing with the different types of unreasonable conduct that may be displayed;

*Unreasonable Persistence/Vexatious Complaints*

- Telling the complainant firmly that something “is not going to happen”.
- Requiring the complainant who wants an internal review to provide sound reasons for one (i.e. explain how the complaint handler erred or the provision of new information if not the file remains closed).
- Making it very clear that following an internal review that, for better or worse, Council has made its decision and if the complainant remains dissatisfied, they should seek an external review with the appropriate external agency.
- Adopting a firm “no further correspondence/contact stance”.
- Not allowing the complainant to reframe the complaint to re-enter the process unless they raise new and important issues.
- Ending phone calls that are unproductive.
- Adopting a firm and authoritative communication style both in writing and verbally.

*Unreasonable Demands*

- Letting complainants know in advance how Council intends to deal with the complaint.
- Letting the complainant know that it is Council who decides how a complaint will be handled.
- Avoid being drawn into hypothesis, hysteria, conspiracy theories, unproductive arguments and personal attacks.
- Restricting contact to defined times and prescribed staff members.
- Responding only to emails and mail addressed to the Council directly.
- Ending unproductive phone calls.
- Limit contact to written only.
- Not doing for unreasonably demanding complainants something the Council would not normally do for any other complainant, just to appease them.
- Setting defined limits for any further contact.

*Unreasonable Lack of Co-operation/Willfully Misleading*

- Requiring complainant to summarise the information they have provided before you look at the complaint.
- Telling complainants that you will not look at their complaint until all the information has been presented.
- Ending the complaint management process where it is discovered that the complainant has been willfully misleading or untruthful in a significant way and inviting them to raise their concerns with the appropriate external agency if unhappy with Council’s response.

*Unreasonable Arguments/Complaints Made Not In Good Faith*

- Decline from the outset or discontinued as soon as it becomes clear that the arguments are unreasonable or groundless.
- Alternatively, if unreasonable arguments are mixed with reasonable ones, the strategy should be to refuse to deal with the unreasonable portion.
- Again, if the complainant is unhappy with Council’s response, the complainant

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should be invited to raise their concerns with the appropriate external agency.

- Unreasonable behaviour (rude and intemperate language).
- Return letters framed in rude and intemperate language.
- Politely end telephone calls and interviews.

**7. ABUSIVE OR THREATENING COMPLAINANTS**

Abusive and threatening behaviour by complainants **will not** be tolerated. Where personal abuse or vulgar language is being used the communication may be terminated at the **discretion of the subject** employee and may involve the employee walking away from the complainant, termination of a telephone call, blocking future emails from the sender or returning offending letters to the sender unanswered.

Such behavior should be reported to the **Officer's** Manager and documentation/file notes kept in relation to the behavior of the complainant and any action undertaken by the staff member or other **Officer**. A register of people whose access has been restricted should be kept by the Public Officer and staff should have access to the register and be familiar with its contents.

A complainant who has exhibited such behavior should be advised by formal letter from the General Manager that such conduct will not be tolerated and that the continuation of such behaviour will result in withdrawing or restricting access to Council and its staff.

Threats of harm to an employee or any other Council Official should be taken seriously and referred to the NSW Police Force immediately. A pragmatic approach to the staff **members** safety and security should also be considered (depending on the nature of the threat) such as having the staff member arrive at or leave work whilst other staff are on duty, having the staff member escorted to their vehicle and vetting work calls if required.

**8. COMPLAINANT RIGHTS OF REVIEW**

**Internal Review** - Should the complainant be **dissatisfied** with the handling or determination of a complaint, the Public Officer will oversee the internal review process.

The Public Officer should advise the complainant that they may request in writing this type of internal review. If requested, a more **Senior Officer** or a **Specialist Officer** (if technical issues are raised) will review the matter and respond to the complainant accordingly.

The Public Officer will advise the complainant in writing of the expected turnaround times (after consultation with the **Officer** conducting the review process) and keep the complainant updated if an extension or more information is required.

**External Review** – should the complainant be dissatisfied with the internal review they will be provided with the relevant information regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) - for complaints about the conduct of staff, enforcement matters and the administrative conduct of Council itself;
- Independent Commission Against Corruption (ICAC) on 1800 463 909 or at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) - for complaints that a Council **Official** has acted corruptly.
- Office of Local Government (OLG) on 02 4428 4100 or at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) -

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ITEM 8

REVIEW OF COMPLAINTS MANAGEMENT POLICY

CONTINUED

Warren Shire Council – Complaints Management Policy

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for complaints about the overall functioning of Council, pecuniary interest issues, tendering or Councillor misconduct

Council should be mindful that under Section 11 of the *Independent Commission Against Corruption Act 1988*, the General Manager has a duty to report any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct.

Further, if the matter complained about concerns an alleged breach of the pecuniary interest provisions of the *Local Government Act*; the *OLG Pecuniary Interest Guidelines 2006* make it clear that such matters must be reported by the General Manager after reviewing all information and determining that there is evidence consistent with a breach of the Act.

**9. POLICY IMPLEMENTATION**

This Policy will be implemented with reference to Council policies including, but not limited to:

- Code of Conduct; and
- Privacy Management Policy.

**10. REPORTING & IMPROVEMENT**

Monthly the Divisional Managers will provide succinct reports to the Senior Management Team on complaints received and subsequent follow-up and **Divisional/Departmental** action.

Reports will provide the following information on each complaint:

- the issue at the **centre** of the complaint;
- dates and history of complaint;
- action taken to address **complainants** issues;
- feedback from the complainant, where available, as to satisfactory resolution of the complaint or otherwise;
- information on internal reviews; and
- on an annual basis, the Divisional/**Department** Managers must collate the complaints data for inclusion in Council's Annual Report.

Complaints data should be captured, classified and analysed on a quarterly basis to assist in rectifying systemic and recurring problems. The Senior Management Team should review the data to identify areas that may need corrective action and process improvement within Council's operations.

**11. POLICY REVIEW**

**This Policy should be reviewed every four (4) years or within 12 months of a Council Election. The Policy may be reviewed and amended at any time at Councils discretion (or if legislative changes occur).**

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**ITEM 9                      REVIEW OF COUNCIL'S SOCIAL MEDIA POLICY**

**(A1-9.1, P13-1)**

**RECOMMENDATION** that:

1. The information be received and noted; and
2. The reviewed Social Media Policy with no changes be adopted by Council.

**PURPOSE**

For Council to reconsider the Social Media Policy that was reviewed and adopted at its 25th July 2024 meeting.

The Policy has again been reviewed with no changes warranted.

**BACKGROUND**

Council is required to review and adopt all its local approvals and order Policies within 12 months of a Council Election.

Council at its Meeting on 25th July 2024 considered an amended Social Media Policy following a review by the then Council Contract Internal Auditor, Mr Keith Coates.

The Policy was placed on public exhibition and following receipt of no adverse comments being received, was subsequently adopted.

**Attachment 1** is a copy of the now current Policy.

**REPORT**

The current Policy uses the Model Office of Local Government (OLG) Social Media Policy which was developed following two (2) rounds of consultation with the Local Government Sector and represents a 'best practice' approach.

Mr Coates review of the previous Policy detailed the need to change Clause 2.3 to involve the Council's General Manager. The Review Section was also standardised and Instagram was included in Platforms, Clause 2.1.

A further review of the current Policy has found no need for any changes.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matters needs to be reported to Council for adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**RISK IMPLICATIONS**

Nil.

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**ITEM 9**

**REVIEW OF COUNCIL'S SOCIAL MEDIA POLICY**

**CONTINUED**

**STAKEHOLDER CONSULTATION**

N/A.

**OPTIONS**

Council does not necessarily have to use the OLG Model Policy and may wish to make its own relevant changes to the current Policy.

**CONCLUSION**

It is considered that there is no need for any changes to the current Policy and Council should readopt the current Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.1.1 Undertake regular community engagement activities as per the Community Engagement Strategy.
- 5.1.3 Promote Warren Shire Council to wide audiences both within the Shire and externally.

**SUPPORTING INFORMATION /ATTACHMENTS**

- 1. Social Media Policy, adopted by Council 25th July, 2024.

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ITEM 9      REVIEW OF COUNCIL'S SOCIAL MEDIA POLICY

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Attachment 1 - Social Media Policy, adopted by Council 25th July, 2024.



## POLICY REGISTER

## SOCIAL MEDIA POLICY

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Policy adopted: 26th May 2022   Minute No. 135.5.22

Reviewed: 25th July 2024   Minute No. 182.7.24

File Ref: P13-1, A1-9.1

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Divisional Manager Finance & Administration	Full review using Model OLG Policy	Council Minute No. 135.5.22 (26th May 2022)
2.0	General Manager and Council's Internal Auditor	Minor Amendments following review	Council Minute No. 182.7.24 (25th July 2024)
3.0	General Manager, April 2025	Review	

**ACCESS TO SERVICES**

Warren Shire Council Administration Centre is located at:  
Street Address: 115 Dubbo Street, WARREN NSW 2824  
Postal Address: PO Box 6, WARREN NSW 2824  
Phone: 02 6847 6600  
Email : [Council@warren.nsw.gov.au](mailto:Council@warren.nsw.gov.au)  
Website: [www.warren.nsw.gov.au](http://www.warren.nsw.gov.au)

**OFFICE HOURS**

Monday to Friday  
8.30am to 4.30pm

Council Offices are wheelchair accessible.

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## Introduction

### Social media – opportunities and challenges

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Social media can be broadly defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*<sup>1</sup>. Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties<sup>2</sup>;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

In addition, potential corruption risks may arise due to social media use. These include:

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviors such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviour such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.

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<sup>1</sup> NSW Department of Education. Social media policy: Implementation procedures – November 2018

<sup>2</sup> As confirmed by the High Court of Australia in *Fairfax Media Publications Pty Ltd v. Voller, Nationwide News Pty Limited v. Voller, and Australian News Channel Pty Ltd v. Voller*, 8 September 2021.

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**Social media and local government in NSW**

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a) it is used by Councils to interact and share information with their communities in an accessible and often more informal format.
- b) it enables Councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many Councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of Council decision making in real time.

However, Councils and Councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a Council's ability to operate in a unified and coordinated way. It is therefore vital that Councils have the right policy settings in place so that both Councils and Councillors can realise the full benefits of social media whilst mitigating risk.

**The development and intent of this policy**

The Social Media Policy has been developed using the Model Social Media Policy of the Office of Local Government (OLG) that was developed in consultation with Councils. It is applicable to Councils, County Councils and Joint Organisations.

The Social Media Policy sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW Councils, as well as from Commonwealth and State Government agencies.

The Social Media Policy provides Council with a robust framework for the administration and management of their social media platforms. It also sets standards of conduct for all Council officials who use social media in their official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

The Model Social Media Policy recognises that Councils use social media differently depending on factors such as a Council's size and resources, the demographics of a local government area, and Council's willingness to engage with their community in this way. For these reasons, the Model Social Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each Council to tailor the policy to suit its own unique circumstances.

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**Content of the Social Media Policy**

At the heart of the Social Media Policy are the four 'Principles' of social media engagement. These are:

- Openness
- Relevance
- Accuracy
- Respect

These principles, which are expanded upon in Part 1, should underpin every aspect of a Council's social media activity and all Councils and Council officials should commit to upholding them.

Except for Part 8, this policy applies to Council social media pages and Councillor social media pages.

The Social Media Policy is structured as follows:

- Part 1** Sets out the principles of social media engagement for Councils
- Part 2** Contains two administrative models that Councils can adopt in relation to the management of their social media platforms
- Part 3** Details the administrative framework for Councillors' social media platforms
- Part 4** Prescribes the standards of conduct expected of Council officials when engaging on social media in an official capacity or in connection with their role as a Council official
- Part 5** Provides a framework by which Councils can remove or 'hide' content from their social media platforms, and block or ban third parties
- Part 6** Prescribes how Councils' social media platforms should be used during emergencies
- Part 7** Contains information about records management and privacy requirements relating to social media
- Part 8** Relates to personal use of social media by Council officials
- Part 9** Provides information about where concerns or complaints about a Councils' or Council officials' social media platform(s), or the conduct of Council officials on social media, can be directed.
- Part 10** Definitions
- Part 11** Policy Review

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## Warren Shire Council – Social Media Policy

### Part 1 – Principles

1.1 We, the Councillors, staff, and other officials of Warren Shire Council, are committed to upholding and promoting the following principles of social media engagement:

<b>Openness</b>	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
<b>Relevance</b>	We will ensure our social media platforms are kept up to date with informative content about our Council and community.
<b>Accuracy</b>	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
<b>Respect</b>	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this Policy and our Council's Code of Conduct when using our social media platforms and any other social media platform.

### Part 2 – Administrative framework for Council's social media platforms

#### Platforms

2.1 Council may have a presence on the following platforms:

- Facebook
- LinkedIn
- Instagram

2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

#### Establishment and deletion of Council social media platforms

2.3 A new Council social media platform, or a social media platform proposed by a Council related entity (for example, a Council Committee), can only be established or deleted by Council's General Manager.

2.4 Where a Council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this Policy without the need for endorsement by the Council's governing body.

#### The role of the General Manager

2.5 The role of the General Manager is to:

- a) approve and revoke a staff member's status as an authorised user

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- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users
- e) ensure the Council adheres to the rules of the social media platform(s)
- f) coordinate with the Council's media team to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

2.6 The General Manager is an authorised user for the purposes of this Policy.

#### Authorised users

2.7 Authorised users are members of Council staff who are authorised by the General Manager to upload content and engage on social media on the Council's behalf.

2.8 Authorised users should be members of Council staff that are responsible for managing, or have expertise in, the events, initiatives, programs, or policies that are the subject of the social media content.

2.9 The General Manager will appoint authorised users when required.

2.10 An authorised user must receive a copy of this Policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

2.11 The role of an authorised user is to:

- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
- b) correct inaccuracies in Council generated content
- c) engage in discussions and answer questions on Council's behalf on social media platforms
- d) keep the Council's social media platforms up to date
- e) moderate the Council's social media platforms in accordance with Part 5 of this Policy
- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this Policy)

2.12 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff, but they are not obliged to disclose their name or position within the Council.

2.13 Authorised users must not use Council's social media platforms for personal reasons.

#### Administrative tone

2.14 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

2.15 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

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**Register of authorised users**

2.16 The General Manager will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

**Ceasing to be an authorised user**

2.17 The General Manager may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request
- b) the staff member has not uploaded content onto any of the Council's social media platforms in the last twelve months.
- c) the staff member has failed to comply with this Policy
- d) the General Manager is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

**Part 3 – Administrative framework for Councillors' social media platforms**

3.1 For the purposes of this Policy, Councillor social platforms are not Council social media platforms. Part 2 of this Policy does not apply to Councillors' social media platforms.

3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this Policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and Council's Records Management Policy in relation to social media.

3.3 Clause 3.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

3.4 Councillors must comply with the rules of the platform when engaging on social media.

**Induction and training**

3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

**Identifying as a Councillor**

3.6 Councillors must identify themselves on their social media platforms in the following format:

*Councillor "First Name and Last Name."*

3.7 A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.

3.8 If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within one month of a change in circumstances.

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**Other general requirements for Councillors' social media platforms**

3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

3.10 A Councillor's social media platform must include a disclaimer to the following effect:

*"The views expressed and comments made on this social media platform are my own and not that of the Council."*

3.11 Despite clause 3.10, Mayoral or Councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a Councillor's social media platform.

3.12 Councillors may upload publicly available Council information onto their social media platforms.

3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

**Councillor queries relating to social media platforms**

3.14 Questions from Councillors relating to their obligations under this Policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the General Manager in the first instance, in accordance with Council's Councillor requests protocols.

**Other social media platforms administered by Councillors**

3.15 A Councillor must advise the General Manager of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be, uploaded. The Councillor must do so within:

- a) Three months of becoming a Councillor, or
- b) One month of becoming the Administrator.

**Part 4 – Standards of conduct on social media**

4.1 This Policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The Policy does not apply to personal use of social media that is not connected with a person's role as a Council official.

4.2 Council officials must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.

4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings, or other information that:

- a) is defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public
- b) contains profane language or is sexual in nature

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- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
  - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - e) contains content about the Council, Council officials or members of the public that is misleading or deceptive
  - f) divulges confidential Council information
  - g) breaches the privacy of other Council officials or members of the public
  - h) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
  - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
  - j) commits the Council to any action
  - k) violates an order made by a court
  - l) breaches copyright
  - m) advertises, endorses, or solicits commercial products or business
  - n) constitutes spam
  - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
  - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

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## Part 5 – Moderation of social media platforms

**Note: Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:**

- is uploaded by a third party; and/or
- appears on their social media platform because they have 'liked,' 'shared,' or 'retweeted' the content, or similar.

5.1 Council officials who are responsible for the moderation of the Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and Councillors' social media platforms.

### House Rules

5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

5.4 At a minimum, the House Rules should specify:

- a) the principles of social media engagement referred to in clause 1.1 of this Policy
- b) the type of behaviour or content that will result in that content being removed or 'hidden,' or a person being blocked or banned from the platform
- c) the process by which a person can be blocked or banned from the platform and rights of review
- d) a statement relating to privacy and personal information (see clause 7.4 of this policy)
- e) when the platform will be monitored (for example weekdays 8.30am – 4.30pm, during the Council's business hours)
- f) that the social media platform is not to be used for making complaints about the Council or Council officials.

5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings, or other information that:

- a) is defamatory, offensive, humiliating, threatening, or intimidating to Council officials or members of the public,
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) contains content about the Council, Council officials or members of the public that is misleading or deceptive
- e) breaches the privacy of Council officials or members of the public

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- f) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
- g) violates an order made by a court
- h) breaches copyright
- i) advertises, endorses, or solicits commercial products or business,
- j) constitutes spam
- k) would be in breach of the rules of the social media platform.

#### Removal or 'hiding' of content

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or 'hide' that content.
- 5.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 5.8 If the moderator removes or 'hides' the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.9 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 5.6. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

#### Blocking or banning

- 5.11 If a person uploads content that is removed or 'hidden' under clause 5.6 of this Policy on three occasions, that person may be blocked or banned from all social media platforms.
- 5.12 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager. This clause does not apply to blocking or banning a person from a Councillor's social media platform.
- 5.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.14 The duration of the block or ban is to be determined by the General Manager, or in the case of a Councillor's social media platform, the Councillor.
- 5.15 Where a determination is made to block or ban a person from all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it.

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REVIEW OF COUNCIL'S SOCIAL MEDIA POLICY

CONTINUED

The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.

- 5.16 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than 6 months.
- 5.17 A person who is blocked or banned from all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.11 to 5.15.
- 5.18 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.19 Where a review request is made under clause 5.18, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

## Part 6 – Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the media team will be responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors.

