



**SHIRE OF WYALKATCHEM**

**REGISTER OF  
POLICIES**

25 August 2024

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## DOCUMENT MANAGEMENT

<i>DOCUMENT CONTROL</i>			
<i>Version</i>	<i>Approved by</i>		<i>Date</i>
	<i>Name</i>	<i>Title / Resolution</i>	
1	Ordinary Council	Register of Policies Council Resolution 53 /2019	18/04/2019

<i>AMENDMENTS</i>			
<i>Version</i>	<i>Date of Amendment</i>	<i>Amendment Type</i>	<i>Amendment Details</i>
1	18 April 2019	New	Development of Register of Policies
2	5 February 2020	New	Inclusion of Swimming Pool Policies
3	21 May 2020	New	Inclusion of Working From Home Policy
4	21 May 2020	New	Inclusion of COVID-19 Financial Hardship Policy
5	21 May 2020	Review	Review of Purchasing Policy
6	9 September 2020	Review	Review and amendments of Purchasing Policy
7	22 October 2020	Removal	The word 'working' was removed twice from the policy
8	30 April 2021	Review	Review of Council Vehicles issued to staff
9	28 April 2021	New	Model Standards for CEO Recruitment, Performance and Termination Policy
10	28 April 2021	Additional Information	Complaints against Elected members and CEO
11	28 April 2021	New	Model Code of Conduct for Elected members, committee members and candidates. – This Document is held separately in the Policy Folder and is known as Policy Number 4.2
12	4 June 2021	Review	Review of Occupational Health and Safety Policy

13	15 July 2021	New	Model Code of Conduct for Employees – <b>This Document is held separately in the Policy Folder and is known as Policy Number 4.2</b>
14	6 January 2021	Revised	Christmas Leave – changes made  1.16 Voting Delegates – no change
15	18 August 2022	Revised	Policy 2.7 Rates payment arrangement fee revisions
16	18 August 2022	Revised	Policy 1.11 Rubbish service Charge Discount revisions
17	18 August 2022	Fully Revised	Policy 201 Purchasing Policy – full revision  Development of a Procurement Procedure Manual
18	18 August 2022	Removed	The revised Purchasing Policy & Procurement Manual replaces the following existing policies; <ul style="list-style-type: none"> <li>• Purchasing Policy</li> <li>• Local Economic Benefit</li> <li>• Socially Sustainable Procurement</li> <li>• Environmentally sustainable procurement</li> <li>• Establishing &amp; Managing a Panel</li> <li>• Distributing Work Amongst Panel Members</li> <li>• Purchasing from the Panel</li> <li>• Communications with Panel members</li> <li>• Regional Price Preference</li> </ul>
19	18 August 2022	New	Policy 4. LOCAL PLANNING POLICY No. 9 DEVELOPMENT APPROVAL EXEMPTIONS
20	30 November 2022	Fully Revised	Policy 3.7 Fitness for work – full revision
21	30 November 2022	Removed	Policy 3.3 Drug and Alcohol Policy removed – now incorporated into 3.7 Fitness for Work Policy
22	21 December 2022	Amended	3.7 Fitness for Work Policy revision and adoption by Council 15/12/2022
23	3 May 2023	New	Welcome and Acknowledgement to Country Policy
24	3 May 2023	Amended	3.2 Occupational Work Health and Safety Policy
25	15 June 2023	Amended	1.10 Flying of Flags Policy
26	17 August 2023	Amended	Policy 3.7 Fitness for work – amended – Adopted (88/2023)
27	16 November 2023	Amended	Policy 4.1 Employee COC – amended – Adopted (15/07/2021, reviewed 30/11/2022 – no change) – Policy references updated.
28	15 February 2024	New	Policy 6.13 – New – Attendance at Events – Adopted (15/02/2024)

29	25 June 2024	Review	Review of the Social Media and Communications Policy 1.7 (adopted 25 June 2024)
30	25 June 2024	New	6.14 Electronic Meetings and and Attendance at Council Meetings and committee meetings via electronic means and Recording of Meetings. (Adopted 25 June 2024)
31	18 July 2024	Revised	

## PREFACE TO REGISTER OF POLICIES

This document provides a reference guide to the Council's Register of Policies to assist Elected Members, Shires employees and members of the community in the use and interpretation of the Register of Policies.

### Introduction

The Local Government Act 1995 empowers Council in the determination of policy under section 2.7 Role of Council – "(2) (b) determine the local government's policies."

In simple terms policy provides what can be done, Management practices provide how it is done and delegation provides who can do it. The Shire has Council and Operational Policies to guide both its direction and operation, and Planning policies relating to planning and development within Local planning scheme areas.

### Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire's strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

This Register of Policies is intended as a guide to councillors, employees and the general public, on the normal practices and activities of the Shire of Wyalkatchem. The policies do not require absolute adherence, but may be changed as circumstances dictate, in accordance with Council's directions, and amended by Council from time to time.

Employees are expected to comply closely with the spirit and intention of the policies, and to use care and discretion in implementing the policies, to ensure the best possible outcome for all. Implementation must be fair, consistent and effective, with the emphasis on guidance and assistance rather than compulsion and inspection.

This document does not stand alone, but is underpinned by legislative requirements, which comprises (in order of priority):

- Legislation – Acts of Parliament, Regulations etc.
- Common Law – legal precedent, interpretation and decisions made by the Courts
- Delegated legislation – local laws and by-laws, town planning policy
- Operational policy – administrative policy

### Operational Policies

Operational policies are developed for administrative and operational requirements. They have an internal focus and form the strategies and actions for policy implementation and provide details of the actions and processes required by staff.

### Planning Policies

Planning policies have been prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

## PURPOSE OF COUNCIL POLICIES

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intends to be taken in a particular issue and:

1. Support consistency and equity in decision making,
2. Facilitate prompt responses to customer requirements; and
3. Promote operational efficiency.

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Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly or in part or not at all, any or all of the policies without notice.

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## Delegations

The *Local Government Act 1995* has not defined the term 'delegation' or 'delegated power', however:

- s 5.16 refers to *...the exercise of any of its powers and duties...*
- s 5.42 refers to *...the exercise of any of its powers or the discharge of any of its duties...*

The term 'policy' is also not defined in the *Local Government Act 1995*.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with enabling legislation:

'Authority' means the permission or requirement for a Committee or the CEO to act in accordance with:

- the *Local Government Act 1995* or other legislation or regulation;
- a delegation made by Council;
- a policy made by Council; or
- a specific decision by Council.

'Delegation' means the authority for a Committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational review.

'Policy', as the context requires, means either:

- a procedural direction to employees to implement Council directives in a particular way; or
- the authority for employees to act, where that authority is not considered to be a delegation, but more procedural in nature.

‘Instruction’ means the requirement for an employee to act in accordance with a direction given by the CEO.

### Head of Power

Unless stated otherwise, the *Local Government Act 1995* constitutes the head of power for Council to make the policies.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to assign responsibilities and authority to various officers. In order to maintain consistency with the concepts of the *Local Government Act 1995*, all delegations are made to the CEO, who is then responsible for the implementation of the function, either personally or through delegation to other officers.

It is Council’s expectation that the CEO will assign responsibilities relevant to a specialist or specific position, to the appropriate person.

### Process

It is a requirement of the *Local Government Act 1995* s5.18 and s5.46 (1) (2) that all delegations be reviewed at least once in each financial year.

In order to ensure that there is clear authority, and to ensure consistency and relevancy, Council and the appropriate officers will also formally review all policies at the same time, and have their application confirmed.

In this way, the Register of Policies will continue to be reviewed annually to ensure relevance.

### Register of Policies amendments.

Council may make new policies at any time. As new policy is made, they will be included in the Register of Policies.

The document will include a version date to ensure that the most current version is being referred to. A version and amendment table will be included at the front of each document to track minor changes. Complete re-writes will be noted for reference.

The history of the policy will be amended to show date and resolution number of the motion of the amendment.

### Council Policy – Definitions

Unless otherwise stated policy terms are defined under s. 1.4 *Terms used, Local Government Act 1995*. Definitions are subject to any *Local Government Act 1995* amendments which may occur over time.

Where Policies within the Register of Policies relate to Legislation other than the *Local Government Act 1995* or reference a section of the *Local Government Act 1995* which specifies alternative terms, key term definitions may be noted within the policy document.

Extract from Local Government Act 1995

1.4 Terms used

In this Act, unless contrary intention appears –

**75% majority**, in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the council;

Absolute Majority —

- a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

**Advisory Board** means the Local Government Advisory Board established by section 2.44;

**Auditor**, in relation to a local government means a person for the time being appointed under Part 7 to be the auditor of the local government;

**CEO** means the chief executive officer of a local government;

**Commissioner** means a commissioner appointed to a local government under sections 2.6(4), 2.36A (3), 2.37(4), 2.37A(1), 8.30 or 8.33;

**Council** means the council of a local government;

**Councillor** means a person who holds the office of Councillor on a council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of Councillor);

**Councillor Mayor or President** means a mayor or president elected by the council from amongst the Councillors;

**Crown lands** means *lands of the Crown* —

(a) *not granted or contracted to be granted in fee simple; or*

(b) *not held or occupied —*

i. *under conditional terms of purchase; or*

ii. *with a right to acquire the fee simple;*

**Crown lease** means a lease from the Crown of Crown lands, or a license or concession from the Crown for taking a profit of Crown lands, but does not include —

(a) *an instrument executed or issued pursuant to a contract or arrangement with the Crown by virtue of which land is held or occupied with a right, whether subject to compliance with conditions or otherwise, to acquire the fee simple; and*

(b) *a lease under the Housing Act 1980; and*

(c) *an instrument by virtue of which lands are held or occupied subject to the payment of a peppercorn or nominal rental;*

**Crown lessee** means a person entitled under a Crown lease to an interest or a right in or over Crown lands;

**Department** means the department of the Public Service assisting the Minister to administer this Act;

**Departmental CEO** means the chief executive officer of the Department;

**District** means an area of the State that is declared to be a district under section 2.1;

**Election year** means a year in which ordinary elections for local governments are required to be held;

**Elector**, in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward;

**Elector mayor or President** means a mayor or president elected by electors of a district;

**Electoral Commissioner** means the Electoral Commissioner appointed under the Electoral Act 1907;

**Electoral requirements** has the meaning given by section 4.1;

**Employee** means a person employed by a local government under section 5.36;

**Extraordinary election** has the meaning given by section 4.8;

**Financial year** means the period commencing on 1 July and ending on the next following 30 June;

**Inaugural election** has the meaning given by section 4.2;

**Inquiry Panel** means an Inquiry Panel constituted under section 8.16;

**Local government** means a local government established under this Act;

**Local government property** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government;

**Local public notice** has the meaning given by section 1.7;

**Member**, in relation to the council of a local government, means —

- (a) an elector mayor or president of the local government; or
- (b) a Councillor on the council (including a Councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of Councillor);

**Metropolitan area** has the same definition as **Metropolitan region** in the Planning and Development Act 2005;

**Municipal fund** means the municipal fund established under section 6.6;

**Occupier** where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

**Ordinary election** has the meaning given by section 4.4;

**Ordinary elections day** in relation to a local government, means a day fixed by section 4.6 or under section 4.7(2) for holding the polls for ordinary elections for that local government (whether or not any polls are actually held);

**Owner**, where used in relation to land —

- (a) means a person who is in possession as —
  - i. the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or
  - ii. a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not ratable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy ratable land under this or another Act for the purposes of this Act; or
  - iii. a mortgagee of the land; or
  - iv. a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph; or
- (b) *where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee; or*
- (c) *where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right; or*

*(d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled; or*

**Prescribed** means prescribed by regulations;

**Statewide public notice** has the meaning given by section 1.8;

**Thoroughfare** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

**WALGA** means the Western Australian Local Government Association constituted under section 9.58;

**Ward** means one of the wards into which a district is divided under section 2.2.

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# 1. ADMINISTRATION POLICIES

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### 1.1. POLICY REGISTER

Responsible Department	Office of the Chief Executive Officer
Former Policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i>

#### OBJECTIVE

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision-making process.

Written policies also enable the community to be aware of the reasoning behind administration and Council decisions, and to be familiar with the philosophy behind individual decisions.

#### POLICY

The Chief Executive Officer shall maintain a register of all current adopted policy decisions. A copy of the register to be made available for public inspection. Changes to Council policy shall only occur through a notice of motion by an Elected Member or by a specific agenda item setting out details of the amendment.

The Chief Executive Officer is authorised to make minor amendments to the policy register to address typographical errors spelling, grammar and format issues, on the provision that it does not change the intent of the policy. No other changes are permitted unless resolved by Council.

The register will be reviewed annually to ensure that policies are consistent with Council’s current policy position.

## 1.2. ICT USE POLICY

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>4.1 CODE OF CONDUCT</b> Policy <b>1.7 SOCIAL MEDIA AND COMMUNICATIONS POLICY</b> Shire of Wyalkatchem Record Keeping Plan.
Related Legislation	<i>State Records Act 2000</i>

### OBJECTIVE

To provide guidance and directives to employees who deals with information and/or information systems and devices.

### POLICY

Effective security is a team effort involving the participation and support of every Shire of Wyalkatchem employee who deals with information and/or information systems and devices. Every digital device user must understand this policy and carry out their use of digital devices in accordance with this policy. For the purposes of this policy the term “employee/s” shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Wyalkatchem in any capacity.

#### General Use of ICT Equipment

- While Shire of Wyalkatchem’s network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of Shire of Wyalkatchem. Because of the need to protect Shire of Wyalkatchem’s network, the confidentiality of personal (non-work-related) information stored on any network device belonging to Shire of Wyalkatchem cannot be guaranteed; and
- A degree of personal use is allowed on the Shire of Wyalkatchem equipment/devices/systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
  - Personal use should be conducted either before or after contracted hours of work or authorised breaks;
  - Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;
  - Personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials;
  - Managers will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and

- If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.
- Shire of Wyalkatchem reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.

All emails sent by Shire of Wyalkatchem staff should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire of Wyalkatchem's style guide or as otherwise advised by the Chief Executive Officer.

### **Security and Proprietary Information**

- All information stored on the Shire of Wyalkatchem's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved then employees should consult their supervisor or manager for guidance;
- Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with Shire of Wyalkatchem's advice from the Manager Corporate Services and/or Chief Executive Officer;
- All devices connected to the Shire of Wyalkatchem's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

### **Unacceptable Use**

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to Shire of Wyalkatchem ICT systems or resources.

### **System and Network Activities**

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire of Wyalkatchem or the end user;
- Unauthorised copying of copyrighted material and the installation of any copyrighted software for which the Shire of Wyalkatchem or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;
- Introduction of malicious programs or code into the network or onto devices connected to the network;
- Revealing your account password to others or allowing use of your account by others;
- The Shire of Wyalkatchem's equipment is not to be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager and also the Manager of Corporate Services and/or Chief Executive Officer;

- Making fraudulent offers of products, items, or services, or running private business interests via any Shire of Wyalkatchem equipment, device or account; and
- Undertaking private work.

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass Shire of Wyalkatchem's network security measures;
- Interfering with any other user's account, by whatever means; and
- Using the system in a way that could damage or affect the performance of the network in any way.

#### **Email and Communications Activities**

The following activities are not permitted:

- Except in the course of normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material;
- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire of Wyalkatchem's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire of Wyalkatchem's employees to parties outside Shire of Wyalkatchem or to personal email addresses;
- Communicating in a manner that could adversely affect the reputation or public image of Shire of Wyalkatchem; and
- Communicating in a manner that could be construed as making statements or representations on behalf of Shire of Wyalkatchem without the Shire of Wyalkatchem's express permission to do so; and

Users should also endeavor to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally. Employees must ensure that they are adhering to Council's Record Keeping Plan and State Records Act 2000 prior to deleting any email records.

### **Remote Access**

Users with remote access should be reminded that, when they are connected to the Shire of Wyalkatchem's network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire of Wyalkatchem's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire of Wyalkatchem's network and servers to ensure the security and integrity of data and records.

Users are reminded of the following conditions relating to remote access to the Shire of Wyalkatchem's system:

- Family members must not violate any of the Shire of Wyalkatchem's policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire of Wyalkatchem's corporate network should be secure from access by external non-Shire of Wyalkatchem parties and should be under the complete control of the user;
- The use of non-Shire of Wyalkatchem email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Shire of Wyalkatchem business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire of Wyalkatchem's networks via remote access technologies should have up-to-date anti-malicious-code software.

### **Provision and Use of Mobile Phones and Information/ Communication Devices**

Some people will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire of Wyalkatchem and users must not change service providers unless permitted to do so.

Where a mobile device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire of Wyalkatchem should be through the Shire of Wyalkatchem's server, to ensure the integrity of the recordkeeping system.

Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

### **Consequences of Breaching This Policy**

- Any user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire of Wyalkatchem may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.
- Private/personal or victimisation use of corporate ICT systems and/or devices may result in the user being obligated to pay any extra costs incurred.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time. All the Shire of Wyalkatchem's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.

### **Statement of Understanding**

I confirm that I have received a full copy of the Shire of Wyalkatchem's ICT Use Policy, and I understand that that I must comply with the terms and conditions contained within it.

Please do not sign this document unless you fully understand the contents and requirements.

Person's Printed Full Name

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Person's Signature

Date

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Please forward signed copy to the Administration & Finance Officer.

### 1.3. SOCIAL MEDIA

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>1.2 ICT USE POLICY</b> Policy <b>4.1 CODE OF CONDUCT</b>
Related Legislation	Nil

#### OBJECTIVE

The Shire of Wyalkatchem understands the requirement to provide a framework for using social networking sites, including clarity on appropriate conduct, and emphasizes the need for its employees to use good judgement about what appears and its context within these social media venues/spaces.

The objective of this policy is to ensure all the organisation’s employees are aware of appropriate professional and personal social media conduct to ensure the greatest benefit to the Shire of Wyalkatchem.

#### POLICY

This policy applies to all employees and contractors (whether paid or unpaid) at the Shire of Wyalkatchem who access social media for professional or social purposes whether via personal devices or those supplied by the Shire of Wyalkatchem.

Social Media means forms of electronic communication (e.g. Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (e.g. videos). Some examples include (but are not restricted to) Facebook, Pinterest, LinkedIn, Twitter; YouTube, and Foursquare.

#### Social Media Use for Shire of Wyalkatchem Purposes

The Shire of Wyalkatchem may direct specified employees to use social media for Shire of Wyalkatchem purposes. Only employees with appropriate training and knowledge who are expressly authorised by the Chief Executive Officer may use social media for Shire of Wyalkatchem purposes.

If a person is provided with express permission by the Chief Executive Officer to use social media they must provide information that is truthful, accurate and in the interests of the Shire of Wyalkatchem. They must not disclose anything that is financial or technical information, commercially sensitive information, personal information about employees, or any information about customers, suppliers or members of the general public.

Employees who are required to use social media in the course of their work must:

- Use spell check and proof read each post;
- Understand the context before entering any conversation;
- Know the facts and verify the sources;
- Be respectful of all individuals and communities with which the person interacts with online;
- Be polite and respectful of other opinions;
- Seek to conform to the cultural and behavioral norms of the social media platform being used;
- If a mistake is made, the person must correct it quickly by disclosing it was a mistake (including the particulars of the correction) and inform his/her supervisor; and
- Understand and comply with any directions given by the CEO on topics that are not to be discussed for confidential, operational or legal reasons.

A person required to use social media who has been trained and given express permission by the Chief Executive Officer should always be aware that the Shire of Wyalkatchem may be liable for any posts made. Accordingly they should always seek guidance from their supervisor or the Chief Executive Officer if they are ever unsure about stating or responding to something on a social media site.

#### **Records Personal/Private Use of the Shire of Wyalkatchem's Corporate Sites**

An employee cannot comment on behalf of the Shire of Wyalkatchem unless expressly authorised by the Chief Executive Officer. If the person wishes to broadcast something (either as an initial broadcast or a response) then a request to the Chief Executive Officer (or his/her authorised delegate) must be made.

A person of the Shire of Wyalkatchem is able to share links that the Shire of Wyalkatchem has posted on the social media sites, or submitting a "like" action, or comment on an event, initiative and/or program, provided that it is in the best interests of the Local Government.

#### **Personal/Private Use of Non-Shire of Wyalkatchem Sites**

Employees at the Shire of Wyalkatchem are permitted reasonable use of social media for personal/private purposes on the condition that it does not interfere with the performance of their work.

Employees who use social media for personal/private purposes must not infer or state they are speaking on behalf of the Shire of Wyalkatchem and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.

#### **Consequences of Breaching this Policy**

The policy constitutes a lawful instruction to all of the organisation's people, and breaches may lead to disciplinary action or termination by the Shire of Wyalkatchem, or referral to appropriate external authorities where applicable. People who breach the policy may also be personally liable for their actions.

#### **Variation to this Policy**

This policy may be cancelled or varied from time to time. All the Shire of Wyalkatchem's employees will be notified of any variation to this policy by the normal correspondence method. All users of social media (be it for personal or professional purposes) within the organisation are responsible for reading this policy prior to accessing social media.

### Statement of Understanding

I confirm that I have received a full copy of the Shire of Wyalkatchem's Social Media Policy and I understand that I must comply with the terms and conditions within it.

*Please do not sign this document unless you fully understand the contents and requirements.*

Person's Printed Full Name \_\_\_\_\_

Person's Signature \_\_\_\_\_ Date \_\_\_\_\_

Please forward signed copy to the Administration and Finance Officer

## 1.4. PUBLIC INTEREST DISCLOSURE

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	PID Procedures
Related Legislation	<i>Public Interest Disclosure Act 2003.</i>

### OBJECTIVE

The detail internal procedures describing the manner in which the Shire of Wyalkatchem will comply with its obligations under the *Public Interest Disclosure Act 2003*.

