



## **Ordinary Council Meeting Attachments**

**Tuesday, 25 February 2020 at 3.30pm**

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## 1.17 Attendance at Events by Elected Members, Chief Executive Office and Employees

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Person Responsible: Chief Executive Officer  
History: New Policy

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### Policy

This policy applies to Elected Members, the Chief Executive Officer and all employees of the Shire of Dalwallinu (the Shire) in their capacity as an Elected Member or employee of the Shire.

Elected Members, the Chief Executive Officer and Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in kind, or indeed it may be to a free/open invitation event for the community in general.

#### **1. Pre-Approved Events**

In order to meet the policy requirements, tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Note: Individual tickets and associated hospitality with a dollar value above \$500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

1. Advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the Chief Executive Officer and Managers only);
2. Meetings of clubs or organisations within the Shire of Dalwallinu;
3. Any free event held within the Shire of Dalwallinu;
4. Australian or West Australian Local Government events;
5. Events hosted by Clubs or Not for Profit Organisations within the Shire of Dalwallinu to which the Shire President, Elected Members, Chief Executive Officer or employee has been officially invited;
6. Shire hosted ceremonies and functions;
7. Shire hosted events with employees;
8. Shire run tournaments or events;
9. Shire sponsored functions or events;
10. Community art exhibitions within the Shire of Dalwallinu or district;
11. Cultural events/festivals within the Shire of Dalwallinu or district;
12. Events run by a Local, State or Federal Government;

13. Events run by schools within the Shire of Dalwallinu;
14. Major professional bodies associated with local government at a local, state and federal level;
15. Opening or launch of an event or facility within the Shire of Dalwallinu or district;
16. Events run by WALGA, LGIS or a recognised WA based local government professional association;
17. Where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees with the approval of the Chief Executive Officer or their respective Manager, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event the fee, including the attendance of a partner, may be paid for by the Shire out of the Shire's budget by way of reimbursement, unless the event is a conference which is dealt with under clause 4 of this policy.

If there are more Elected Members than tickets provided then the Shire President shall allocate the tickets.

## **2. Approval Process**

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event for approval as follows:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Elected Members may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and
- Events for employees shall be approved by the Chief Executive Officer.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval;
- The benefit to the Shire of the person attending;
- Alignment to the Shire's Strategic objectives;
- The number of Shire representatives already approved to attend.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including the attendance of a partner, is to be paid out of the Members Receptions budget.

Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then

the cost of the event is to be paid for out of the Shire's relevant budget line.

### **3. Non-Approved Events**

Any event that is not pre-approved, is not submitted through any approval process, or is received personally is considered a non-approved event.

- If the event is a free event to the public then no action is required;
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, the no action is required;
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within ten (10) days to the Chief Executive Officer (or President for the Chief Executive Officer) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Elected Members and the Chief Executive Officer.

### **4. Conference Registration, Bookings, Payment and Expenses**

Shall be dealt with in avoidance with Council Policy 1.7,1.8 and 4.15.

### **5. Dispute Resolution**

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members and the Chief Executive Officer and the Chief Executive Officer in relation to other employees.

### **PROCEDURES**

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together with what is expected of that individual, should they be available, and whether the invite/offer or ticket is transferable to another Shire representative.

Free or discounted invitations/offers or tickets that are provided to the Shire without denotation as to who they are for, are to be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event, inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member of employee.

## Forms and Templates

Declaration of Gifts/Contributions to Travel Form is required to be completed and lodged within then (10) days if the gift is provided in their name due to or part of their role with the Shire of Dalwallinu as follows:

- If the gift is provided to the Elected Member and the discount or free value is over \$300 (inclusive of GST), with the Chief Executive Officer;
- If the gift is provided to the Chief Executive Officer and the discount or free value is over \$300 (inclusive of GST) with the Shire President; and
- If the gift is provided to an employee, other than the Chief Executive Officer, and the discount or free value is over \$50 (inclusive of GST) with the Chief Executive Officer.

### Objective

The Shire of Dalwallinu is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event.

This policy addresses attendance at any events, including concerts, functions or sporting events, whether free of charge, part of a sponsorship agreement or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of Elected members, the Chief Executive Officer and other employees.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirements to disclose a potential conflict of interest if the ticket is above \$300 (inclusive of GST) and the donor has a matter before Council. Any gift received that is \$300 or less (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

#### Note:

If an Elected Member receives a ticket in their name, in their role as an Elected Member, of \$300 or greater value they are still required to comply with normal gift disclosure requirements.