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REVIEW OF COUNCIL'S SOCIAL MEDIA POLICY

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## Part 7 – Records management and privacy requirements

### Records management

- 7.1 Social media content created, sent, and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this Policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a Councillor's term of office concludes, the Councillor must contact the Council's records manager and General Manager to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for Councils' and Councillors' social media content<sup>3</sup>.

### Privacy considerations and requirements

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and Councillors. To mitigate potential privacy risks, Council officials will:
- a) advise people not to provide personal information on social media platforms
  - b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
  - c) moderate comments to ensure they do not contain any personal information
  - d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

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<sup>3</sup> See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local Government' and 'Social media recordkeeping for Councillors'

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## Part 8 – Private use of social media

**Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.**

**The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted<sup>4</sup>.**

### What constitutes 'private' use?

8.1 For the purposes of this Policy, a Council official's social media engagement will be considered 'private use' when the content they upload:

- a) is not associated with, or refers to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council, and
- b) is not related to or does not contain information acquired by virtue of their employment or role as a Council official.

8.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this Policy.

### Use of social media during work hours

8.3 Council staff may only access and engage on social media in their private capacity while at work during breaks.

8.4 Council staff who access and engage on social media in their private capacity during work hours must ensure it does not interfere with the performance of their official duties.

## Part 9 – Concerns or complaints

9.1 Concerns or complaints about the administration of a Council's social media platforms should be made to the Council's General Manager in the first instance.

9.2 Complaints about the conduct of Council officials (including Councillors) on social media platforms may be directed to the General Manager.

9.3 Complaints about a General Manager's conduct on social media platforms may be directed to the Mayor.

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<sup>4</sup> Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9

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## Part 10 – Definitions

In this Social Media Policy, the following terms have the following meanings:

<b>Authorised user</b>	members of Council staff who are authorised by the General Manager to upload content and engage on the Council's social media platforms on the Council's behalf
<b>Council official</b>	in the case of a Council - Councillors, members of staff and delegates of the Council (including members of Committees that are delegates of the Council);
<b>Minor</b>	for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
<b>Personal information</b>	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>Social media</b>	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

## Part 11 – Policy Review

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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**ITEM 10          REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY          (P13-1, C14-5.1)**

**RECOMMENDATION** that:

1. The information be received and noted;
2. The reviewed Councillor Expenses and Facilities Policy with minor amendments as detailed within the report, be placed on public exhibition for a minimum of 28 days; and
3. Subject to no adverse submissions being received, the Councillor Expenses and Facilities Policy as amended be adopted.

**PURPOSE**

For Council to review its adopted Councillor Expenses and Facilities Policy.

**BACKGROUND**

Under the Local Government Act 1993, Councils must review their adopted Councillor Expenses and Facilities Policy within 12 months of an Election and must make such adjustments that they consider appropriate. Council undertook the last review in February 2024.

The Policy has again been reviewed to take into account the latest advice from the Independent Pricing and Regulatory Tribunal (IPART) increase in General Rates that amounts to a 4.1% increase. Also an appropriate Policy Review clause has been included.

Before adopting a new Councillor Expenses and Facilities Policy, Council must give public notice of the intention to adopt the Policy and allow for 28 days for the making of public submissions. Councils must comply with this requirement even if they propose to adopt the same Policy as the existing Policy, and before adopting the Policy, Councils must consider any submissions and make any appropriate changes to the Draft Policy.

**REPORT**

Attached is a copy of the current Policy adopted by Council on the 22nd February, 2024 with proposed amendments shown in red.

The Policy has been reviewed and enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties expenses have taken into account the increase amounting to 4.1% over the last 12 months rounded up (IPART proposed increases for General Rates for 2025/2026).

The Policy is in accordance with the Office of Local Government Councillor Expenses and Facilities Policy – Better Practice template and the Office of Local Government Guidelines and if adopted by Council would commence on the 1st July, 2025 with the current Policy running concurrently up until this time.

The revised Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

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**ITEM 10            REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY            CONTINUED**

**FINANCIAL AND RESOURCE IMPLICATIONS**

Appropriate budgets are contained within the Draft 2025/2026 Estimates.

**LEGAL IMPLICATIONS**

- Section 252 Local Government Act 1993; and
- Section 23A Local Government Act 1993 - Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW.

**RISK IMPLICATIONS**

Nil.

**STAKEHOLDER CONSULTATION**

There is a need for Council to review their existing Policy to ensure that it continues to be appropriate and following 12 months of an Election.

Consultation will involve at minimum 28 days public notice for the making of public submissions and adopting the renewed Policy following consideration of any submissions and the making of any appropriate changes to the Draft Policy.

**OPTIONS**

Council needs to have a Councillor Expenses and Facilities Policy as it is a legal requirement under the Local Government Act 1993.

The only reasonable option is to further amend the reviewed Policy.

**CONCLUSION**

The Councillor Expenses and Facilities Policy ensures Council provides a consistent and fair process for the reimbursement of Councillor expenses in accordance with the Budget contained within Council's Estimates (2025/2026).

The current Policy has been slightly amended taking into account recommended IPART increase in Council Rate Expenses for 2025/2026 and having an appropriate Policy Review clause and is recommended for public exhibition and adoption if no adverse submissions are received.

The reviewed Policy would commence on 1st July 2025.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

5.2.2 Proactively manage known compliance risks.

**SUPPORTING INFORMATION /ATTACHMENTS**

Amended Councillor Expenses and Facilities Policy.

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REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY

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Attachment 1 – Amended Councillor Expenses and Facilities Policy



## POLICY REGISTER

## COUNCILLOR EXPENSES AND FACILITIES POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 24th February 2022 Minute No. 49.2.22  
23rd February 2023 Minute No. 39.2.23  
22nd February 2024 Minute No. 38.2.24

File Ref: P13-1, C14-5.1

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**DOCUMENT CONTROL**

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Reviewed by Gary Woodman General Manager	Updated position names and Acts and minor word amendments.	Council Minute No. 49.2.22 (24th February 2022)
3.0	Reviewed by Gary Woodman General Manager	Clause and word amendments and adjustments to expenses amounts in accordance with OLG Template where applicable.	Council Minute No. 39.2.23 (23rd February 2023)
4.0	Reviewed by Gary Woodman General Manager	Adjustments to expense amounts using the Independent Pricing and Regulatory Tribunal (IPART) increases for General Rates for 2024/2025	Council Minute No. 38.2.24 (22nd February 2024)
5.0	Reviewed by Gary Woodman General Manager April 2025	Adjustments to expense amounts using the Independent Pricing and Regulatory Tribunal (IPART) increases for General Rates for 2025/2026	Council Minute No. (xxxxx)

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REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY

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# WARREN SHIRE COUNCIL

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ITEM 10

REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY

CONTINUED

Warren Shire Council – Councillor Expenses and Facilities Policy

### Policy Summary

This Policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.

The Policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$1,115 per Councillor \$6,690 for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$11,150 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$2,230 per Councillor	Per year
Conferences and seminars	\$22,301 total for all Councillors	Per year
ICT expenses	\$2,230 per Councillor	Per year
Carer expenses	\$2,230 per Councillor	Per year
Home office expenses	\$111.50 per Councillor	Per year
Postage stamps		Not relevant
Christmas or festive cards		Not relevant
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor where applicable	\$11,150 per year
Reserved parking space at Council offices	Provided to the Mayor	Not relevant

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Expense or facility	Maximum amount	Frequency
Furnished office	Provided to the Mayor	\$557.50
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within two (2) months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

**This Policy will commence on 1st July 2024.**

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## Part A – Introduction

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### 1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Warren Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this Policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this Policy.
- 1.5. Expenses and facilities provided by this Policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

### 2. Policy Objectives

- 2.1. The objectives of this Policy are to:
  - Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
  - Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
  - Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;

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REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICY

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Warren Shire Council – Councillor Expenses and Facilities Policy

- Ensure facilities and expenses provided to Councillors meet community expectations;
- Support a diversity of representation; and
- Fulfil the Council’s statutory responsibilities.

### 3. Principles

3.1. Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- **Reasonable expenses:** Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
- **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
- **Equity:** There must be equitable access to expenses and facilities for all Councillors.
- **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.

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Warren Shire Council – Councillor Expenses and Facilities Policy

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#### 4. Private or Political Benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council Meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - Production of election material;
  - Use of Council resources and equipment for campaigning;
  - Use of official Council letterhead, publications, websites or services for political benefit; and
  - Fundraising activities of political parties or individuals, including political fundraising events.

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### Part B – Expenses

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#### 5. General Expenses

- 5.1. All expenses provided under this Policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this Policy.
- 5.2. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

#### 6. Specific Expenses

##### General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of **\$1,115** per year, and the Mayor may be reimbursed up to a total of **\$6,691** per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - For public transport fares;
  - For the use of a private vehicle or hire car;
  - For parking costs for Council and other meetings;

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Warren Shire Council – Councillor Expenses and Facilities Policy

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- For tolls;
- By Cabcharge card or equivalent; and
- For documented ride-share programs, such as Uber, where tax invoices can be issued.

6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

**Interstate, overseas and long distance intrastate travel expenses**

6.5. This section includes reference to long distance intrastate travel. At Warren Shire Council long distance intrastate travel is travel that is estimated to take more than six hours from the Councillor's residence.

6.6. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.

6.7. Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped at a maximum of \$11,150 per year. This amount will be set aside in Council's annual budget.

6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

6.10. The case should include:

- Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
- Who is to take part in the travel;
- Duration and itinerary of travel; and
- A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

6.14. Bookings for approved air travel are to be made through the General Manager's office.

6.15. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

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Warren Shire Council – Councillor Expenses and Facilities Policy

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**Travel expenses not paid by Council**

- 6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

**Accommodation and meals**

- 6.17. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.18. Council will reimburse costs for accommodation and meals (when meals are not provided) while Councillors are undertaking prior approved travel or professional development.
- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.
- 6.21. Councillors will not be reimbursed for alcoholic beverages.

**Refreshments for Council related meetings**

- 6.22. Appropriate refreshments will be available for Council Meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.23. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

**Professional development**

- 6.24. Council will set aside \$2,230 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.25. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.27. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- Details of the proposed professional development;
  - Relevance to Council priorities and business; and
  - Relevance to the exercise of the Councillor's civic duties.

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- 6.28. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

**Conferences and seminars**

- 6.29. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.30. Council will set aside a total amount of **\$22,301** annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.31. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
  - Cost of the conference or seminar in relation to the total remaining budget.
- 6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21. A maximum of 3 Councillors (Mayor and 2 Councillors) per year will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in 'Accommodation and meals'. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of an attending Councillor.

**Information and communications technology (ICT) expenses**

- 6.33. Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services up to a limit of **\$2,230** per annum for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs, noting that Council will provide a tablet.
- 6.34. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
- Receiving and reading Council business papers;
  - Relevant phone calls and correspondence; and
  - Diary and appointment management.
- 6.35. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

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**Special requirement and carer expenses**

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of **\$2,230** per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

**Home office expenses**

- 6.42. Each Councillor may be reimbursed up to **\$111.50** per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

## 7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the Insurance Policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

## 8. Legal Assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor;
  - A Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function

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under the Act and the outcome of the legal proceedings is favourable to the Councillor; and

- A Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

8.2. In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

8.4. Council will not meet the legal costs:

- Of legal proceedings initiated by a Councillor under any circumstances;
- Of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
- For legal proceedings that do not involve a Councillor performing their role as a Councillor.

8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

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## Part C – Facilities

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### 9. General Facilities for All Councillors

#### Facilities

9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- A Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol) (Conference Room);
- Access to shared car parking spaces while attending Council offices on official business;
- Personal protective equipment for use during site visits; and
- A name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.

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9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.

9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

**Stationery**

9.4. Council will provide the following stationery to Councillors each year:

- Diaries or other stationery as required; and
- Business cards.

**Administrative support**

9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.

9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

**10. Additional Facilities for the Mayor**

10.1. Council may provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.

10.2. The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to Council on a monthly basis.

10.3. The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.

10.4. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.

10.5. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

10.6. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

10.7. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

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**Part D – Processes**

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**11. Approval, Payment and Reimbursement Arrangements**

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this Policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this Policy, approval for the following may be sought after the expense is incurred:
- Local travel relating to the conduct of official business;
  - Carer costs; and
  - ICT expenditure.
- 11.4. Final approval for payments made under this Policy will be granted by the General Manager or their delegate.

**Direct payment**

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Divisional Manager Finance & Administration for assessment against this Policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

**Reimbursement**

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Divisional Manager Finance & Administration.

**Advance payment**

- 11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$276 per day of the conference, seminar or professional development to a maximum of \$817.
- 11.9. Requests for advance payment must be submitted to the Divisional Manager Finance & Administration for assessment against this Policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- A full reconciliation of all expenses including appropriate receipts and/or tax invoices; and
  - Reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

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**Notification**

- 11.11. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

**Reimbursement to Council**

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this Policy:
- Council will invoice the Councillor for the expense; and
  - The Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

**Timeframe for reimbursement**

- 11.15. Unless otherwise specified in this Policy, Councillors must provide all claims for reimbursement within two (2) months of an expense being incurred. Claims made after this time cannot be approved.

## 12. Disputes

- 12.1. If a Councillor disputes a determination under this Policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

## 13. Return or Retention of Facilities

- 13.1. All unexpended facilities or equipment supplied under this Policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this Policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's Annual Report.

## 14. Publication

- 14.1. This Policy will be published on Council's website.

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## 15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## 16. Auditing

- 16.1. The operation of this Policy, including claims made under the Policy, will be included in Council's audit program and an audit undertaken at least every two years.

## 17. Breaches

- 17.1. Suspected breaches of this Policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this Policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

## 18. Policy Review

- 18.1. This Policy should be reviewed every 12 months. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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**PART E – Appendices**

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Appendix I: Related legislation, guidance and policies

**Relevant legislation and guidance:**

- Local Government Act 1993, Sections 252 and 253;
- Local Government (General) Regulation 2021, Clauses 217 and 403;
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009;
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities;
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees;  
and
- Office of Local Government Councillor Expenses and Facilities Policy Suggested Template.

**Related Council policies:**

- Code of Conduct  
Adopted by Council 24th February 2022.

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## Appendix II: Definitions

The following definitions apply throughout this Policy:

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this Policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this Policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• Meetings of Council and Committees of the Whole</li> <li>• Meetings of Committees facilitated by Council</li> <li>• Civic receptions hosted or sponsored by Council</li> <li>• Meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council</li> </ul>
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

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**ITEM 11            REVIEW OF GIFTS AND BENEFITS POLICY**

**(P13-1, A7-6)**

**RECOMMENDATION:**

That Council adopt the reviewed Gifts and Benefits Policy.

**PURPOSE**

For Council to reconsider the Gifts and Benefits Policy that has been slightly amended following review.

**BACKGROUND**

Council at its Meeting on the 24th February, 2022 considered a reviewed Gifts and Benefits Policy that was based on the Office of Local Government (OLG) Circular 20-32 of August, 2020.

The main change at the time was to increase the cap on the value of gifts that may be accepted from \$50 to \$100 in accordance with Council's Code of Conduct.

Council subsequently resolved to adopt the renewed Policy subject to no adverse submissions being received, which there were none.

**REPORT**

Attached is a copy of the amended Policy.

The purpose of the Gifts and Benefits Policy is to provide guidance on whether an offer of a gift or benefit should be refused or accepted and what must be done if the gift or benefit is accepted.

The General Manager has reviewed the existing Policy with only minor amendments (typographical) and position name changes.

There are no changes to the intent of the Policy.

The reviewed Policy was presented to Manex on 14th April, 2025 where there were no concerns and the matter needs to be reported to Council for the process of adoption of the reviewed Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

An appropriate Gift Register is maintained at no cost.

**LEGAL IMPLICATIONS**

Local Government Act 1993; and  
Warren Shire Council Code of Conduct.

**RISK IMPLICATIONS**

Nil.

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**ITEM 11            REVIEW OF GIFTS AND BENEFITS POLICY**

**CONTINUED**

**STAKEHOLDER CONSULTATION**

There is a need for Council to review its existing Gifts and Benefits Policy to ensure that it continues to be appropriate and in accordance with requirements to review and adopt Policies within 12 months of a Council Election.

**OPTIONS**

Council needs to have a Gifts and Benefits Policy as it is a legal requirement under the Local Government Act 1993.

The only option is to further amend the reviewed Policy.

**CONCLUSION**

The Gifts and Benefits Policy ensures Council provides a consistent and fair process for the management of gifts in accordance with Council's Code of Conduct.

The current Policy with only minor amendments as detailed within the report is considered appropriate for Council to adopt particularly as changes do not change the intent of the Policy.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks.
- 5.3.2 Create a productive and cooperative working environment for Councillors to support their governance responsibilities.

**SUPPORTING INFORMATION /ATTACHMENTS**

Amended Gifts and Benefits Policy.

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ITEM 11

REVIEW OF GIFTS AND BENEFITS POLICY

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## POLICY REGISTER

## GIFTS AND BENEFITS POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 24th February 2022 Minute No. 50.2.22

File Ref: P13-1, A7-6

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**DOCUMENT CONTROL**

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Reviewed by Gary Woodman General Manager	Reviewed	Council Minute No. 50.2.22 (24th February 2022)
3.0	Reviewed by Gary Woodman General Manager April 2025	Reviewed	Council Minute No.

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REVIEW OF GIFTS AND BENEFITS POLICY

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Warren Shire Council Policy – Gifts and Benefits Policy

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**Policy Scope**

The Gifts and Benefits Policy supports Council's Code of Conduct and provides procedures and direction for the management of gifts and benefits.

This Policy is applicable to all Council Official (Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993).

For the purpose of this Policy, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provision of the relevant election funding legislation.

**Policy Objective**

The purpose of this Policy is to:

- Ensure that all persons covered by this Policy are aware of their obligations concerning the management of receiving and being offered gifts or benefits.
- Provide a transparent and accountable process for the acceptance of gifts or benefits.

**Policy Statement**

This Policy supports (and is to be read in conjunction with) Council's Code of Conduct. The Policy provides guidance on whether an offer of a gift or benefit should be refused or accepted and what must be done if the gift or benefit is accepted.

Individuals covered by this Policy should not accept any gifts or benefits that give rise to a real or perceived influence in relation to their decision-making role. The refusal or receipt of gifts or benefits must be conducted in a manner to ensure that they are not provided as an intentional inducement by the donor to receive favourable treatment. It is equally important to consider the perception of what a gift or benefit may create, regardless of the type or value.