### POLICY

The Shire of Wyalkatchem (the Council) acknowledges its obligations under the *Public Interest Disclosure Act 2003* (the Act) and in doing so:

#### 1. Will ensure that staff are supported under the Act. The Council:

- Does not tolerate corrupt or other improper conduct, including mismanagement of community resources, in the exercise of the public functions of the Shire of Wyalkatchem and its officers, employees and contractors.
- Is committed to the aims and objectives of the Act. It recognised the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.
- Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
- Does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

#### 2. Has in place an internal procedure that describes the manner in which:

- Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council.
- The person from time to time holding or acting in the position of Governance Executive Officer is designated as the Public Interest Disclosure officer, or PID Officer, of the Shire of Wyalkatchem.
- The PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- The PID Officer may act following the completion of the investigation.
- The PID Offer shall report to the informant as to the progress and outcome of that investigation and the action taken as a consequence.
- The confidentiality of the informant, and any person who may be the subject of a public interest disclosure, shall be maintained.
- Records as to public interest disclosure shall be maintained and reporting obligations complied with.

### 1.5. HONORARY FREEMAN OF THE SHIRE

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP16 – Honorary Freeman of the Shire First adopted 21 April 2011, Last reviewed 20 November 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Honorary Freeman of the Shire nomination package
Related Legislation	Nil

#### OBJECTIVE

This policy guides the nomination, selection and awarding the prestigious ceremonial title to a person designated as “Honorary Freeman of the Shire of Wyalkatchem”

#### POLICY

Council may, subject to eligibility and selection criteria of this policy being met, decide to confer the title of “Freeman of the Shire of Wyalkatchem” on any persons who has rendered exceptional service to the Shire of Wyalkatchem community. This prestigious honor will not be awarded regularly, but only on rare and exceptional occasions.

The award is in title only – no financial benefit is attached to the award. Recipients are however invited to significant events that are sponsored by the Shire of Wyalkatchem.

The process for nominating and selecting a person and awarding the title is as follows:

#### Eligibility

1. All members of the Shire of Wyalkatchem public including past elected members and staff can be nominated
2. A current elected member or employee cannot be nominated for the award
3. In recognition of the standing of this award a maximum of five living persons only may hold the title of “Honorary Freeman of the Shire of Wyalkatchem” at any one time
4. The honor shall not be awarded posthumously

#### Selection Criteria

Nominees will be judged on their record of service to the community on the basis of the following criteria:

1. Nominees must have lived in, worked or serviced the Shire of Wyalkatchem for a significant number of years (40 years or more);
2. Identifiable and long-standing connections with the community in the Shire of Wyalkatchem and have made an outstanding significant and meritorious contribution to the Shire and community across a range of endeavors;
3. Outstanding personal leadership qualities and personal integrity;
4. Benefits to the community of the Shire of Wyalkatchem, to the State of Western Australia or to the Nation resulting from the nominee’s work;
5. Special achievements of the nominee; and

6. Their exceptional services is a matter of public record.

### **Nomination Process**

The preserve the integrity and importance of bestowing the honour of “honorary Freeman of the Shire of Wyalkatchem” upon any individual, the following procedure shall be adopted:

1. Nomination for an “Honorary Freeman of the Shire” clearly outlining in chronological order the history of community service and achievements of the nominated person, must be made in writing to the Chief Executive Officer in the strictest confidence, without the nominee’s knowledge.
2. On receipt on the nomination the Chief Executive Officer will circulate a copy of the nomination and any supporting information to all elected members for initial consideration.
3. Elected members shall have reasonable time, being no less than two weeks, to consider the proposal.
4. If an elected member expresses an objection to the nomination, they must give their reasons for the objection in writing to the Chief Executive Officer within the prescribed time frame.
5. A nomination must be supported in writing by at least one third of elected members of Council.
6. Elected members who do not formally respond in writing will be presumed not to object to the proposal.
7. If the nomination is sufficiently supported, the Chief Executive Officer will subject a confidential report to Council.
8. The nominee’s name and identifying information will be maintained as “confidential” on all meeting papers.
9. The recommendation to Council will include a clause requiring confidentiality of the report to be maintained until the title is conferred upon the nominee at a formal Council function.
10. The decision of Council to adopt the Chief Executive Officer’s recommendation requires an absolute majority decision.
11. It is imperative that confidentiality is maintained throughout the nomination process. The standing of the Shire and the individual concern should not be brought into disrepute or embarrassment in any way.

### **Awarding the title**

Once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should the nominee decline to accept the award, all elected members will be informed and the matter will lapse.

Conferral of the title shall be carried out at a form Council function. The Chief Executive Officer, in consultation with the Shire President, will decide the occasion and format of the conferral ceremony.

A certificate of “Honorary Freeman of the Shire of Wyalkatchem signed under the Common Seal by the Shire President and Chief Executive Officer as well as a special name badge will be presented to the recipient.

A suitable media statement shall be prepared for release on behalf of the Shire President.

A framed photograph of the “Honorary Freeman of the Shire” will be hung in the Shire’s Administration Building.

### **Entitlements**

- The Honorary Freeman and their partner shall be invited to all formal civic functions conducted by the Shire.

### **Personal Conduct**

An “Honorary Freeman of the Shire of Wyalkatchem” shall display high standards of personal conduct and behavior at all times and shall not bring the Shire in disrepute.

Council reserves the right to cancel the honor in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute. This decision shall be made by absolute majority.

## 1.6. LEGAL REPRESENTATION – COUNCIL MEMBERS AND EMPLOYEES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	S14 – Legal Representation Cost Indemnification First adopted 10 October 2001
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide a clear framework under which financial assistance will be provided to Council members and employees for legal services in connection with their roles.

This policy is designed to protect the interest of council members and employees (including past members and former employees) where they become involved in legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

### POLICY

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good governance of the district. This policy applies in that respect.

#### 1. Payment Criteria

The Shire of Wyalkatchem may approve the legal representation costs of a council member or employee if the following criteria is satisfied;

- a) The legal representation costs must relate to a matter that arises from the performance, by the Council member or employee, of his or her functions;
- b) The legal representation costs must be in respect of legal proceedings that have been, or may be commenced;
- c) In performing his or her functions, to which the legal representation relates, the council member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d) The legal representation costs do not relate to a matter that is of a personal or private nature.

#### 2. Example of Legal Representation Costs that May be Approved

- 2.1. If the criteria in clause 1 of this policy is satisfied, the Shire may approved the payment of legal representation costs –

- a) Where proceedings are brought against a council member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Council member or employee; or
  - b) To enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions – for example where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
  - c) Where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees.
- 2.2. The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee.

### **3. Application For Payment**

- 3.1. A Council member or employee or employee who seeks assistance under this policy is to make an application(s), in writing to the Chief Executive Officer.
- 3.2. The written application for payment of legal representation costs is to give details or –
  - a) The matter for which legal representation is sought.
  - b) How the matter relates to the functions or the council member of employee making the application;
  - c) The lawyer (or law firm) who is to be asked to provide the legal representation;
  - d) The nature of legal representation to be sought (such as advice, representation in court, preparation of a document);
  - e) An estimated cost of the legal representation; and
  - f) Why it is in the interest of the Shire for payment to be made.
- 3.3. The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 3.4. As far as possible the application is to be made before commencement of the legal representation to which the application relates.
- 3.5. The application is to be accompanied by a signed written statement by the applicant that he or she –
  - a) Has read, and understand, the terms of this Policy;
  - b) Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
  - c) Undertakes to repay the Shire any legal representation costs in accordance with the provisions in clause 7.
- 3.6. In relation to clause 3.5©, when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the Shire and the terms of the Policy.
- 3.7. An application is also to be accompanied by a report prepared by the Chief Executive Officer or where the Chief Executive Officer is the applicant by an appropriate employee.

#### **4. Legal Representation Costs – Limit**

- 4.1. The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimate costs in the application.
- 4.2. A council member or employee may make further application to the council in respect of the same matter.

#### **5. Council's Powers**

- 5.1. The council may –
  - a) Refuse;
  - b) Grant; or
  - c) Grant subject to conditions
  - d) An application for payment of legal representation costs.
- 5.2. Conditions under clause 5.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment of legal representation costs.
- 5.3. In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the Shire's council members or employees insurance policy or its equivalent
- 5.4. The council may at any time revoke or vary an approval or any conditions of approval, for the payment of legal representation costs.
- 5.5. The council may, subject to clause 5.6, determine that a council member or employee whose application for legal representation costs have been approved, in respect of the matter for which legal representation costs were approved –
  - a) Not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct: or
  - b) Given false or misleading information in respect of the application.
- 5.6. A determination under clause 5.5 may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 5.7. Where the council makes a determination under clause 5.5, the legal representation costs paid by the Shire are to be repaid by the council member or employee in accordance with section 7.

#### **6. Delegation to the Chief Executive Officer**

- 6.1. In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant the Chief Executive Officer may exercise, on behalf of council, any of the powers of the council under clause 5.1 and 5.2, to a maximum of \$10,000 in respect of each application.
- 6.2. An application approved by the Chief Executive Officer under clause 5.1, is to be submitted to the next ordinary meeting of the Council. Council may exercise any of its powers under this policy, including its powers under clause 5.4.

#### **7. Repayment of Legal Representation Costs**

- 7.1. A council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire –
  - a) All or part of those costs – in accordance with a determination by Council under clause 5.7;
  - b) As much of those costs as are available to be paid by way of set-off – where the council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

7.2. The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

## 1.7. SOCIAL MEDIA AND COMMUNICATIONS POLICY

Responsible Department	Governance
Former policy Reference	GP44 – Social Media & Communication Policy First Adopted 17 May 2018
Resolution Number	OMC 68/2018 OMC 98/2024
Resolution Date	17 May 2018 25 June 2024
Last Amendment Date	18 April 2019 – Minor Amendments 10 June 2024 – Minor Amendments
Shire Related Documents	Shire’s Record Keeping Plan
Related Legislation	<i>Local Government Act 1995, s – 2.8, 2.9, 5.34 and 5.41</i> <i>Local Government (Rules of Conduct) Regulations 2007</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i> <i>Standing Orders Local Law</i>

### OBJECTIVE

This policy establishes protocols for the Shire of Wyalkatchem’s official communications with our community to ensure the Shire of Wyalkatchem is professionally and accurately represented and to maximise a positive public perception of the Shire of Wyalkatchem

### POLICY

This policy applies to:

1. Communications initiated or responded to by the Shire of Wyalkatchem with our community; and
2. Council Members when making comment in either their Shire of Wyalkatchem role or in a personal capacity.

#### 1. Official Communications

The purposes of the Shire’s official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire of Wyalkatchem events and services.
- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.
- Communicate and advise the community regarding emergency management.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared for the Shire President, to promote specific Shire of Wyalkatchem positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications and emerging platforms undertaken by the Shire's Administration at the discretion of the CEO.

## 2. Speaking on behalf of the Shire

The Shire President is the official spokesperson for the Shire of Wyalkatchem and may represent the Shire in official communications, including; speeches, comment, print, electronic and social media.

*[s.2.8(1)(d) of the Local Government Act 1995]*

Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson.

*[s.2.9 and s.5.34 of the Local Government Act 1995]*

The Chief Executive Officer (CEO) may speak on behalf of the Shire of Wyalkatchem, where authorised to do so by the Shire President.

*[s.5.41(f) of the Local Government Act 1995]*

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire of Wyalkatchem.

Communications by Council Members and employees, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire of Wyalkatchem into disrepute, *[Rules of Conduct Reg.3(d)]*
- compromise the person's effectiveness in their role with the Shire,
- imply the Shire's endorsement of personal views, *[ s.2.8(1)(d) of the Local Government Act 1995]*,
- imply the Council Member or employee is speaking on behalf of the Shire, unless authorised to do so; *[ s.2.8(1)(d) of the Local Government Act 1995]* OR
- disclose, without authorisation, confidential information. *[s.5.93 of the Local Government Act 1995]*.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Wyalkatchem. *[State Records Act 2000 / Local Government Record Keeping Plan, s's 5.23(2) and 5.93 of the Local Government Act 1995]*.

Council member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*. Employee communications must comply with the Code of Conduct and Council policies.

### 3. Responding to Media Enquiries

All enquiries from the Media for an official Shire of Wyalkatchem comment, whether made to an individual Council Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire of Wyalkatchem.

Council Members may make comments to the media in a personal capacity – refer to Personal Communication clause 7.1 below.

### 4. Website

The Shire of Wyalkatchem will maintain an official website, as our community's on-line resource to access to the Shire's official communications.

### 5. Social Media

The Shire of Wyalkatchem uses Social Media to facilitate interactive information sharing and to provide responsive feedback to our community. Social Media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire of Wyalkatchem maintains the following Social Media accounts:

- Social networks, including - Facebook; LinkedIn
- Apps (applications), including –
  -  WhatsApp
  -  Snap, Send, Solve
  -  Twitter

The CEO has at their discretion the right to sanction the use of emerging platforms such as YouTube etc.

The Shire of Wyalkatchem may also post and contribute to Social Media hosted by others, so as to ensure that the Shire's strategic objectives are appropriately represented and promoted.

The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Wyalkatchem will moderate its Social Media accounts to address and where necessary delete content deemed to be:

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire.

Where a third-party contributor to a Shire of Wyalkatchem's social media account is identified as posting content which is deleted in accordance with the above, the Shire may at its complete discretion block that contributor for a specific period of time or permanently.

### 5.1. Shire President Social Media Official Accounts

The Shire of Wyalkatchem supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under section 2.8 of the *Local Government Act*, to speak on behalf of the Local Government. The content will be administered and moderated in accordance with this policy.

These official Shire of Wyalkatchem accounts must not be used by the Shire President for personal communications.

### 5.2. Use of Social Media in Emergency Management and Response

The Shire of Wyalkatchem will use the following channels to communicate and advise our community regarding Emergency Management:

- Facebook
- Website
- SMS

## 6. Record Keeping and Freedom of Information

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

Council Member communications that relate to their role as a Council Member are subject to the requirements of the Shire's Record Keeping Plan and the *State Records Act 2000*. Council Members are responsible for transferring these records to the Shire's administration. Council Member records are also subject to the *Freedom of Information Act 1992*.

## 7. Personal Communications

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

On the basis that personal or private communications may be shared or become public at some point in the future, Council Members should ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### 7.1. Council Member Statements on Shire

A Council Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Wyalkatchem.

Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Wyalkatchem.
2. Be made with reasonable care and diligence *Rules of Conduct Reg.3(a)*;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
4. Be factually correct [*Rules of Conduct Reg.3(b) and (f)*];
5. Avoid damage to the reputation of the local government *Rules of Conduct Reg.3(d)*;

6. Not reflect adversely on a decision of the Council;
7. Not reflect adversely on the character or actions of another Council Member or Employee *Rules of Conduct Reg.10(3)*;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member *Rules of Conduct Regs. 3(g) and 10(3)*

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a minor breach of the *Local Government Act 1995 refer s.5.105* and may be referred for investigation.

## 1.8. STRATEGIC ASSET MANAGEMENT POLICY

Responsible Department	Finance
Former policy Reference	FP9 – Strategic Asset Management Policy First Adopted 26 June 2014
Resolution Number	OCM 2941
Resolution Date	26 June 2014
Last Amendment Date	26 June 2014
Shire Related Documents	
Related Legislation	

### OBJECTIVE

The Council of the Shire of Wyalkatchem is committed to ensuring that:

The assets of the Council are well maintained for their current purpose and for future generations. This will enable the Shire of Wyalkatchem to deliver on its promise to the community as expressed in the Mission and Vision statements.

### OUR MISSION

*We exist to deliver sustainable quality services that meet the needs of Wyalkatchem today and into the future.*

### OUR VISION

*That the Shire of Wyalkatchem is a local government that has the capacity and capability required to be productive, sustainable and inclusive in meeting the needs of our community.*

Council will strive within an Integrated Planning and Reporting framework to provide sound:

- Leadership,
- Strategic planning,
- Systems, processes and knowledge,
- Human resources, and
- Financial resources

In doing these things, we will achieve business excellence in the management of our Council controlled assets. These assets will be maintained to a standard sufficient to maximise the opportunity for the community of Wyalkatchem to achieve sustainable outcomes and an enhanced quality of life.

Our objectives for achieving sustainable asset management are:

### **STEWARDSHIP**

To ensure the protection of assets for current and future generations.

### **OPTIMISATION**

To ensure the asset portfolio maximises desired social, environmental and economic outcomes for the community at least cost, risk and impact in a sound governance and open decision making framework.

### **RELEVANCE**

To continuously improve the contribution of assets to enhanced service delivery and maintain the relevance of assets as service demands change.

### **ACCOUNTABILITY**

The staff of the Shire of Wyalkatchem are accountable for implementing Asset Management Policies, Strategies and Plans as follows:

*Chief Executive Officer:*

Responsible for ensuring the development and resourcing of Council's strategic asset management plans and processes and for their integration with Council's Integrated Planning and Reporting framework under the *Local Government Act 1995*.

*Manager of Works and other officers, as delegated:*

Responsible for implementation of Council's strategic asset management plans, processes and activities; and, for reporting on performance in delivery.

Through this process, we aim to achieve our specified best practice targets for asset management.

## 1.9. RECORD KEEPING POLICY

Responsible Department	Corporate Services
Former policy Reference	GP8 – Elected Members Records Adopted 20 May 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	State records principals and standards Shire of Wyalkatchem Record Keeping Plan General Disposal Authority for Local Government – DA 2015-001 General Disposal Authority for Source Records – RD2016002 Record Keeping Policy & Procedure Manual* Keywords for Council – A Thesaurus of Local Government Terms
Related Legislation	<i>State Records Act 2000</i>

\*To be developed

### OBJECTIVE

To establish a framework for the Shire of Wyalkatchem to effectively fulfil its obligations and statutory requirements under the State Records Act. Council has an obligation to maintain official records in its custody in good order and condition. This includes the capture, storage, maintenance and disposal of physical records and also records in electronic format.

### POLICY

This policy applies to all Council business and relates to both physical and electronic records. It applies to all Council staff, Council Members, contractors and consultants acting on behalf of or employed by the Council.

This policy is required for compliance to State Records Commission Standard 2 Recordkeeping Plans – Principle 2 Policies and Procedures – which states that ‘Government organisations ensure that recordkeeping programs are support by policy and procedure.

### Policy details

#### 1. General

- 1.1. Shire of Wyalkatchem’s recordkeeping system will support good corporate governance and compliance to legislative requirements and best practice standards.
- 1.2. Shire of Wyalkatchem staff are required to comply with legislative and administrative requirements to create, manage, protect and make accessible records that properly and adequately document the performance of the Shire’s business functions
- 1.3. Ownership of any record received or created by an employee of the Shire of Wyalkatchem in the course of their work for the Shire resides with the Shire and not the individual.

1.4. Shire Records have installed Keyword for Council as the structured framework and thesaurus for file creation.

1.5. This policy applies regardless of a record's format or where it was received.

## **2. Elected Member's Records**

The state Record Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

This policy applies regardless of a record's format or where it was received.

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government businesses or functions**. These records should be forward to the local government administration for **Capture into the official recordkeeping system**

**Which records should be captured?**

<p><b>YES</b> – Forward to your local government administration</p>	<p><b>NO</b> – Do not need to be forward to your local government</p>
<p><b>Communications from ratepayers</b>, Such as:</p> <ul style="list-style-type: none"> <li>• Complaints &amp; compliments;</li> <li>• Correspondence concerning corporate matters;</li> <li>• Submissions, petitions &amp; lobbying;</li> <li>• Information for Council’s interest relating to local government business activity &amp; functions.</li> </ul>	<p><b>Duplicate copies</b> – of Council meeting agenda, minutes &amp; papers</p>
	<p><b>Draft documents or working papers</b> – which are already captured at the local government.</p>
	<p><b>Publications</b> – such as newsletters, circulars and journals.</p>
	<p><b>Invitations</b> – to community events where an elected member is <i>not</i> representing Council or the local government.</p>
<p><b>Telephone, meetings &amp; other verbal conversations</b> – between an elected member and another party, regarding local government projects or business activities.</p>	<p>Telephone, meetings &amp; other verbal conversations which;</p> <ul style="list-style-type: none"> <li>• Convey routine information only; Or</li> <li>• Do not relate to local government business or functions.</li> </ul>
<p><b>Work diaries</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government.</p>	<p><b>Electioneering</b> – or party political information.</p>
<p><b>Presentations and speeches</b> – delivered as part of an elected member’s official duties.</p>	<p><b>Personal records</b> – not relating to an elected member’s official duties.</p>

**Destruction of Records:** return all records to the local government for authorised and legal destruction.

**3. Sanctions**

State Records Act: Offences – “A government organisation employee who does not keep a government record in accordance with the Record Keeping Plan of the organisation commits an offence”. **Penalty \$10,000**

**KEY TERM DEFINITIONS**

**Shire** means the Shire of Wyalkatchem

**Record** means any record of information however recorded and includes – anything on which there is writing, a map, plan, diagram or graph, a drawing, pictorial or graphic work, photograph; or anything from which images, sounds or writings can be reproduced.

**Official Record** is a record made or received by the Council / Elected Members in the conduct of its business. An official record may be paper-based and / or electronic. An official record may be held off-site

**Capture** involves the management of official records in some form of logical sequence, which may be ensured by any of the following:

- Classification and indexing, which allow appropriate linking, grouping, naming, security protection, user permissions and retrieval, disposition and identifying vital records;
- Arrangement in a logical structure and sequence, whether a physical file or electronic directory, which facilitates subsequent user and reference;
- Registration which provides evidence of the existence of records in a record system; and
- Systems which profile or template the actions undertaken in business.

**Disposal** is the destruction of a record; the carrying out of any process that makes it impossible to reproduce the information in a record; the transferring or delivering ownership or possession of a record; or the selling of a record.

**Digitisation** means the process of converting records in an analogue format (source record) to a digital format

**General Disposal Authority for Local Government – DA 2015-001** is the General Disposal Authority for Local Government Records compiled by State Records Office. It applies to the disposal of all records. This is irrespective of format or media and created / received by any Local Government Authorities in Western Australia. The Shire of Wyalkatchem uses this method of classification for disposal of records.

**General Disposal Authority for Course Records – RD2016002** is the General Disposal Authority for Source Records. It applies to disposal (legal destruction) of physical format (source records) that have been successfully reproduced (digitized) the Shire of Wyalkatchem uses this method of classification for disposal of source records which have been reproduced.

