



EMP-GOV-011 | Separation of Duties Local Government Amendments 2024

Strategic Context

Strategic Link	Policy Objective
☑ United ☑ Safe & Healthy ☑ Beautiful & Respected ☑ Prosperous & Equitable	The objective of this policy is to reinforce the separation between the governance responsibilities of Council and the operational responsibilities of the Administration, ensuring that Elected Members and employees act within their respective roles, responsibilities and delegations in a manner that promotes accountability, transparency, ethical conduct and effective local government administration in accordance with the <i>Local Government Act 1995 (WA)</i> and the <i>Local Government Amendment Act 2024 (WA)</i> .

Introduction

1. The separation between the strategic governance role of Council and the operational responsibility of the Administration is fundamental to effective and accountable local government. The *Local Government Amendment Act 2024 (WA)* reinforces the requirement for Elected Members, the Chief Executive Officer and employees to operate within their respective roles, responsibilities and delegations, and to maintain appropriate boundaries between governance and operational functions.
2. This policy has been developed to support role clarity, transparency, ethical conduct and sound decision-making within the Shire of Halls Creek (Shire), and to ensure governance and operational responsibilities are exercised in accordance with legislative requirements and principles of good governance.

Purpose

3. The purpose of this policy is to reinforce the separation between the strategic governance role of the Shire of Halls Creek Council (Council) and the operational responsibilities of the Administration, ensure Elected Members and employees act within their respective roles, responsibilities and delegations, and support transparent, accountable and effective decision-making within the Shire in accordance with legislative and governance requirements.

Policy Scope

4. This policy governs the separation of duties and responsibilities between Council and the Administration of the Shire and applies to all Council Members, the Chief Executive Officer, employees and any person exercising functions on behalf of the Shire. This policy applies to all governance and operational activities undertaken within the Shire and establishes expectations regarding strategic and operational decision-making, communication protocols, delegated authority, appropriate conduct, access to information and interactions between Council Members and employees. This policy supports compliance with the *Local*



Government Act 1995 (WA), the Local Government Amendment Act 2024 (WA) and principles of good governance.

Policy Statement

5. The separation of governance and operational responsibilities is fundamental to effective, accountable and lawful local government administration. The Shire requires that Council Members, the Chief Executive Officer and employees act within their respective statutory roles, delegations and responsibilities, and maintain appropriate boundaries between governance and operational functions. Council Members must not seek to direct employees, become involved in operational matters or improperly influence administrative processes outside lawful governance and decision-making mechanisms established under the *Local Government Act 1995 (WA)*.

Principles Underpinning the Policy

Principle Name	Principle Definition
Separation of Governance and Operations	Council is responsible for governance, strategic direction, policy development and decision-making, while the Chief Executive Officer and employees are responsible for operational management and implementation of Council decisions.
Legislative Compliance	Council Members, the Chief Executive Officer and employees must perform their roles and responsibilities in accordance with the <i>Local Government Act 1995 (WA)</i> , the <i>Local Government Amendment Act 2024 (WA)</i> , applicable regulations and other relevant legislative requirements.
Good Governance	Governance and operational functions are to be exercised in a manner that promotes accountability, transparency, integrity, ethical conduct and effective local government administration.
Role Clarity	Council Members, the Chief Executive Officer and employees must understand and act within their respective statutory roles, responsibilities, delegations and authority.
Respectful and Professional Conduct	Interactions between Council Members, the Chief Executive Officer and employees must be respectful, professional and consistent with approved communication protocols and behavioural expectations.
Operational Independence	The Chief Executive Officer and employees are responsible for operational decision-making and administration of the organisation without improper interference, direction or influence from Council Members, except where authorised by legislation or lawful Council resolution.
Accountability and Transparency	Decisions and actions undertaken by Council and the Administration must be transparent, appropriately documented and capable of public accountability in accordance with legislative and governance obligations.



Delegated Authority

Functions and powers delegated under legislation or Council authority must be exercised lawfully, responsibly and within the limits of the relevant delegation.

Definitions

Term	Meaning
Act	The <i>Local Government Act 1995</i> (WA).
Administration	The Chief Executive Officer and employees of the Shire of Halls Creek responsible for the operational management and day-to-day administration of the local government.
Chief Executive Officer (CEO)	The person appointed under the <i>Local Government Act 1995</i> (WA) to perform the functions and responsibilities of the Chief Executive Officer.
Council	The Council of the Shire of Halls Creek.
Council Member/Elected Member	A person elected or appointed as a member of the Council of the Shire of Halls Creek under the <i>Local Government Act 1995</i> (WA).
Delegated Authority	Authority delegated by Council or the Chief Executive Officer under the <i>Local Government Act 1995</i> (WA) or other applicable legislation to perform specified functions or exercise certain powers.
Employee	A person employed by the Shire of Halls Creek, including permanent, temporary, casual and contract employees
Governance Function	Functions relating to strategic leadership, policy development, decision-making, oversight, advocacy and representation undertaken by Council in accordance with the <i>Local Government Act 1995</i> (WA).
Operational Function	Functions relating to the implementation of Council decisions, service delivery, administration, operational management and day-to-day activities undertaken by the Chief Executive Officer and employees.
Operational Direction	Instructions, requests or actions relating to the management, supervision or performance of operational activities or employees.
Policy	This Separation of Duties Policy.
Separation of Duties	The distinction and appropriate division between the governance responsibilities of Council and the operational responsibilities of the Administration.
Shire	The Shire of Halls Creek.
Strategic Decision-Making	Decisions relating to the long-term direction, objectives, policies, priorities and governance of the Shire.