Gifts or benefits may be offered for a variety of reasons including:

- (a) Gifts of influence (inappropriate offers)
- (b) Gifts of gratitude (appreciation)
- (c) Token gifts
- (d) Ceremonial gifts.

**Gifts and Benefits Register**

Council will maintain a register containing details of gifts and benefits and the decision and outcome relating to the gift.

All Council Officials will be made aware of where it is and in what circumstances information should be recorded in it; as prescribed by this Policy.

**Policy Guidelines**

**1. Inappropriate Offers (Bribes)**

- 1.1.1 Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts and benefits (including hospitality) of any kind, is attempting to secure favourable treatment from Council or the individual acting on Council's behalf.

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REVIEW OF GIFTS AND BENEFITS POLICY

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Warren Shire Council Policy – Gifts and Benefits Policy

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Individuals covered by this Policy must not:

- (a) seek or accept a bribe or other improper inducement;
  - (b) seek gifts or benefits of any kind;
  - (c) accept any gift or benefit that may create a sense of obligation or may be perceived to be intended to or likely to influence the carrying out of your public duty;
  - (d) accept any gift or benefit of more than token value;
  - (e) accept any offer of cash or a cash like gift, regardless of the amount.
- 1.1.2 Council Officials must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to receive favourable treatment from the individual covered by this Policy. Immediate family members include parents, spouses, children and siblings.
- 1.1.3 Council Officials must not use their position to influence other Council Officials in the performance of their public or professional duties to obtain a private benefit for themselves or for somebody else. A Councillor will not be in breach of this clause if they are seeking to influence other Council Officials through the appropriate exercise of their representative functions.
- 1.1.4 Council Officials must not take advantage (or seek to take advantage) of status or position with, or functions performed for Council in order to obtain a private benefit.
- 1.1.5 Council Officials must never accept any offer of a gift or benefit which would be considered to be intended to influence behaviour or show favour (or not show favour) to any person in relation to official duties.
- 1.1.6 If offered a bribe, the matter should be reported immediately to Council's General Manager. The Independent Commission Against Corruption (ICAC) and where relevant, the Police, must be informed by the General Manager.
- 1.1.7 Soliciting personal gifts or benefits is strictly prohibited. Any individual covered by this Policy who becomes aware that another individual covered by this Policy is soliciting gifts or benefits must report the matter to the General Manager immediately.

**1.2 Gifts of Appreciation**

**1.2.1 Token Gifts (nominal value)**

- (a) Gifts of gratitude where the value is less than \$100.00 may be accepted or declined. The acceptance of such "token" gifts must be declared and recorded in the Gifts and Benefits Register.
- (b) A gift may be offered to an individual in appreciation of a specific task or for exemplary performance of duties. Gifts offered for speaking at official events would be an example of a gift of gratitude.
- (c) Council's Code of Conduct defines "token gifts and benefits" as:
  - (i) Free or subsidised meals, beverages or refreshments provided in conjunction with:
    - The discussion of official business.
    - Council work related events (training, workshops).
    - Conferences.
    - Council functions or events.
    - Social functions organised by groups (such as Council Committees and community organisations).

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ITEM 11

REVIEW OF GIFTS AND BENEFITS POLICY

CONTINUED

Warren Shire Council Policy – Gifts and Benefits Policy

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- (ii) Invitations to and attendance at social, cultural or sporting events.
- (iii) Gifts of a single bottle of reasonably priced alcoholic beverages at end of year functions, public occasions or recognition of work done/ assistance given (such as a lecture, presentation or training session).
- (iv) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers.
- (v) Prizes of token value.

1.2.2 Non-token gifts (gifts and benefits)

- (a) Gifts or gratitude where the value exceeds \$100.00 should NOT be accepted. Refer to paragraph 1.7 of this Policy for possible exceptions.
- (b) Council's Code of Conduct defines gifts and benefits of value as having more than a token value to include, but not limited to:
  - Tickets to major sporting events (such as international cricket, NRL, AFL, FFA, NBA, V8 supercars).
  - Corporate hospitality as a corporate facility at major sporting events.
  - Discounted products for personal use.
  - The frequent use of facilities such as gyms, use of holiday homes.
  - Free or discounted travel.

These types of gifts **ARE TO BE REFUSED**

- 1.2.3 Gifts of money and cash-like gifts (e.g. Gift Vouchers – regardless of the amount) **MUST NEVER** be accepted.
- 1.2.4 All offers (refused or accepted) of non-token gifts or benefits **MUST BE** disclosed by completing the Gifts and Benefits Declaration Form (appendix 1) and be recorded in the Gifts and Benefits Register.

**1.3 Cumulative Gifts**

- 1.3.1 A series of small gifts, which individually fall under the nominal value of \$100.00, may have an aggregate value which exceeds the nominal value in any six-month period. Such gifts, while seemingly modest, may pose a risk or apparent compromise, in the same way as accepting one gift or benefit which exceeds the nominal value.
- 1.3.2 Where a series of gifts is received, as described in paragraph 1.2.1, in any six-month period, the gifts must be declared. Where the gift giving continues, the acceptance of gifts must be declined. Such gifts should be declared and the matter raised with your Manager or **Divisional Manager** and, in the case of Councillors or other Council officials, with the General Manager.

**1.4 Hospitality and Work-related Functions**

- 1.4.1 Hospitality often forms part of a work-related function, such as morning/afternoon tea at a meeting, a modest lunch offered to a working group, a networking function etc. Such hospitality is acceptable. A useful guide of what would be acceptable hospitality is the type of hospitality which Council would provide to its business associates. Refer to paragraph 1.2.1 (c)(i) for guidance.
- 1.4.2 Hospitality that extends beyond that described in paragraph 1.2.1 (c)(i) needs to be carefully considered before accepting. The following should be considered:
  - (a) Is it likely that, by accepting the hospitality, the Council official may be perceived to show favouritism to the host in some way in the future (e.g. procurement or development applications)?

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- (b) Is there a business rationale for attending the function/accepting the hospitality?
  - (c) Is the value of the hospitality at a reasonable level?
  - (d) Will there be a number of other clients/representatives from other councils attending the function?
  - (e) Is the hospitality being offered by a service provider where a tender/or other contract is due for renewal in the next six months or during the tender or contract negotiation process?
- 1.5 Hospitality Should Only be Accepted Where**
- 1.5.1 There is a strong business case for attending the function/accepting the hospitality.
  - 1.5.2 The estimated value of the hospitality is at a reasonable level, not for example a “silver service” restaurant.
  - 1.5.3 Other clients will be attending the function, e.g. an end of year event hosted by a contractor for a range of clients.
  - 1.5.4 Where there is a business reason for accepting the hospitality that is considered more than a token value, then Council should pay the expenses rather than have the event organisers cover the expense.
- 1.6 Prizes**
- 1.6.1 A Council Officer may receive a prize whilst at a work or Council duty related activity through the completion of a survey or a purchase incentive scheme. As the Council official is working or attending the relevant event or activity in their official capacity, the receipt of such gifts or prizes is captured by this Policy.
  - 1.6.2 Prizes that are won under such circumstances that are not “token gifts” will become the property of Council. In such cases the gift/prize should be declared using the Gifts and Benefits Declaration and the item handed to the General Manager to become the property of Council.
- 1.7 Accepting Gifts**
- 1.7.1 A gift or benefit offered that is more than of a token nature **SHOULD NOT** be accepted. It is acknowledged that it is not always possible to decline a gift. The following points should be considered in relation to accepting or declining a gift.
  - 1.7.2 Consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
  - 1.7.3 Christmas, culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
  - 1.7.4 There may be circumstances where a gift that falls outside of what is acceptable under this Policy is accepted. Such circumstances may include:
    - (a) A wrapped gift that the recipient does not open in the presence of the gift giver.
    - (b) Gifts accepted for cultural, protocol or other reasons where returning it would be inappropriate.
    - (c) Anonymous gifts received through mail or left without a return address.
    - (d) A gift received in a public forum where attempts to refuse it would cause significant embarrassment.

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These gifts become the property of Council and must be declared using the Gifts and Benefits Declaration Form and surrendered to the General Manager.

1.7.5 Frequent user points accrued because of Council purchases will remain the property of Council.

1.7.6 Frequent Flyer points received as part of staff using the staff members privately purchased airline membership that allows a second staff member or councillor to benefit from free food, refreshment or work space to a value no greater than \$100.00 is exempt.

### 1.8 Disposal of Gifts

1.8.1 When a gift is received that is above the token limit, the recipient must complete a Gifts and Benefits Declaration Form and present the item in question to the General Manager. The General Manager will determine the most appropriate means of disposing of the gift.

1.8.2 Disposal options include:

- (a) Gifts received from visiting delegations or gifts personalised to Warren Council will be kept at the Council offices.
- (b) Perishable food items may be shared amongst staff in the workplace.
- (c) Gifts that can be used for work purposes will become a Council asset and utilised within the appropriate areas of Council.
- (d) Gifts may be donated to an appropriate charity or community group as determined by the General Manager.
- (e) The General Manager may raffle or auction the goods in question and donate the proceeds to a charity nominated by the General Manager.
- (f) Complimentary tickets to local races and events can be placed in a lucky draw for all staff members.

### 1.9 Giving of Gifts

1.9.1 In circumstances where it is appropriate for Council officials to give a gift or benefit these gifts and benefits should be of token value as defined under this Policy.

## 2. Responsibility

2.1.1 All individuals covered by this Policy must comply with the provisions of this Policy.

2.1.2 Managers/**Divisional Managers** are responsible for providing advice as required to staff in relation to the provisions of this Policy.

2.1.3 Council's General Manager is responsible for providing advice to individuals other than staff in relation to the provisions of this Policy.

2.1.4 The General Managers' Executive Assistant is responsible for maintaining the Gifts and Benefits Register.

2.1.5 Council's Public Officer is responsible for facilitating public access to the Gifts and Benefits Register.

## 3. Training

3.1.1 All Council Officers should receive training on induction (and bi-annual refreshers) in relation to the requirements prescribed by this Policy. Any amendments to this Policy should be conveyed as soon as possible to all Council Officials.

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REVIEW OF GIFTS AND BENEFITS POLICY

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Warren Shire Council Policy – Gifts and Benefits Policy

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**Definitions**

**Council** means Warren Shire Council.

**Gifts and Benefits** in accordance with the Model Code of Conduct for Local Councils in NSW (2020) there are two types of gifts and benefits, these are:

- (a) Token Gifts and Benefits
- (b) Gifts and Benefits of Value.

**Benefit** means a non-tangible item of value (e.g. preferential treatment, use of facility) that a person or organisation confers on another.

**Gift** means an item of value (e.g. hospitality, travel, commodity, property etc.) that is presented by an organisation or person to another.

**Cash-like Gift** includes but it not limited to gift vouchers, credit cards, debit cards, prepayments on phones or internal credit at an organisation, memberships or entitlements to discounts.

**Bribes** are gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council Official to benefit someone or something.

**Hospitality** means the provision of meals, refreshments or other forms of entertainment.

**Staff** means all persons employed by Council.

**Token Value** means the monetary limit of value of gifts or benefits (GST exclusive) that may be accepted and does not require declaration in the Gifts and Benefits Register. This value is \$100.00.

**Council official** means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

**Gifts and Benefits Register** – a register that details gifts and benefits received by Council officials and how the gifts are managed. This register is made available to the public.

**Exceptions**

For the purpose of this Policy gifts and benefits do not include a political donation or contributions to an election fund that is subject to the provisions of the relevant funding legislation.

**Related Documents and Legislation**

- Council's Adopted Code of Conduct
- Local Government Act 1993

**Review**

This Policy should be reviewed every 4 years or within 12 months following an election of Council. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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REVIEW OF GIFTS AND BENEFITS POLICY

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Warren Shire Council Policy – Gifts and Benefits Policy

**APPENDIX 1 – GIFTS & BENEFITS FORM**  
**WARREN SHIRE COUNCIL**

Gifts & Benefits Declaration Form	
<b>1. Details of the Gift, Benefit or Hospitality</b> (Please complete all white sections)	
Date Gift offered or received	Description of the Gift, Benefit or Hospitality
Estimated Value	
\$	
<b>2. Who received or was offered the gift?</b>	
Recipient	Position
Organisation offering gift	Reason the gift was offered or given
<b>3. What action was taken?</b>	
<input type="checkbox"/> Gift refused	Note:
<input type="checkbox"/> Gift accepted	For gifts or value which are accepted: Why could the gift or benefit not be reasonably refused or returned?
<b>4. What is the intended use for the gift or benefit?</b>	
<b>5. Declaration made by:</b>	
Name	Signature
Position	
<b>6. Manager Authorisation</b>	
Name	Signature
Position	
<b>Office Use Only</b>	Notes

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**ITEM 12**

**COMMUNICATION DEVICES POLICY**

**(P13-1)**

**RECOMMENDATION** that:

The Communication Devices Policy be adopted, with minor amendments.

**PURPOSE**

To advise Council that the Communication Devices Policy requires to be adopted, as per Section 165(4) and 161 of the Local Government Act.

**BACKGROUND**

Warren Shire Council's Communication Devices Policy is automatically revoked at the expiration of 12 months after the election, as per Section 165 (4) of the Local Government Act 1993, unless the Council revokes it sooner. The Communication Devices Policy has been reviewed with only minor grammatical amendments and some minor content changes.

**REPORT**

The Warren Shire Council Communication Devices Policy will assist in the administration, management and operations of the Council, specifically it outlines the requirements and expectations for use of communication devices. The Communication Devices Policy provides this level of understanding to employees, where communication systems are primarily for efficient sharing and exchanging information in the pursuit of the Council's strategic goals and objectives. The Policy is required under Section 158 of the Local Government Act.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act 1993

**RISK IMPLICATIONS**

Warren Shire Council's Communication Devices Policy is automatically revoked at the expiration of 12 months after the election, as per Section 165 (4) of the Local Government Act 1993. Therefore, it is a legal requirement that the Communication Devices Policy is adopted to ensure that the Council is complying with the Local Government Act 1993 and Regulations.

**STAKEHOLDER CONSULTATION**

Consultation has been deemed not required as the Communication Devices Policy has been reviewed with only minor grammatical amendments and some minor content changes.

**OPTIONS**

Council has the option of amending the Policy or adopting the Policy without amendment. Council should adopt the Communication Devices Policy with the minor amendments, as the Policy intent remains the same.

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ITEM 12

COMMUNICATION DEVICES POLICY

CONTINUED

## CONCLUSION

The Communication Devices Policy should be adopted with only minor changes, as it provides effective guidelines that will assist in ensuring the objective functions of Council are carried out in accordance with statute and common law, regulation and national standards.

## LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN

- 5.2.2 Proactively manage known compliance risks
- 5.2.6 Embrace a team centred culture of continual improvement to improve operational efficiency
- 5.3.3 Ensure a quality customer service focus by Council staff

## SUPPORTING INFORMATION /ATTACHMENTS

Communication Devices Policy

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COMMUNICATION DEVICES POLICY

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## POLICY REGISTER

## COMMUNICATION DEVICES POLICY

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Policy adopted: 27<sup>th</sup> Spetember 2018 Minute No. 214.9.10

Reviewed:

File Ref:

P13-1,

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## DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox General Manager	First Edition	Council Minute No. 214.9.18 (27 <sup>th</sup> September 2018)
2.0	Bradley Pascoe DMFA – April 2025	Second Edition	

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ITEM 12

COMMUNICATION DEVICES POLICY

CONTINUED

### Purpose

The purpose of this policy is to document Council's requirements and expectations regarding the use of its communications devices. The policy aims to ensure Council employees understand the way in which Council's communication devices should be used in the organisation. Council makes its communication systems available to employees to enable efficient sharing and exchange of information in the pursuit of Council's goals and objectives.

### Scope

This policy applies to Councillors, all Council employees, contractors, consultants, temporary and casual employees and any other authorised personnel offered access to Warren Shire Council communication devices and systems. Communication devices and systems include but are not limited to:

- All computers (laptop and desktop).
- All iPads, tablets, data phones.
- Council's email system.
- All telephones (land-line and mobile).
- All copying devices.
- All two-way radios.
- Facsimile machines.

### Personal Use

Reasonable personal use of Council's communication devices is permissible; however, personal use is a privilege, which needs to be balanced in terms of operational needs; its use must be appropriate, lawful, efficient, proper and ethical.

Council recognises that:

- Councillors and Employees are also private citizens with individual personal needs and obligations.
- Councillors and Employees may need to make use of communication devices for personal purposes.
- There is a reasonable limit to which Councils' communication devices may be used for personal purposes.

Every employee has a responsibility to be productive and act appropriately during their work time, therefore, personal use:

- Should be infrequent and brief.
- Must not disrupt Council communication systems.
- Should not interfere with the employee's job responsibilities or detrimentally affect the job responsibilities of other employees.
- Employees reasonably suspected of abusing personal use requirements will be asked to explain such use.
- Councillors and Staff who have been allocated a laptop or other communications devices (iPad, data phone, etc.) are responsible for all access to websites, emails, downloads, etc. that occur on that device whilst at work, at home or elsewhere by themselves or by any other person.

### Inappropriate Use

The use of Councils communications devices to make or send fraudulent, offensive, sexually explicit, unlawful or abusive information, calls or messages is **strictly prohibited**.

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ITEM 12

COMMUNICATION DEVICES POLICY

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Any employee identified as the initiator of fraudulent, unlawful or abusive calls or messages will be subject to disciplinary action and possible criminal prosecution.

Staff who receive any threatening, intimidating or harassing telephone calls or electronic messages should immediately report the incident to their Manager/Supervisor.

All employees should be aware that it is illegal to record telephone conversations unless authorised under relevant legislation to do so.

### Sites

All staff access to the internet is routed through Council's proxy server. All sites visited by staff are logged and are available for review. Council makes available a filtered Internet for staff use. Sexually explicit, offensive and other sites are not available. Blocked sites that are required for business activities should be approved by a member of senior management prior to being unblocked.

Staff are not to:

- Intentionally download or load unauthorised software.
- Visit inappropriate Web sites.

### Use of Email

Email (external / internal) forms part of the official business communications of Warren Shire Council (see Council's Records Management Policy).

As such, email is governed by the same legislative requirements (State Records Act 1998, GIPA Act, Privacy & Personal Information Protection Act 1998,) as all other Council records.

Email is accessible through Council's E-mail Server. All business-related emails must be registered in the electronic document management system and not stored in email accounts.

All emails, both external and internal, are archived by Council and are available for review. Such reviews will be authorised by the relevant manager or a member of senior management.