**EDRMS** Refers to the Shire's electronic document records management system, Council is currently implementing ItVision's Atlas ECM

### **Roles and Responsibilities**

The Finance and Administration Officer, under the direction of the Manager Corporate Services is responsible for implementing this policy.

### 1.10. FLYING FLAGS

Responsible Department	Corporate Services
Former policy Reference	GP21 – Flying of Flag Administration Building First adopted 20 December 2001, last review 21 July 2019
Resolution Number	OMC 53 /2019 OMC 65/2023
Resolution Date	18 April 2019 15 June 2023
Last Amendment Date	18 April 2019 – Major Review and re-write 15 June 2023 – Major Review
Shire Related Documents	Notice Board Death Notice
Related Legislation	<i>Flags Act 1953</i>

#### OBJECTIVE

This policy aims to facilitate an active, engaged & social community (goal 2) and promote improved community communications and engagement (goal 10).

#### POLICY

The following underpins the policy position:

- The flying of flags represents an opportunity to demonstrate and foster a sense of pride in the community.
- According to the 2021 census 6.5% of Wyalkatchem residents identify as Indigenous.
- The Australian Aboriginal Flag, designed by Harold Thomas was granted ‘Flag of Australia’ status in July 1995.
- Flag flying should be done with respect and with sensitivity to community expectations and be reflective of our respect for the Indigenous Australians within our community.
- This policy is consistent with the Australian Government’s protocols for flying flags and with the *Flags Act 1953*.
- 

#### **Australian National Flag and the Western Australian State Flag:**

The flag flown from the one (1) Administration Building flagpole shall be the Australian National Flag.

In the event that there are two (2) flagpoles at the Administration building, the flags to be flown shall be the Australian National Flag and either the WA State Flag or the Australian Aboriginal Flag. The Shire President shall determine which flag is to be flown alongside the Australian National Flag.

When facing the Shire office from the Honour Avenue, the Australian National Flag is to be flown on the left flagpole, with the WA State Flag or Australian Aboriginal Flag on the right flagpole. This follows the Australian Protocol and Procedures for flying the Australian National Flag. The Australian National Flag and the WA State Flag or Australian Aboriginal Flag may also be presented in the Council Chambers in a similar manner.

#### **Guidelines – as set by the Australian Government.**

- Raise the flag briskly and lower it ceremoniously.
- Do not raise the flag earlier than first light or lower the flag later than dusk.
- When the flag is raised or lowered or is carried in a parade or review, everyone present should be silent and face the flag and people in uniform should salute.
- The flag should always be flown freely and as close as possible to the top of the flagpole with the rope tightly secured.
- The Australian National Flag should be raised first and lowered last, unless all other flags at the ceremony are raised and lowered simultaneously.
- The Australian National Flag should fly on the left of a person facing the flags.
- Do not fly two flags from the same flagpole.
- Only fly the flag at night when it is illuminated.
- The flag should never be flown if it is damaged, faded or dilapidated.
- When the material of a flag deteriorates it should be destroyed privately and in a dignified way, i.e. it may be cut into small unrecognisable pieces then disposed of with the normal rubbish collection.
- Do not fly the flag upside down, even as a signal of distress.
- Do not allow the flag to fall or lie on the ground or be used as a cover (although it can be used to cover a coffin at a funeral).

#### **Flags at Half Mast:**

Flags may be flown at half-mast;

Flags may be flown at half-mast under the following circumstances;

- For a period of up to 2 working days from the time of notification of a local resident or past resident's death and on the day of their funeral.
- For a period of up to 2 working days from the time of notification of a past Shire of Wyalkatchem employee or elected member's death and on the day of their funeral.
- For a period of up to 2 working days from the time of notification of the death of an immediate family member of a current Shire of Wyalkatchem employee or elected member and on the day of their funeral.
- Otherwise on a day when a funeral is being conducted at the Wyalkatchem Cemetery.
- When directed by the Federal or State Government and at the discretion of the Chief Executive Officer and Shire President.

A notice must be displayed on the Shire Office Notice Board to inform the community of the passing and funeral arrangements, if known.

Council will acknowledge obituaries within its Ordinary Council Meeting minutes.

## DEFINITIONS

- Local Resident** – a person who current resides within the Shire of Wyalkatchem
- Past Resident** – a person who previously resided within the Shire of Wyalkatchem for a period in excess of 5 years
- Shire Employee** – A person who is/was employed at the Shire of Wyalkatchem
- Elected Member** – A person who has been appointed as a Shire of Wyalkatchem Councillor, President or Deputy President
- Immediate Family** – as defined under the National Employee Standards

### 1.11. RUBBISH SERVICE CHARGE DISCOUNT

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy 18 August 2022 – Revised re Senior Card concessions – OMC 88/2022
Shire Related Documents	Nil
Related Legislation	<i>Rates and Charges (Rebates and Deferments) Act 1992.</i>

#### OBJECTIVE

To provide guidelines for the application of discounts to rubbish service charge.

#### POLICY

A 30% discount will be allowed on the Rubbish Service Charge to Pensioner Concession holders who have registered and are eligible for a rebate on their rates under *the Rates and Charges (Rebates and Deferments) Act 1992*.

- *With effect from 1 July 2022, the Rubbish Service Charge Discount rate is to be applied to assessment where the owner is registered to claim the WA Senior Card concession.*
- *That WA Senior Card concession assessments currently receiving the Rubbish Service Charge Discount, continue to receive the discount. Amounts undercharged in previous financial years are not to be recovered.*

A 30% discount will be allowed on the Rubbish Service Charge to WA Senior Card holders who have registered and are eligible for a rebate on their rates under the Rates and Charges (Rebates and Deferments) Act 1992.

The rate of discount will be reviewed annually by Council in conjunction with adopting the annual budget.

Where the eligible pensioner is co-owner with a non-pensioner the full discount will still be allowed and any person who becomes eligible during the rating year will be allowed a pro-rata discount.

## 1.12. CONFIDENTIAL INFORMATION

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Shire of Wyalkatchem Meeting Standing Orders Local Laws Policy <b>4.1 CODE OF CONDUCT</b>
Related Legislation	<i>Local Government Act 1995, Part 5 Division 7;</i> <i>Local Government (Administration) Regulations 1996, Part 7:</i> <i>Local Government (Rules of Conduction Regulations 2007,</i> <i>regulation 6 and 7:</i>

### OBJECTIVE

The objective of this policy is to ensure no detriment is caused to the Council, staff, member of public or community be any person through the release of person, sensitive or confidential information, including information disclosed in a meeting which is closed to the public.

### POLICY

This policy applies to all Councillors, Shire employees, contractors and volunteers.

#### 1. Legislation and Policy

Confidential, sensitive, and personal information, whether written, electronic, recorded, video footage or verbal is protected from unauthorised access and use under the following provisions;

- The Local Government Act 1995, Part 5 Division 7;
- Local Government (Administration) Regulations 1996, Part 7:
- The Local Government (Rules of Conduction Regulations 2007, regulation 6 and 7:
- Shire of Wyalkatchem Meeting Standing Orders Local Laws
- Council Policy **4.1 CODE OF CONDUCT** – Code of Conduct for Council Members, Committee members and employees.

#### 2. Obligations

Council members, Committee Members and Employees shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Every matter dealt with by, or brought before, a meeting which is closed to the public, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council member and/or employees of the Shire (and in case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council member or Officer from disclosing confidential information:

- To a legal practitioner for the purpose of obtaining legal advice; or
- If the disclosure is permitted by law.

Nothing in the Local Government Act 1995 Division 7 or in this policy affects the operation of the Freedom of Information Act 1992.

### 1.13. HABITUAL OR VEXATIOUS COMPLAINANTS

Responsible Department	Officer of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i>

#### OBJECTIVE

To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be ‘habitual or vexatious’ and ways of responding to these situations.

This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

#### BACKGROUND

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be sent on Council priorities. Whilst Council endeavors to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or rectify a real or perceived problem.

The term “vexatious” is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”

#### POLICY

##### Habitual or vexatious Complaints

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- i) Unreasonable complaints and/or unrealistic outcomes; and/or
- ii) Reasonable complaints in an unreasonable manner.

2. Where a complaints continue and have been identified as habitual or vexatious in accordance with the above criteria, the CEO, following discussions with the Shire President will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual and vexatious complaints.

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

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

## **Guidelines**

### **Schedule A –Criteria for Determining Habitual or Vexatious Complaints**

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

Where complainants:

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

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

#### **Schedule B –Options for Dealing with Habitual or Vexatious Complainants**

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

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

### 1.14. USE OF SHIRE OF WYALKATCHEM CREST AND LOGO

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP6 – Use of Shire Emblem First adopted 20 December 2001, Last reviewed 18 March 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

#### OBJECTIVE

To ensure the Shire of Wyalkatchem’s crest and logo is used for authorised purposes only.

#### POLICY

This policy applies to situations where the Shire of Wyalkatchem’s crest and logo might be used.

#### Introduction

The Shire of Wyalkatchem’s crest and logo visually represent the Shire of Wyalkatchem on its documents and correspondence, on its buildings and services, and at events which it might support or sponsor. It is important that they are used appropriately. This policy sets out the mechanism for ensuring these symbols and their use is protected.

#### Principals

- a) The Shire of Wyalkatchem’s crest and logo is used only in relation to Shire of Wyalkatchem business and activities.
- b) No private use is made of the Shire of Wyalkatchem crest and logo.

#### Provisions

1. The Council’s logo and crest are copyright.
2. Their use is for administrative purposes as authorised by the Chief Executive Officer (CEO).
3. Private use for any purpose is not authorised.
4. Use of the crest or logo by external bodies working in partnership with the Shire of Wyalkatchem may only occur with express permission of the CEO.
5. Groups and organisations that Council has provided financial support are authorised to acknowledge the Shire’s support by affixing the Shire’s logo to promotional materials.
6. Permission is granted to the Wyalkatchem Visitors Centre for the use of the Shire crest and/or logo on souvenirs and name badges, provided that it is used in its original design and for the positive promotion of Wyalkatchem.

### 1.15. CUSTOMER SERVICE CHARTER

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP 4– Customer Service Charter First Adopted 18 <sup>th</sup> February 2010, Last reviewed 16 February 2012
Resolution Number	OMC 2447
Resolution Date	16 February 2012
Last Amendment Date	16 February 2012
Shire Related Documents	
Related Legislation	

#### Objective

This Customer Service Charter defines the standard of service that customers can expect to receive when dealing with the Shire, provides a formalized process for making complaints and also outlines the expectations of Shire officers when providing customer service to the community.

This Charter sets out the Shire’s approach to managing customer enquiries, requests or complaints.

#### Goal

The objectives of this Charter are:

- A. To provide a practical framework for customer service and to ensure that all staff respond in a courteous, consistent, timely and fair manner to all reasonable enquiries, requests or complaints from customers, and,
- B. To ensure as far as practicable, that Shire resources are used efficiently and effectively when dealing with customer’s enquiries, requests or complaints.

#### Scope

The Customer Service Charter applies to all enquiries, requests or complaints to the Shire from its customers. Customers are defined as any persons or organisations who have any form of dealings with the Shire. This definition also includes Shire staff, contractors and elected members.

Customer dealings with the Shire may take a number of forms and include, but are not limited to, requests for specific information or for a decision to be made in relation to a specific matter, or an appeal for the Shires assistance to inspect, remove, replace, repair or reinstate Shire facilities or amenities.

A customer complaint may be an expression of dissatisfaction with a service or product offered or provided, or an appeal for action to be taken in respect of a perceived nuisance.

#### Service Standards

The Shire’s general service commitment to customers:

#### The Shire will aim to

- Treat customers courteously and with respect
- Act on any commitments given as quickly as reasonably possible
- In accordance with Council’s Privacy Policy, respect the customer’s privacy by treating confidentially all personal information provided

**Response Commitment given by the Shire:**

**Face to Face the Shire will:**

- Greet the customer courteously upon their arrival
- If we cannot deal with the enquiry we will provide the customer with the name of the person the request or enquiry will be referred to or, if that person is not available give a commitment that the customer's enquiry will be responded to within (1) one working day of the original contact.
- Record all customer enquires, requests and complaints and allocate the customer a Reference Number for identification purposes
- Listen carefully and identify the customer's needs by asking questions and confirming details
- Be punctual for appointments and meetings

**On the telephone Council will:**

- Promptly answer all telephone calls during working hours.
- Provide a friendly first point of contact with the Shire of Wyalkatchem
- Greet the customer with "Good morning/Good afternoon, Shire of Wyalkatchem, and staff identification, using first names
- Establish the customer's query or complaint and refer the call to the appropriate staff member if unable to satisfy the issue in the first instance
- In the event of the unavailability of the staff member, give a commitment that the customer's call will be returned by either the staff member, or another officer within 24 hours of the original call
- Take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are "on hold".
- Provide a 24-hour after hours telephone service for emergency calls.

**By letter, email or facsimile the Shire will:**

- Normally provide a full response to any query or complaint within five working days
- Where a full response is unable to be provided due to an issue requiring consideration by Council at a formal meeting, or due to circumstances outside of Council's control, acknowledge the customer's letter, facsimile or email within five working days advising of action taken since the receipt of correspondence
- Write to customers in clear, concise language that is easily understood and avoid technical terms and jargon where possible
- Ensure the Shire's website is easy to navigate, can be searched effectively and provides an opportunity for customers to send queries and/or feedback to the Shire

**Requirements of customers:**

Customers can help Shire staff meet their commitments under this charter by:

- Providing accurate and complete details when contacting the Shire with any queries
- By treating Shire staff with courtesy and respect
- By telephoning to make an appointment when there is a complex enquiry or a need to see a specific staff member
- Giving reasonable opportunity to respond to any request or complaint
- Respecting the privacy, safety and need of other members of the community

In general, Shire staff has the general right to:

- Be treated with respect and courtesy
- Be supplied with sufficient detail to initiate any action or to investigate a complaint
- Be given a reasonable opportunity to respond to any request or complaint



**Complaints Handling Procedure:**

The Shire *has* a process to follow when receiving customer complaints and feedback.

All complaints received by the Shire will be treated with the utmost seriousness, however if a complaint is found to be malicious, frivolous or vexatious, no further action will be taken on the complaint.

**Anonymous complaints:**

On occasions we will receive anonymous complaints and we will generally only act on them where the matter is considered to be serious and there is sufficient information in the complaint to enable an investigation to be undertaken.

**Form of complaint:**

A complaint may be lodged orally (by telephone or at the counter) and may be responded to orally by phoning or by meeting with the Section Manager of the relevant Department to discuss the complaint.

A complaint may also be lodged in writing.

To assist the Shire in dealing with your complaint a customer should include the following if relevant;

- i. Dates, times and location of events
- ii. What happened
- iii. Names of the Shire officers and dates to whom the customer has spoken
- iv. Copies or references to letter or documents relevant to the complaint
- v. State what the customer hopes to achieve as an outcome of the complaint

Staff must complete a Customer Complaint/Feedback form when a complaint is received. This document is to be completed and provided to the Section Manager within 24 hours of taking the complaint/feedback, along with any other documentation on the matter. (a copy of this document also supplied to the Chief Executive Officer).

The Manager of each Department of the Shire is responsible for handling complaints relevant to that Department. Most problems can usually be resolved at an early stage; however, there are times when they require detailed investigation.

A response to a complaint will be provided within five working days. If, due to the complex nature of the complaint and investigation required, this deadline cannot be met, the customer will be kept informed of progress.

In considering a complaint the relevant Section Manager will;

- Examine and analyse the information already available and follow up points requiring clarification
- Look at the Council policies which might have a bearing on the complaint
- Consider whether or not the Shire is at fault
- Consider any necessary action to be taken to correct the faults identified
- If necessary, consider a review of the Shire's procedures to avoid recurrence of any similar complaint in the future
- The relevant Section Manager may enter into informal discussions or mediation on a complaint with a view to resolution.

The Complaint/Feedback Form will detail the immediate action required and taken, a summary of preventive/corrective action taken and whether a written response was required. The form will be signed off and dated by the Section Manager before the complaint is closed. This process will ensure that the Shire is keeping an accurate record on what complaints are lodged and how they are addressed. It will ensure that all customer complaints/feedback are addressed and will enable the Shire to maintain a high level of customer satisfaction.

The Shire will take all care to ensure that the reporting of complaints will not result in a customer experiencing any form of victimization or retribution as a result of the complaint.

**The Shire will ensure that copies of its Customer Service Charter and forms, including Complaints and Works Requests, are provided to all local business outlets in town to encourage community feedback.** A Customer Complaint/Feedback Form can be downloaded from our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au) or is available from the Shire Administration Office.

### 1.16. VOTING DELEGATES TO WALGA AGM

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP25 Voting Delegated to WALGA AGM First Adopted 16 June 2005, Last review 16 May 2013 Reviewed 6 January 2022 – no changes
Resolution Number	OMC 2732
Resolution Date	16 May 2013
Last Amendment Date	16 May 2013
Shire Related Documents	Nil
Related Legislation	Nil

#### Objective

To enable the nomination form to be completed without reference to Council.

#### Policy

That the CEO nominates the President and Deputy President as the voting delegates to the WALGA AGM each year, and also appoints the Chief Executive Officer as a proxy delegate, who has the voting rights in the absence of either the Shire President or Deputy Shire President.

# 2. FINANCE POLICIES

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## 2.1. PURCHASING POLICY

Responsible Department	Corporate Services
Former policy Reference	GP2 – Purchasing Policy First adopted 15 March 2007, Last review 15 October 2009
Resolution Number	OMC 134/2018 OMC 68/2020 OMC 125/2020 OMC 91/2022
Resolution Date	18 October 2018 21 May 2020 27 August 2020 18 August 2022
Last Amendment Date	21 May 2020 - Major Review and re-write (to incorporate legislation changes)  1 September 2020 – Major Review and re-write (to adjust quotation thresholds)  18 August 2022 – Major review and re-write The review has resulted in a more concise / manageable policy and the introduction of a procurement manual. This manual incorporates all those things that an officer with delegated purchasing authority requires to do in order to comply with the policy.
Shire Related Documents	Policy <b>2.2 REGIONAL PRICE PREFERENCE</b>  <b>Procedure – Procurement Manual</b>
Delegation Reference	<i>1.2.12 – Expressions of Interest for Goods and Services</i> <i>1.2.13 – Tender for Goods and Services</i> <i>1.2.14 – Panels of Pre-Qualified Suppliers for Goods and Services</i> <i>1.2.15 - Application of Regional Price Preference Policy</i> <i>1.2.16 – Disposal of Property</i>
Related Legislation	<i>Local Government Act 1995</i> <i>Local Government (Function and General) Regulations 1996 s11A and 24AC</i>

### 1.0 Preamble

The Shire of Wyalkatchem (the “Shire”) is committed to purchasing Goods and/or Services, and/or Works in compliance with this Policy.

## 2.0 Objectives

In carrying out its purchasing activities, the Shire will:

- i. ensure compliance with the [Local Government Act 1995](#) (the “Act”);
- ii. deliver best Value for Money outcomes;
- iii. ensure sustainable benefits, such as environmental, social and local economic factors (including maximising participation of local businesses) are considered in the overall Value for Money assessment;
- iv. ensure the use of equitable competitive processes and the engagement of potential suppliers impartially, honestly and consistently;
- v. ensure probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- vi. ensure that risks are identified and managed as outlined in the Shire’s Risk Management Policy and related documents;
- vii. ensure that records are created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire’s internal Record Keeping Policy; and
- viii. ensure that confidentiality protocols are established and adhered to so as to protect commercial-in-confidence information with release of information where appropriately approved.

## 3.0 Policy Statement

The Shire is committed to establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy must be read/adopted in accordance with the requirements of the Procurement Procedures Manual, which will cover further and comprehensive details, practices and the operational requirements for the relevant Policy item.

## 4.0 Ethics and Integrity

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision making.

## 5.0 Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the Act & Regulations and non-compliance therefore represents a breach of the Act & Regulations.

## 6.0 Threshold Levels and Requirements

The adoption of these threshold levels shall be carried out in conjunction with the supply order of priority requirements outlined in the Procurement Procedures Manual.

Where the value of procurement (excluding GST) for the Contract over the full contract period\* (including options to extend) is, or is expected to be:

Threshold Level (ex GST)	Requirements
<b>Up to \$10,000</b> (Works/Corporate Services Manager or CEO approval)	Seek at least one verbal or written quotation from a suitable supplier.
<b>\$10,001 to \$25,000</b> (Works/Corporate Services Manager or CEO approval)	Seek at least two written quotation from a suitable supplier.
<b>\$25,001 to \$250,000</b> (Corporate Services Manager or CEO approval)	Seek at least three written quotations from suitable suppliers.
<b>More than \$250,000</b> (CEO approval)	Conduct a public tender or other public procurement process; or Seek at least three (3) quotations from an appropriate exempt arrangement.

\* The “contract period” can mean “a one-off purchase” or “a pre-defined period”.

A similar process must be followed for other public procurement processes such as Expressions of Interests or Request for Proposal.

### 6.1 Exempt Provisions

The most common exempt provision from a public procurement process are:

1. WALGA Preferred Supply Arrangements;
2. Goods and services or works obtained through State, Commonwealth or other Local Government arrangement;
3. Goods and services or works as a result of an emergency provision;
4. Where there is a genuine sole source of supply;
5. Where the goods to be supplied are petrol or oil (lubricant); or any other liquid, or gas, used for internal combustion engines;
6. Goods, services or works supplied through an Australian Disability Enterprise;
7. The contract is for a renewal or extension of an existing contract; or
8. For LGIS services.

### 6.2 Sole Source Supply

The procurement of Goods and/or Services, and/or Works available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.

### **6.3 Emergency Provision**

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

### **6.4 Obtaining Quotations**

Written quotations will be obtained in accordance with the steps outlined in the Procurement Procedures Manual.

### **6.5 Selection Criteria and Weightings**

Sustainability (as defined in Section 9.0 of this policy) will be included as a qualitative assessment element for all purchases above \$25,000 (ex GST).