Policy Details

6. Directions to Employees

6.1 Council Members must not direct, instructor supervise employees in relation to operational matters, except were authorised by legislation, lawful Council resolution or through the Chief Executive Officer. Requests for operational action or information are to be directed through the Chief Executive Officer or approved communication channels.

7. Operational Independence

7.1 The Chief Executive Officer and employees are entitled to undertake operational functions and provide professional advice without improper interference, influence or pressure from Council Members.

8. Governance and Operational Separation

8.1 Council and the Administration must operate within their respective governance and operational roles in accordance with the Local Government Act 1995 (WA), the Local Government Amendment Act 2024 (WA), applicable delegations and principles of good governance.

9. Strategic and Operational Decision-Making

9.1 Council Members are responsible for strategic and governance decision-making during council meetings, while operational decisions relating to administration, staffing, service delivery and day-to-day management are the responsibility of the Chief Executive Officer and authorised employees.

10. Communication Protocols

10.1 Communication between Council Members and employees must occur respectfully, professionally and in accordance with approved communication protocols, recognising the separation between governance and operational responsibilities.

11. Access to Information

11.1 Council Members may access information required to support informed decision-making in accordance with legislative requirements, Council policies and approved governance processes. Access to information must not improperly interfere with operational activities or place unreasonable demands on employees.

12. Briefings and Meetings

12.1 Council briefings, workshops and meetings are to support informed governance decision-making and must not be used to direct operational activities or circumvent formal Council decision-making processes.

13. Appropriate Conduct

13.1 Council Members, the Chief Executive Officer and employees must act ethically, professionally and within their respective roles and responsibilities, and must maintain appropriate governance and operational boundaries.

14. Improper Influence and Interference

14.1 Council Members must not improperly influence, interfere with or attempt to direct operational decision-making, staffing matters, procurement processes, investigations, compliance activities or other administrative functions outside lawful governance processes.



15. Role Clarity and Governance Education

15.1 The Shire may provide governance training, inductions and professional development to support understanding of governance responsibilities, operational roles and separation of duties requirements.

16. Compliance with Legislation and Policies

16.1 All persons performing functions on behalf of the Shire must comply with this policy, the Local Government Act 1995 (WA), the Local Government Amendment Act 2024 (WA), applicable codes of conduct, delegations and other relevant policies and procedures.

17. Reporting Concerns

17.1 Concerns regarding breaches of this policy, inappropriate conduct or interference with governance or operational responsibilities may be managed through appropriate governance, complaint, conduct or reporting processes established by the Shire or under legislation.

18. Relationship to Other Policies and Law

18.1 This policy is intended to support compliance with legislative and governance requirements relating to the separation of governance and operational responsibilities. Where any inconsistency arises between this policy and legislation, the legislative requirement prevails.

Accountability

19. Council is responsible for ensuring governance arrangements are in place to support the lawful separation of governance and operational responsibilities within the Shire. Council Members are responsible for exercising governance functions in accordance with the *Local Government Act 1995 (WA)*, the *Local Government Amendment Act 2024 (WA)*, this policy and principles of good governance, and must not improperly interfere with operational matters or direct employees outside lawful governance processes.

20. The Chief Executive Officer is responsible for the operational management and administration of the Shire, implementation of Council decisions, management of employees and delegated authority, and for ensuring appropriate systems and communication protocols are established to support compliance with this policy.

21. Employees are responsible for performing operational functions in accordance with lawful directions, delegated authority and organisational requirements, while maintaining appropriate governance and operational boundaries.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. <i>Local Government Act 1995 (WA)</i>	a. EMP-GOV-001 - Code of Conduct for Council Members, Committee Members and Candidates
b. <i>Local Government (Administration) Regulations 1996 (WA)</i>	b. EMP-GOV-013 - Code of Conduct Behaviour Complaints Management Policy
c. <i>Local Government Amendment Act 2024 (WA)</i>	c. Delegations Register
d. <i>Local Government (Model Code of Conduct) Regulations 2021 (WA)</i>	



Policy Review

22. This policy will be reviewed every two (2) years, or earlier if required due to legislative change, audit findings or a resolution of Council.

Document Control

Relevant Delegations	Nil		
Risk Evaluation	Moderate		
Council Adoption	23 July 2026	Resolution	2026/075
Next Review Due	July 2028		