In addition to inappropriate usage restrictions for communication devices, email is **not** to be used for:

- Sending or distributing 'chain' letters, 'hoax' mail or for other mischievous purposes (spam).
- Unauthorised accessing of data or attempt to breach any security measures on the system, attempting to intercept any data transmissions without authorisation.
- Sending E-mail messages of a defamatory nature. Email can be used as evidence in a court of law, Council and the sender can both be held liable for publishing defamatory material.

### Email - Leave Arrangements

When employees are on extended leave, the 'Out of Office Assistant' is to be used to inform each sender:

- When the employee will be back from leave, and
- Urgent matters should be e-mailed to Council's central email address; council@warren.nsw.gov.au

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COMMUNICATION DEVICES POLICY

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To use the 'Out of Office Assistant' simply do the following in Microsoft Outlook:

Click on 'Tools'

Click on 'Out of Office Assistant'

Type in your message

Click on 'I am currently Out of the Office'

Click on 'OK'

When the employee returns to work they are to ensure that the 'Out of Office Assistant' is turned off and all relevant matters have been or will be dealt with.

### **Email - Prevention of Virus Attacks**

Recipients of e-mail messages that have a suspicious title are **NOT** to open the e-mail message without prior consultation with the Divisional Manager Finance and Administration. Although virus protection software is installed, there is no guarantee that this will prevent all viruses from infiltrating the Council network.

Where documents are received as an attachment to an email message, these attachments, under all circumstances, must be scanned by anti-virus software to avoid the potential risk of infecting the Council network.

Software programs received as an attachment to an email message are not to be installed onto a PC or Council's network under any circumstances without the prior permission of Divisional Manager Finance and Administration.

### **Email Disclaimer**

The following should be included as a standard footer, on every external email sent from Council's system:

#### **IMPORTANT NOTICE REGARDING CONTENT & CONFIDENTIALITY**

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*The views expressed in this email are not necessarily those of the Warren Shire Council unless otherwise stated. Whilst Council does use anti-virus software this cannot ensure that this message is free from viruses or any other defect or error.*

*This electronic message is intended only for the addressee and may contain confidential information. If you are not the addressee, please be advised that any transmission, distribution or photocopying of this e-mail is strictly prohibited. The confidentiality attached to this e-mail is not waived, lost or destroyed by reasons of a mistaken delivery to you. The information contained in this e-mail transmission may also be subject to State Government access to information legislation. If you have received this email in error, please contact the author of the message, as soon as practicable.*

### **Monitoring Use and Breaches of this Policy**

Council may monitor, copy, access and disclose any information or files that are stored, processed or transmitted using Council's equipment and services. Such monitoring will be used for legitimate purposes only (such as legal discovery) and in accordance with any relevant privacy legislation and / or guidelines.

Reviews of email and phone usage may occur at the request of the relevant Council executive manager or Council's General Manager.

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COMMUNICATION DEVICES POLICY

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Council employees who breach this policy may be subject to disciplinary action pursuant to Council's Code of Conduct and the NSW Local Government (State) Award. Such disciplinary action may include termination of employment.

Councillors who breach this policy may be subject to disciplinary action pursuant to Council's Code of Conduct and the NSW Local Government Act 1993.

### **Private Use Payment**

Council allows limited personal use as per this policy.

Private use of Mobile Phones as approved by Council (for the Mayor /General Manager) or the General Manager will require the staff member to reimburse the costs of all **private** calls, texts or messaging service and website use.

A staff member may make arrangements through Human Resources to make weekly deductions for payment of private phone usage.

Full payment of the phone account will be made within 30 days of receipt of the phone account.

### **Review**

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

### **Staff Acknowledgement**

The Human Resources Officer and Divisional Manager Finance and Administration must ensure that all new staff, and existing staff, receive a copy of this policy. Councillors and staff shall be requested to sign the Warren Shire Council Communications Agreement (Attachment 1) after the Councillor and staff member have read the policy document.

### **Related Council Policies**

- Warren Shire Council Records Management Policy.
- Warren Shire Council Code of Conduct.

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ITEM 12

COMMUNICATION DEVICES POLICY

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**ATTACHMENT 1**

*WARREN SHIRE COUNCIL  
COMMUNICATION DEVICES AGREEMENT*

NAME: \_\_\_\_\_

- I understand my responsibility as a user of Warren Shire Council's communication devices and systems including private use payments where approved.
- I have received, read, understand and will abide by the Warren Shire Council Communication Devices Policy.
- I understand that any breach of the Communication Devices Policy may result in disciplinary action under Council's Code of Conduct and may be dealt with pursuant to the NSW Local Government (State) Award OR Local Government Act 1993.
- I also understand that if I commit any breach of this policy, my access privileges may be revoked.

User Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**ITEM 13**

**PUBLIC INTEREST DISCLOSURE POLICY**

**(A1-3.3, P13-1)**

**RECOMMENDATION** that:

1. The information be received and noted;
2. The Public Interest Disclosure Policy detailed within the report, be placed on public exhibition for a minimum of 28 days; and
3. Subject to no adverse submissions being received, the Public Interest Disclosure Policy be adopted.

**PURPOSE**

To advise Council that the Public Interest Disclosure Policy requires to be adopted, as per Section 165(4) and 161 of the Local Government Act.

**BACKGROUND**

Warren Shire Council's Public Interest Disclosure Policy has been established to replace the former Internal Reporting Policy, in recognition of required legislative updates in the governance environment, specific to compliance with mandated obligations for identifying, receiving or making of public interest disclosures.

Before adopting a new Public Interest Disclosure Policy, Council must give public notice of the intention to adopt the Policy and allow for 28 days for the making of public submissions. Councils must comply with this requirement even if they propose to adopt the same Policy as the existing Policy, and before adopting the Policy, Councils must consider any submissions and make any appropriate changes to the Draft Policy.

**REPORT**

The Warren Shire Council Public Interest Disclosure Policy will assist in the administration, management and operations of the Council, specifically it outlines the mandatory roles and responsibilities of staff across the workplace specific to identifying, receiving or making of public interest disclosures. The Policy provides this level of understanding across the body of Council (employees, contractors and others similar), where a process for identifying, receiving or making of a public interest disclosure is considered, primarily for efficient sharing and exchanging information in the pursuit of the Council's strategic goals and objectives. The Policy is required under Section 158 of the Local Government Act.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act 1993.

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**ITEM 13**

**PUBLIC INTEREST DISCLOSURE POLICY**

**CONTINUED**

**RISK IMPLICATIONS**

Warren Shire Council's Internal Reporting Policy (which will be replaced by the Public Interest Disclosure Policy) is automatically revoked at the expiration of 12 months after the election, as per Section 165 (4) of the Local Government Act 1993. Therefore, it is a legal requirement that the Public Interest Disclosure Policy is adopted to ensure that the Council is complying with the Local Government Act 1993 and Regulations. Further that Council is complying with the Public Interest Disclosures Act 2022.

**STAKEHOLDER CONSULTATION**

Consultation has been deemed required as the Public Interest Disclosure Policy has been created as a new Policy which is a mandatory requirement for Council, where legislative compliance is the major factor.

Consultation will involve at minimum 28 days public notice for the making of public submissions and adopting the renewed Policy following consideration of any submissions and the making of any appropriate changes to the Draft Policy.

**OPTIONS**

Council has limited options; it is recommended that Council should adopt the Public Interest Disclosure Policy as provided.

**CONCLUSION**

The Public Interest Disclosure Policy should be adopted, as it provides effective guidelines that will assist in ensuring the objective functions of Council are carried out in accordance with statute and common law, regulation and national standards.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks
- 5.2.6 Embrace a team centred culture of continual improvement to improve operational efficiency
- 5.3.3 Ensure a quality customer service focus by Council staff

**SUPPORTING INFORMATION /ATTACHMENTS**

Public Interest Disclosure Policy

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Council Community Room on Thursday, 24<sup>th</sup> April 2025

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ITEM 13

PUBLIC INTEREST DISCLOSURE POLICY

CONTINUED



## POLICY REGISTER

## PUBLIC INTEREST DISCLOSURE POLICY

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Policy adopted:                      Minute No.      Reviewed: Minute No.

File Ref:

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## DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1	Glenn Wilcox General Manager	First Edition – Internal Reporting Policy	Council Minute No. 214 .9 . 18 (27 <sup>th</sup> September 2018)
2	Bradley Pascoe Divisional Manager Finance Administration April 2025	New First Edition replaces Internal Reporting Policy	

## REVIEW

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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Adopted:

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### **Purpose**

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*.

At Warren Shire Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing without fear of reprisal.

This Policy sets out:

- how Warren Shire Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This Policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detrimental action
- Keeping the identity of the person disclosing the wrongdoing confidential where this is possible and appropriate
- Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address and rectify it
- Keeping the individual who makes a report informed of the progress of the outcome
- Provide training about how to make reports and the benefits of internal reports to Council and public interest generally

The reporting system established under this Policy is not intended to be used for staff grievances. Such issues are dealt with in accordance with the Grievance and Dispute Resolution Policy and Procedure. If an employee makes a report under this Policy which is substantially a grievance, the matter will be referred to Payroll/HR to be dealt with in accordance with the Grievance and Dispute Resolution Policy and Procedure

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### **Accessibility of this Policy**

This Policy is available on Warren Shire Council's publicly available website as well as on the Council's intranet.

A copy of the Policy is also sent to all staff of Warren Shire Council on their commencement. A hard copy of the Policy can be requested from the Department Manager Finance and Administration.

### **Who does this Policy apply to?**

This Policy applies to, and for the benefit of:

- all persons employed in or by Warren Shire Council
- a person providing services or exercising functions on behalf of Council, including a contractor, subcontractor or volunteer
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of Council or exercises functions of Council, and are involved in providing those services or exercising those functions

The General Manager, nominated disclosure officers and managers within Warren Shire Council have specific responsibilities under the PID Act. This Policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Warren Shire Council may use this Policy if they want information on who they can report wrongdoing to within Council.

### **Who does this Policy not apply to?**

This Policy does not apply to:

- people who have received services from Council and want to make a complaint about those services
- people, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This means that if you are not a public official, this Policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this Policy for more information).

However, you can still make a complaint to Warren Shire Council. This can be done by:

- Making the report in writing to help avoid and confusion or misrepresentation.
- Include the date, time, location, nature of the complaint and any evidence that you may have.
- The complaint should be addressed to the General Manager.

### **What is contained in this Policy?**

This Policy will provide you with information on the following:

- ways you can make a voluntary PID to Warren Shire Council under the PID Act
- the names and contact details for the nominated disclosure officers in Council

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- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Warren Shire Council procedures for dealing with disclosures
- Warren Shire Council procedures for managing the risk of detrimental action and reporting detrimental action
- Warren Shire Council record-keeping and reporting requirements
- how Warren Shire Council will ensure it complies with the PID Act and this Policy.

If you require further information about this Policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated disclosure officer within [agency name]
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

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## **1. How to make a report of serious wrongdoing**

### **(a) Reports, complaints and grievances**

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this Policy, but we will also make sure we follow our other relevant policies as listed at the end of this document.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

### **(b) When will a report be a PID?**

There are three types of PIDs in the PID Act. These are:

2. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
3. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in the Council.
4. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This Policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this Policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

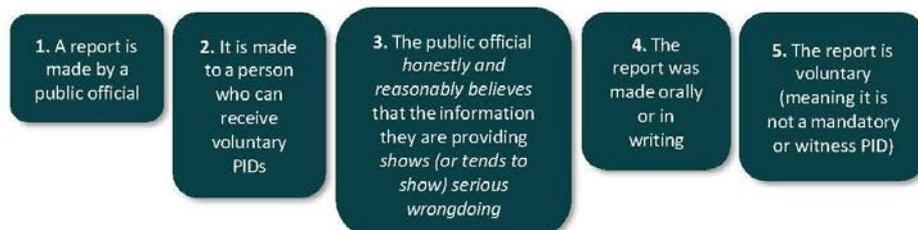
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If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this Policy.

### (c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see ‘Who this Policy applies to’. You are a public official if:

- you are employed by Warren Shire Council
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Warren Shire Council or
- you work for an entity (such as a non-government organisation) who is contracted by Warren Shire Council to provide services or exercise functions on behalf Council — if you are involved in undertaking that contracted work.

A Councillor or employee can make a PID about serious wrongdoing relating to *any* agency, not just Warren Shire Council. This means that we may receive PIDs from public officials outside of Council. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this Policy has a list of integrity agencies.

### (d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a Councillor, employee, contractor or consultant accepting a bribe, gift or benefit
- *serious maladministration* — such as Council systemically failing to comply with proper

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recruitment processes when hiring staff, failing to follow tendering guidelines in the awarding of a tender

- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship, Councilors failing to declare an interest in matters that they are personally involved in or have a personal and or financial interest in
- *a privacy contravention* — such as unlawfully accessing a person's personal information on Council's records and financial systems, Councilors and staff discussing confidential matters of Council and staff outside of their role and responsibility
- *a serious and substantial waste of public money* — such as Council not following a competitive tendering process when contracting with entities to undertake its work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

### **(e) Who can I make a voluntary PID to?**

For a report to be a voluntary PID, it must be made to certain public officials.

#### ***Making a report to a public official who works for Warren Shire Council***

You can make a report inside Council to:

- the General Manager
- a disclosure officer for Council — a list of disclosure officers for Council and their contact details can be found at Annexure A of this Policy
- your manager or supervisor — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

#### ***Making a report to a recipient outside of Warren Shire Council***

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- *the head of another agency* — this means the head of any public service agency
- *an integrity agency* — a list of integrity agencies is located at Annexure B of this Policy
- *a disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID Policy which can be found on their public website
- *a Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Warren Shire Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

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### ***Making a report to a Member of Parliament or journalist***

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Warren Shire Council:
  - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - notice of Council's decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of Council's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

### **(f) What form should a voluntary PID take?**

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

### **(g) What should I include in my report?**

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved

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- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

**(h) What if I am not sure if my report is a PID?**

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of Council's policies for dealing with reports, allegations or complaints.

**(i) Deeming that a report is a voluntary PID**

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Disclosure Officer to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

**(j) Who can I talk to if I have questions or concerns?**

**Guidance:** This should include contact details for disclosure officers who can provide further information so that concerns can be addressed. You should include information about how someone can do this confidentially.

**2. Protections**

**(a) How is the maker of a voluntary PID protected?**

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

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The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - A person may seek compensation where unlawful detrimental action has been taken against them.
  - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some Council employees, contractors, consultants and Councilors are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, they will need to breach or disregard such confidentiality duties. If that happens, they cannot be disciplined, sued or criminally charged for breaching confidentiality.
- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

### **(b) Protections for people who make mandatory and witness PIDs**

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- *A mandatory PID:* This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- *A witness PID:* This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"><li>breaching a duty of secrecy or confidentiality, or</li><li>breaching another restriction on disclosure.</li></ul>	✓	✓

### 3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Warren Shire Council by contacting the disclosure officer or the General Manager, or to an integrity agency. A list of integrity agencies is located at Annexure B of this Policy.

### 4. General support

When making a protected disclosure you will be advised of the Nem and contacts details for the Protected Disclosure Officer who will be your primary point of contact. The Disclosure Officer will take all steps as reasonably practical and in accordance with this Policy to protect your interests.

For additional wellbeing and support you may be referred to Council's Employee Assistance Program.

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## **5. Roles and responsibilities of Warren Shire Council employees**

Certain people within Warren Shire Council have responsibilities under the PID Act.

### **(a) The General Manager**

The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring the Warren Shire Council complies with this Policy and the PID Act
- ensuring that the Warren Shire Council has appropriate systems for:
  - overseeing internal compliance with the PID Act
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
  - implementing corrective action if serious wrongdoing is found to have occurred
  - complying with reporting obligations regarding allegations or findings of detrimental action
  - complying with yearly reporting obligations to the NSW Ombudsman.

### **(b) Disclosure Officer**

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

### **(c) Department Managers**

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

### **(d) All employees**

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavors to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of [agency name]
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

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Adopted:

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# WARREN SHIRE COUNCIL

## Policy Report of Divisional Manager Finance and Administration to the Ordinary Meeting of Council to be held in the Council Community Room on Thursday, 24<sup>th</sup> April 2025

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PUBLIC INTEREST DISCLOSURE POLICY

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All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

### 6. How we will deal with voluntary PIDs

#### (a) How Warren Shire Council will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in Warren Shire Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how Council deals with the report
  - provide clear information on how you can access this PID Policy
  - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
  - that we are investigating the serious wrongdoing
  - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
  - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

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**(b) How Warren Shire Council will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received Warren Shire Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

The Disclosure Officer will update the maker (in many cases it will be the disclosure officer who received the report, or it may be the investigator to whom the matter is allocated)

- the expected timeframes for updates from Council
- the acknowledgment and updates will be provided by way of secure email, by phone discussions or virtually via Teams or another platform
- engage with the maker of the report to establish whether they are at risk of detrimental action, whether they need support networks to be put in place and how this will be assessed on an ongoing basis.

***Report not a voluntary PID***

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Greivance and Dispute Solution Policy and Procedure or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Warren Shire Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

***Cease dealing with report as voluntary PID***

Warren Shire Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

The Disclosure Officer will update the maker (in many cases it will be the disclosure officer who received the report, or it may be the investigator to whom the matter is allocated)

- the expected timeframes for updates from Council
- Council will provide reasons in writing to you if we have ceased dealing with the report as a voluntary PID
- the acknowledgment and updates will be provided by way of secure email, by phone discussions or virtually via Teams or another platform

***Where the report is a voluntary PID***

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible

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corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.

- Before referring a matter, we will discuss the referral with the other agency/external investigator, and we will provide you with details of the referral and a contact person within the other agency/external investigator.
- If we decide not to investigate a report and to not refer the matter to another agency, we will let you know the reasons for this and notify the NSW Ombudsman.

### **(c) How Warren Shire Council will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Warren Shire Council reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- We will limit the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.

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- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Warren Shire Council will:

- advise the person whose identity may become known
- updating Council's risk assessment and risk management plan
- implementing strategies to minimise the risk of detrimental action
- providing additional supports to the person who has made the PID
- reminding persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

### **(d) How Warren Shire Council will assess and minimise the risk of detrimental action**

Warren Shire Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Warren Shire Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Warren Shire Council will take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the unit/role that will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- explaining how the agency will communicate with the maker to identify risks
- listing the protections that will be offered, that is, the agency will discuss protection options with the maker which may include remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavorable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or

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- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

**(e) How Warren Shire Council will deal with allegations of a detrimental action offence**

If Warren Shire Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

Referrals for allegations of detrimental action must be made to the Disclosure Officer or General Manager.