Price consideration will not be weighted as part of the evaluation process. Price will be considered separate to non-price selection criteria and a Value for Money assessment will take a balanced view between price and non-price considerations.

### **6.6 Anti-Avoidance**

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a public tender.

### **6.7 Probity Experts**

Probity experts ensure a transparent and fair procurement process and to achieve best Value for Money. An independent person may be appointed to act as a probity expert as outlined in the Procurement Procedures Manual.

The decision to appoint a probity expert will be at the complete discretion of the Chief Executive Officer.

### **6.8 Contract Management**

All Shire Contracts will be managed during their lifecycle by the responsible officer in accordance with good contract management practices and consistent with the procedures outlined in the Procurement Procedures Manual.

### **6.9 Notification of Outcome**

Each tenderer or respondent to a public procurement process shall be notified in accordance with the procedures outlined in the Procurement Procedures Manual.

Each unsuccessful respondent shall be offered a debrief on their response to the procurement process.

#### **6.10 Engaging Contracted Suppliers**

A properly completed “Purchase Order” must be issued to the contracted supplier as part of the engagement process.

#### **6.11 Sponsorship and Trials**

Sponsorship for events and trials by current and prospective suppliers must undergo a similar process to that required for sourcing of goods and services, and/or works. Threshold levels as outlined in Section 6.0 would apply as would other elements of this Policy.

#### **7.0 Other Procurement Processes**

Other procurement processes include Expressions of Interest and Request for Proposal. In both cases, similar rules to a Request for Tender apply and they should be conducted in accordance with the requirements outlined in the Procurement Procedures Manual.

#### **8.0 Value for Money Consideration**

The Shire will apply Value for Money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous. The Value for Money consideration will be applied for all threshold levels of purchase.

#### **9.0 Sustainable Procurement**

Sustainable procurement is defined as the procurement of goods and services, and/or works that has the most positive environmental, social and local economic impacts possible over the entire life cycle of a product or services.

The Shire is committed to implementing sustainable procurement where appropriate, by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection, local economic benefits and good governance).

#### **9.1 Regional Price Preference**

The Shire encourages the development of competitive local businesses within its boundary first and second within its broader region i.e. adjoining Shires.

The Shire has adopted the following Regional Price Preference Policy which, will be applied when undertaking all purchasing activities.

A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire.

A supplier of goods or services who submits a quotation/tender is regarded as being a local tenderer if:

- i. The supplier has a physical business premises (in the form of an office, depot, shop, outlet, headquarters or other premises where goods or services are being supplied from), located

- within the Shire. This does not exclude suppliers whose registered business is located outside the Shire but undertake the business from premises located in the Shire / region;
- ii. A business having permanent staff that are based at the business premises located within the Shire / region;
  - iii. Management or delivery of the majority of the outcomes will be carried out from the business premises located in the shire / region; and

In order for the policy to apply, the supplier is required to provide to the Shire sufficient evidence which demonstrates compliance with the above criteria.

#### Regional Price Preference Value – Local Supplier – Wyalkatchem Shire

The following levels of preference will be applied under this policy:

- a) 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000 excluding GST;
- b) 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000 excluding GST; or
- c) 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000 excluding GST, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

#### Regional Price Preference Value – Local Supplier - Region

The following levels of preference will be applied under this policy:

- a) 5% - where the contract is for goods or services, up to a maximum price reduction of \$50,000 excluding GST;
- b) 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000 excluding GST; or
- c) 5% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000 excluding GST, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

For the purpose of this policy the Region is specified as the entire geographical area of a shire which shares a boundary with the Shire of Wyalkatchem.

Only those goods and services identified in the tender as being supplied locally will be included in the discounted calculation that forms a part of the assessment of a tender.

A regional price preference applies whenever tenders are called, unless the local government, or the Chief Executive Officer by delegated authority, resolves otherwise in reference to a particular tender.

It should be noted that price is only one criteria when considering tenders. Value for money principals will be used to achieve the best possible outcome for the tender.

### **9.2 Purchasing from Aboriginal Businesses**

The Shire will support the purchasing of requirements from Aboriginal businesses. This will be in accordance with the requirements outlined in the Procurement Procedures Manual.

### **9.3 Purchasing from Australian Disability Enterprises**

The Shire will support the purchasing of requirements from Australian Disability Enterprises. This will be in accordance with the requirements outlined in the Procurement Procedures Manual.

### **9.4 Environmental Sustainability**

The Shire will adopt an approach to procurement that supports sound environmental considerations in its purchasing activities.

### **10.0 Panels of Pre-Qualified Suppliers**

The Shire will consider creating a Panel of Pre-qualified Suppliers (“Panel”) when a range of similar goods and services are required to be purchased on a continuing and regular basis.

The Panel will be established in accordance with the Regulations and requirements outlined in the Procurement Procedures Manual.

### **11.0 Records Management**

All purchasing activity including for competitive procurement and direct purchase processes, communications and transactions must be evidenced and retained as Shire records in accordance with the State Records Act 2000 and the Shire’s internal Records Management Policy.

### **12.0 Review**

This policy is to be reviewed every two years, review by date June 2024.

## 2.2. REGIONAL PRICE PREFERENCE

Responsible Department	Corporate Services
Former policy Reference	C16 – Local Purchasing Policy First adopted 16 January 2003
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and Re-write 18 August 2022 – now Included in Policy 2.1 Purchasing Policy
Shire Related Documents	Policy <b>2.1 PURCHASING POLICY</b> Delegation Register Procurement Procedure Manual
Delegation Reference	<i>1.2.15 Application of Regional Price Preference Policy</i>
Related Legislation	<i>Local Government (Functions and General) Regulations 1996 – Part 4A</i> provide the opportunity for local governments to establish Regional Price Preference.

**REMOVED 18 AUGUST 2022 – SEE PREVIOUS POLICY 2.1**

## 2.3. TRANSACTION CARD POLICY

Responsible Department	Corporate Services
Former Policy Reference	FP3 – Shire Credit Cards First adopted 17 May 2012
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Credit Card Acceptance and Agreement
Related Legislation	<i>Local Government Act 1995 s6.5(a)</i> <i>Local Government (Financial Management) Regulations 1996 – Regulation 5 and Regulation 11(1)(a) and (2)</i>

### OBJECTIVE

To provide the Chief Executive Officer with a framework of principles to guide the use and management of Transaction Card facilities and which:

1. Ensures efficient and effective procurement and payment operations.
2. Minimises the risk of misuse, fraudulent or corrupt use.
3. Defines allowable and prohibited uses.
4. Defines management and oversight obligations.
5. Defines Cardholder duty of care and responsible use obligations.

### POLICY

This policy provides an in-principle framework to guide the Chief Executive Officer when fulfilling their statutory duties for establishing and implementing appropriate systems and procedures for incurring expenditure and making payments specific to Transaction Cards.

#### Definitions

**Cardholder** means an employee/contractor who has been authorised by the CEO to incur expenditure by means of a Transaction Card.

**Transaction Card** means a card facility (which may include; credit, store, parking, cab-charge and fuel cards) approved for use in lieu of cash transactions, to incur expenditure for goods and services for the purposes of the Shire of Wyalkatchem business activities only in accordance with relevant Shire of Wyalkatchem Policies.

### MANAGEMENT OVERSIGHT AND REPORTING

#### Legislation

- (1) Section 6.5(a) of the *Local Government Act 1995* prescribes the Chief Executive Officer's (CEO) duty to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations.
- (2) *The Local Government (Financial Management) Regulations 1996* prescribe:

- a. Regulation 5, the Chief Executive Officer's duties to ensure efficient systems and procedures are established for the proper authorisation of incurring of liabilities and the making of payments.
- b. Regulation 11(1)(a) and (2) of the requires Local Government to develop procedures that ensure effective security for the authorisation and payment of accounts and for the authorised use of payment methods, including credit cards.

### **Determining When Transaction Card Facilities are Appropriate**

- (1) Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire of Wyalkatchem operations by ensuring:
  - a. goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire of Wyalkatchem;
  - b. financial management and accounting standards are met; and
  - c. purchasing and payment functions are secure, efficient and effective.
- (2) Transaction Card facility providers will only be acceptable where, in the opinion of the CEO, they:
  - a. Provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire of Wyalkatchem to sufficiently administer the facility; and
  - b. Provide the Shire of Wyalkatchem with protection and indemnification from fraudulent unauthorised transactions.

### **Management Oversight**

The Chief Executive Officer shall determine and implement systems and procedures adequate to ensure:

- a. Assessment and selection of Transaction Card facilities suitable to the efficient and effective operations of the Shire of Wyalkatchem;
- b. Authorisation and appointment of suitably eligible Cardholders;
- c. Cardholder duties and responsibilities are documented and Cardholders provided with training; and
- d. Monitoring and auditing of Transactional Card activities is planned and reported.

### **Reporting**

The CEO will ensure that acquitted transaction statements for each Transaction Card facility are provided to Council as part of the monthly financial reporting regime.

### **Misuse, Misconduct and Fraudulent Use**

Any alleged misuse of Transaction Cards will be investigated, and may be subject to disciplinary procedures.

Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the *Public Sector Management Act 1994* and the *Corruption, Crime and Misconduct Act 2003*.

## **PRINCIPLES FOR TRANSACTION CARD USAGE**

### **Allowable Transactions**

- (1) Transaction Card facilities may only be used where:

- a. The expenditure is directly arising from a Shire of Wyalkatchem operational business activity for which there is an Annual Budget provision;
- b. The expenditure is in accordance with legislation, the Shire of Wyalkatchem Purchasing Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder.
- c. The procurement of the required goods or services is impractical or inefficient if undertaken via a purchase order or is not able to be obtained other than by a Transaction Card;
- d. Supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e. by purchase order) is more onerous, not cost effective or there is no alternative mode of supply.
- e. Hospitality expenditure may only occur when it is in accordance with the Shire of Wyalkatchem's Policies or is undertaken with the express written permission of the CEO.
- f. Official travel, accommodation and related expenses may only occur in accordance with Shire of Wyalkatchem policies and procedures;
- g. Accounts payable payments are made under the direction of the Manager Corporate Services;
- h. A sufficient record of each transaction is obtained and retained in the local government record.

(2) Allowable transaction modes include:

- a. In-person and over the counter retail purchases;
- b. Telephone or facsimile purchasing;
- c. Mail order purchasing and subscriptions;
- d. Internet purchasing.

### **Prohibited Transactions**

(1) The Shire of Wyalkatchem prohibits the use of Transaction Card facilities for:

- a. Cash advances;
- b. Incurring expenses which are personal or private (i.e. any expenditure which is not an approved Local Government activity);
- c. Making deposits onto the Card, whether to offset misuse or otherwise;
- d. Incurring expenditure for goods or services which are subject to a current supplier contract;
- e. Incurring expenses which are not in accordance with legislation, the Shire of Wyalkatchem Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual Cardholder;
- f. Splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
- g. Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).

(2) For clarity, Elected Members are prohibited from using Shire of Wyalkatchem Transaction Cards as the *Local Government Act 1995* does not provide authority for an Elected Member to incur liabilities on behalf of the Local Government. The Act limits Local Governments to only paying Elected Member allowances and reimbursing Elected Member expenses.

### Cardholder duty of care and responsible use obligations

- (1) A Cardholder is required to:
  - a. Keep the Transaction Card and access information in a safe manner; protected from improper use or loss.
  - b. Only use the Transaction Card for allowable purposes and not for prohibited purposes.
  - c. Obtain, create and retain Local Government records that evidence transactions.
  - d. Acquit the reconciliation of Transaction Card usage in the required format and within required timeframes. The onus is on the cardholder to provide sufficient detail for each transaction to avoid any potential perception that a transaction may be of a personal nature.
  - e. Return the Transaction Card to the Shire of Wyalkatchem before termination of employment, inclusive of reconciliation records.
  - f. Reimburse the Shire of Wyalkatchem the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.
  
- (2) Benefits obtained through use of a Transaction Card (i.e. membership or loyalty rewards) are the property of the Shire of Wyalkatchem and may only be used for Shire of Wyalkatchem business purposes. Such benefits must be relinquished by the Cardholder to the Shire of Wyalkatchem. Under no circumstances may such benefits be retained as a personal benefit.

### Transaction evidence

- (1) A sufficient transaction record must include the following minimum information:
  - a. Invoice and / or receipt that includes; the date, company name, address, ABN, amount and any GST amount included;
  - b. Where an invoice and / or receipt cannot be obtained, the Cardholder must provide a Statutory Declaration, in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005*, detailing the nature of the expense and sufficient information to satisfy the requirements of sub clause (a) above.
  
- (2) Where a Transaction Card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity:
  - a. the number of persons entertained;
  - b. the names of any employees in that number; and
  - c. the purpose of providing the entertainment or hospitality.

## 2.4. BUDGET PREPARATION

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995 – Division 2</i>

### OBJECTIVE

To provide guidelines for the timely management of the budget adoption process.

### POLICY

Public consultation and budget expenditure requests from Elected Members, community groups and individuals will commence in March / April each year, with the closing date for such requests being the end of May.

Council is to be presented with a draft budget before the end of June with an estimated surplus/deficit as at 30 June.

Council shall endeavor to adopt the annual budget in July each year.

### Advertising

The request for inclusion in the Annual Budget will be advertised in March/April.

### Timeframe

All applicants will be notified of the outcome of their application within one month of Council's decision regarding applications.

### Feedback

All organisations that have had money donated to them by Council will be requested to provide feedback on the benefits gained to the organisation by the usage of those funds.

## 2.5. INVESTMENT OF FUNDS

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Delegation Reference	<i>1.2.19 – Power to Invest and Manage Investments</i>
Related Legislation	<i>Local Government Act 1995 – Section 6.14; The Trustees Act 1962 – Part III investments; Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49; Australian Accounting Standard</i>

### OBJECTIVE

To invest the Shire of Wyalkatchem’s surplus funds, with consideration of risk and the most favorable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

### POLICY

#### Legislative Requirements

All investments are to comply with the following;

- Local Government Act 1995 – Section 6.14;
- The *Trustees Act 1962* – Part III investments;
- Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49;
- Australian Accounting Standards

#### Delegation of Authority

Authority of the implementation of the investment of Funds Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1995*. The Chief Executive Officer may in turn delegate the day-to day management of Council’s investments to the Manager of Corporate Service.

#### Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment of Funds Policy, and not for speculative purposes.

#### Approved Investments

Investments may only be made with authorised institutions.

Definition of an “authorised institution: is as follows;

- An authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) Section 5; or
- The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986.

### **Prohibited Investments**

Investments which are not allowed are as follows:

- Deposits with an institution except an authorised institution
- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- Bonds with a term to maturity of more than 3 years;
- Foreign currency

### **Risk Management Guidelines**

Investments are restricted to bank investments only. The term of the investments will be based on forward cash flow requirements to ensure investment return on available surplus funds.

### **Reporting and Review**

A report on the investments will be included in the monthly financial reports presented to Council, detailing which institution the investment is lodged with, the interest rate and the date of maturity.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

## 2.6. SIGNIFICANT ACCOUNTING POLICIES

Responsible Department	Corporate Services
Former policy Reference	FP5 – Significant Accounting Policies – Budget First adopted 18 July 2013. FP6 – Significant Accounting Policies – Financial Reports First adopted 18 July 2013
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Minor review and combine old policies
Shire Related Documents	Nil
Related Legislation	Local Government Act 1995. <i>Local Government (Financial Management) Regulations 1996.</i> <i>Australian Accounting Standards</i>

### OBJECTIVE

To establish financial management procedures which provide full compliance with all local government statutory requirements and accepted accounting principles.

### POLICY

This Policy covers the Shire’s accounting data and financial reporting (including the Annual Budget, Budget Reviews and Annual/Monthly Financial Statements)

Financial Reporting is required to meet statutory requirements along with the organisation needs of the Shire to effectively monitor financial performance.

#### Monthly Reporting

Monthly reports will be prepared in accordance with section 6.4(2) of the *Local Government Act 1995* and section 34 of the *Local Government (Financial Management) Regulations 1996*. Reports will be prepared on a calendar basis, in a timely manner and presented at the next available Council meeting.

#### Annual Financial Reporting

The Annual Financial Report will be prepared in accordance with section 6.4 of the *Local Government Act 1995* and sections 36 to 50 of the *Local Government (Financial Management) Regulations 1996*. The Annual Financial Report must be submitted to the Shire’s auditors by 30 September in the subsequent financial year. The audited Annual Report will then be presented to Council Audit and Risk Management Committee.

#### Annual Budget

The Annual Budget for the Shire is to be prepared in accordance with section 6.2 of the *Local Government Act 1995* and section 22-33 of the *Local Government (Financial Management) Regulations 1996*. The Chief Executive Officer must ensure that the Annual Budget for the financial year is presented to Council after 1 June but no later than 31 August in the year to which the Annual Budget relates.

### **Budget Review**

Budget reviews will be conducted throughout the financial year as good financial practice. Any proposed budget amendments will be presented to Council, for determination and endorsement.

The Shire must undertake a formal Budget Review as per section 33A of the *Local Government (Financial Management) Regulations 1996*. The review must be undertaken between 1 January and 31 March each financial year. The review must consider the Shire's financial performance, position and outcomes. Council must be presented with the review within 30 days and determine whether to adopt.

Financial reports should be prepared in accordance with the following significant accounting policies:

#### **(a) Basis of Preparation**

The financial report comprises general purpose financial statements which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other Authoritative pronouncements of the Australian Standards Board, the Local Government Act 1995) and accompanying regulations.

Except for cash flow and rate setting information, reports are prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

#### **Critical accounting estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

#### **The local government reporting entity**

All Funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 20 to these financial statements.

#### **Land under roads**

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government. Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset. Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail. Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

**(b) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable.

The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**(c) Cash and cash Equivalents**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are reported as short-term borrowings in current liabilities in the statement of financial position.

**(d) Trade and Other Receivables**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(e) Inventories**

**General**

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

**(f) Fixed Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

**Land Under control**

In accordance with Local Government (Financial Management) Regulation 16(a), the Shire was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of State or Regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in the Note in the Annual Financial Statements.

Initial recognition and measurement between mandatory revaluation dates.

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework detailed above.

**Revaluation**

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same class of assets are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

**Land under roads**

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

### Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in the following way:

- a) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Major depreciation periods used for each class of depreciable asset are:

Buildings	50 Years
Land	Not depreciated
Furniture	3 years
Computers	2.5 Years
Vehicles	5 Years
Graders	8 Years
Other Plant and Equipment	3 Years
Roads and Streets	
- Formation	Not depreciated
- Pavement	50 Years
- Seal	15 Years
Footpaths	25 Years
Kerbing	30 Years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise.

#### **Capitalisation threshold**

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

#### **(g) Fair Value of Assets and Liability**

Fair Value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset or liability (i.e. the market with the greatest volume and level of activity for the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also considers a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

#### **Fair value hierarchy**

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

##### **Level 1**

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

##### **Level 2**

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

### **Level 3**

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

### **Valuation techniques**

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

#### **Market approach**

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

#### **Income approach**

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

#### **Cost approach**

Valuation techniques that reflect the current replacement cost and service capacity of an asset.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

## **(h) Financial Instruments**

### **Initial recognition and measurement**

Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Shire commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

#### **Classification and subsequent measurement**

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or at cost.

Amortised cost is calculated as:

- b) the amount in which the financial asset or financial liability is measured at initial recognition;
- c) less principal repayments and any reduction for impairment; and
- d) plus or minus the cumulative amortization of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

#### *i) Financial assets at fair value through profit and loss*

Financial assets are classified at “fair value through profit or loss” when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss. Assets in this category are classified as current assets.

#### *ii) Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

#### *iii) Held-to-maturity investments*

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Shire has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in non-current assets, where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as noncurrent.

#### *iv) Available-for-sale financial assets*

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

v) **Financial liabilities**

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Financial Liabilities are recognised at Fair Value when the Shire becomes a party to the contractual provisions to the instrument.

### **Impairment**

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a loss event) having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

### **Derecognition**

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Shire no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

**(i) Impairment of Assets**

In accordance with Australian Accounting Standards the Shire's cash generating, non-specified assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another Standard (e.g. AASB 116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

For non-cash generating assets such as roads, drains, public buildings and the like.

**(j) Trade and Other Payables**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

**(k) Employee Benefits**

**Short-term employee benefits**

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employee's annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

**Other long-term employee benefits**

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments

to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

#### **(l) Borrowing Costs**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

#### **(m) Provisions**

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

#### **(n) Leases**

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Shire, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower of the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses on a straight line basis over the lease term.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

#### **(o) Investment in Associates**

An associate is an entity over which the Shire has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for in the financial statements by applying the equity method

of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Shire's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from transactions between the Shire and the associate are eliminated to the extent of the Shire's interest in the associate.

When the Shire's share of losses in an associate equals or exceeds its interest in the associate, the Shire discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Shire will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

#### **(p) Interests in Joint Arrangements**

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint arrangements providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 1(o) for a description of the equity method of accounting.

Joint arrangements represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements.

#### **(q) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in the annual financial statements (Note 2(c)). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operations for the current reporting period.

#### **(r) Superannuation**

The Shire contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Shire contributes are defined contribution plans.

**(s) Current and Non-Current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire’s operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Shire’s intentions to release for sale.

**(t) Rounding Off Figures**

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar. All amounts are presented in Australian Dollars.

**(u) Comparative Figures**

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year. All amounts are presented in Australian Dollars.

When the Shire applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statement, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

**(v) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in the annual financial report relate to the original budget estimate for the relevant item of disclosure.

**(w) New Accounting Standards and Interpretations for Application in Future Periods**

The AASB has issued a number of new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods, some of which are relevant to the Shire.