Whilst the law permits gifts greater than \$300 to be accepted by the Chief Executive Officer (but not other employees), in their role with the Shire, the Chief Executive Officer and all other employees, by operation of this policy, are prohibited from accepting any gift greater than \$300, unless from the Shire as the organizer of the event, or as a gift pursuant to Section 5.50 of the *Local Government Act 1995* (gratuity on termination).

If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between \$50 and \$300, they are

required to comply with normal gift disclosure requirements and the Code of Conduct re notifiable and prohibited gifts.

Nothing in this policy shall be construed as diminishing the role of the Chief Executive Officer in approving attendance at activities or events by other employees that in the opinion of the Chief Executive Officer are appropriate, relevant and beneficial to the Shire of Dalwallinu and its employees.

## Guidelines

### Definitions

District: is defined as the Wheatbelt region of Western Australia

Elected Members: includes the Shire President and all Elected Members.

In accordance with Section 5.90A of the *Local Government Act 1995* an event is defined as a:

- Concert
- Conference
- Function
- Sporting Event
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.



# Local Government Operational Guidelines

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December 2019

## Attendance at events policy



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### About DLGSC

The DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural and artistic policy, programs and activities for locals and visitors to the State.

The department provides regulation and support to local governments and the racing, gaming and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians. This publication is current at December 2019.

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# 1. Introduction

Council members are expected to make decisions in the best interests of their community. To do this, they must consider each issue on its merits.

Decision-making could be influenced – or perceived to be influenced – in a number of ways, including through financial relationships, personal relationships and the receipt of gifts. The *Local Government Act 1995* sets out requirements on council members, Chief Executive Officers (CEOs) and other employees to ensure transparency and accountability in decision-making.

Certain gifts received by council members and CEOs are specifically excluded from the conflict of interest provisions (section 5.62(1B)), including a gift that is received in accordance with an Attendance at Events policy. This guideline gives an overview of matters which could be included in the Attendance at Events policy.

Note: this guideline does not apply to the gift provisions in the code of conduct that relates to employees (other than the CEO).

Other related operational guidelines:

- Operational Guideline: Disclosure of gifts and disclosure of interests relating to gifts
- Operational Guideline: Disclosure of interests affecting impartiality
- Operational Guideline: Primary and annual returns

## 2. Gifts

A gift is defined under section 5.57 of the Act as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.

For the purposes of both disclosure of receipt and disclosing an interest when a matter comes before council, a gift is any gift valued at over \$300 or a cumulative value of \$300 where the gifts are received from the same donor in a 12-month period.

### 2.1. Interests in matters before council

The interest provisions are aimed at ensuring that decision-making is free from influence and so decisions can be made in the best interests of the community.

An interest created from receipt of a gift recognises that a relationship is formed between the donor and a recipient of a gift which could be perceived to affect decision-making. This applies to any gift received, not just a gift that must to be disclosed under sections 5.87A and 5.87B.

The basic principle is, that unless the gift is an excluded gift (section 5.62(1B) and Administration Reg. 20B), the council member who has received the gift is not to participate in any part of the meeting dealing with the matter. They must be absent from any deliberations (unless approval is granted by the council or the Minister).

If the council member has such an interest they must disclose this interest before the meeting to the CEO or to the presiding member before the matter is discussed.

If it is the CEO who has the interest due to receipt of a gift, they are not to provide advice to council or prepare reports for council, either directly or indirectly. They must disclose their interest to the mayor or president.

## 2.2. Gifts excluded from the interest provisions

Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:

- the gift relates to attendance at an event where attendance has been approved by the council in accordance with the council endorsed Attendance at Events policy, or
- the gifts is from specified entities.

Regulation 20B of the *Local Government (Administration) Regulations 1996* prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of \$300 and received in the capacity of council member or CEO.

# 3. Attendance at events policy

Section 5.90A of the Local Government Act requires that local governments have an attendance at events policy. The purpose of the policy is for the council to actively consider the purpose of and benefits to the community from council members and CEOs attending events.

The policy provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.

The tickets should be provided to the local government and not individual council members. A ticket or invitation provided by a donor to an individual in their capacity as a council member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the local government to be considered in accordance with the policy.