The Disclosure Officer will provide updates to and support of the make of the allegation of detrimental action

**(f) What Warren Shire Council will do if an investigation finds that serious wrongdoing has occurred**

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Warren Shire Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment or a formal warning)

The General Manager receives the findings of an investigation and will take steps to address any recommendations in the findings. Department Managers will be responsible for ensuring corrective action takes place.

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The General Manager will notify the maker of the proposed corrective action.

## **7. Review and dispute resolution**

### **(a) Internal review**

People who make voluntary PIDs can seek internal review of the following decisions made by Warren Shire Council;

- that Warren Shire Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Warren Shire Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Warren Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

Applications must be made in writing and addressed to the General Manager.

### **(b) Voluntary dispute resolution**

If a dispute arises between Warren Shire Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

## **8. Other agency obligations**

### **(a) Record-keeping requirements**

Warren Shire Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*.

Information is stored electronically in a secure format with access only by the General Manager and Disclosure Officer.

### **(b) Reporting of voluntary PIDs and Warren Shire Council annual return to the Ombudsman**

Each year Warren Shire Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)

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- action taken by Council to deal with voluntary PIDs during the return period
- how Council promoted a culture in the workplace where PIDs are encouraged.

This information is collected by the Disclosure Officer for reporting by the General Manager. Information is stored securely within Council's Records management System and only accessed by the General Manager and Disclosure Officer.

**(c) How Warren Shire Council will ensure compliance with the PID Act and this Policy**

The General Manager will provide oversight of the implementation and monitoring of this Policy for ensuring compliance with the PID Act.

Council's compliance is measured through its annual reporting return and audit and risk committee.

**Links to Policy**

- Code of Conduct
- Fraud and Corruption Policy
- Grievance and Dispute Resolution Policy and Procedure

**References**

- NSW Ombudsman's Guidelines – Assessing and managing risk of detrimental action
- NSW Ombudsman's Guidelines – What is serious wrong doing?
- Local Government (State) Award

**Relevant Legislation**

- Local Government Act 1993
- Local Government (General) Regulations 2021
- Government Information (Public Access) Act 2009
- Public Interest Disclosures Act 2022
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998

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## Annexure A – Names and contact details of disclosure officers for Warren Shire Council

Worksite	Address	Disclosure Officer & Contact Details
Depot Facility	15 Dubbo Street Warren NSW 2824	<b>Disclosure Officer:</b> Darren Walton <b>Telephone:</b> 0427297407 <b>Email:</b> <a href="mailto:council@warren.nsw.gov.au">council@warren.nsw.gov.au</a>
Administration Office	115 Dubbo Street Warren NSW 2824	<b>Disclosure Officer:</b> Bradley Pascoe <b>Telephone:</b> 0268476600 <b>Email:</b> <a href="mailto:council@warren.nsw.gov.au">council@warren.nsw.gov.au</a>
Visitor Information Centre	2 Coonamble Road Warren NSW 2824	<b>Disclosure Officer:</b> Susan Balogh <b>Telephone:</b> 0268476665 <b>Email:</b> <a href="mailto:council@warren.nsw.gov.au">council@warren.nsw.gov.au</a>
Warren Library	69 Dubbo Street Warren NSW 2824	<b>Disclosure Officer:</b> Erica Kearnes <b>Telephone:</b> 0268476656 <b>Email:</b> <a href="mailto:council@warren.nsw.gov.au">council@warren.nsw.gov.au</a>

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### Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
The Auditor-General	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
Independent Commission Against Corruption	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
The Inspector of the Independent Commission Against Corruption	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
The Law Enforcement Conduct Commission	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
The Inspector of the Law Enforcement Conduct Commission	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oilc_executive@oilc.nsw.gov.au">oilc_executive@oilc.nsw.gov.au</a>
Office of the Local Government	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
The Privacy Commissioner	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
The Information Commissioner	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

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**ITEM 14            FINANCIAL HARDSHIP POLICY**

**(R1-4, P13-1)**

**RECOMMENDATION** that:

The Financial Hardship Policy be adopted as amended.

**PURPOSE**

To advise Council that the Financial Hardship Policy requires to be adopted, as per Section 165(4) and 161 of the Local Government Act.

**BACKGROUND**

Warren Shire Council's Financial Hardship Policy has been reviewed and amended to reflect the most accurate and current statutory obligations of Council listed, specific to the way persons can seek application as financial hardship in recognition of required legislative updates in the governance environment, specific to the Local Government Act 1993.

**REPORT**

The Warren Shire Council Financial Hardship Policy will assist in the administration, management and operations of the Council, specifically it outlines the relevant clauses of the Local Government Act 1993 that provide for persons to apply for and seek relief with rate billing when experiencing financial hardship. The Policy is required for compliance with the Local Government Act 1993, where upon application from a rate payer, allows Council a process and decision-making ability to provide relief in circumstances where financial hardship impacts are present. The Policy is primarily for efficient sharing and exchanging information in the pursuit of the Council's strategic goals and objectives. The Policy is required under Section 158 of the Local Government Act.

Items added to the Policy are highlighted within the draft Policy provided, for Council consideration.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act 1993

**RISK IMPLICATIONS**

Warren Shire Council's Financial Hardship Policy is automatically revoked at the expiration of 12 months after the election, as per Section 165 (4) of the Local Government Act 1993. Therefore, it is a legal requirement that the Financial Hardship Policy is adopted to ensure that the Council is complying with the Local Government Act 1993 and Regulations.

**STAKEHOLDER CONSULTATION**

Consultation has been deemed not required as the Financial Hardship Policy has been amended as a mandatory requirement for Council, where legislative compliance is the major factor.

**OPTIONS**

Council has an option to not adopt the Policy, though it is recommended that Council should adopt the Financial Hardship Policy as provided.

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**ITEM 14 FINANCIAL HARDSHIP POLICY**

**CONTINUED**

## **CONCLUSION**

The Financial Hardship Policy should be adopted, as it provides effective guidelines that will assist in ensuring the objective functions of Council are carried out in accordance with statute and common law, regulation and national standards.

## **LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks
- 5.2.6 Embrace a team centred culture of continual improvement to improve operational efficiency
- 5.3.3 Ensure a quality customer service focus by Council staff

## **SUPPORTING INFORMATION /ATTACHMENTS**

Financial Hardship Policy

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FINANCIAL HARDSHIP POLICY

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## POLICY REGISTER

### FINANCIAL HARDSHIP POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed:

File Ref: P13-1, R1-4

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## DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	Bradley Pascoe DMFA – April 2025	Second Edition	

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FINANCIAL HARDSHIP POLICY

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Warren Shire Council – Financial Hardship Policy

### 1. Policy Objective

To establish guidelines for the General Manager and Council staff when dealing with ratepayers who are suffering genuine financial hardship, with the payment of their ordinary rates and annual charges.

To fulfil the statutory requirements of the *Local Government Act 1993* (the LGA) in relation to financial hardship.

### 2. Policy Scope

This Policy applies to all Warren Council staff members in the consideration of all hardship applications. It applies to all applications for waiving, alternate payment arrangements or writing off rates, fees, annual charges and the interest accrued on such debts.

### 3. Policy Statement

Council requires all ratepayers to pay their rates in full by the due date(s). However, Council recognises there are cases of genuine financial hardship requiring compassion and assistance in certain circumstances.

This Policy establishes guidance for assessment of a hardship application applying the fairness, equity, integrity, confidentiality and statutory compliance.

This Policy does not cover financial assistance that councils can provide under s356 of the LGA.

Council's General Manager and Divisional Manager Finance and Administration have delegated authority to assess applications made under this Policy.

### 4. Hardship Assistance

#### ***Discount for prompt payment in full – section 563 LGA.***

Section 563 of the LGA states that Council may discount the amount of a rate or charge to such extent as it determines if the whole of the discounted amount of the rate or charge is paid by a date nominated by the Council.

Each application is assessed individually by the Council, the application for hardship must be accompanied with supporting documentation which may include but is not limited to:

- Reasons why the person was unable to pay the rates and charges when they became due and payable;
- Copy of recent bank statements; or
- A letter from a recognised financial counsellor, financial planner, or community funded counselling/support service provider. The aim being to ensure appropriate financial support is available to all applicants suffering financial hardship.

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FINANCIAL HARDSHIP POLICY

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Warren Shire Council – Financial Hardship Policy

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***Periodical Payment Arrangements – section 564 LGA.***

Section 564 of the LGA states that Council may enter into a formal agreement with a ratepayer eligible for alternate periodical payments for due and payable rates.

A ratepayer may at any time make an arrangement to pay off their outstanding rates by regular payments, subject to the following guidelines:

- (a) The amount and frequency of the payments are to be acceptable to Council.
- (b) Arrangements should, where possible, seek to have outstanding rates cleared by the end of the financial year.
- (c) Arrangements that go beyond one year must be approved by the General Manager. No arrangement can go beyond 2 years (see Point 5).
- (d) The Divisional Manager Finance and Administration, considering all the facts surrounding the matter, determines that there is case of genuine financial hardship.

The interest relating to the overdue rates will be written off, provided that the periodical payment agreement in question is complied with.

***Writing off of accrued interest – section 567 LGA***

Section 567 of the LGA, provides that the Council may write off accrued interest on rates or charges payable if, in its opinion:

- (a) The person was unable to pay the rates or charges when they became due and payable for reasons beyond the person's control, or
- (b) The person is unable to pay the accrued interest for reasons beyond the person's control, or
- (c) payment of the accrued interest would cause the person financial hardship.

***Hardship Resulting from Certain Valuation Changes – section 601 LGA***

Section 601 of the LGA, provides that where any ratepayer who suffers substantial hardship as the consequences of the making and levying of a rate, following a new valuation, may apply to Council for rate relief.

Council will defer the difference between the Ordinary Rate payable on the property for the previous year with the allowable rate percentage increase applied for the current year (i.e. the rate pegging increase allowable under section 506 of the LGA) and the Ordinary Rates payable on the property in the rating year that General Revaluations are being used for the first time.

If the ratepayer is deemed eligible, Council will defer payment on the amount of relief to the following year. This is subject to one quarter of the deferred amount being added to each instalment due in the following rating year. Interest will not be charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

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ITEM 14

FINANCIAL HARDSHIP POLICY

CONTINUED

Warren Shire Council – Financial Hardship Policy

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**5. Assessment Process**

Any application for hardship must be made in writing. Council may also request that the applicant attends an interview to assist Council in making a determination. The following must apply to the applicant/application.

- The applicant must be the owner or spouse of the owner or part owner of the relevant property and be liable for the payment of the rates on the property.
- The property for which the hardship application applies must be categorised as “Residential” or “Farmland” for rating purposes, provided that it is used for residential purposes only and the property has no more than a single dwelling house or residential unit erected upon it.
- During periods of drought, a rate payer may make an application for hardship in relation to farmland rating. The Rate Payer and Council will enter into a payment plan and waiver the interest rates for the agreed period where cropping, stocking or other production and harvest cannot be undertaken.
- The application for hardship must be accompanied with supporting documentation which may include but is not limited to:
  - Reasons why the person was unable to pay the rates and charges when they became due and payable;
  - Copy of recent bank statements; or
  - A letter from a recognised financial counsellor, financial planner, or community funded counselling/support service provider. The aim being to ensure appropriate financial support is available to all applicants suffering financial hardship.

**6. Determination of Applications**

Any application made for rate relief under this Policy, will be assessed on its merit. The application will be assessed by the Divisional Manager Finance and Administration and the decision will be provided to the applicant in writing outlining why the decision in question was reached.

Any applicant who is dissatisfied by the determination may, by way of written request, have the application reassessed on its merits by the General Manager. The General Manager’s determination of the matter will be final.

**7. Policy Review**

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council’s discretion (or if legislative changes occur).

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**ITEM 15**

**CORPORATE CREDIT CARD POLICY**

**(P13-1, A1-9.1)**

**RECOMMENDATION** that:

The Corporate Credit Card Policy be adopted as provided, with only minor amendments.

**PURPOSE**

To advise Council that the Corporate Credit Card Policy is required to be reviewed and adopted, as per Section 165(4) and 161 of the Local Government Act.

**BACKGROUND**

Warren Shire Council's Corporate Credit Card Policy has been reviewed and provided for Council adoption, with no major changes made, to reflect the most accurate and current statutory obligations of Council. It is specific to the way persons can obtain and use a Corporate Credit Card for purchasing and procurement, following Office of Local Government Guidelines and recognition of required legislative updates in the governance environment, specific to the Local Government Act 1993. The Policy now has the standard Policy Review Clause included.

**REPORT**

The Warren Shire Council Corporate Credit Card Policy will assist in the administration, management and operations of the Council, specifically it outlines the relevant clauses of the Local Government Act 1993 and Office of Local Government Guidelines that provide users with delegated authority to make use of a Corporate Credit Card for purchasing and procurement purposes. The Policy is required under Section 158 of the Local Government Act.

There have been no major changes except the Policy Review Clause to the Policy in this review process, however it is still required that the Council formally adopt the Corporate Credit Card Policy.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Local Government Act 1993

**RISK IMPLICATIONS**

Warren Shire Council's Corporate Credit Card Policy is automatically revoked at the expiration of 12 months after the election, as per Section 165 (4) of the Local Government Act 1993. Therefore, it is a legal requirement that the Corporate Credit Card Policy is adopted to ensure that the Council is complying with the Local Government Act 1993 and Regulations.

**STAKEHOLDER CONSULTATION**

Consultation has been deemed not required as the Corporate Credit Card Policy has had no major change to the prior version, the updated Policy is a mandatory requirement for Council, where legislative compliance is the major factor considered.

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**ITEM 15**

**CORPORATE CREDIT CARD POLICY**

**CONTINUED**

**OPTIONS**

Council has an option to not adopt the Policy, though it is recommended that Council should adopt the Corporate Credit Card Policy as provided.

**CONCLUSION**

The amended Corporate Credit Card Policy should be adopted, as it provides effective guidelines that will assist in ensuring the objective functions of Council are carried out in accordance with statute and common law, regulation and national standards.

**LINK TO POLICY AND / OR COMMUNITY STRATEGIC PLAN**

- 5.2.2 Proactively manage known compliance risks
- 5.2.6 Embrace a team centred culture of continual improvement to improve operational efficiency
- 5.3.3 Ensure a quality customer service focus by Council staff

**SUPPORTING INFORMATION /ATTACHMENTS**

Corporate Credit Card Policy

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CORPORATE CREDIT CARD POLICY

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## POLICY REGISTER

### CORPORATE CREDIT CARD POLICY

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Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 23rd May 2023 Minute No. 188.7.23

File Ref: P13-1, A1-9.1

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CORPORATE CREDIT CARD POLICY

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## DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 214.9.18 (27th September 2018)
2.0	DMFA 23rd May 2023	Second Edition	Council Minute No. 188.7.23 (27th July 2023)
3.0	DMFA April 2025	Third Edition	

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CORPORATE CREDIT CARD POLICY

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

### 1. PURPOSE AND SCOPE

- 1.0 To simplify and reduce the time and costs otherwise associated with small scale purchasing of goods and services required by Warren Council and to minimize the costs otherwise incurred in reimbursing Warren Council expenses incurred by employees.
- 1.1 To meet the cost of certain employment benefits e.g. the cost of motor vehicle servicing.
- 1.2 Applies to all employees of the company that have access to a Corporate Credit Card (CCC).
- 1.3 Follow relevant Guideline on the use and Management of Credit Cards, under section 23A of the *Local Government Act 1993*.

### 2. RESPONSIBILITIES

#### 2.1 General Manager

1. Ensure the internal approval process is established for all card holders to obtain and use credit cards, as consistent with the requirements of the card issuer (financial institution).
2. Ensure the credit card policy is set as per Council internal approval process, considering the appropriate staff purchasing expense delegation limits; credit card limits are set as per the defined delegation limits (monthly, transactional, cash withdrawal if applicable); Adherence to Council overall borrowing or budgetary limits set by the issuer of the credit facility.
3. The General Manager shall establish and implement a Credit Card Policy as well as procedures to support the policy, to suit the size of the Council and relevant operational or positional requirements for smooth business process, with regard to defined roles; responsibilities; criteria for approval in obtaining or removing credit card; management and administration aspects accordingly.

#### 2.2 Cardholder

4. Ensure the card is used only for allowable transactions, per relevant purchasing or approval limit delegations provided by the General Manager.
5. Ensure the card is taken care of, to report its loss immediately to the issuer of the card and also in writing to the Divisional Manager Finance and Administration and to return the card to the cardholder's Manager when leaving Warren Council.
6. To retain valid Tax Invoices, receipts and dockets (refer to Appendix 1 for the requirements of a valid Tax Invoice).
7. To justify the purposes and expenditure for which the card is used, to the satisfaction of the cardholder's Manager and in accordance with Warren Council's standards as issued from time to time.
8. To complete the credit card acquittal in accordance with clause 4.1.
9. ~~Card~~-Not-Present transactions should not be utilised unless the card holder can be assured of the merchant/business they are dealing with are validated, known and reputable. This would also include understanding of risk involved with online transactions, use only websites with https:// not http://, for added layer of encrypted transactional protection.

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

### 2.3 Cardholder's Manager

- a. Ensure that cardholders are aware of and perform their accountabilities in relation to the system.
- b. Check that use of the credit card is within the authority of the cardholder.

### 2.4 Divisional Manager Finance and Administration – Program Administrator

1. Responsible for the development, ongoing review, to implement and communicate the Credit Card Policy and procedures to all relevant parties.
2. Receive and approve Cardholder applications, for consideration of General Manager and final approval from the Card Issuer (financial institution).
3. Ensure Warren Council's requirements concerning usage of credit cards is known by cardholders and ensure the publication of timetables for acquittals are issued from time to time.
4. Liaise with and maintain all aspects of the Credit Card Facility (cards, cardholders) with the Card Issuer (financial institution), additions or removal of cards and ongoing use of the administration system provided for management.
5. Ensure incomplete credit card account acquittals are returned to the originator.
6. To ensure cost allocations are made in a manner suitable for management accounting and reporting purposes.
7. Ensure accounts and records are kept in order to comply with relevant taxation laws.
8. Ensure payments to card issuers are made by the due date.
9. Bring to the attention of the relevant Manager any:
10. Card usage that appears to be beyond the authority of the cardholder
11. Non-conformance with the system for acquittals of card statement account
12. Bring to the attention of the General Manager any non-conformances or unusual matters not resolved in a reasonable period of time.
13. Ensure the system is audited as part of the overall program of financial audits.
14. Report to the General Manager and to Warren Council's auditors immediately any reasonable concern that arises in relation to fraud or misappropriation and initiate an investigation.
15. Review the operation of the system from time to time and modify it to meet the needs of the organisation.
16. Ensure relevant training is provided to all credit card holder as required, upon issuance or change in delegation; update of procedure; update of policy guidelines; other related changes that may occur.