Management's assessment of the new and amended pronouncements that are relevant to the Shire, applicable to future reporting periods and which have not yet been adopted are set out as follows:

Title	Issued/Complied	Applicable <sup>(1)</sup>	Impact
vi) AASB 9 Financial Instruments (incorporating AASB 2014-7 and AASB 2014-8)	December 2014	1 January 2018	Nil - The objective of this Standard is to improve and simplify the approach for classification and measurement of financial assets compared with the requirements of AASB 139. Given the nature of the financial assets of the Shire, it is not anticipated the Standard will have any material effect.

vii) AASB 15 Revenue from Contracts with Customers	December 2014	1 January 2019	<p>This Standard establishes principles for entities to apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer.</p> <p>The effect of this Standard will depend upon the nature of future transactions the Shire has with those third parties it has dealings with. It may or may not be significant.</p>
viii) AASB 16 Leases	February 2016	1 January 2019	<p>Under AASB 16 there is no longer a distinction between finance and operating leases. Lessees will now bring to account a right-to-use asset and lease liability into the statement of financial position for all leases. Effectively this means the vast majority of operating leases as defined by the current AASB 117 Leases which currently do not impact the statement of financial position will be required to be capitalised on the statement of financial position when AASB 16 is adopted.</p> <p>Currently, operating lease payments are expenses as incurred. This will cease and will be replaced by both depreciation and interest charges. Based on the current number of operating leases held by the Shire, the impact is not expected to be significant.</p>
ix) AASB 1058 Income of Not-for-Profit Entities	December 2016	1 January 2019	<p>These standards are likely to have significant impact on the income recognition for NFP's. Key areas for consideration are:</p> <ul style="list-style-type: none"> <li>- Assets received below fair value;</li> <li>- Transfers received to acquire or construct non-financial assets;</li> <li>- Grants received;</li> <li>- Prepaid rates;</li> </ul>

- Leases entered into at below market rates; and
- Volunteer services.

Whilst it is not possible to quantify the financial impact (or if it is material) of these key areas until the details of future transactions are known, they will all have application to the Shire's operations.

Notes:

<sup>(1)</sup> Applicable to reporting periods commencing on or after the given date.

**(x) Adoption of New and Revised Accounting Standards**

During the current year, the Shire adopted all of the new and revised Australian Accounting Standards and Interpretations which were compiled, became mandatory and which were applicable to its operations.

## 2.7. RATES – REQUEST FOR TIME TO PAY

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019 OMC
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy 18 August 2022 – Amendment OMC 87/2022
Shire Related Documents	Delegation Register
Delegation Reference	1.2.21 – Agreement as to Payment of Rates and Service Charges
Related Legislation	<i>Local Government Act 1995.</i>

### OBJECTIVE

To provide guidelines for the collection of rates and apply alternative instalment options to comply with the requirements of the *Local Government Act 1995*.

### POLICY

Should a ratepayer be experiencing difficulty in paying their rates for find the instalment method not suitable, a request for an extension of time to pay rates must be submitted to the Chief Executive Officer in writing. The request for an extension of time shall include a proposed payment place and include the following:

- commencement of the proposed payment/s
- Frequency of payment/s
- Amount of payment/s
- Expected payment completion date.
- Any other information to support the application requests.

The matter will be referred to the Manager Corporate Services. The Manager Corporate may use their discretion on granting the extension to pay rates, however must to adhere to the CEO Conditions on the sub-delegation delegation conditions that have been provided for under delegation 1.2.21. It is preferable that outstanding rates are paid in full by the end of the financial year if achievable.

Where the payment arrangement clearing all outstanding debt owing to the shire exceeds the current financial year, the CEO, as per delegation 1.2.21, may approve the agreement.

Council’s Rates Payment Arrangement Plan fee maybe applicable on all alternative Payment arrangements.

- *With effect from 1 July 2022, the Rates Payment Arrangement Plan fee no longer be charged to assessments where a pensioner and/or senior rebate is applicable.*
- *Council Policy 2.7 Rates – Request For Time to Pay, be modified to state.*

*Council's Rates Payment Arrangement Plan fee maybe applicable on all alternative Payment arrangements.*

*Assessments where a pensioner and/or senior rebate is applicable are exempt from the Rates Payment Arrangement Plan Fee.*

## 2.8. CHEQUE SIGNATORY / EFT REQUIREMENTS

Responsible Department	Corporate Services
Former policy Reference	F1 – Payment of Accounts First adopted 15 December 2011 FP2 – Bank Signatories First adopted 15 December 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review – combine old policies
Shire Related Documents	Delegation Register
Delegation Reference	1.2.17 – Payments from the Municipal or Trust Funds
Related Legislation	<i>Local Government (Financial Management) Regulations 1996 Sections 12 and 13</i>

### OBJECTIVE

To ensure there are appropriate systems to authorised payments from the Trust and Municipal accounts and provide guidelines for the signing of cheques and authorisation of Electronic Funds Transfer (EFT) payments.

### POLICY

It is imperative that the ability to make payments from the Shire’s bank account is restricted. Shire Funds need to be kept secure and payments need to be supported by appropriate records and approval process. A lack of good governance around funds could expose the Shire to significant financial loss.

### Principals

- a) The ability to make payments from the Shire’s bank accounts is restricted.
- b) All payments processed by the Shire, both cheque and EFT, are supported by proper verification, record keeping and authorisation.

### Provisions

1. In accordance with section 12 and 13 of the *Local Government (Financial Management) Regulations 1996*, Council has delegated authority to the Chief Executive Officer the exercise of its power to make payments from the municipal or trust fund. The Chief Executive Officer has sub-delegated the authority to the following employees:
  - Manager Corporate Services
  - Finance & Administration Officer
  - Governance Executive Officer
  - Finance Officer

The Chief Executive Officer reserves the right to amend the sub-delegations and/or apply restrictions – see CEO to staff delegation register for full details of sub-delegation.

2. All cheques, from both the Municipal and Trust funds, must be countersigned by the Chief Executive Officer or the Manager Corporate Services and one other authorised officer.

3. Sufficient supporting documentation must be recorded against cheque details and stored in the financial system.
4. Electronic Funds Transfers (EFT) from the Trust and Municipal Fund are subject to the following conditions:
  - a. All EFT payments must be authorised by at least two officers
  - b. One authorising officer must be either the Chief Executive Officer or Manager Corporate Services.
  - c. The officer preparing and loading the payment is not permitted to authorise the payment.

## 2.9. RELATED PARTY DISCLOSURES

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Staff and Elected Members related party disclosures
Related Legislation	<i>Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).</i>

### OBJECTIVE

To outline the requirements of elected members and staff in relation to the *Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124)*.

The scope of AASB 124 Related Party Disclosures was extended in July 2015 to include application by not-for-profit entities, including local governments. The operative date for Local Governments is 1 July 2016 with the first disclosures to be made in the Financial Statements for year ended 30 June 2017. This procedure outlines required mechanisms to meet the disclosure requirements of AASB 124.

### POLICY

#### BACKGROUND

The objective of the standard is to ensure that an entity's financial statement contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Wyalkatchem must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

#### Identification of Related Parties

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of *Related Party*:

- An elected Council member
- Key management personnel being a person employed under section 5.36 of the *Local Government Act 1995* in the capacity of:
  - Chief Executive Officer
  - Manager of Works
  - Manager Corporate Services
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with the Shire.

It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

The Shire will be required to assess all transactions made with these persons or entities and may determine other family members, such as parent, grandparent, sibling, cousin, etc., who may be expected to influence, or be influenced by, that person in their dealings with the Shire or a Shire entity.

#### **Identification of Related Party transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Paying rates.
- Fines.
- Use of Shire owned facilities such as Recreation Centre, halls, pools library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.
- Employee compensation whether it is for KMP or close family members of KMP.
- Application fees paid to the Shire for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent).
- Lease agreements for commercial properties.

- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement).
- Sale or purchase of any property owned by the Shire, to a person or party identified above.
- Sale or purchase of any property owned by a person or party identified above, to the Shire.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

### Register of related Party Transactions

The Manager Corporate Services is responsible for the maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including OCTs assessed as being material in nature) during the financial year.

### Disclosure Requirements

For the purposes of determining relevant transactions, elected Council members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form.

### Ordinary Citizen Transactions (OCT's)

The following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the *Related Party Disclosures - Declaration* form will be required.

- Paying Rates
- Transactions relating to the registration and control of domesticated animals as defined in the Dog Act 1976 and Cat Act 2011.
- Transactions whereby a Fee or Charge is incurred and that are included as part of Councils endorsed Schedule of Fees and Charges.
- Fines.
- Use of Shire owned facilities such as Recreation Centre, Discovery Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

### All other transactions

For all other transaction identified as Related Party transactions above, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

#### **Frequency of disclosures**

- Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form annually.
- Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.
- Disclosures must be made immediately prior to the termination of employment of/by a KMP.

#### **Confidentiality**

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

#### **Materiality**

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

## 2.10. REVENUE COLLECTION

Responsible Department	Corporate Services
Former policy Reference	GP20 – Debt Collection Policy First adopted 16 October 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Delegation Register
Delegation Reference	1.2.21 – Agreements as to Payment of Rates and Service Charges 1.2.22 – Determine Due Dates for Rates and Service Charges 1.2.23 – Recovery of Rates or Service Charges 1.2.24 – Recovery of Rates Debts – Require Lessee to Pay Rent 1.2.25 – Recovery of Rates Debts – Actions to Take Possession of the land
Related Legislation	<i>Local Government Act 1995</i> <i>Bush Fire Act 1954</i>

### OBJECTIVE

To provide guidance in the collection of all outstanding revenues owed to the Shire to ensure timely cash flow and to minimise bad debts

### POLICY

This policy covers the recovery of all revenues owed to the Shire, including outstanding rates, service charges and all other general debts. It also covers a rate incentive scheme to encourage the early payments of rates in full.

### Introduction

The Shire requires reliable revenue streams in order to meet the service provisions of the organisation. A significant proportion of revenue generated by the Shire is from property rates and charges and general fees and charges. To enable the Shire to meet its service obligations, it must ensure that revenues are received in a timely manner. It must also ensure that where revenue is not received in a timely manner, that appropriate measures are undertaken to recover outstanding amounts.

### Principles

- (a) The Shire's cash flow is optimised and bad debts minimised by ensuring timely collection of all revenue owing to the Shire.
- (b) The recovery of the Shire's revenue is clear, equitable, consistent and transparent.
- (c) That account is taking of the circumstances of people with debt owing to the Shire.
- (d) All reasonable action be undertaken to recover revenue before the debt is written off.
- (e) Debt collection actives are in accordance with relevant legislation and standards and credit controls are monitored to minimise potential financial loss.

## Provisions

### Recovery of Rates and Service Charges

In accordance with Delegation 1.2.22 the Chief Executive Officer is given delegated authority to determine the date on which rates or service charges become due and payable to the Shire. This following payment options and due dates it preferred.

Rates and other charged are due and payable within 35 days of the issue of a notice. Payment may be made either in full by the due date or in four instalments, the first of which is payable by the initial due date.

The Shire provides the following rates and charges payment options

#### Option 1(Full Payment, less any entitled discount)

- Full amount, less any entitled discount, of rates and charges including arrears to be paid on or before 21 days after the date of notice appearing on the rate Notice.

#### Option 2(Full Payment)

- Full amount, of rates and charges including arrears to be paid on or before 35 days after the date of notice appearing on the rate Notice.

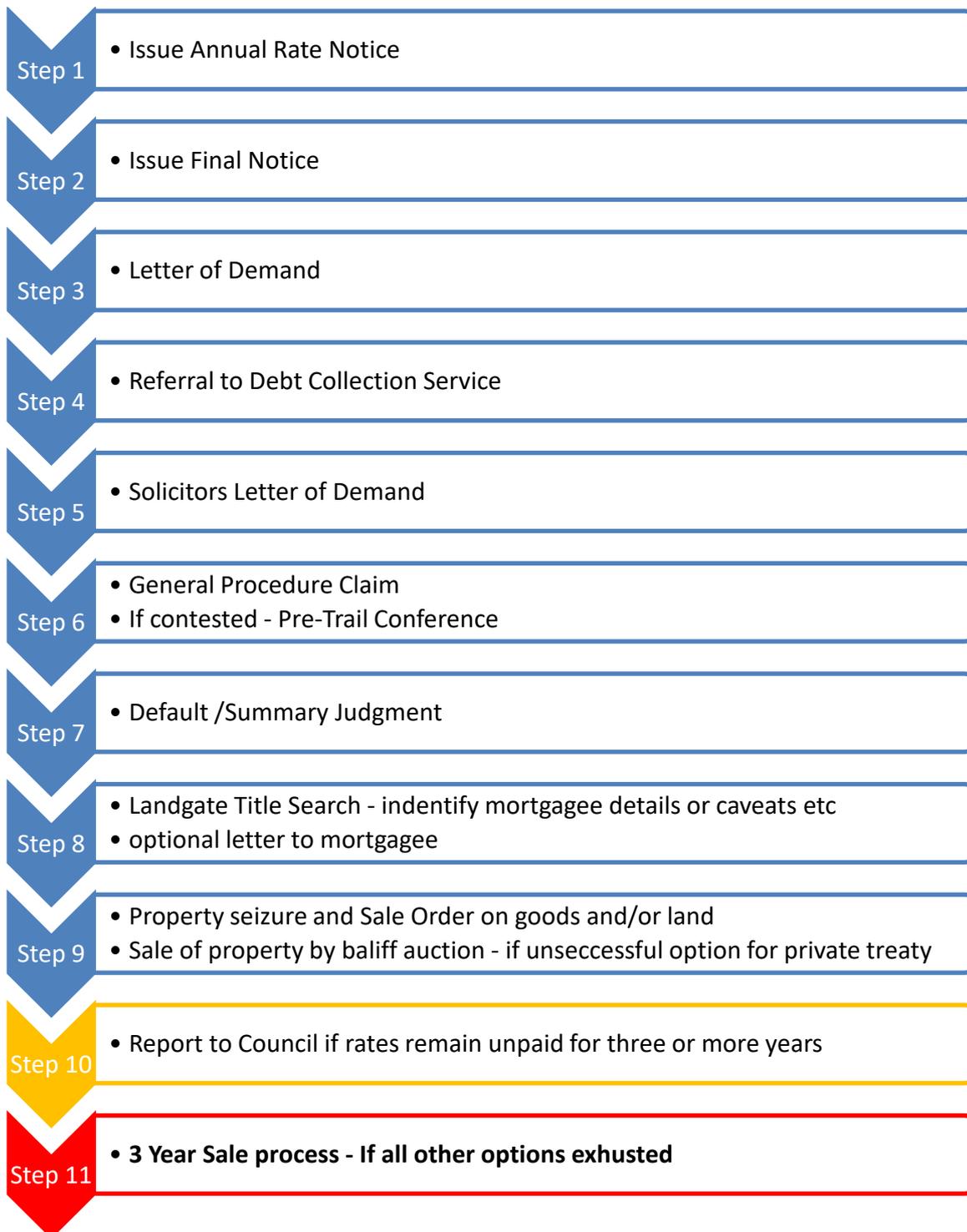
#### Option 2 (4 instalments)

- First instalment can be received on or before 35 days after the date of notice appearing on the rate notice. This option is only allowed if all arrears (including accrued interest) are included in the first instalment.
- Second instalment to be made on or before 95 days after the date of notice appearing on the rate notice.
- Third instalment to be made on or before 155 days after the date of notice appearing on the rate notice.
- Fourth instalment to be made on or before 217 days after the date of notice appearing on the rate notice.

Where required, the number of days for the instalments, other than the first instalment maybe amended slightly to avoid due dates falling due on public holidays.

Amounts that remain outstanding after the due date will be followed up within 30 days of a final notice requiring the ratepayer to pay their balance in full within fourteen days or contact the Shire to make an arrangement to pay.

The Shire will take the following steps when attempting to recover outstanding rates and charges.



## Payment Agreements

- 1.1. A ratepayer is eligible to make application for a payment arrangement for the current year's rates only, provided all arrears are paid in full prior to the arrangements taking effect.
- 1.2. Requests for payment agreements must be lodged in writing and contain the following;
  - a) Brief explanation on the circumstancing on why a payment agreement is being requested.
  - b) Detail payment plan, outlining date of payment/s and amount/s.
- 1.3. The Chief Executive Officer has Delegated Authority to accept agreements for outstanding rates and services charges (DELEGATION NO. 1.2.21 ), if is preferable that debts is cleared prior to 30 June of the relevant financial year.

## 2. Unpaid Rates and Charges in Excess of \$500

- 2.1. The Chief Executive Officer be authorised to recover rates and charges by engaging the service of a debt collection firm.
- 2.2. If no response or payment is received, a letter of demand will be issued on behalf of the Shire of Wyalkatchem by its appointed debt collection agent.
- 2.3. As part of the debt collection process, once referred, telephone calls and/or emails will be made in order to contact the ratepayer to seek payment or enter into a payment arrangement.
- 2.4. If a property is leased, under the provisions of Section 6.60 of the *Local Government Act 1995* the Shire may recover outstanding rates and charges by collecting rent payments from the lessee. Notices must be given to the lessee and lessor. Under Delegation (DELEGATION NO.1.2.24) the Chief Executive Officer is authorised to give notice to a lessee in accordance with Section 6.60(2) of the *Local Government Act 1995*, requiring the lessee to pay any rent when due to the Shire to satisfy the outstanding rates and charges.
- 2.5. If all action is unsuccessful, and in accordance with Section 5.56 of the *Local Government Act 1995*, the Chief Executive Officer is authorised to recover rates and service charges in a court of competent jurisdiction.
- 2.6. Under the provisions of Section 6.64(3) of the *Local Government Act 1995*, the Chief Executive Officer is authorised to lodge caveats on land where Rates and Service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.
- 2.7. The Chief Executive Officer be authorised to withdraw caveats lodged on land where the owner has met his/her obligation in full in relation to the rates and charges outstanding.

## 3. Rates and Charges that Remain Unpaid for three years or more

- 3.1. If all reasonable attempts outlined in Section 2 results in no successful recovery and the rates and charges remain unpaid for three years or more the Chief Executive Officer is authorised to take possession of the land in accordance with Section 6.64(1) of the *Local Government Act 1995*.
- 3.2. A report is to be presented to Council detailing the amount of rates and charges outstanding, the attempts to recover the debt and the recommended action.
- 3.3. The Chief Executive Officer be authorised to engage a debt collection agency to assist in the administering the process and the Council approved action.

### Recovery of Firebreaks Contractor Costs

Under the *Bush Fire Act 1954*, the Shire of Wyalkatchem required the owner or occupier of land to install a firebreak. If they fail to comply, Section 33(4) of the *Bush Fire Act 1954*, provides for the Shire of Wyalkatchem to enter the property and employ a contractor to install a firebreak. The costs of which are payable by the owner or occupier of the land (Section 33(5)).

Section 33(8) of the *Bush Fires Act 1954* specifies that any charge made under Section 33 is a charge against the land with the same consequence as if it were a charge under the *Local Government Act 1995* for unpaid rates, and is a debt due from the owner or occupier of the land.

On this basis, the costs incurred by the Shire of Wyalkatchem to install a fire break on a noncompliant property are to be levies against the property and if unpaid, are recoverable through the rates debt recovery process.

### Recovery of Non-Rates Charges

Sundry debtor charges include all other services not specifically identified elsewhere in this policy.

Invoices are payable within 14 days of the issue date of the invoice.

## 4. Debt Management

If the invoice is not paid by the due date then the following procedure will take place:

- 4.1. A reminder notice will be issued in the first instance.
- 4.2. If no payment has been received within 14 days of the issue of the reminder notice, a final notice will be issued advising the debtor that payment is expected within seven (7) days of the issue date of the notice or legal action may be taken.
- 4.3. If no response is received from the debtor then following a review of the circumstances with the relevant staff members involved, a demand letter may be sent to the debtor advising them of what action is to be taken if payment is not made or an agreement to pay is not entered into. The debtor will be advised that any fees incurred in recovering the debt will be passed on to the debtor.
- 4.4. The Chief Executive Officer be authorised to recover fees and charges obtained by engaging the services of a debt collection agency firm.
- 4.5. The debt collection agent will advise the Shire regarding the best course of action to ensure efficient and realistic collection of the amount owing.
- 4.6. Once all reasonable attempts to either locate the debtor or to obtain payment have failed. The Finance & Administration officer, responsible for debt collection, will submit a written request for the invoice to be considered for write off.
- 4.7. Depending on the value of the Debt, approval will be sought from the Chief Executive Officer, under Delegated Authority 1.2.18 or presented to Council for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Accounts Receivable and write off debt ledger.

## 5. Debts Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment then an explanation will be sought from relevant staff members. Once this has been received a credit note request will be raised which is to be authorised by both the staff member who raised the initial invoice and the Corporate Services Manager or Chief Executive Officer.

**6. Interest on Overdue Accounts**

Council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by Council in accordance with Section 6.13 of the *Local Government Act 1995*.

**8. Debt Management**

- 8.1. Where a payment is not received within twenty eight (28) days from the date of the infringement, a Final Demand Notice will be issued, with an applicable fee. The final Demand Notice gives the customer a further twenty eight (28) days to pay the infringement.
- 8.2. Where the customer fails to pay the infringement by the expiry of the period defined above, the infringement may be referred for further action.

## 2.11. RATE EXEMPTION

Responsible Department	Corporate Services
Former policy Reference	FP1 – Rate Exemption First adopted 21 October 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Application for Rates Exemption Form
Related Legislation	<i>Local Government Act 1995. S6.26(2)(g)</i> <i>Charities Act 2013</i>

### OBJECTIVE

The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26(2)(g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This policy provides an equitable basis and administrative framework to assess applications for rate exemptions that is compliant with legislation and guides by best practice.

### POLICY

This policy applies to charitable and non-for-profit organisations that own land within the Shire of Wyalkatchem and are liable for payment of rates.

#### Introduction

Section 6.26(2) of the Act identifies a number of situations where land is not rateable. Most are clearly defined and straightforward to apply. However, Section 6.26(2)(g) is open to some interpretation and therefore, this policy seeks to clearly define under what basis, this section of the Act is to be applied by Council.