## 3.1. The legislation [section 5.90A]

### 5.90A. Policy for attendance at events

- (1) In this section —

**event** includes the following —

- (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
- (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.
- \* Absolute majority required.
- (3) A local government may amend\* the policy.
- \* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

## 4. Matters for consideration in developing the policy

In developing the policy, there are a number of matters which need to be considered. Principally, the council needs to consider what is the benefit to the community or local government in having members of council or the CEO attend the event.

The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before council from the provider of the invitation.

While attending events is generally considered an important function for council members and the CEO to represent the local government, if there are costs involved, especially significant costs, it can lead to criticism from the community for spending ratepayer's money if the tangible benefits are not identified. Similarly, if the council is accepting tickets, including those as a result of sponsorship, there can be a perception of bias when matters affecting that organisation come before council.

The policy should also consider the role that the person attending will have at the event - for example, speaking, giving an award or being a member of the audience – especially if there are significant costs associated with attendance. The community perception will be different for a person attending to undertake a specific role or function versus being a member of the audience.

Note that examples are provided in the legislation of what constitutes an event: concerts, conferences, functions and sporting events. This is not an exhaustive list and councils should consider the full range of events that may be relevant to their local government, such as agricultural shows, field days, school awards nights and cultural events.

Ultimately, it is the decision of the council as to what is contained within the policy and this will vary between local governments.

Matters that could be included are:

- To whom invitations are to be directed,
- Who authorises attendance at an event, including how the decision is made for a council member or CEO to attend an event,
- How many people are authorised to attend an event,
- Who is responsible for the cost of attending (if any), including whether there is a requirement for the council member or CEO to contribute to the cost, particularly if the person's partner is also attending;
- Whether there are any events that are authorised in advance by council (preauthorised events),
- Whether the location of the event is within the district,
- Attendance at sponsored events, and
- Attendance at events that are outside the policy.

The council, with accountability to the local community, is in the best position to determine the design and content of the policy. Some local governments have requested guidance from the Department. To this end a sample policy is included on the following pages.

The policy may provide authorisation for the CEO to be the decision maker where decisions align with the policy intent. In that case, the policy must set out clear criteria by which the CEO may make such determinations.

## 5. Concluding remarks

In developing the Attendance at Events policy, councils need to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council.

Local governments are encouraged to use this template as a guide and to adapt it to reflect the needs and expectations of their communities. The policy can also be adapted to include attendance at events by employees other than the CEO.

The community's trust in local government is crucial to its success.

# Attendance at Events – template policy

## Introduction

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy.

This policy is made in accordance with those provisions.

## Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

## Legislation

### 5.90A. Policy for attendance at events

- (1) In this section —  
**event** includes the following —
  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* Absolute majority required.

- (3) A local government may amend\* the policy.  
\* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

## Provision of tickets to events

### 1. Invitations

- 1.1 All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the [Click or tap here to enter text.]
- 1.2 Any invitation or offer of tickets not addressed to the [Click or tap here to enter text.] is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 A list of events and attendees authorised by the local government in advance of the event is at Attachment A.

### 2 Approval of attendance

- 2.1 In making a decision on attendance at an event, the council will consider:
  - a) who is providing the invitation or ticket to the event,
  - b) the location of the event in relation to the local government (within the district or out of the district),
  - c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - d) whether the event is sponsored by the local government,
  - e) the benefit of local government representation at the event,
  - f) the number of invitations / tickets received, and
  - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.

## 3 Payments in respect of attendance

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

#### **Attachment A – events authorised in advance**

<b>Event</b>	<b>Date of event</b>	<b>Approved Attendee/s</b>	<b>Approved local government contribution to cost</b>	<b>Date of council resolution or CEO authorisation</b>
Example:  Greater Westralia Regional Agricultural Ball	20 December 2019	<ul style="list-style-type: none"> <li>• President Cr Brown and partner</li> <li>• Deputy President Cr Green and partner</li> <li>• CEO and partner</li> </ul>	6 tickets @ \$190 each  Total cost \$1,140	Ordinary Council Meeting 4 November 2019

## 4.15 Employee Professional Development

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Person Responsible: Chief Executive Officer  
History: New Policy

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### Policy

The Council and Shire acknowledges that professional development is an important factor in personal job satisfaction, workplace productivity, reward and recognition and plays an essential part in continuous improvement of the quality of its programs and services.