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

### 3. DEFINITIONS

#### 3.0 Allowable Transactions

Transactions primarily for travel related transactions, minor stores and accessories. These transactions could include:

- Air fares
- Taxi fares
- Accommodation & meals
- Fuel for company vehicles (where there is no fuel card supplier)
- Company vehicle servicing
- Work related books
- Work related conferences/courses
- Other one off purchases approved by Divisional Manager Corporate & Finance
- White Goods
- Protective Equipment
- Store items less than \$2000 and or where the supplier does not accept purchase orders

#### 3.1 Transactions are not to include the following:

- Private use
- Cash advances
- ~~ebay~~ or similar web based purchasing – permitted with Divisional Manager or General Manager consent only.
- Cash splitting payments or purchases, each payment or purchase shall be singular in application, not pay for one good, service or item split over multiple transactions to evade relevant purchasing delegation and policy or procedure of Council. Any items discovered as cash splitting payment or purchase, will result in the credit card issue immediately cancelled and revoked from the person/s concerned.

### 4. POLICY STATEMENT

#### 4.0 Card Account Acquittals

The cardholder shall:

1. Annotate the card account statement sufficiently for their Manager to be able to understand and approve (or question) the listed expenses.
2. Attach to the card account statement Tax Invoices for every expense and to reconcile the card account statement with these documents.
3. Where a Tax Invoice is lost (expected to be a rare event), every effort must be made to acquire a copy from the relevant supplier, otherwise attach a signed declaration to that effect, with details of the expense to the satisfaction of their Manager.
4. Certify, by signing the card account statement, that the expenses listed have been incurred, that the goods and/or services have been received, that the details have been reconciled, and are correct for payment.
5. Obtain the signature of their Manager signifying approval for payment of the card account statement.
6. Forward the approved card account statement to Accounts Payable for payment

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

7. Comply with the timetable for card account acquittals issued from time to time by the Divisional Manager Finance and Administration.

The cardholder's Manager shall:

1. Check that the card account statement has been reconciled and is ready for payment.
2. Sign and approve the card account statement for payment.
3. Comply with the timetable for card account acquittals as issued from time to time by the Divisional Manager Finance and Administration.

#### 4.1 Using the CCC by staff other than Stores Purchasing Officer(s)

Staff, other than those from Stores, must:

1. Sign, date and clearly print his/her name on the Tax invoice and, where applicable, on the EFTPOS docket;
2. Ensure suppliers provide an Invoice and CCC receipt with the goods that clearly displays the CCC number;
3. Ensure that the supplier provide a compliant tax invoice for purchases over \$75 inclusive of GST;
4. Ensure that the supplier invoice and CCC receipt provides a clear and full description of goods and services e.g. "Goods as specified" is not acceptable. If this is all the supplier is willing to supply, the cardholder should go elsewhere to purchase their requirement/s. Should circumstances dictate that the purchase proceeds, an itemised list is to be attached to the supplier's documentation using either a Warren Council purchase requisition or purchase cardholder transaction form. Any future purchases should be from a supplier who will provide an itemised list;
5. Check and process their purchase card transactions in the purchase card sub ledger of Practical Plus System on a daily basis;
6. If the transaction is in order, then approve it and key the budget account number that this transaction is to be debited to;
7. If the transaction is not in order, then nominate it as a disputed transaction for follow-up and checking;
8. Forward the tax invoice documentation to Financial Services Accounts Payable office with one day of acceptance in Practical Plus System.
9. If the invoice is not subject to GST, then the appropriate GST code is to be amended. Any queries should be directed to the Treasurer or the Accounts Payable Officer.
10. The need for prompt processing of documentation and the acceptance of the transaction in purchase card sub-ledger of Practical Plus within one day is paramount so as to ensure the transactions are valid and accrued in the general ledger.

#### 4.2 Using the Credit Card by Stores Purchasing Officer

Stores Purchasing officer must:

1. Only use their CCC with the authority of a requisition signed and approved by an officer delegated the authority for requisitioning of goods or services by the General Manager;
2. Record CCC transactions on a purchasing daily checklist form;
3. Clearly state his/her name, CCC number, CCC expiry date and contact phone number when authorising a purchase to Supplier;

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

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4. Advise the Supplier of the name of the Officer picking up the goods;
5. Advise the Supplier to check the identification of the Officer picking up the goods;
6. Advise the supplier not to issue any goods until the identification of the Officer picking up the goods is confirmed;
7. Advise the supplier to contact the Purchasing Officer if the ID of the Officer picking up the goods is not correct.

The officer collecting the goods

1. Must collect the Invoice and the CCC receipt from the supplier and deliver it to the Purchasing Officer within one working day;

**4.3 Processing for Payment of Corporate Credit Card**

Card Holder

1. The individual card holder is responsible to complete the "Card Credit Expense Report."
2. All receipts **MUST** be accounted for and should receipts be misplaced a "Statutory Declaration is required to be completed on the approved form." Should receipts be continually misplaced by the cardholder the Card Credit will be remove from the individual.

Financial Team

1. Ensure prompt processing of Credit Card Accounts via a direct bank debit entry;
2. Reconcile the Credit Card control account to that of the Credit Card bank statement on a monthly basis after the cardholder has forwarded the "Credit Card Expense Report.";
3. Reconcile the CCC sub ledger to that of the control account in the General Ledger on a monthly basis;
4. Download the Electronic Transactions from the Bank to the CCC Sub Ledger;
5. Match the Invoices/Documentation from the Credit Card Holders to the individual statements received from the bank on a monthly basis;
6. Follow up outstanding documentation and transactions with the individual Credit Card holders.

**4.4 Non-Compliance by Credit Cardholders**

Should any Credit Cardholder not adhere to this Policy or other financial policy requirements, then consideration may be given to cancelling the individual Corporate Credit Card.

The Divisional Manager Finance and Administration shall submit a report to the General Manager outlining non-compliance issue and recommending a course of action to remedy the situation.

**5. POLICY REVIEW**

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

## APPENDIX 1 – REQUIREMENTS OF A VALID TAX INVOICE

### For purchases less than \$1,000:

- the words "Tax Invoice" stated prominently
- the name of the supplier
- the ABN of the supplier
- the date of issue of the tax invoice
- a brief description of the goods or services purchased
- total price of the sale (including GST)
- where the GST is exactly 1/11<sup>th</sup> of the total price, GST must be shown separately or provide the statement such as "total price includes GST".
- Where the GST is less than 1/11<sup>th</sup> of the total price, show the GST amount and the total amount excluding GST for the purchase.

### For purchases more than \$1,000:

- the words "Tax Invoice" stated prominently
- the name of the supplier
- the ABN of the supplier
- the name of the recipient (Warren Shire Council)
- the address or ABN of the recipient (Warren Shire Council – 87 198 932 652)
- the date of issue of the tax invoice
- the quantity of goods purchased or the extent of the services provided
- a brief description of the goods or services purchased
- total price of the sale (including GST)
- where the GST is exactly 1/11<sup>th</sup> of the total price, GST must be shown separately or provide the statement such as "total price includes GST".
- where the GST is less than 1/11<sup>th</sup> of the total price, show the GST amount and the total amount excluding GST for the purchase.

### For purchases where the cost includes taxable purchases and a GST free or input taxed purchase (a mixed supply) the tax invoice must also:

- clearly identify each taxable purchase
- show the total amount of GST to be paid
- show the total amount payable for the sales.

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## APPENDIX 2 – CREDIT & PURCHASING CARD CONDITION OF USE

Note terms such as 'total price includes GST' or similar are not sufficient for invoices in this category.

Applicant (Cardholder)	
Position	
Department	

The Corporate Credit Card (CCC) will be issued to you on the following conditions:

- a. I am required to ~~take strict care over the custody and use of the card at all times.~~
- b. I will not permit the CCC to be used by another person according to guidelines.
- c. I will not use the CCC, nor permit it to be used, for other than official purposes.
- d. I may only use the CCC for purchasing goods and services required for Council related purposes.
- e. I will not use the CCC to obtain cash.
- f. I may only use the CCC for purchasing/paying to a limit of my delegated authority in any one transaction.
- g. I will check and process my purchase card transactions in the Practical System each day.
- h. I will forward all relevant documentation to Financial Services within one (1) week of the statement being received.
- i. I will use the CCC in accordance with the CCC Administrative Policy & Procedure
- j. I will obtain the approval of the Manager for my department for all entertainment and hospitality expenditure equal to or greater than \$1,000.
- k. If a Manager of a department, I will obtain the approval from the General Manager of all entertainment and hospitality expenditure equal to or greater than \$2,000.
- l. If employed as the General Manager of Council, I will obtain the approval from the Mayor of all entertainment and hospitality expenditure equal to or greater than \$2,000.
- m. If the CCC is lost or stolen, I will immediately inform the Accounts Payable Team Leader/Senior procurement officer and/or the card provider.
- n. If I identify or it is brought to my attention that misuse or fraud is taking place against my CCC, I will immediately inform the Divisional Manager Finance and Administration and the card provider.
- o. Upon the notification and/or cessation of my employment in the current position, I am required to return the CCC promptly to Divisional Manager Finance and Administration.
- p. I understand that my card may be cancelled for non-compliance.

I acknowledge that I have read and understood the conditions set out above, and the Credit Card Policy and Procedure documents, which govern the issue and use of the CCC in my name and I will report all breaches to the Divisional Manager Finance and Administration immediately.

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Warren Shire Council – Corporate Credit Card Policy

Signature of Cardholder	
Name of Cardholder	
Telephone Number of Cardholder	
Date signed	

I have witnessed the signature of the cardholder – YES / NO

Signature of Witness	
Name of Witness	
Date signed	

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CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

## APPENDIX 3 – Statutory Declaration for Missing Receipts on Council Credit Card

Transaction Date: \_\_\_\_\_  
Payee: \_\_\_\_\_  
Amount: \_\_\_\_\_  
GL / WO No: \_\_\_\_\_  
Details of Expense: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (name), confirm the above  
purchase details are true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

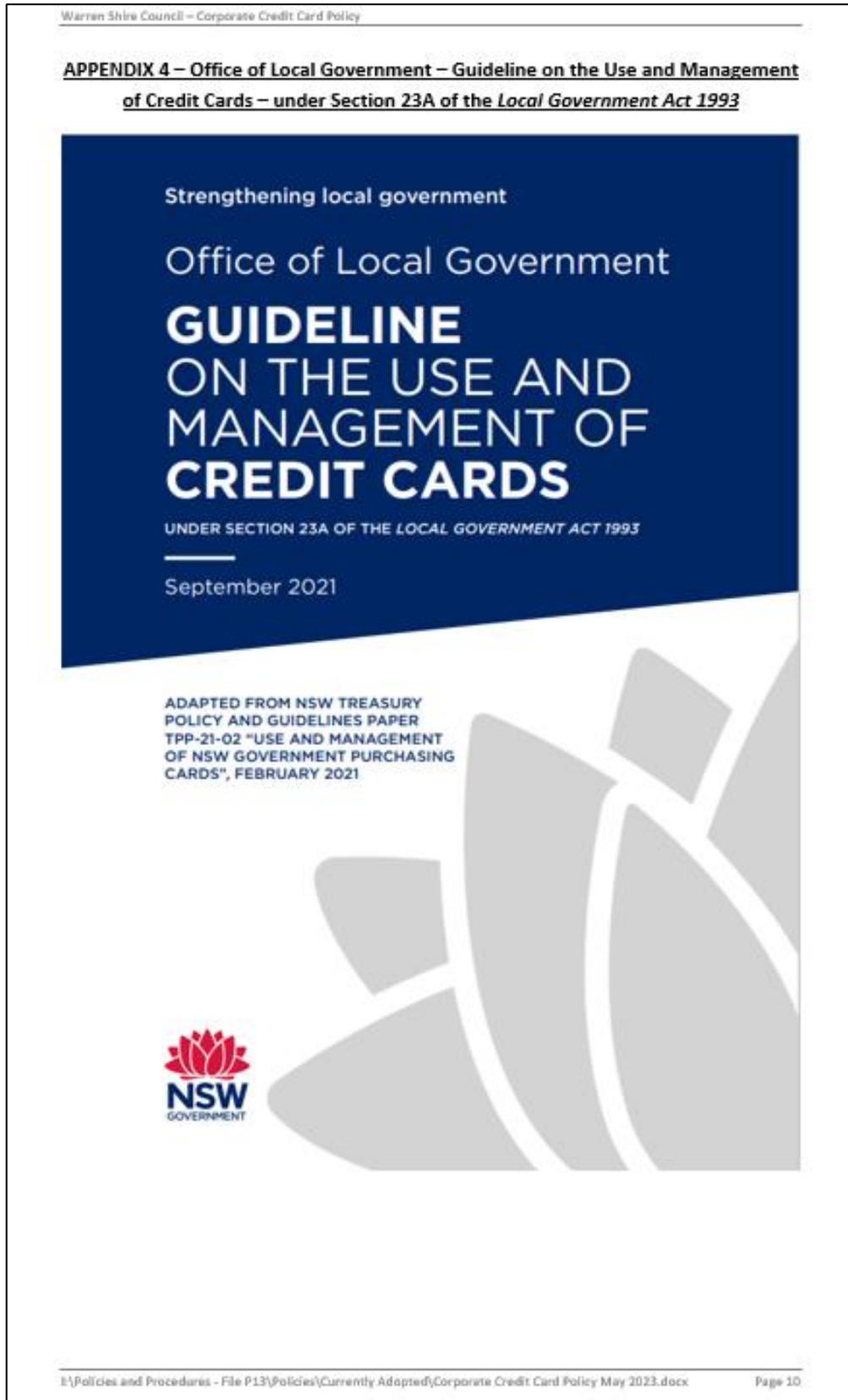
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#### ACCESS TO SERVICES

The Office of Local Government located at:

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Warren Shire Council – Corporate Credit Card Policy

Guideline on the use and management of credit cards

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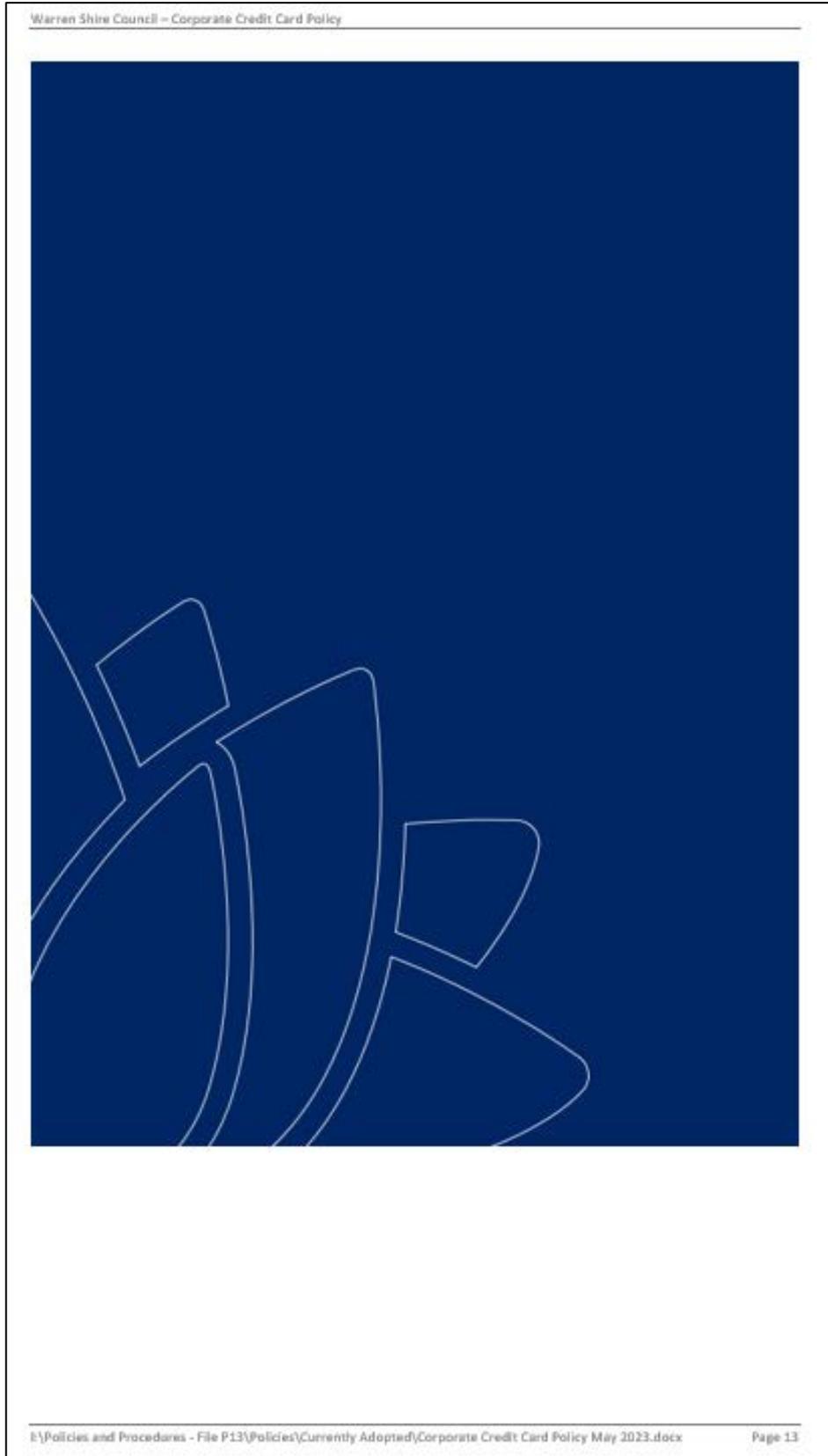
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**WARREN SHIRE COUNCIL**  
Policy Report of Divisional Manager Finance and Administration  
to the Ordinary Meeting of Council to be held in the  
Council Community Room on Thursday, 24<sup>th</sup> April 2025

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ITEM 15

CORPORATE CREDIT CARD POLICY

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Warren Shire Council – Corporate Credit Card Policy

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Guideline on the use and management of credit cards

## Introduction

The Local Government Act 1993 (section 88f) and the Local Government (General) Regulation 2021 (clause 209) require all councils to establish effective internal control mechanisms for financial management, expenditure and accounting records.

The Guideline on the Use and Management of Credit Cards (the Guideline), established under section 23A of the Local Government Act 1993 (LG Act), support these legislative responsibilities and provide specific sector-wide guidance on how to establish effective controls in relation to credit card use and management. They are based on the NSW Treasury guidelines that apply to state agencies.

The Guideline suggests a minimum framework for the use and management of credit cards to ensure that risks associated with their use and management are minimised. The guidance in this document applies equally to the use of Purchase Cards (PCards) and Virtual Cards (VCards) where councils use these facilities.