Council is committed to adhering to the Act and providing support and guidance to applicants who provide assistance to members of the public and as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

The Act does not define what a charitable purpose is therefore, the definition under Commonwealth Law must be applied. Under Section 12(1) of the *Charities Act 2013*, a charitable purpose means any of the following:

- a) the purpose of advancing health;
- b) the purpose of advancing education;
- c) the purpose of advancing social or public welfare;
- d) the purpose of advancing religion;
- e) the purpose of advancing culture;
- f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- g) the purpose of promoting or protecting human rights;

- h) the purpose of advancing the security or safety of Australia or the Australian public;
- i) the purpose of preventing or relieving the suffering of animals;
- j) the purpose of advancing the natural environment;
- k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs(a) to (j);
- l) the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:
  - i) in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs(a) to (k); or
  - ii) in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.

It must not be a disqualifying purpose under Section 11 of the *Charities Act 2013*.

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the Charities Act 2013.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- a) if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable; and
- b) if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.

## Provisions

### 1. Application for a rates exemption under Section 6.26(2)(g) of the Act

- 1.1. All applications must be made in writing by completing an Application for Rates Exemption Form and provide any supporting documentation according to the checklist on the application form.
- 1.2. If any information has not been provided or is unclear, the applicant may be required to provide the additional information before the application will be assessed.
- 1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.
- 1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.
- 1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

## **2. Making a Determination**

- 2.1. An application will be assessed by the Manager Corporate Services and if it meets the criteria to be considered for an exemption, a report will be presented to Council with an officer recommendation to either approve or decline the request.
- 2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.
- 2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.
- 2.4. The land must be used exclusively for charitable purposes, as defined in the Charities Act 2013.
- 2.5. The applicant must not conduct any commercial operation from the property.
- 2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.
- 2.7. Council may request additional information from an organisation making application if it considers it necessary to do so.
- 2.8. Information requested under clause 2.6 may include but, is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

## **3. Grant of a Rates Exemption**

- 3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.
- 3.2. The Council decision will be actioned by the officers and a note will be made against the property assessment.
- 3.3. Applicants will be notified in writing of Council's determination, with correspondence to include details of:
  - the date the exemption applies from,
  - the relevant section of the Act,
  - the review period (i.e. 2 years); and,
  - the amount of general rates reversed.
- 3.4. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other charges.
- 3.5. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.
- 3.6. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.
- 3.7. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.
- 3.8. The granting of an exemption in any year does not guarantee an ongoing exemption.

3.9. All exemptions are to be reviewed at least every two years as part of the annual budgeting process. Where the application is based on a lease that is due to expire, it may need to be reviewed annually.

#### **4. Declined Applications**

4.1. Where an application is declined, the applicant has options to challenge the determination.

4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not rateable land.

4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).

4.1.3. Apply for a concession under Section 6.47 of the Act. Such applications would be considered on a case by case basis and determined by Council.

4.2. Where all appeals are not successful, the final option available to the applicant is to apply to the Minister for Local Government, to make a final determination, under Section 6.26(4) of the Act.

## 2.12. COVID-19 FINANCIAL HARDSHIP POLICY

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 67/2020
Resolution Date	21 May 2020
Last Amendment Date	21 May 2020 – New policy
Shire Related Documents	
Related Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>

### OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Wyalkatchem recognises that these challenges will result in financial hardship for our ratepayers.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

### POLICY SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

### POLICY STATEMENT

#### 1. **Payment difficulties, hardship and vulnerability<sup>1</sup>**

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependents. The Shire of Wyalkatchem recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability

<sup>1</sup> Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:** <http://www.ombudsman.wa.gov.au/>

in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

## **2. Anticipated Financial Hardship due to COVID19**

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

## **3. Financial Hardship Criteria**

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

## **4. Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Wyalkatchem of any change in circumstance that jeopardises the agreed payment schedule.

## **5. Interest Charges**

A ratepayer that meets the Financial Hardship Criteria will not attract interest or penalty charges on rates / service charge debt in 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020).

In the case of severe financial hardship, the Shire of Wyalkatchem may consider writing off interest applicable to the Emergency Services Levy and / or interest previously accrued on rates and service charge debts.

## 6. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

## 7. Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

## 8. Review

We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

## 9. Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

# 3. RISK MANAGEMENT AND WORKPLACE POLICIES

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### 3.1.RISK MANAGEMENT

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP41 – Risk Management Policy First adopted 21 August 2014 3.1 Risk Management First adopted OMC 18 April 2019
Resolution Number	OMC 216/2021
Resolution Date	18 February 2021
Last Amendment Date	December 2021 – Major Review
Shire Related Documents	Risk Management Framework
Related Legislation	AS/NZS ISO 31000:2009

\*

#### OBJECTIVE

The Shire of Wyalkatchem (“the Shire”) Risk Management Policy outlines its commitment to managing uncertainty that may impact the Shire’s Strategies, goals or objectives.

#### POLICY

It is the Shire’s Policy to identify and manage all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire’s Integrated Planning Framework.

The Shire’s Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every employee within the Shire is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

#### Definitions (from AS/NZS ISO 31000:2009)

**Risk:** Effect of uncertainty on objectives

**Note 1:** An effect is a deviation from the expected – positive or negative

**Note 2:** Objectives can have different aspects (such as financial, health and safety and environmental goods) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

#### Risk Management:

Coordinated activities to direct and control an organisation with regard to risk.

### **Risk Management Process:**

Systematic application of management procedures and practices to the activities of communication, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

### **Risk Management Objectives:**

- Optimise the Achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience
- Identify and provide for the continuity of critical operations

### **Risk Appetite:**

The Shire quantified its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder's requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.

### **Monitor & Review:**

The Shire will implement and integrate a monitor and review process to report on the achievement of the risk management objectives, the management of individual risks and the ongoing identification of issues and trends. This policy will be kept under review by the Shire's Management Team and its Employees. It will be formally reviewed every two years.

### 3.2. WORK HEALTH AND SAFETY (WHS)

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP43 – Workplace Health & Safety Policy First adopted 14 December 2017
Resolution Number	OMC 53 /2019  OMC 40/2023
Resolution Date	18 April 2019  20 April 2023
Last Amendment Date	18 April 2019 – Major Review and Re-write 4 June 2021 – reviewed, no changes. New CEO sign off. 20 April 2023 – Major Review and Re-write
Shire Related Documents	Nil
Related Legislation	<i>Occupational Safety and Health Act 1984</i>  <i>Work Health and Safety Act 2020</i>

#### OBJECTIVE

The Shire of Wyalkatchem’ Council and Management is committed to achieving zero harm within the Shire’s working environment to all persons employed or engaged by the Shire in any capacity.

#### POLICY

The Shire will plan and conduct works in such a manner that the health, safety and welfare of persons is given the highest level of protection, so far as is reasonably practicable, including for:

- a) Any members of the community, or other persons, who may be affected by works undertaken;
- b) All workers, whilst engaged in the performance of works, and;
- c) All visitors to our workplaces.

The Shire understands and accepts responsibilities imposed under Workplace Health and Safety (WHS) legislation and is committed to providing healthy and safe working conditions, which are aimed at the prevention of work-related injuries or ill health. Consistent with this, the Shire will:

- a) Provide and maintain a healthy and safe work environment through the proactive identification of work-related hazards and elimination of these where possible, or reduction of associated risk level through the application of the hierarchy of risk controls where hazards cannot be completely eliminated;
- b) Strive to achieve high standards and continuous improvement in work health and safety performance by utilising best practice procedures and considering current levels of technical knowledge and development;
- c) Comply with all applicable legislation and requirements;
- d) Establish, implement and maintain an Work Health and Safety Management System; including measurable objectives and targets aimed at elimination of work related injury and illness;

- e) Ensure that all workers and other persons within the workplace are fully informed of potential hazards and associated risk control measures, including through a process of training, instruction, information sharing and supervision as applicable;
- f) Effectively communicate and consult with all WHS duty holders, including workers and their representatives, so as to ensure that everyone within the workplace is offered the opportunity to participate in the ongoing development of a healthy and safe workplace; and
- g) Ensure that all workers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.

Copies of this Policy shall be made readily available to all workers, and any other interested

### Responsibilities

Safety and health is both an individual and a collective responsibility of all employees.

In Particular:

- *Chief Executive Officer*  
The Chief Executive Officer is the responsible officer for Occupation Safety and Health.
- *Senior Managers and Supervisors*  
Senior managers and supervisors are responsible for the implementing the Occupational Safety and Health Policy and also planning, developing, implementing and monitoring of Occupational Safety and Health Procedures.
- *Employees*  
Employees are required to follow all safe working practices and use personal protective equipment as required. To ensure their own safety at work, safety of others and to report all accidents and hazardous situations that arises in the course of their work.

Endorsement: \_\_\_\_\_ Date: 20 April 2023  
Peter Klein  
Chief Executive Officer

### 3.3. DRUG AND ALCOHOL POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>3.6 DISCIPLINARY POLICY</b> Policy <b>3.5 GRIEVANCE, INVESTIGATIONS AND RESOLUTION POLICY</b> Policy <b>3.7 FITNESS FOR WORK</b>
Related Legislation	<i>Occupational Safety and Health Act 1984</i>

Policy removed 30/11/2022 – now incorporated into Fitness for Duty Policy

### 3.4. DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>3.5 GRIEVANCE, INVESTIGATIONS AND RESOLUTION POLICY</b>
Related Legislation	<i>Equal Opportunity Act 1984 (WA).</i> <i>Sex Discrimination Act 1984.</i> <i>Occupational Safety and Health Act 1984 (WA).</i> <i>Occupational Safety and Health Regulations 1996 (WA).</i>

#### OBJECTIVE

To provide a working environment where every employee is treated equally, fairly and without prejudice.

#### POLICY

The Shire of Wyalkatchem and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Wyalkatchem in any capacity.

#### Unlawful Discrimination

An employee is directly discriminated against if they are treated less favorably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees; however, a high proportion of employees with an attribute cannot comply with, or are affected by, that practice or requirement. The Shire of Wyalkatchem acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The Shire of Wyalkatchem and its employees acknowledge they are subject to State and Federal equal opportunity and anti-discrimination legislation. The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;

- Criminal record;
- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity

### **Sexual Harassment**

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring;
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

### **Bullying**

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA)*.

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle of family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;

- Constantly changing targets or work guidelines;
- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee, the police should be called.

### **Reasonable Management Action**

The Shire of Wyalkatchem has a right to take reasonable management action to direct the way in which work is conducted and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;
- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- Taking disciplinary action against an employee.

### **Other Behaviours not considered to be Bullying**

Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. However, where conflict escalates and is repeated, it may meet the definition of workplace bullying.

Additionally bullying does not occur where bullying behaviour is a one off occurrence and if that behaviour does not create a risk to health or safety,

### **What are the Ways in which Bullying can Occur?**

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees, and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

### **What to do if you think you are being Discriminated Against, Sexually Harassed or Bullied?**

Refer to the Grievance Policy and Grievance Procedure for steps to take if you think you are being discriminated against, sexually harassed or bullied, or if you suspect another employee is experiencing any of those things.

### **Roles & Responsibilities**

To ensure the intent of this policy is realised, various roles within the Shire of Wyalkatchem must assume certain responsibilities.

### **The Employer**

The Shire of Wyalkatchem will endeavour to:

- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
- provide and maintain safe systems of work;
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
- treat all employees fairly; and
- take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.
- All the Organisation's Employees
- Employees are required to:
  - report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
  - follow all policies and procedures of the Shire of Wyalkatchem;
  - ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying; and
  - treat all employees fairly and with respect.

### **Support**

The Shire of Wyalkatchem engages the services of an external Employee Assistance Provider who can provide employees with confidential counselling. Please Manager Corporate Services for details of the Employee Assistance Provider.

### **Consequences of Breaching This Policy**

Any breach of this policy, may result in disciplinary action up to and including termination of employment.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time. All the Shire of Wyalkatchem's employees will be notified of any variation to this policy by the normal correspondence method.

### 3.5. GRIEVANCE, INVESTIGATIONS AND RESOLUTION POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – new policy
Shire Related Documents	Policy <b>3.4 DISCRIMINATION, HARASSMENT AND BULLYING POLICY</b> Policy <b>4.1 CODE OF CONDUCT</b> Policy <b>3.9 EQUAL EMPLOYMENT OPPORTUNITY</b> Grievances, Investigations, and Resolutions Procedure*
Related Legislation	<i>Equal Opportunity Act 1984 (WA).</i> <i>Sex Discrimination Act 1984.</i> <i>Occupational Safety and Health Act 1984 (WA).</i> <i>Occupational Safety and Health Regulations 1996 (WA).</i>

\*To be developed

#### OBJECTIVE

The purpose of this policy is to ensure that all employees have the right to express any genuine grievances or complaints via an impartial internal process.

#### POLICY

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Wyalkatchem in any capacity.

#### Roles

**Complainant** – An employee who raises a complaint about a matter regarding the workplace.

**Respondent** – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

**Support Person** – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

**Witness** – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

#### What to do if you have a Complaint?

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Local Government’s policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager or the Chief Executive Officer directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the Chief Executive Officer.

The employee who receives the complaint must contact Chief Executive Officer and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

### Key Principles in the Complaint Resolution Process

The following principles are necessary for the fair investigation and resolution of a complaint:

- **Confidential** – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Wyalkatchem may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint;
- **Impartial (fair/unbiased)** – Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;
- **Sensitive** – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;
- **Timely** – The Shire of Wyalkatchem aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;
- **Documented** – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;
- **Natural Justice** – The principles of natural justice provide that:
  - A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
  - A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
  - anyone involved in the investigation should be unbiased and declare any conflict of interest;
  - decisions must be based on objective considerations and substantiated facts; and
  - the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.
- **Procedural Fairness** – The principles of procedural fairness provide that:
  - the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;

- A Respondent is entitled to receive verbal or written communication from the Shire of Wyalkatchem of the potential consequences of given forms of conduct, as applicable to the situation;
- The Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- Any mitigating circumstances presented to the Shire of Wyalkatchem through the grievance process are investigated and considered;
- the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- All interviews of witnesses are conducted separately and confidentially.

#### **Outcome of Making a Complaint**

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with Chief Executive Officer, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

#### **Vexatious or Malicious Complaints**

Where a Complainant has deliberately made a vexatious or malicious complaint, that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

#### **Victimisation of Complainant**

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Wyalkatchem for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

#### **Variation to This Policy**

This policy may be cancelled or varied from time to time. All the Shire of Wyalkatchem employees will be notified of any variation to this policy by the normal correspondence method.

### 3.6. DISCIPLINARY POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – new policy
Shire Related Documents	Managing and Developing Performance Guideline* Grievances, Investigations, and Resolutions Procedure* <b>Policy 3.4 DISCRIMINATION, HARASSMENT AND BULLYING POLICY</b> <b>Policy 4.1 CODE OF CONDUCT</b> <b>Policy 3.9 EQUAL EMPLOYMENT OPPORTUNITY</b>
Related Legislation	<i>Fair Work Regulations 2009</i> <i>Corruption and Crime Commission Act 2003 (WA)</i> <i>Public Interest Disclosure Act 2003 (WA).</i>

\*To be developed

#### OBJECTIVE

To provide guidelines to management for addressing issues with regards to employee’s behaviour, misconduct or unacceptable performance levels requiring disciplinary action.

#### POLICY

The Shire of Wyalkatchem may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

#### Application

This policy applies to all employees who work at Shire of Wyalkatchem including contractors, volunteers and any person performing work for or with the Shire of Wyalkatchem in any capacity.

#### Commitment

The Shire of Wyalkatchem is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with Shire of Wyalkatchem policies, procedures and guidelines (Policies). Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

#### Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the Chief Executive Officer.

#### When the Disciplinary Policy Applies

Some examples of when this policy may be invoked include breaches of Shire of Wyalkatchem policy and procedures including, but not limited to:

- breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or

- poor performance such as frequently attending for work late or producing a poor quality of work;  
or
- inappropriate personal behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.

### General Disciplinary Principles

The following principles will apply to any disciplinary action taken.

- Nature of allegation and investigation: Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensue, in accordance with the Grievances, Investigations & Resolution Policy and Procedure.
- Right to a support person: Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support.
- Confidential: All parties must keep matters related to a disciplinary process confidential.
- Fair and impartial: The Shire of Wyalkatchem strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

### Serious Misconduct

Serious misconduct pursuant to the *Fair Work Regulations 2009 (Cth)* includes, but is not limited to:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to:
  - the health or safety of a person; or
  - the reputation, viability or profitability of the Shire of Wyalkatchem's organisation;
- the employee, in the course of the employee's employment, engaging in:
  - theft; or
  - fraud; or
  - assault;
- the employee being intoxicated at work; or
- the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

### Other Disciplinary Action

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of Wyalkatchem's Policies, the employee could be disciplined as follows:

- Verbal warning – Where an employee engages in an act or omission which is inconsistent with the Policies, management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file.

- Written warning – If the employee engages in a more serious act or omission, or acts in a manner which is inconsistent with the Policies, management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning.
- Termination of employment with notice – In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Shire of Wyalkatchem has a valid reason for terminating the employee's employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Wyalkatchem's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

### **Principles to be Applied**

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Wyalkatchem's Grievances, Investigations, and Resolutions Procedure.

### **Investigation Procedures for Alleged Misconduct**

Investigations into alleged misconduct should follow the processes detailed in the Shire of Wyalkatchem's Grievances, Investigations, and Resolutions Policy and Procedure.

### **Reporting Obligations**

If an officer or employee of the Shire of Wyalkatchem has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

### **Variation to this Policy**

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

### 3.7. FITNESS FOR DUTY POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP23 – Fitness for Work First adopted 16 October 2003  Policy 3.7 Fitness for Work – adopted 18 April 2019
Resolution Number	102/2022
Resolution Date	15 September 2022  17 August 2023
Last Amendment Date	15 September 2022 – Major Review and re-write  17 August 2023 – Amended Policy Adoption
Shire Related Documents	Policy <b>3.2 WORK HEALTH AND SAFETY (WHS)</b> Policy <b>3.6 DISCIPLINARY POLICY</b> Grievances, Investigations, and Resolutions Procedure
Related Legislation	<i>Occupational Safety and Health Act 1984</i> <i>Occupation Safety and Health Regulations 1996</i> <i>AS/NZS 4801:2001</i>

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## 1. INTRODUCTION

The Shire of Wyalkatchem is committed to the provision of a safe and healthy and productive workplace for all persons working for or on behalf of the Council no matter the location.

To ensure the provision of a safe and healthy workplace the Council has a ZERO tolerance to the misuse of alcohol or other drugs, either legal or illegal, whilst attending any Council work location. In effect, this means that individuals have a responsibility to maintain themselves 'Fit to Work' at all times whilst working for or on behalf of the Council.

The purpose of this policy is to ensure the following:

- a) That employees, contractors, sub-contractors and volunteers are fit for work and not under the influence of alcohol and/or other drugs whilst in the workplace.
- b) That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and / or alcohol.
- c) That the illegal and criminal activity of cultivation, possession or dealing in drugs does not occur whilst in the workplace.

Participation in random alcohol and other drug testing is a condition of working for the Council at any work location or for entry to any Council workplace. The intent of this policy is to provide direction for the management of fitness for work in areas under the control of the Shire of Wyalkatchem (Council).

As a condition of working for, or contracting to, the Council all personnel agree to be bound by the requirements of this policy. The Council reserves the right to exercise its discretion to undertake random testing of any nature at any time in any work location.

The Council also reserves the right to remove access rights to Council controlled areas when this policy is breached.

This policy will also be applied to any individual accessing a Council work location regardless of their employment status. Including where a person may be employed by multiple companies, this policy will apply to an individual as if they only had one employer.

## 2. SCOPE

This procedure applies to all persons accessing Council work locations, including all Council staff, councillors and consultants as well as volunteers, visitors, community members and contractors.

This procedure does not extend into individual contractor business sites.

Contractors are expected to have their own safe system of work in place to ensure that all persons accessing their work locations are fit to do so.

Where a law may have been broken, the Council reserves the right to contact the WA Police.

### 3. DEFINITIONS

**BAC** – Blood Alcohol Concentration or its equivalent Breath Alcohol Concentration. The units used for expression of Blood Alcohol Concentration in this procedure being percent (%) with the equivalent breath concentration being expressed as grams to 210 litres of expired breath.

**Candidate** – For the purposes of this procedure, any worker who is participating in a fitness for duty test.

**Chain-of-custody** – A series of procedures to account for the integrity of each urine or oral fluid specimen by tracking its handling and storage from point of collection to final disposal of the specimen.

**Confirmatory test** – An analytical procedure that uses mass spectrometry to identify and quantify unequivocally a specific drug or metabolite.

**Confirmed negative** – A result at or below the target concentration following confirmatory testing.

**Confirmed positive** – A result above the target concentration following testing. This equates to; BAC (alcohol) - greater than 0.000 at test – Please note a drug test can only be confirmed positive following laboratory testing.

**Drug and Alcohol Tester** – A member of the Council staff tasked with coordinating the Drug and Alcohol program on all Council workplaces.

**Employees** – Persons employed by the Shire of Wyalkatchem.

**Fitness for Duty** – Describes the physical or mental condition of a person whereby the person can be reasonably expected to undertake a task without incurring unacceptable risks to the health and safety of themselves or any other person.

**Incident** – An ‘incident’ is an unplanned event that causes, or has the potential to cause, injury, damage to property, harm to the environment, financial loss or impact on the reputation of the organisation.

**Laboratory** – A laboratory to carry out chemical analysis in conformity to the requirements of AS/NZS 4308:2008 Procedures for the collection, detection and quantitation of drugs of abuse in urine and AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

**NATA** – National Association of Testing Authorities.

**Non-negative result** – This is an initial indicator from the swab (drugs) test that will require further laboratory testing.

**Prescribed Drug** – Any substance prescribed by a medical practitioner that has restriction or specific instructions associated with its use.

**Worker** – Includes Employees, Contractors, Visitors and other persons undertaking work or accessing areas under Council control.

#### **4. COMMITMENT TO FITNESS FOR DUTY**

This policy addresses drug and alcohol use in the workplace and management of fatigue and other fitness for duty issues. The policy supports and is to be read in conjunction with the Disciplinary Policy (Policy No. 3.6).

The Council has adopted a zero tolerance to impairment caused by alcohol and other drugs to ensure its obligation to provide a safe and healthy workplace is met.