The Shire is committed to providing a supportive and rewarding environment for its employees and recognises that the quality, responsiveness and professionalism of its workforce are linked to the further development of their skills and competencies.

This commitment will include providing employees with:

- the opportunity to plan and develop skills, knowledge and attributes that complement organisational and service area goals;
- the opportunity to participate in career development activities that extend and enhance their capabilities and capacity for advancement within the organisation;
- the opportunity to attend relevant professional organization conferences;
- the opportunity to participate in relevant study tours
- equity of access to professional development opportunities.

Professional development opportunities and requirements are an integral component of the annual Performance Review process. Employees are encouraged, as part of the performance review process, to take an active role in their own ongoing professional and career development and to apply their learning to its most effective use.

### MANAGEMENT PROCEDURES

#### Application

This Policy and Management Procedure applies to all Shire employees.

#### Definitions

Conference/Professional Development	Is defined as an activity conducted by a professional body or legitimate interest group to provide professional interaction and networking designed to
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	improve work related knowledge and skills
Employee	Refers to individual's employed by the Shire at officer, managerial level, including the Chief Executive Officer
Continuing Professional Development (CPD)	Refers to a process of ensuring continual professional and relevant-skills related development. Certain professional societies and associations have a formal CPD system, requiring recording of events attended and activities undertaken as evidence of mandatory CPD

### **Eligibility**

Except where an Employment Contract provides otherwise for a particular staff member, the following eligibility criteria shall apply:

- All members of staff, other than casuals, employed on a continuing or fixed-term basis are eligible to apply for a conference and seminar attendance, provided they have been employed by the Shire for a continuous period of greater than twelve (12) months;
- Attendance at conferences/seminars should have been identified as a learning and development requirement as part of the annual performance review;
- Approval shall be withdrawn should a member of staff tender their resignation from the Shire subsequent to approval being granted but prior to the attendance at the Conference/Seminar.

Members of staff who are due to retire from the Shire will not normally be entitled to apply for approval to attend a conference or seminar.

### *Interstate Conferences*

Attendance at interstate conferences and/or seminars shall be limited to Managers and the Chief Executive Officer, unless extenuating circumstances apply.

### **Attendance at Educational courses, seminars, conference, workshops etc**

1.1 Members of the Designated Senior Staff are encouraged to attend the Annual State Conference relating to their profession.

1.2 Members of the Designated Senior Staff may attend bi-annually, the Federal Conference relating to their profession.

1.3 The Chief Executive is authorised to approve the attendance of staff at Educational courses, seminars, conference, workshops etc subject to the following guidelines:

- it is specifically provided for in the Officer's employment contract; or
- the staff training budget allocation provides for such attendance; and
- the employee will be away from work for a period of not more than five (5) working days; and
- the Chief Executive Officer is to ensure that attendance at the conference will be beneficial to the Officer and/or Council;
- the Officer is to provide a brief report on the conference to colleagues at the next available staff meeting;

1.4 The Chief Executive Officer may authorise his/her attendance at appropriate educational courses, seminars, conferences, workshops etc, where:

- it is specifically provided for in the Officer's employment contract; or
- the staff training budget allocation provides for such attendance; and
- the employee will be away from work for a period of not more than five (5) working days; and
- any registration cost is no greater than \$2,000; and
- it is in the state of Western Australia; and
- suitable relief arrangements can be made.

1.5 The Shire President may authorise the Chief Executive Officer's attendance at appropriate education courses, conferences, professional development etc in accord with the Officer's employment contract. Any conference not included in the Officer's contract is to be approved by Council.

1.6 Funds for attendance at State and Federal Professional Conferences may be provided specifically where known in each annual budget or provided for generically under the provision of Staff training.

**Note:**

1. Conference registration and accommodation costs are not to exceed any amount stated in the individual Officer's employment contract, unless approved by the Chief Executive Officer/Shire President.
2. Attendance by the Chief Executive Officer/Senior Manager at the Annual WALGA Conference is not to be included in the calculations for the Officer's annual Professional Development allowance as stated in their contracts.

Objective

The objective of this Policy is to set out how the Shire of Dalwallinu (the Shire) will encourage and support employees in their professional and career development as part of their employment with the Shire and to provide administrative guidelines to facilitate fairness and equity in the application of these general principles.

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