It provides councils, county councils and joint organisations with the necessary information to put in place internal controls surrounding the establishment, management, review and maintenance of a credit card policy and related procedures. It also seeks to reinforce the responsibilities of council officers when exercising functions in relation to sound financial management.

The Guideline is structured in two parts: core responsibilities and operational guidance. The two core responsibilities and associated actions provide the foundation upon which councils should shape their credit card policy. Operational guidance expands on these actions using a risk-based approach and includes advice on both the management of a credit card program and the responsibilities of individual cardholders.

The use and management of credit cards by councils is an important element of council operations and internal controls that must be included in each council's risk management framework and regularly reviewed as part of the audit, risk and improvement committee's and internal audit function's four-yearly strategic work program.

From June 2022, each council (including county councils and joint organisations) in NSW will be required under section 428A of the LG Act to appoint an audit, risk and improvement committee to review the council's financial management, statutory compliance and fraud and corruption controls.

Each council will also be required under the Local Government (General) Regulation 2021 to establish and operate an effective risk management framework and internal audit function to support the work of these committees.

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<sup>1</sup> The Guidelines for Risk Management and Internal Audit for Local Councils in NSW will provide more information about councils' statutory requirements in relation to audit, risk and improvement committees, risk management and internal audit. They will be made available at [www.qla.com.au](http://www.qla.com.au)

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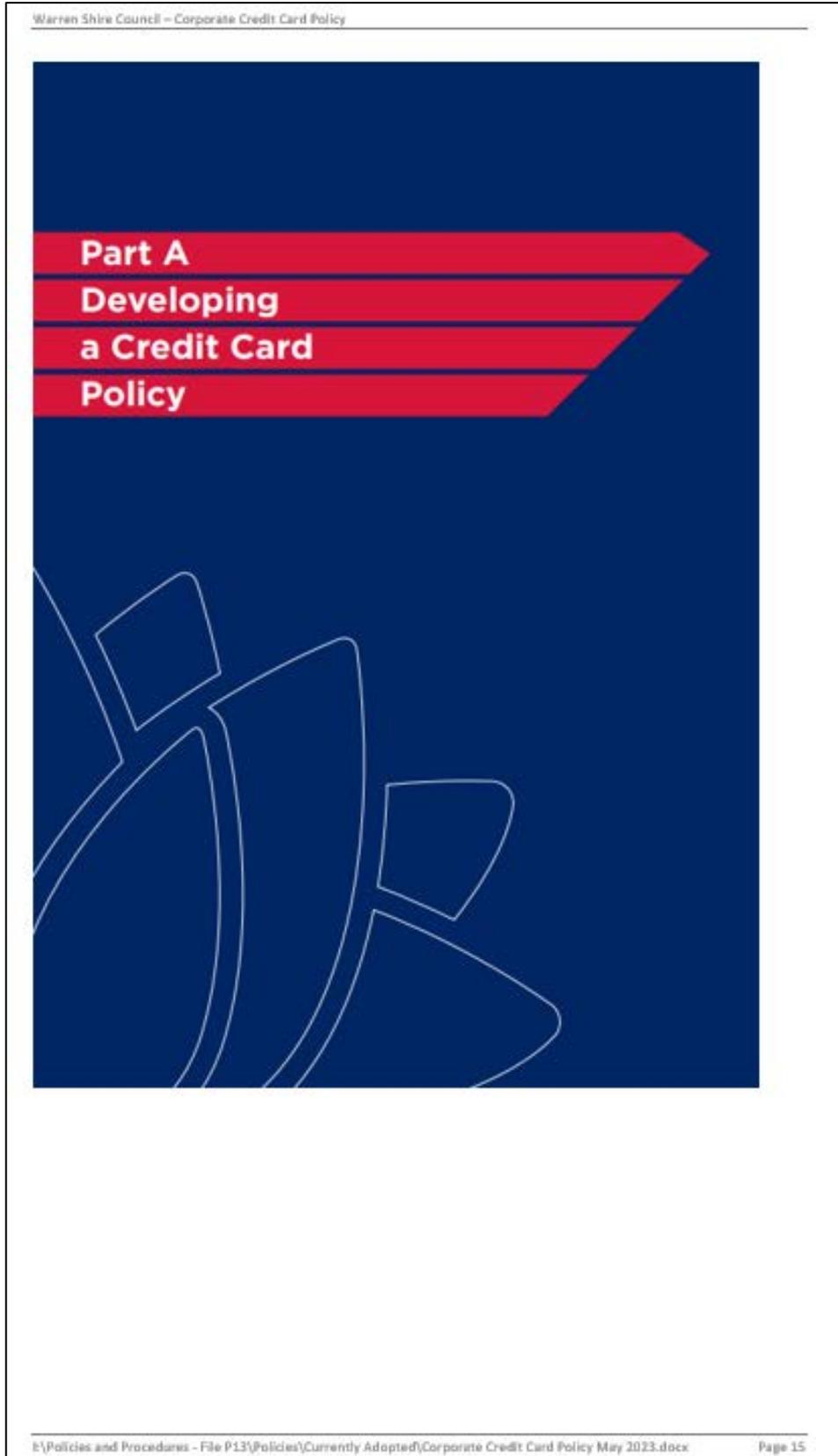
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### Core Responsibilities

These core responsibilities are considered fundamental to establishing and maintaining an effective and efficient credit card policy and related procedures that ensures expenditure is always carried out in the public interest. Supporting each of these core responsibilities is a list of suggested actions that, when implemented together, will establish a minimum framework for the use and management of credit cards.

### 1 Core responsibility 1

**The General Manager is ultimately responsible for the proper management and administration of credit cards within the council.**

- 1.1 The General Manager shall ensure that an internal approval process is established for council officers and councillors (the Cardholder) to obtain and use credit cards. This should be consistent with the requirements of the Card Issuer.
  - the council is not exceeding its total borrowing limit or budget limits by issuing the credit card to the Cardholder.
- 1.2 The council's internal approval process should ensure the following before a credit card is provided to a Cardholder:
  - the Cardholder has the appropriate financial and operational delegations to incur expenditure on behalf of the council
  - the Cardholder has appropriate credit card limits set (monthly spend limit, transaction limit, and (only if deemed necessary for the smooth conduct of council business) ability for cash withdrawal determined and, if so, these limits include a cash withdrawal monthly limit and cash withdrawal transaction limit)
- 1.3 The General Manager shall establish and implement a Credit Card Policy as well as procedures to support the credit card policy appropriate to the size of the council. As a minimum, the credit card policy and related procedures should address:
  - roles and responsibilities relating to credit card use, management and administration. This may include Credit Cards, Purchasing Cards (PCards)<sup>2</sup>, Virtual Cards (VCards)<sup>3</sup>, Fuel Cards, Store Cards and CabCharge.<sup>4</sup>.
  - requirements for approval, issuance of credit cards and closure of accounts.
  - criteria for eligibility to obtain a credit card.

<sup>2</sup> Purchasing card (PCard) refers to a credit card issued by the Card Issuer (generally a bank, building society or credit union) which is used by Cardholders to engage in transactions relating to the purchase of goods and services on behalf of the organisation. PCards are also known as corporate cards, government cards and procurement cards.

<sup>3</sup> Virtual card (VCard) refers to a credit card that is not issued as a physical card, rather a 16-digit number provided to the supplier for use in card-not-present transactions. The vCard card is not linked to a Cardholder but is established in the council's name (with one or many users). To protect the card security, typically one card is created for use with a single supplier (Merchant).

<sup>4</sup> Note that some credit facilities, such as fuel cards, may be covered under different corporate policies, such as a vehicle management policy. If this is the case, noting this in the credit card policy is recommended and the principles outlined in this Guideline should be reflected in these associated policies.

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- credit limits, thresholds and restrictions,
- restrictions, including on prohibited items and supplier merchant blocks,
- the types of payments that are to be procured via an alternative method to ensure consistency with other corporate policies (for example, via a purchase order or established council supply contracts),
- Cardholder training requirements,
- requirements for transaction acquittal, including independent reconciliation of the General Manager and Mayor's credit cards as well as the responsible accounting officer / Chief Financial Officer or any other officer that can approve payments for credit card expenditures, and guidance for staff on how to escalate concerns,
- requirements for reconciliation and approval (taking into consideration segregation of duties),
- transaction dispute processes agreed with Card Issuer,
- best practice for Cardholders to ensure the security of credit cards,
- the process for reporting lost or stolen credit cards with Card Issuer,
- infraction, issues management and account cancellation,
- reporting fraud and corruption processes,
- software management (including user access and security),
- Cardholder security digital records management, and
- processes for the review and continuous improvement of the council's credit card policy.

1.4 The council should ensure there is an accessible and up-to-date record of all authorised Cardholders (a Credit Card Register<sup>1</sup>) with approval records from the appropriate line manager as well as the credit card Program Administrator (see section 4.2), authorising the card issuance and credit limit.

1.5 The General Manager should maintain an accessible record of the council's credit card program borrowing limit and aggregate credit limit of individual credit cards currently issued, (as well as PCard, Fuel Card, Store Card, Cabcharge and VCard limits where applicable); This may be combined with the Credit Card Register.

1.6 The General Manager should undertake appropriate actions to not exceed the council's total program borrowing limit and may wish to adjust the credit card program total program borrowing limit to meet the ongoing needs of the council.

1.7 The General Manager should ensure that a direct debit facility is implemented with the Card Issuer for the automatic payment of monthly credit card accounts in full to eliminate any late payment fees and interest charges.

1.8 The General Manager should ensure that the risks associated with the council's credit card program are subject to a risk assessment as part of the council's risk management framework to ensure identified risk treatments remain adequate or are properly remedied in a timely manner. See section 5.3 for further information.

<sup>1</sup> A Register may consist of retained credit card applications in a single file, a separate register, and/or a function report provided online by the Card Issuer.

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## 2 Core responsibility 2

**Cardholders understand and are accountable for the responsible use of credit cards.**

2.1 Cardholders must use credit cards for business purposes only and in a manner compliant with council's credit card policy and related procedures.

2.2 In relation to using their credit cards, Cardholders are responsible for:

- complying with the terms and conditions of the Card Issuer,
- the safety and security of their card, card details and other requirements,
- knowing the administrative conditions of their card and account, including relevant limits, thresholds and restrictions,
- ensuring that the credit limits are not exceeded (purchases must not be split to negate single transaction limits),
- obtaining and retaining all relevant documentation for all transactions. The Australian Tax Office (ATO) stipulates that all transactions above \$82.50 must have a tax invoice for GST purposes. It is recommended that all credit card transactions be substantiated, where possible, with an official tax receipt regardless of the amount, and
- the timely acquittal of transactions, ensuring the time given is no greater than the time stipulated by the financial institution to log a dispute over errant transactions.

2.3 Cardholders should notify the Card Issuer directly in the following circumstances to reduce the risk of fraudulent transactions occurring:

- the loss or theft of the credit card, immediately regardless of whether it is a working day or weekend, and/or

- awareness that an unauthorised transaction has occurred, at time of occurrence or at end of month reconciliation (whichever is the earliest).

2.4 Cardholders or their line manager should notify the credit card Program Administrator the next working day or as soon as practicable in the following circumstances:

- cessation of employment with the council,
- a change in the Cardholder's substantive role,
- a change in the nature of the Cardholder's responsibilities that no longer require the Cardholder to use a credit card (whether or not this includes a change in their substantive role),
- a change to the operational or financial delegation limits that are associated with the Cardholder's role,
- a prolonged leave of absence from performing their role (the council's credit card policy should advise what time period is considered a prolonged absence but is usually considered any absence longer than 8 weeks),
- the credit card has been suspended or cancelled,
- the loss or theft of the credit card, or
- on awareness that an unauthorised transaction has occurred, at time of occurrence or at end of month reconciliation (whichever is the earliest).

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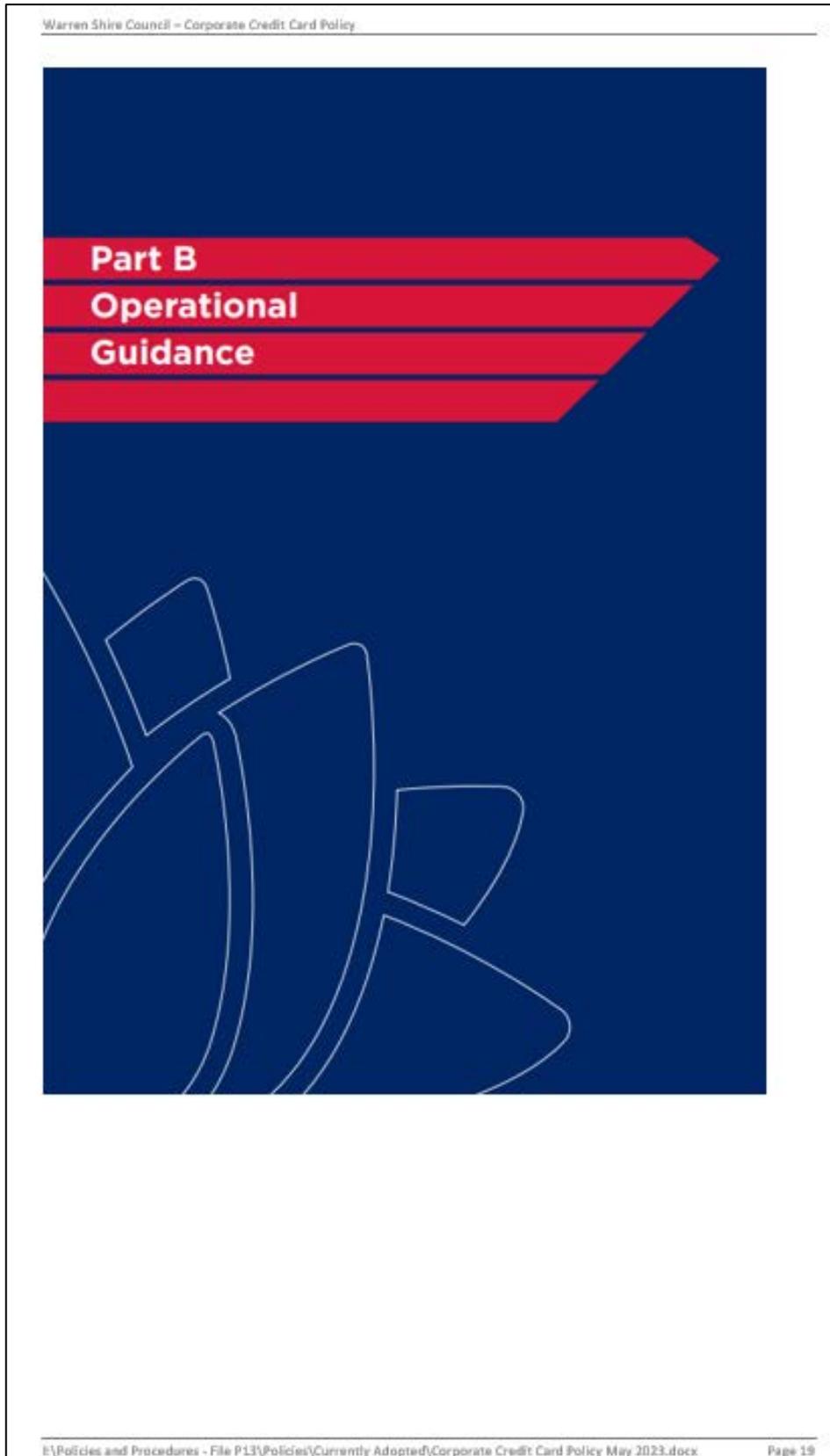
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This Operational Guidance builds on the above core responsibilities by assisting councils to develop and tailor their credit card policy and related procedures to their size, complexity and risk profile, and provides Cardholders with information to help them understand their responsibilities.

### 3 Risk Management

3.1 A council's credit card policy and related procedures should seek to manage risks specific to the use of credit cards as part of the council's overall risk management framework. There are, however, particular risks associated with the use and administration of credit cards that will need to be identified and managed. Examples include:

- the risk of inappropriate use and waste (defined as any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a serious and substantial loss of public funds or resources),
- the potential for transaction and/or accounting errors (e.g. duplication of payments), and
- the application of inappropriate purchase methods (e.g. directly purchasing an item or service on credit card without assessment of any contract terms, rather than seeking to negotiate appropriate contract terms and conditions).

3.2 Risk is defined as the impact of uncertainty on objectives. In the context of credit cards, this risk will largely relate to those aspects of the use and management of credit cards that could affect a council's overall financial position and ongoing financial management. However, risks arising from the use and administration of credit cards can also affect other objectives including those associated with procurement, service delivery and/or reputation.

3.3 One of the most significant risks associated with credit card administration and use that can adversely affect a number of objectives is fraud. The Independent Commission Against Corruption (ICAC) provides some examples of the potential fraud risks associated with credit cards<sup>6</sup> including:

- a Cardholder charging personal expenses to the council credit card,
- a Cardholder and a client colluding to misuse a council credit card,
- a Cardholder using the card's personal identification number to withdraw cash for their own or another's benefit,
- a Cardholder falsifying, destroying or damaging receipts and other records, and
- one or more council officers colluding for improper benefit - for example, the Cardholder colluding with another council officer whose role is to check expenditure.

<sup>6</sup> For further information on corruption prevention as it relates to credit cards, see <https://www.icac.nsw.gov.au/prevention/corruption-prevention-advise-topics/credit-cards>

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3.4 While a number of risk types, together with specific examples of risks associated with credit cards have been provided here, it is important that councils engage in a structured risk assessment as part of their overall risk management framework to ensure that they are able to identify and assess the particular risks in relation to the use and administration of credit cards in their organisation. It is important not to rely only on previous experience to identify risks associated with credit card use. This is where it is useful when reviewing risk management strategies to involve key stakeholders including Cardholders, merchants and the Card Issuer.

Councils should also seek to keep up to date with new or emerging risks, especially those associated with the application of new technologies or during times of organisational change. Additionally, councils should endeavour to share their knowledge and experience with other councils, for example through joint organisations, in order to continually improve their management of these risks.

Councils should also refer to various audit reports of the Audit Office of NSW<sup>7</sup> and other jurisdictions<sup>8</sup> that have undertaken audit or assurance work relating to the use of credit cards to familiarise themselves with areas of concern that may be relevant to their organisational context.

**4 Preventative Controls**

Preventative controls are those designed to prevent errors and irregularities from occurring. Some examples of preventative controls for credit cards include:

**4.1 Policies and Procedures**

Setting out a council's expectations in a clear and well communicated credit card policy and related procedures is fundamental to the establishment of a strong control environment. Supporting procedures establish and standardise behaviours and help council officers, Cardholders and others to understand and fulfil their obligations.