A medical assessment will form part of the pre-employment checks on all persons who reach preferred applicant status for positions with the Council. This assessment will include a drug and / or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The policy covers all Council staff, councillors and contractors, it also extends to cover volunteers and any persons performing work for, or with, the Council and is a condition of access to any Council work location regardless of the reason for access.

Failure to abide by this policy may result in withdrawal of an individual's permission to remain in the workplace and may lead to disciplinary action.

Council staff and or contractors must not cultivate, consume, use or possess illegal drugs in the workplace.

A function on any Council premises where alcohol is consumed must be approved in advance and in writing by the CEO. Council staff or contractors must not consume alcohol in the workplace if they are subject to duties.

On occasions where alcohol may be included as part of a work function or other recognised work event, sufficient non-alcoholic alternatives are to be provided. Where such a function is authorised, persons are not to bring or provide additional alcohol.

Where approved, the consumption of alcohol at a Council function or event, all persons must apply a 'duty of care' for their own and other peoples' safety and wellbeing. Note that such approval does not override any legal requirements, for example, compliance with the WA road laws etc.

Any failure to follow directions by Council management regarding the consumption of alcohol at a Council function or event may result in disciplinary action being taken by the CEO.

Council Staff and or contractors must arrange their own transport in relation to any Council function or event. The Council does not accept responsibility or liability for employees during travel to and from any Council function or event.

#### **5. RESPONSIBILITIES**

All Council staff, contractors, volunteers or other persons doing work for the Council must report to their manager or leading hand any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Council Staff & others accessing a Council workplace must;

- Not commence work if in any doubt about their fitness for duty.
- Inform their leading hand or manager of their absence and time away from work will be taken as sick leave (for Council employees).
- Discuss with their doctor or pharmacist the requirements of their role and whether any prescribed or over the counter medication could impact on working safely, if taking prescription or pharmaceutical medication.
- Obtain a letter from the Doctor indicating what impacts could arise, where impacts are expected – all persons should also read carefully any information sheets provided with medication.
- Speak with their leading hand or manager if unsure as to fitness for duty.
- Discuss with their manager if they are concerned about working with other employees because of a perceived safety risk due to fitness for duty issues.

All Contractors are responsible for;

- Their employees whilst on or about Council work locations at all times regarding fitness for duty.
- Complying with this procedure at all times whilst on Council work locations.
- Maintaining their own fitness for duty policy and / or procedures which are, at a minimum, in line with this procedure whilst on or about Council work locations.
- Implementing appropriate disciplinary actions for any employee who breach this policy whilst on or about Council work locations.

Any disciplinary action(s) will be discussed with the Council's Governance Executive Officer.

Drug & Alcohol Tester

- Responsible for ensuring adherence to testing procedures outlined in this Policy.
- Checking and testing equipment and kit prior to conducting testing.
- Maintaining relevant documentation.
- Coordinating training for testers.
- Maintaining and calibrating the monitoring equipment.
- Liaising with the CEO when a non-negative result is received.
- Liaising with the Medical Centre in relation to testing requirements and results.
- Ensuring adequate stocks of test kits and mouth pieces are available.

Leading Hand / Manager

- Taking prompt and appropriate action where they have reasonable cause to suspect an individual may not be fit for duty.
- Ensuring that adequate rest breaks are allowed between work periods to ensure that fatigue is managed.
- Contacting the Shire CEO for advice on the application of this procedure, if needed.
- Identifying the possibility that a decline in work performance could be the result of illness, disability or other personal factors and may not be directly related to fatigue, alcohol or other drug use.
- Confidentially entering any breaches into the Council's incident reporting system.

## CEO

- Coordinating the random drug and alcohol testing program.
- Authorising Lead and Assistant Testers.
- Ensuring the Policy is regularly reviewed and maintained.
- Ensuring sufficient budget for implementing Policy requirements.
- Implement disciplinary actions and return to work program.

## 6. INFORMATION AND TRAINING

Workers will be made aware of Council's Fitness for Duty Policy and their responsibilities through toolbox meetings and the Council's induction process. The policy is available on the Council's website.

The Council will provide practical guidelines and training to relevant personnel on fitness for duty issues. Additional signage is also located at key Council work locations.

## 7. IMPAIRMENT INDICATORS

Impairment refers to an inability of an individual to safely undertake tasks at their normal level of concentration and performance. Impairment can be associated with a range of factors including fatigue, stress or anxiety, environmental factors (heat, dust, noise, chemicals), drug or alcohol use. Regardless of the reason, workers who are impaired must not be involved in tasks that could jeopardise their safety or that of others.

Managers and supervisors are responsible for approaching an individual to determine their fitness for duty where they suspect a person may be impaired.

The potential impact on work performance and / or safety of the person or other workers is to be discussed.

Drug or alcohol indicators: These can include habitual lateness or excessive absenteeism, extended lunch breaks, aggressive outbursts, problems with coordination, forgetfulness or 'near miss' incidents, time management issues, clear intoxication at work or signs of drinking prior to commencement of work.

These signs may include:

- Smell of alcohol on the breath.
- Slurred or incoherent speech.
- Unsteadiness.
- Red, bloodshot or watery eyes.
- Flushed or ruddy face.
- Noticeably smaller or larger pupils.
- Lack of or poor muscle coordination.
- Over-excitement or agitation.
- Difficulty with simple instructions.
- Drowsiness or falling asleep.
- Difficulty in concentrating.
- Poor balance and coordination.
- Loss of inhibitions.
- Aggressive or argumentative behaviour.

Fatigue Indicators include

- Not feeling refreshed after sleep.
- A greater tendency to fall asleep while at work.
- More frequent naps during leisure hours.
- Feelings of sleepiness.
- Extended sleep during days off.
- Increased errors and loss of concentration at work.

Sleep Indicators include

- A drowsy feeling.
- Blurred vision.
- Difficulty keeping eyes open.
- Head nodding.
- Excessive yawning.
- Repeatedly drifting out of lane if driving.

## **8. ALCOHOL AND DRUG TESTING**

Taking part in random alcohol and other drug testing is a condition of entry to any Council work location.

A worker may also be requested to provide a test or screening sample to a representative of the Council or an external tester appointed by the CEO where:

- There is reasonable suspicion or cause that the worker may be under the influence of alcohol or other drugs.
- A worker has been directly or significantly involved in any incident.
- The worker is returning to work after an alcohol or other drug rehabilitation program.
- The worker's behaviour indicates impairment.
- The worker commits any act of neglect or carelessness or breach of safety requirements.
- A material decline in work performance or work attendance or any other irrational behaviour is apparent.
- The worker has contravened the Council's fitness for duty requirements in terms of alcohol or other drug use.

## **9. REFUSING A TEST**

Where an individual refuses to participate in testing, the disciplinary consequences shall be explained to the individual and the request repeated.

Further, refusal to participate or failing to attend for testing shall be deemed as a failed screening result and the individual concerned shall have the disciplinary process applied and must supply a negative drug test (at the employee's cost) and alcohol test before being able to return to the workplace.

## 10. CAUSE AND SUSPICION TESTING

### a. Cause Testing

Cause testing may be conducted on any Councillor, Council employee, volunteer or contractor directly involved in an incident.

### b. Suspicion Testing

Where a leading hand or manager has reasonable suspicion, a worker may be under the influence of drugs or alcohol, the leading hand or manager has reasonable cause to test the identified person.

Cause and Suspicion Testing may be conducted by one authorised tester who will conduct the required tests in compliance with this Policy and relevant guidelines.

## 11. WORKPLACE ASSISTANCE FOR SUBSTANCE ABUSE PROBLEM

Council employees with a substance abuse problem are encouraged to speak with any of the following people for referral to the Employee Assistance Program (EAP);

- Governance Executive Officer.
- Corporate Services Manager.
- A Safety and Health Representative (SHR).

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Council will aid the employee by;

- allowing an employee to access any accrued personal or annual leave while undergoing treatment, and;
- by taking steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the manager or members of senior management, will review the full circumstances and agree on a course of action to be taken.

This may include redeployment to suitable alternative employment, or possible termination of employment if the employee is unable to safely carry out the requirements of their role.

## 12. ALCOHOL

### 12.1 ALCOHOL TEST RESULTS

In the event an employee or other person tests positive to alcohol, the following shall apply;

- a) The individual will not be allowed to return to the Council workplace until the CEO is satisfied that actions taken are appropriate & acceptable and include the provision of a negative test result prior to restarting.
- b) Test results are captured using the Drug and Alcohol Positive / Negative Test Record. For a Council employee, the results will be placed on the employee's personnel file and a first warning issued. For any other worker, the employing organisation will be notified immediately and an incident logged (confidentially) in Council's incident system.
- c) The worker is to relocate to an amenities room to wait for a - Confirmatory Breath Test. During this wait period the candidate must not undertake work tasks, nor will they be able to smoke or consume any fluid or food until after the second test has been completed.
- d) After the worker relocates to an amenities room, they will be retested after 20 minutes. If the BAC content reading has fallen to 0.000 the candidate may resume their normal duties, otherwise they must be escorted from the workplace and not allowed to resume duties for the duration of that working day.
- e) If required to leave the workplace and the BAC is below the legal driving limit, it is acceptable to for the person to drive. Otherwise, the CEO will make alternative arrangements for them to be transported to their accommodation / home.

#### **First Confirmed Positive**

A written warning will be issued to the employee. If over 0.05%, the employee will be encouraged to seek assistance through the Council's EAP provider.

If no further positives are recorded during the next 24 months the written warning will be withdrawn (initial BAC was less than 0.05%).

If the initial BAC was more than 0.05% the written warning will remain on the employees file. The employee will be required to undergo further testing in line with their return to work program.

#### **Second Confirmed Positive**

A final written warning will be issued to the employee for any repeat positives received during the 24 months following a positive test or if the previous offence was a recording over 0.05% BAC. The employee will be required to attend EAP counselling or other medical assistance and will be required to undergo further testing in line with their return to work program.

Final written warnings will remain on the employees file.

#### **Third Confirmed Positive**

If any positive alcohol offences occur whilst on a final warning, employment will be terminated.

## **12.2 CALIBRATION OF TEST EQUIPMENT**

Equipment used for alcohol breath testing must be calibrated in accordance with Australian Standard AS/ANZ 3547 Breath Alcohol Testing Device for Personnel Use.

A calibration certificate is issued when the Council's Protector Alcolimit Breath Analyser unit is recalibrated.

Calibration certificates are to be recorded in Council's safety management system and a hard copy kept with Governance Executive Officer's files where it can be readily produced.

## **13. DRUGS**

### **13.1 PRESCRIBED & OVER THE COUNTER MEDICATIONS**

The Council recognises that workers may at times take prescription or over-the-counter medications and that these may affect a workers' fitness for duty or show up in a random drug screening test.

Workers are responsible for advising their manager, at the earliest opportunity, either verbally or by completing the Council's internal Medicines Declaration Form if taking a medicine that has the potential to;

- 1) affect their fitness for duty (eg cause drowsiness) or
- 2) cause a non-negative random drug screening test result,

If uncertain, the worker is responsible for asking their doctor or pharmacist as to whether

- 1) the medicine will affect fitness for duty; or
- 2) show up in a random drug test. T

The categories of drugs and substances targeted in random drug tests are listed on page 13 of this policy.

Once advised of the workers' status the manager will direct the worker to duties appropriate to their level of fitness.

The advice may be provided verbally and if so, the relevant Manager must complete the Medicines Declaration Form, on the workers behalf and obtain the worker's signature, prior to the worker commencing or recommencing their work duties. The manager must then ensure the form is securely filed.

Medicine Declaration Forms are destroyed after 12 months or each year on 30 June, whichever is the earliest and must therefore be resubmitted annually.

### **13.2 INITIAL DRUG SCREEN**

The CEO reserves the right to conduct screening tests for the presence of drugs in any manner allowable under the Australian Standards.

If a candidate returns a non-negative screening test result, a urine sample collected as per AS/NZ 4308:2008 requirements shall be sent to an accredited laboratory for confirmation testing.

If at any time the Council's Drug and Alcohol Testers experience aggressive or potentially threatening behaviour the police will be called to attend.

### **13.3 ACTIONS POST DRUG SCREEN TEST – INCLUDING NON-NEGATIVE RESULT**

Action for negative initial screening test;

- Thank the worker for their participation.
- Complete required documentation and move on to the next person.

Action for non-negative initial screening test;

- Inform the worker of the result and relocate them to an appropriate and discrete room or area.
- Contact the worker's Manager and advise them of the situation and the requirements identified below.
- The Manager will investigate whether the worker has provided prior notice to the Council that they are taking a drug that may affect their fitness for duty.
- If it is found the worker has advised their Manager and the CEO & Manager agree the test result is consistent with that advice, the worker will be allocated to light duties, but only after a urine sample has been supplied, as outlined below.
- If it is found that the worker has not advised the Council they are taking any prescription or over the counter medicine, the worker will be stood down and delivered to their place of residence, but only after they have provided a urine sample, as outlined below.
- If the screening test was undertaken with a urine sample, this sample will be delivered to the Medical Centre for preparation & dispatch to an accredited laboratory for confirmation testing.
- If the screening test was not taken from a urine sample then the worker will be either;
  - escorted to the Medical Centre, for collection of a urine sample; or –
  - a urine sample will be provided to a trained staff member or contractor;and the sample will be prepared and dispatched by the Medical Centre, to an accredited laboratory for confirmation testing.
- The worker allocated to light duties following a non-negative screening result will remain on light duties until the urine test result has been received and subject to professional advice confirming the results are in-line with the notice given regarding prescribed or over the counter medication. Such confirmation will entitle the Manager to direct the worker to their normal duties.
- If the result is inconsistent with the notice given regarding prescribed or over the counter medication, appropriate actions will be taken in accordance with Sections 14 and 15, depending upon the worker either being a Council employee or a contractor.

- Period during wait for test results for a worker who has not previously notified their Manager that they are taking a prescription or over the counter medicine;
  - a. The worker will remain stood down from their duties until the test results have cleared them to return to work.
  - b. Test results will be provided confidentially and directly to the relevant Manager, nominated at the point the sample is delivered to the Medical Centre. The results will be confidentially discussed upon receipt with the relevant Manager and/or the CEO or if a contractor, to the nominated supervisor / manager. The worker must also receive a duplicate copy of the test results.
  - c. If the test is returned negative the worker will be permitted to return to work without further action. This worker will be paid as normal for the period they had been stood down.
  - d. If the test is confirmed positive or not in line with notice given regarding prescribed or over the counter medication, appropriate actions will be taken in accordance with Sections 14 and 15, depending upon the worker either being a Council employee or a contractor.

#### **13.4 LABORATORY TESTING OF URINE**

The only recognised standard that currently exists for the collection and analysis of human fluid samples for toxicological purposes in a laboratory setting is AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The CEO will use NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes. This standard is important as it guarantees the technical quality and integrity of the tests.

Testing must follow a rigorous set of procedures and shall be consistent with the requirements of AS/NZS 4308:2008. This standard requires the time, place and details of each person handling the sample to be documented (chain of custody) and for confidentiality of the process to be respected.

#### **13.5 DRUG SCREEN CUT-OFF LEVELS**

Confirmatory test cut-off levels for non-negative screening test results are defined by AS/NZS 4308 Procedures for Specimen Collection and the Detection and Quantification of Drugs of Abuse in Urine. These levels may vary as Australian Standards are amended.

The categories of drugs and substances prohibited by the Council as per AS/NZS 4308 are:

- **Opiates** - Morphine, codeine and monoacetylmorphine.
- **Sympathomimetic amines** - Amphetamines, methylamphetamine, methylenedioxymethamphetamine (MDMA), phentermine, including ephedrine and pseudoephedrine.
- **Cannabis metabolites** - Tetrahydrocannabinol-9-carboxylic acid (THC).
- **Cocaine metabolites** - Benzoylcegonine and ecgonine methyl ester.
- **Benzodiazepines** – Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam or their metabolites.

The CEO reserves the right to have tests carried out for additional substances that may cause impairment.

#### **14. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST - COUNCIL EMPLOYEE**

If the confirmation is positive for a drug of abuse, the worker will be encouraged to attend counselling for drug and dependency issues.

If the worker attends counselling, the worker should arrange for the counsellor to communicate directly with the worker's Manager or CEO about the worker's attendance and to provide any other feedback that a counsellor would normally communicate to an employer, without breaching the confidence that exists between the worker & counsellor.

Before being entitled to return to the workplace, a negative drug test must be obtained from a NATA laboratory that is accredited to Class 10.61.16 Drugs for Toxicological Purposes, by the worker, at the worker's cost and the report submitted to the worker's manager.

On returning to the workplace, the worker will be issued a first and final warning letter and will be subject to a structured return to work program that will include at least two (2) unannounced drug screening tests, in addition to the Council's normal random testing program, over the following twelve months.

A return to work plan will be arranged through the Corporate Services Manager and will be informed by any feedback given by the drug & alcohol counselling service provider, the worker's doctor and the criticality of the work performed by the worker.

#### **15. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST – CONTRACTORS AND OTHER PERSONNEL**

In the event a contractor or volunteer returns a positive result, the worker's Supervisor will be advised immediately and their company's Fit for Duty and Disciplinary procedures will be followed.

Contractors, labour-hire and other personnel working for the Council are required to participate in this fitness for duty procedure as well as the procedures which apply in the event of a confirmed positive test for alcohol or other drugs.

All organisations are required to have made their own arrangements for suitable testing, breach and support regimes for the personnel they are managing and / or providing. For clarity, this requirement should be incorporated into relevant contractor agreements and induction programs for contractors and labour-hire personnel.

In the event a worker tests positive to alcohol or drugs their employer will be notified so that appropriate action can be taken.

The worker will have their duties for the Council suspended and will not be allowed to return to a Council workplace until they provide a negative test result.

Any actions taken by the employing company to prevent reoccurrence must be to the satisfaction of the CEO and be appropriate and acceptable.

The CEO may also request a return to work plan that would place controls to prevent further breaches of this policy. Failure to meet the requirements or follow an agreed plan would mean further suspension of the worker's ability to perform work in any Council workplace.

## **16 FATIGUE AND WORKING HOURS ARRANGEMENTS**

Sleep deprivation, sleep disturbance, – fatigue and stress are health risks that can be associated with long working hours and factors outside the workplace. These health risks may have implications for safety standards and the prevention of incidents.

Work life and personal life are inter-related with personal life having the ability to influence a person's fitness for work.

No matter how much sleep a person has beforehand, they will feel sleepy between 1.00 am and 6.00 am because of the body's natural circadian rhythm (body clock).

Research indicates that a fatigued person's performance may be similar to that of a person with a BAC of 0.1 which, is twice the legal driving limit.

The Council mandates a maximum 12-hour work period for any individual working in any Council workplace.

A minimum of 10 hours of rest is required in any 24-hour period.

## **17. PRIVACY AND CONFIDENTIALITY**

Confidentiality is fundamental in order to protect the privacy of individuals. To ensure the highest level of confidentiality is maintained:

- Conversations relating to work performance or the misuse of alcohol or other drugs must be confidential and conducted in private.
- Documentation relating to the implementation of this procedure must be kept confidential.
- It is the responsibility of the CEO to ensure that counsellors providing services to their employees are aware of the confidentiality requirements relating to client information.

The CEO will respect the rights of employees to privacy in matters relating to the use of the EAP or other counselling services and communicate those rights to employees. The practices to be implemented are:

- Information relating to counselling must be treated as confidential.
- Psychologists are bound by their code of conduct to respect the confidentiality of information obtained in the course of their work. They may disclose such information to others only with the consent of the client or the client's legal representative except in those cases where failure to disclose information would result in a clear danger to the individual or another person.
- Counsellors who are not psychologists are not required to be registered with a professional association and therefore may not be bound by a code of conduct. It is the responsibility of the CEO to ensure that counsellors are aware of the confidentiality requirements relating to client information.

- Employees may wish to have their manager liaise with their counsellor. In this case, the employee must give written permission for information to be disclosed. The information that can be disclosed in such circumstances is limited to that which is required to support the most effective management of a performance-related problem and the reintegration of the employee into the workforce.
- Where counselling is a compulsory requirement, the CEO will need to be provided with a report as to whether counselling is progressing satisfactorily, whether adjustments are needed to the employee's work and whether the counselling is likely to lead to no further breaches occurring. A counsellor without divulging information of a personal nature can provide this information.

## **18 RECORD KEEPING**

The privacy of any records relating to work performance and counselling, treatment or rehabilitation must be securely protected. Records should only focus on the drug and/or alcohol issues as they relate to work readiness and performance. All records are to be retained on the employee's personnel file and archived and disposed of in accordance with organisational disposal schedules for personnel records.

## **19 REFERENCES**

The following documents provide more guidance:

- WHS ACT WA 2022
- WHS ACT WA 2022 Regulations
- AS/ANZ 3547 Breath alcohol testing device for person use
- AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.
- AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.
- NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes.
- Code of Practice Working Hours - WA Department of Commerce (WorkSafe).

### 3.8. PROTECTION FROM THE SUN FOR OUTDOOR WORK

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>5.13 CORPORATE UNIFORM, DRESS CODE &amp; HYGIENE AT WORK POLICY</b>
Related Legislation	<i>Occupational Safety and Health Act 1984</i>

#### OBJECTIVE

To provide guidance for Shire Staff to avoid harmful exposure to the elements.

#### POLICY

The minimum clothing requirements for outdoor employees shall be a long sleeve shirt and long trousers. Unless for safety related reasons shirt sleeves may be rolled up (refer **5.13 CORPORATE UNIFORM, DRESS CODE & HYGIENE AT WORK POLICY**)

The basic dress code will apply all year round – exemptions may apply based upon written medical advice.

Council will supply hats, long sleep shirts and trousers and sunscreen appropriate for the nature of work. Council will not provide shirts. Wherever practicable, the Ultra-Violet Protection Factor (UPF) of clothing fabric will be 30+ or better.

An “outdoor employee” for the purpose of this policy, is defined as a person who regular daily duties required them to be in the direct sunlight for more than one (1) hour per day on a cumulative basis.