Councils should consider the appropriate level of guidance required to ensure that their credit card policy expectations are understood and met by all council officers, Cardholders and other stakeholders. This may include, for example, supporting procedures on:

- card issue, transfer, and cancellation. Action to address damaged, lost or stolen cards should also be clearly described,
- routine review of issued cards, specifically to verify that credit cards are issued to staff with an identified business requirement and appropriate financial delegation (to purchase goods or services on behalf of the council) and to ensure that each Cardholder is still the appropriate recipient of a card,
- independent periodic monitoring and review of credit card use, management and overall performance across the council (see section 5.3 for suggested timeframes and further information).

<sup>7</sup> For example, the 'Report on Local Government 2019' - <https://www.audit.nsw.gov.au/our-work/reports/report-on-local-government-2019> and 'Credit card management in Local Government' - <https://www.audit.nsw.gov.au/our-work/reports/credit-card-management-in-local-government>

<sup>8</sup> Refer to Australian National Audit Office reports such as <https://www.anao.gov.au/work/performance-audit/efficiency-management-credit-and-other-transaction-cards>

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- the applicable billing cycle and standardising the approval, acquittal and authorisation of transactions.
- processes for transacting via internet, phone or in person with a credit card, including any mandatory or prohibited methods of transacting.
- the retention of appropriate supporting documentation (including electronic documentation) to be retained in connection with the use of credit cards. This should include information about actions to be taken where the appropriate supporting documentation is unavailable or has been misplaced, or for unusual transactions that might require more than standard supporting documentation.
- allowable uses of the credit card and supporting staff to address unrecognised transactions, discrepancies, errors or inadvertent misuse and procedures for following up issues with merchants and/or the Card Issuer.
- secure storage and security of cards.
- user access to, and security requirements on, administration systems and applications supporting the credit card program, and
- confidentiality and security surrounding the use of credit card and related data, specifically accessing, retaining and sharing of card and cardholder details or other transaction details.

#### 4.2 Nominating a Program Administrator

Councils should nominate the role of Primary Program Administrator (PA) and back-up Program Administrator to act as a central point of contact for Cardholders, Merchants, and the Card Issuer. PA's undertake certain functions within the Card Issuer's Administration System not accessible to other council staff including Cardholders. A nominated PA should be a council officer with relevant skills and experience to undertake the role.

The responsibilities of Program Administrators may include:

- supporting the development, review, implementation and communication of the council's Credit Card Policy and procedures
- receiving completed and approved Cardholder applications and submitting applications to the Card Issuer
- ensuring that Cardholders and approvers have completed reconciliation processes in a timely manner
- liaising with the Card Issuer about the administration of cards, including issuance, changing of limits, thresholds and restrictions, and cancellations
- liaising with the Card Issuer regarding the Card Issuer's Administration System.

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**4.3 Credit Card Limits and Restrictions**

Limits and restrictions should be set for each Cardholder. In setting these the council should consider:

- the responsibilities of the role or position held by the Cardholder,
- the level of current expenditure of the Cardholder (subject to total program borrowing limit of the council),
- the types of expenditures made by the Cardholder, and
- ensuring consistency with other corporate policies.

**Spending Limits**

Councils can tailor the spending limits for individual Cardholders. Councils should ensure that spending limits align with its procurement policy. For example, the limit might be set to \$1,000 consistent with a procurement policy that requires a Purchase Order for any transaction greater than \$1,000. Any exceptions should be clearly included in the credit card policy.

It is good practice for councils to set and communicate the following for each Cardholder:

- maximum limits for each monthly billing period
- maximum limits on the amount of any individual transaction.

**Cash Withdrawals**

It is expected that credit cards will not be used for cash advances or cash withdrawals. For this reason, cards are generally issued with an existing block on cash withdrawals.

Some councils may wish to allow for cash withdrawals in particular circumstances, such as work in rural and remote locations where credit card facilities are not as widely used or when Cardholders are travelling overseas. In those cases, the council will need to manage the cash limits in accordance with internal approval structures. In these instances, it is also good practice for councils to set and communicate the following for each Cardholder:

- maximum transaction limits for cash withdrawals
- maximum monthly limits for cash withdrawal.

**Prohibiting 'Purchase Splitting' and certain types of purchases**

'Purchase splitting' occurs where Cardholders split one transaction into several purchases in order to avoid exceeding credit limits. This is also known as 'order-splitting' or 'stringing' arrangements. While these types of arrangements will usually be in breach of the terms of use of credit cards, councils should also consider explicitly prohibiting 'purchase splitting' arrangements in its credit card policy and associated procedures. Where a single transaction would exceed a Cardholder's credit limit, alternative payment arrangements (along with appropriate approvals if such a purchase amount is above the person's financial delegation) should be sought. Councils should also look to prohibit the purchase of specific items deemed non-business related or else are covered under alternative purchasing arrangements (refer to risk management at section 3 above).

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**Merchant Blocks**

Banks require suppliers or merchants to have identifying codes based on the type of goods or services they sell. Councils may wish to apply blocks to some merchants based on these identifying codes. This prevents Cardholders from using their credit card to transact with these suppliers or merchants.

**4.4 Segregation of Duties**

Segregation of duties provides an important mechanism for councils to better prevent and detect errors, fraud and misuse. Credit card expenditure should be subject to independent approval to incur expenditure. Administration of a credit card program should, where possible, be undertaken by someone who is not a Cardholder. Where a council has limited resources, clearly documented alternative control activities (such as periodic review processes by appropriate council officers) should be implemented instead. In cases where the PA is also a Cardholder, additional controls should be established around the maintenance and reconciliation of the PA's credit card.

**4.5 Approvals and Authorisations**

As described above, councils should establish an internal approval process for the issuance and use of credit cards. Credit cards should only be issued to individuals who are council employees or on the governing body. Councils are bound by the terms and conditions set by the card issuer and each credit card should be used by the Cardholder only.

While credit cards are assigned to particular individuals, a council's financial and operational delegations will generally refer to roles/positions rather than individuals.

if a Cardholder changes role/position or temporarily acts in a higher position, the continued use of the credit card by that individual, which is likely linked to their previous role/position, should be reviewed, as well as the ongoing appropriateness of any card limits, thresholds or restrictions. Councils should also have processes in place to ensure that credit cards are immediately cancelled upon the cessation of a Cardholder's employment. This should take into account any extended leave a person might take prior to cessation of employment.

**4.6 Safety and Security of Credit Cards**

Credit cards provide access to council funds. For this reason, the safety and security of the card and its details are paramount to ensuring that a council's resources are not misused or misappropriated. There are various points of interaction between the Cardholder, Council, Merchant and Card Issuer where the credit card and/or card details may be mishandled.

**Ongoing Security, Storage and Use of Credit Cards**

Councils should make clear to Cardholders their expectations concerning the storage of credit card details. In particular, councils should assess the risks associated with allowing a Cardholder to use their card when travelling overseas.

While credit cards generally have some inbuilt security features, physical security is extremely important and Cardholders should not allow others to undertake transactions on their behalf using their card details.

Furthermore, councils should ensure that Cardholders are aware of card issuer and organisational emergency contact details, including those for the PA, in the event they become aware that the details of the card have been compromised.

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**Notifying Card issuer and Council of Loss or Theft**

Cardholders should be aware of the process for reporting lost or stolen cards. The Cardholder should immediately notify the Card issuer (available 24 hours, 7 days per week), as well as their line manager and the Program Administrator. Council should provide all Cardholders with relevant organisational and Card issuer contact information at the time of issuing the credit card.

**'Card-Not-Present' Transactions**

There can be additional risks associated with transactions where credit cards are not physically presented, such as in telephone and internet transactions. Councils should consider and address these specific risks in credit card procedures and training.

One of the key risks is the physical separation between the Cardholder and the merchant making it difficult in some circumstances for the Cardholder to verify the identity of the merchant. For all 'card-not-present' transactions, Cardholders should ensure, to the best of their knowledge, that the merchants they are dealing with are known and reputable.

Cardholders using the internet to pay for purchases should ensure that they are familiar with, and adhere to, their organisation's internet use and security policies and procedures. At a minimum, Cardholders should check that the merchant's secure site address starts with <https://> and NOT <http://>. Sites that start with <https://> have an added encrypted transaction layer.

Cardholders will need to ensure they obtain proper records of transactions conducted by mail, telephone or internet to support timely acquittal of transactions. Electronic receipts should be properly stored for ease of access at the time of acquittal.

**4.7 Security of Systems, Data and Information**

Cardholders, PAs and other stakeholders manage and maintain the credit card program through an integrated web of systems and applications. For those councils that operate an electronic system for the management and reconciliation of credit cards, regular consideration should be given to the impact of cyber security risks to their credit card program and risks related to accessing, storing and sharing credit card-related data and information (including Cardholder personal details, credit card numbers, transaction data). This applies to the extent that it impacts on manual, paper-based systems of credit card management.

PAs or other credit card system users with privileged or administration user system access (such as reporting or capability to manipulate or export data relating to card details, Cardholder details, merchant details, account or billing details or other transaction data) should receive an appropriate level of training and only hold a level of access commensurate with the role they are undertaking, with that access removed when they no longer need to have access. Controls should be put in place to ensure that such officers who have a credit card themselves are subject to independent oversight.

Practices for training and continual user awareness surrounding the use of credit card systems may be beneficial to controlling risks associated with systems use. Also, cyclic reviews (such as quarterly or biannually) of user access, automated updates to user access passwords or codes, and/or two-factor authentication are all examples on the types of controls that could be used.

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Further, users should be trained on the appropriate classification, labeling and handling of information along with the Information Protection Principles<sup>9</sup> when dealing with council financial data and personal information. Councils should provide details on how users can ensure the proper handling and protection of data and information to ensure the basic obligations to protect information councils collect on their own activities and about individuals.

#### 4.8 Training and Induction

Training Cardholders on their responsibilities is an important control that reduces the risk of credit card misuse. Training should provide Cardholders with the knowledge and skills to effectively deliver on their responsibilities and understand their accountability for credit card use. The training should cover all areas of credit card policies and procedures.

Training on, and council's expectations in relation to, credit card use and management, should be provided to Cardholders at induction or before being issued a credit card. In addition, it is recommended that the Cardholder signs a statement of responsibility to acknowledge their responsibilities with respect to the use and management of their credit card.

Training on the proper use of credit cards should also be provided to councillors, ideally as part of their general induction as new councillors that occurs at the start of each council term.<sup>10</sup> Councillors have a responsibility for the sound financial management and sustainability of the council under the Local Government Act 1993.

#### 4.9 Ongoing Communications

An ongoing communications program is good practice as it allows councils to:

- reinforce their policies, processes and procedures, including those related to fraud and misconduct
- remind Cardholders of their responsibilities, including timely reconciliation
- update Cardholders and other council officers on changes to policies, processes, procedures or terms and conditions of use
- ensure awareness of various training and support facilities offered to Cardholders and other council officers.

<sup>9</sup> See: <https://www.australia.gov.au/information-protection-principles/australian-principles>

<sup>10</sup> For further guidance on how to undertake induction and training for new councillors, visit the OLG website: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

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## 5 Detective Controls

Detective controls are designed to identify and rectify errors and irregularities. Some examples of detective controls that councils may employ include:

### 5.1 Expenditure Acquittals and Reviews

Acquittal and review of credit card transactions are important detective controls for councils. In the first instance, acquittals will be undertaken by a Cardholder to compare expenditure from advice provided by the Card Issuer to their supporting documentation to ensure that transactions are accurate. This process should be completed as soon as possible and, if possible, within 30 days of advice from the Card Issuer to allow any disputed transactions to be reported to the Card Issuer in a timely manner.

A review of the Cardholder's transactions should also be undertaken by the Cardholder's direct manager. The Cardholder's direct manager (or in the case of the General Manager, the Mayor) is usually the most appropriate person to conduct the review as they will be familiar with relevant credit card policies and guidelines for credit card use and have knowledge of the activities of the Cardholder. However, where the council determines that the direct manager is not the appropriate person to exercise the review, they should nominate another reviewer based on the following considerations:

- seniority of the reviewer relative to the Cardholder
- independence of the reviewer
- knowledge of the Cardholder's activities
- knowledge of the council's credit card policy.

The reviewer will be responsible for forming a view on whether the expenditure incurred was for business purposes and was consistent with the Cardholder's responsibilities and activities. The reviewer should assess whether:

- the expenditure incurred was appropriate for the purpose and reasonable
- the expenditure categorisations align with those allowed by the council
- the appropriate supporting documentation has been attached
- financial systems ledger costings information is correct.

In addition to these processes, council should ensure that there are processes for regular independent reviews of a sample of Cardholder transactions.

There should be an audit trail to record the date of all reconciliations and reviews as well as to verify the identity of the Cardholder and reviewer.

Procedures and controls should also be established over the maintenance and storage of records of credit card reconciliations and other supporting documentation as relevant, and in accordance with council's record keeping obligations.

### 5.2 Detecting Fraud

Fraud by its nature is more difficult to prevent and detect than unintentional errors and irregularities. As fraud is an intentional act, perpetrators will often take actions to avoid detection. This includes circumventing existing controls. While any system of control cannot entirely eliminate the risk of fraud, it is necessary to identify and assess fraud risks and design controls specifically to mitigate the risk of fraud.

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Protecting a council's resources from fraud and monitoring for suspicious activity of staff and/or third parties is not a simple task. While it may be appropriate for councils with large amounts of assets and/or expenditure to engage sophisticated and integrated fraud prevention and detection systems, all councils will benefit from targeted monitoring for fraud risk. This may include monitoring for:

- unusual or unexpected levels of expenditure
- transactions with unusual types of Merchants
- the use of "suspicious" words, as identified by the council, to identify exceptions
- transactions for non-business items and services
- multiple transactions for the same or similar items or for the same amount
- inconsistency between expense description and merchant code
- consistent late submission of supporting documentation or outstanding reconciliations
- transactions that have occurred on weekends, public holidays or while the Cardholder is on a leave of absence.

However, it should not be assumed that fraud has occurred if an instance listed above is identified. There may be legitimate reasons for any of these occurrences. Rather, the indicators should prompt further inquiry to ensure that they reflect appropriate use of the credit card.<sup>18</sup>

### 5.3 Monitoring and Review of Credit Card Controls

Councils should design and implement a credit card monitoring and review schedule as part of its overall risk management framework. This schedule should provide a systematic and continuing assessment of internal controls of the credit card program to ensure that identified and implemented controls remain effective and fit for purpose. This should include testing whether existing controls are operating effectively using techniques such as re-performance, observation or inspection of documentation. Audit logs of the activities of PAs or other credit card system users with privileged or administration user system access should also be kept and reviewed as part of this schedule.

Regular reviews are also necessary to ensure the system of controls continues to effectively and efficiently mitigate credit card risks, because risks will not be static. Reviews with individual self-assessments or like reports being provided to line or senior management for review may include:

- user reviewed or guided self-assessment (based on a checklist or other tool that identifies key controls to be verified)
- line management or PA reviews (based on a defined set of controls to be verified. This may include data mining and analytics or guided assessment)
- independent or third-party reviews, e.g. internal or external audit.

Councils will need to assess the value of employing different monitoring and review methods. A range of frequent, lower cost, risk-based reviews in addition to less frequent major reviews may provide an appropriate level of assurance.

<sup>18</sup> For further information about managing fraud generally, see <https://www.audit.nsw.gov.au/our-work/reports/fraud-control-improvement-4th-meeting-2019-fraud-control-2019-2020>. Further information and guidance to prevent fraud and corruption is also available from ICAC: <https://www.icac.nsw.gov.au/prevention>

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An adapted version of an example periodic monitoring and review frequency table (Table 1, below) designed by the Australian National Audit Office<sup>12</sup>, provides some guidance on the different types of review and monitoring that councils should engage in, and the relevant timeframes.

**Table 1: Suggested periodic monitoring and review timetable**

Indicative Frequency	Nature of monitoring and review
Ongoing	<ul style="list-style-type: none"> <li>• Recording of unusual events (e.g. record instances of reported personal use of credit cards so any recurrence is noted; record Merchants involved in disputed transactions).</li> <li>• Assess and act on overdue reconciliations by Cardholders.</li> </ul>
6 - 12 months	<ul style="list-style-type: none"> <li>• Review credit card use against credit limits for possible adjustments.</li> <li>• Review credit cards not used for a significant period to establish if they are still required.</li> <li>• Sample testing of transactions with higher risk of misuse (e.g. check whether transactions properly established value-for-money and compliance with guidelines; check whether transactions with duplicated details are Merchant error).</li> <li>• Statistical analysis of utilisation patterns (e.g. identify opportunities for centralised procurement of some types of goods).</li> <li>• Reconcile Individual Credit Card Application / Statement of Responsibility / Card Statements issued with the Card Issuer's Card Management Reports.</li> </ul>
1 - 4 years	<ul style="list-style-type: none"> <li>• Internal audit review covering credit cards as appropriate (e.g. processes for issue and return; whether reconciliation and review procedures are being followed).</li> <li>• Review expenditure in areas where judgement plays an important role (e.g. travel and meals) in order to assess whether the expenditure is remaining within public expectations.</li> </ul>

<sup>12</sup> Australian National Audit Office 2013, [Controls over Credit Card Use](#), Report No. 35 2012-13, Australian National Audit Office, Canberra, viewed 3 June 2021.

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**5.4 Internal Reporting**

Councils should utilise the Card Issuers Administration System to ensure that they are aware of each card issued to Cardholders within the council, including the relevant administrative conditions attached to each card. Managers should receive regular reports on credit card usage within their areas, including inactive accounts (where relevant), to allow for review and any updates to be made to the Credit Card Register.

**5.5 Internal Audit**

A council's Audit, Risk and Improvement Committee and internal audit function have a key role to play in ensuring the integrity of the systems, policies, processes and procedures in place, and should include a review of credit card controls as part of its four-yearly strategic work program<sup>11</sup> (See Table 1 above).

**6 Other Controls**

**6.1 Automated Controls**

Automated systems can greatly assist councils to ensure timeliness and support a consistent format for processes associated with credit card expenditure, for example, automated statements can be sent to Cardholders or an Expense Management System (EMS) can be utilised for transaction management and acquittal processes.

Councils should remain vigilant, however, to ensure that processes are being properly utilised and that they have clear control objectives and provide an audit trail that can be readily monitored and reviewed.

<sup>11</sup> Refer to the Guidelines for Risk Management and Internal Audit for Local Councils in NSW issued by the Office of Local Government ([www.ola.nsw.gov.au](http://www.ola.nsw.gov.au)) for more information about audit, risk and improvement committee and internal audit work programs.

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