#### Use of sunscreen cream

All outdoor workers will be supplied with sunscreen cream, which should be applied to their uncovered skin in accordance with the manufacturer directions. Information, instructions and supervision will be provided in the use of sunscreens (note section 19(1)(b) of the *Occupational Safety & Health Act 1984*). In particular, this refers to their faces, ears, neck, back of the hands, and legs if relevant. The cream provided will be registered under Australian Standards and be of the SPF 30+ broad spectrum type.

Exemptions may apply based on written medical advice.

#### Other people who work outdoors

Those people who work in direct sunlight for more than thirty (30) minutes (but less than one (1) hour) per day on a daily basis are also required to wear a broad brimmed hat (or equivalent) and sunscreen, both of which Council will supply. Suck workers may be environmental health and building officers.

#### Supply and use of sun glasses

All staff working outdoors shall, when practical wear general purpose sun protection glasses, which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective Equipment issue.

### Administrative and other controls

While these policy guidelines are essentially about the type of garments worn, the implications to the wearer with respect to comfort and overheating problems are worthy of further mention.

The key factors which may promote bodily overheating problems are:

- a) Ambient and radiant temperature
- b) Extent of air movement (wind)
- c) Pace and physical demand of work
- d) Adequacy of water replacement required by sweating
- e) Humidity
- f) Person's clothing

**Note: Actual temperatures experienced by workers will differ considerably dependent on their workplace. Working in a well-treed park will be vastly different to working on an open bitumen road.**

Thus some steps which should be taken include:

1. All relevant staff should have ample supplies of fresh cool water where main water is unavailable a 5 litre water bottle will be provided to each person.
2. Utilising natural shade.
3. The erection of temporary shade where practical.
4. Rescheduling of particular heavy work outdoors between the periods the cooler periods of the day, where practicable.
5. Consideration of temporary cessation from physically demanding work for the time when severe heat related conditions are experienced.

It is readily apparent that heavy work in particular hot weather is not efficient work, without frequent stops, at least for drinks and possibly self-dousing with water.

Staff should report immediately to their supervisor any significant symptoms of bodily overheating. Suitable education sessions should be conducted to ensure that staff members are aware of what these symptoms are and the effects of exposure to ultraviolet radiation.

### Consultation

The Shire of Wyalkatchem realises that the type of clothing work in the field is of considerable importance to outdoor employees and hence people or their representatives will be consulted with respect to changes in the style, type and fabric of clothing as issued in accordance with good management practices. (Note also, Section 35(1)(c) of the *Occupational Safety & Health Act 1984*)

Wherever practicable, the Shire of Wyalkatchem, having adopted a clothing policy will ensure that the style and fabric of garments is acceptable and appropriate to the relevant workforce.

### 3.9. EQUAL EMPLOYMENT OPPORTUNITY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	S17 – Equal Employment Opportunity Standards First adopted 16 October 2003
Resolution Number	OMC 53 /201
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Equal Employment Opportunity Management Plan
Related Legislation	<i>Equal Opportunities Act 1984</i>

#### OBJECTIVE

To ensure that the Shire conducts the recruitment of staff in accordance with legislation, and in conjunction with sound management practices.

#### POLICY

- (a) The Shire will recognise its legal obligations under the *Equal Opportunities Act 1984* and shall actively promote Equal Opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, religious or political convictions.
- (b) All employment training with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.
- (a) All promotional policies and opportunities with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.
- (b) All offers of employment within the Shire shall be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.
- (c) The Shire shall not tolerate harassment within its work place. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, age, political or religious convictions, gender, marital status or disability.
- (d) The equal employment opportunity goals of the Shire shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
- (e) This policy applies to full time, part time, permanent, temporary and casual employees of the Shire of Wyalkatchem.

### Grievance

The Shire undertakes to treat any grievance under this policy fairly, quickly and in confidence. It will treat each case on its merits having regard to the relevant legislation and the Shire's Code of Conduct. Determinations in relation to any grievance will be the responsibility of the relevant Manager(s). Employees have the right to appeal any such determination to the Chief Executive Officer.

The above process is not intended to impede or prevent any action the employee may wish to take through an appropriate external tribunal.

**Note:**

This policy should be read in conjunction with the Shire of Wyalkatchem Equal Employment Opportunity Management Plan 2016 - 2018

# 4. CODE OF CONDUCT

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#### 4.1.CODE OF CONDUCT - EMPLOYEES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Code of Conduct
Resolution Number	OMC 85/2018 OMC 310/2021
Resolution Date	21 June 2018 15 July 2021
Last Amendment Date	18 April 2019 – Minor amendment 15 July 2021 – NEW Model code of Conduct for Employees 15 July 2022 – Reviewed – no change 16 November 2023 – Reviewed – Policy references amended
Shire Related Documents	Nil
Related Legislation	Local Government Act 1995 <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Rules of Conduct) Regulations 2007.</i> <i>Corruption, Crime and Misconduct Act 2003,</i> <i>Public Sector Management Act 1992.</i>

#### PREAMBLE

The Code of Conduct provides employees of the Shire of Wyalkatchem with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION:

***(310/2021) Moved: Cr Gamble Seconded: Cr Holdsworth***

***That the Employee Code of Conduct, developed in accordance with recently proclaimed sections of the Local Government Legislation Amendment Act 2019 (WA), is endorsed by Council.***

**CARRIED 4/0**

**This Document is filed separately within the Policy folder and does not relate to Councillors.**

**The Employee Code of Conduct can be found [here](#)**

## 4.2 MODEL CODE OF CONDUCT

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Code of Conduct 4.1, Now Model Code of conduct Policy 4.2
Resolution Number	OMC 85/2018                      OMC 267/2021
Resolution Date	21 June 2018                      28 April 2021
Last Amendment Date	18 April 2019 – Minor amendment 28 April 2021 - New
Shire Related Documents	Nil
Related Legislation	Local Government Act 1995 <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Rules of Conduct) Regulations 2007.</i> <i>Corruption, Crime and Misconduct Act 2003,</i> <i>Public Sector Management Act 1992.</i>

### VOTING REQUIREMENT

Absolute Majority

### COUNCIL RESOLUTION:

***(267/2021) Moved: Cr Garner                      Seconded: Cr Stratford***  
***That Council;***

- 1. Adopt the Model Code of Conduct for elected members, committee members and candidates as provided for in Attachment 10.2.4.2***
- 2. Adopt the template for Code of Conduct breaches, appendix 1 Attachment 10.2.4.2***

***CARRIED 5/0***

**This Document is filed separately within the Policy folder and does not relate to personnel apart from the CEO – a link is [here](#)**

# 5. STAFF POLICIES

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## 5.1.VOLUNTARY SERVICES

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 142/2018
Resolution Date	18/10/2018
Last Amendment Date	18/10/2018
Shire Related Documents	Policy – <b>3.7 FITNESS FOR WORK</b> Policy – <b>3.2 WORK HEALTH AND SAFETY (WHS)</b>
Related Legislation	<i>Occupational Safety and Health Act 1984</i> <i>Fair Work Act 2009</i>

### OBJECTIVE

To ensure that Shire’s employees who are emergency service volunteers (e.g. St John Ambulance, Fire Brigade officer, Fire and Rescue) are paid whilst attending those emergencies.

### POLICY

Council will permit its employees to leave their workplace to render voluntary emergency assistance in the event of an emergency.

#### **Paid Volunteering Time Off (PVTO)**

All staff who are bona fide members of a volunteer emergency service organisation, who are required for emergency services by those groups during ordinary working hours usually worked in that day or period during an emergency, but not including time in excess of ordinary working hours, weekends (unless part of their normal roster of working hours) or public holidays.

For the purpose of this policy, ordinary working hours shall be the time ordinarily worked.

Employees are required to indicate PVTO on their timesheets where payments shall be made through normal pay channels. PVTO may be subject to authentication by the controlling officer of the relevant organisation.

#### **Conditions of Volunteering**

1. Council employees either volunteering, or as members of volunteer organisations, are required to obtain permission of the Chief Executive Officer or Manager of Works, to attend an emergency during normal working hours.
2. The employee recognises and acknowledges that upon leaving the workplace that Council’s duty of care is suspended until such time as the employee returns to the workplace, and that whilst absent is not covered by the Shire indemnity and other insurance cover.
3. The Shire is indemnified against any claim which may arise by the employees due to their voluntary activities.
4. Payment of wages is only applicable for the ordinary Hours or work during which the employee is absent and excludes attending an emergency before or after their normal working hours.
5. On return from emergency service, employees to adhere to Council’s Fit for work policy.

6. When a request has been made by the Chief Bush Fire Controller or Incident Controller for Shire heavy plant or equipment, the Shire employees operating this equipment will be paid applicable rates for the length of time required. This arrangement is limited to ten (10) hours continuous time, after which the operator should be relieved from duty.
7. This policy does not apply to non-emergency activities, including training, ambulance transfers and meetings. Such activities are too carried out in the employees own time, or by normal request for leave.

#### **Fit for work**

When an employee returns to work after completing any emergency service, Council's Fit for Work policy must be adhered to, in particular Fatigue management. Where an employee is unfit for work due to performing emergency services, the Chief Executive Officer is authorised to come to an agreement for the hours to which the employee has been temporally stood down (unable to work due to fatigue). This may include;

- Time to be made up at another time as agreed;
- Continued PVTO payment for the period of being temporally stood down.

Where the Chief Executive officer is considering PVTO the following is to be taken into consideration.

- The emergency that was attended;
- The duration of the emergency;
- The time of the emergency;
- The amount of sleep the employee has had in the previous 24 hours, as a result of the ordinary working hours and attending an emergency;
- Authentication by the controlling officer of the relevant organisation of the above details.

Taking into consideration of the above, the Chief Executive Officer will determine the amount of reasonable additional PVTO to be approved. In the event that the additional approved PVTO does not cover the total time the employee has been absent from work, the employee will be required to take normal leave entitlements.

## 5.2. RECRUITMENT AND SELECTION POLICY

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Recruitment and Selection Procedure* Probationary Periods of Employment Guidelines* Policy <b>3.9</b> <b>EQUAL EMPLOYMENT OPPORTUNITY</b> Policy <b>3.4</b> <b>DISCRIMINATION, HARASSMENT AND BULLYING POLICY</b> Policy <b>3.5</b> <b>GRIEVANCE, INVESTIGATIONS AND RESOLUTION POLICY</b> Policy <b>4.1</b> <b>CODE OF CONDUCT</b>
Related Legislation	<i>Local Government Act 1995 (WA) s5.40</i> <i>Local Government (Administration) Regulations 1996</i> <i>Equal Opportunity Act 1984</i> <i>Occupational Safety and Health Act 1984</i>

### OBJECTIVE

This policy is designed to ensure appropriate and consistent recruitment standards are maintained throughout the Shire of Wyalkatchem operations. It provides a resource to assist managers to carry out the recruitment of employees in accordance with the principles outlined in section 5.40 of the *Local Government Act 1995 (WA)* (the Act) and maximise the probability of successful recruitment and selection decisions.

### POLICY

#### Principles:

#### Merit and Equity

The Shire of Wyalkatchem is committed to recruitment, selection, promotion, and other personnel decisions being fair, consistent and compliant with the principles set out in section 5.40 of the Act. These principles include but are not limited to:

- Employees are to be selected and promoted in accordance with the principles of merit and equity; and
- No power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- Employees are to be treated fairly and consistently; and
- There is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and

- Employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*.

Recruitment and selection practices must evidence reasonable measures to attract a broad range of suitable candidates from which the most suitable candidate may be selected. Practices shall not be designed to limit or exclude the ability for suitable candidates to apply.

#### **Confidentiality of Information and Conflict of Interest**

All employees involved in the recruitment and selection process shall be bound by:

- strict standards of confidentiality; and
- disclosure of interest requirements;

As outlined in the Shire of Wyalkatchem's Code of Conduct and the Shire of Wyalkatchem's Recruitment and Selection Process.

#### **Equal Employment in the Workplace**

The Shire of Wyalkatchem recognises its legal, moral, social and ethical obligations to actively promote and practice the principles of equal opportunity in all aspects of employment.

The Shire of Wyalkatchem will ensure:

- All advertisements, job descriptions and titles are non-discriminatory;
- The most suitable person is appointed to a position based on qualifications, skills, expertise, experience and aptitude;
- All personnel forms are non-discriminatory and relevant in phrasing and requirements; and
- Benefits and entitlements are accessible and administered in a consistent manner throughout the workforce.

#### **Application:**

This policy covers the recruitment and selection of all Shire of Wyalkatchem vacant positions other than the Chief Executive Officer.

CEO recruitment and employment procedures are prescribed in the relevant sections of the Act and the Local Government (Administration) Regulations 1996.

Recruitment and selection of positions which have been previously determined as 'senior employees' in accordance with section 5.37 of the Act, will accord with the requirements of this policy in addition to requirements for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

#### **Authorities and Responsibilities**

A Manager is responsible for the recruitment and selection of employees:

- including assessing the need to recruit for a position;
- within the scope of their direct or indirect supervision;
- within approved budget allocations only;
- in accordance with this policy and relevant operational procedures;
- in consultation with the Chief Executive Officer; and

- may execute resulting employment contracts on behalf of the Shire of Wyalkatchem.

A Manager may nominate by written authority for recruitment and selection of an employee to be undertaken by a line-manager who is responsible for the direct supervision of the position, subject to compliance with the Manager's responsibilities above.

The Manager is responsible to ensure procedural integrity of the recruitment and selection process.

### **Process and Procedures**

Documented recruitment procedures must reflect favourably on the organisation and ensure that practices are transparent, professional and fair, and in accordance with the principles of section 5.40 of the Act.

### **Review of Positions**

The Shire of Wyalkatchem reserves the right to review the continuing need for any position within the Shire of Wyalkatchem's existing organisational structure and in context of the allocation of resources to meet the objectives of the Workforce Plan, Community Strategic Plan and Corporate Business Plan.

### **Recruitment Strategy**

The Recruitment Strategy documents the need to undertake recruitment, based upon:

- present and future corporate needs;
- alternative staffing needs i.e. structural change and/or redistribution of duties to other positions;
- selection methods (psychometric testing, interviews, reference and background checks);
- selection criteria, skills and capabilities required for the role;
- attraction strategy - advertising, remuneration, benefits and candidate sourcing methods;
- alternative methods if the process is unsuccessful or preferred candidate declines;
- use of external consultants, appointed in accordance with the Purchasing Policy.

The CEO must approve the Recruitment Strategy before recruitment commences.

### **Selection & Appointment**

Selection must demonstrate substantial alignment with the requirements of the role, as determined in the Recruitment Strategy.

### **Probation**

Unless otherwise agreed by the CEO, appointments of more than six months shall require a probation period of at least three months.

### **Record Keeping**

Records must be created and maintained to evidence compliance with this policy, in accordance with the *Local Government's Record Keeping Plan and the State Records Act 2000*.

### **Policy Governance**

The CEO determines this policy and may cancel or vary the policy from time to time to reflect changes in organisational policy, best practice in recruitment processes and compliance with the relevant legislation. All the organisation's employees will be notified of any variation to this policy by the normal correspondence.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in recruitment processes and compliance with the relevant legislation. All the organisation's employees will be notified of any variation to this policy by the normal correspondence.

### 5.3. RELOCATION EXPENSE

Responsible Department	Human Resources
Former policy Reference	GP17 – Relocation Reimbursement First adopted 16 June 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

#### OBJECTIVE

To establish guidelines for the reimbursement of employee’s removal expenses when relocating to Wyalkatchem for employment.

#### POLICY

To offer an incentive as part of the overall package to attract quality staff to the Shire, the Shire of Wyalkatchem will provide relocation expense to staff who have been appointed to come and work with the Shire of Wyalkatchem.

The reimbursement of employee removal expense is to be provided as follows; -

- **Chief Executive Officer** – 50% after 6 months satisfactory service and remaining balance after completion of 12 months services to a maximum of \$7,000 or other value as agreed to by Council.
- **Senior Staff** – 50% after 6 months satisfactory service and remaining balance after completion of 12 months services to a maximum of \$5,000 or other value as agreed to by Council.
- **Managers** – 50% after 6 months satisfactory service and remaining balance after completion of 12 months services to a maximum of \$3,000 or other value as agreed to by Council.

The conditions of the financial assistance must be set out in the eligible Employee’s Letter of Offer or contract and as such approved by the Chief executive Officer.

Claimable expenses apply only to packing, freight and insurance of household goods when supported by receipts.

The cost of removal of cars, boats, caravan and other similar items will be the responsibility of the employee and will not be met by the Shire.

The employee must obtain a minimum of two quotations for relocation expense and preferably use the least expensive.

The Chief Executive Officer may use their discretion and negotiate the payment of relocation expense directly to the removal company on the provision that a formal agreement is made for the repayment should the employee leave within the timeframe as stated above.

The formal agreement to include the employees authorisation that any monies owed to the Shire of Wyalkatchem in relation to relocation expense to be deducted from the employees pay.

## 5.4. PROBATIONARY PERIOD OF EMPLOYMENT

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>4.1 CODE OF CONDUCT</b> Employee Performance and Development procedure*
Related Legislation	<i>Fair Work Act 2009</i> <i>National Employment Standards</i>

\*To be developed

### OBJECTIVE

To provide guidelines to management of the administration of employee probationary period of employment.

### POLICY

A probationary period will apply to all full-time, part-time, fixed-term, maximum-term and casual employees commencing employment with the Shire of Wyalkatchem.

#### Notification upon Appointment

All Shire of Wyalkatchem managers and senior employees will endeavour to adhere to the following guidelines when establishing a probationary period for an employee:

- The probationary period must be committed to writing at the outset of the employment relationship, so both the Shire of Wyalkatchem and employees are clearly aware and informed of the probationary period. This may be in the form of a letter of offer, contract of employment, policy or enterprise agreement. The length of the probationary period will be determined after having regard to the nature of the position and the required time frame for assessment; and
- A probationary period must be determined in advance and prior to appointment;
- The Shire of Wyalkatchem will endeavour to notify the employee in writing of their probationary period and the discretion of the Shire of Wyalkatchem to extend the probationary period, in either the letter of appointment or the contract of employment.

#### Termination of Employment during Probationary Period

An employee may be dismissed during a probationary period pursuant to their contract of employment. However, it is important that if an employee's employment is terminated, that:

- The Shire of Wyalkatchem outlines the reasons for termination; and
- the employee is given an opportunity to respond to the reasons for the termination of their employment.

#### Permanent Appoint to Position

Where it has been decided that an employee has performed satisfactorily in order to be granted ongoing employment, the following procedures shall be followed:

- the employee's permanent status will be confirmed in writing;
- the manager and employee will meet to discuss any performance issues, areas of improvement and areas of positive performance, and record these discussions in writing;
- any training needs of the employee will be identified and record these training needs in in writing;
- the employee should be given the opportunity to provide feedback regarding the probationary process and the matters that were discussed during the probationary process; and
- Identify and explain areas within the Key Performance Indicators which require improvement.

Failure to complete a final probationary review within the set timeframe will not automatically result in an employee being permanently appointed to that position. If the final probationary review is not completed within the set timeframe, the employee on probation will be contacted as soon as practicable and informed that their probationary will be extended to allow for a final assessment to be conducted.

#### **Extension to the Probationary Period**

The Shire of Wyalkatchem may decide to extend the probationary period beyond the initial probationary period rather than appoint the employee permanently. Any decision to extend the probationary period should take into account the factors outlined below:

- employee absence or change in management;
- the employee's performance;
- the guidelines set out in the relevant award, letter of employment and/or contract of employment;
- the measures taken during the probationary period to discuss the deficiencies of the employee;
- the nature and seriousness of the deficiencies;
- the efforts by the employee to rectify any deficiencies;
- review of the employee's efforts to rectify their performance;
- Whether the nature of the work requires a longer probationary period in order to assess the employees capacity to perform the role;
- the employee's personal circumstances such as previous experience, knowledge, age, expectations and family responsibilities; and
- any other factor deemed relevant by the Local Government.

The employee should be informed where the Shire of Wyalkatchem decides to extend the probationary period and this extension should be confirmed in writing.

#### **Variation to this policy**

This policy may be cancelled or varied from time to time. All the the Shire of Wyalkatchems employees will be notified of any variation to this policy by the normal correspondence method.

## 5.5. EMPLOYEE PERFORMANCE AND DEVELOPMENT POLICY

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – new policy
Shire Related Documents	Employee Performance and Development procedure*
Related Legislation	<i>Fair Work Act 2009</i> <i>National Employment Standards</i>

\*To be developed

### OBJECTIVE

This policy is designed to ensure that employee performance and development reviews are conducted in an efficient and effective manner and that consistent standards are maintained throughout the Shire of Wyalkatchem.

The Shire of Wyalkatchem recognises that continuing to focus on the career development of its employees is a beneficial strategy in retaining resources and developing each employee’s potential.

### POLICY

#### Scope of Policy

This policy applies to all Shire of Wyalkatchem employees with the exception of:

- The Chief Executive Officer.
- Temporary and casual employees that are engaged for less than a year.

#### Commitment

Shire of Wyalkatchem is committed to conducting performance reviews in a fair and consistent manner. The Shire of Wyalkatchem is committed to ensuring that the associated processes will be based on merit and expressed in terms of the established performance/selection criteria.

Each employee will be appraised on an annual basis to discuss performance and development plans and the appraisal will take the form of an exchange of views between employees and their immediate line manager/supervisor.

Performance plans will consist of performance objectives (related to overall business objectives), performance standards, and a development plan to ensure the employee has the skills and knowledge to meet the specified objectives.

The Shire of Wyalkatchem will commit to ensuring that Supervisors and Line Managers are equipped to utilise Performance Management processes and techniques.

### **Employee Performance and Development Reviews**

Annual Employee Performance and Development Reviews to be conducted in April / May of each year, or as directed by the Chief Executive Officer. Further details provided for in the Employee Performance and Development Procedure.

### **The Induction**

The Shire of Wyalkatchem will conduct an induction when an employee is new to the Shire of Wyalkatchem, and when a current employee's job has changed significantly.

An induction meeting forms part of an employee's orientation to the job and provides an opportunity for the Manager to:

- formally set the expectations, requirements and objectives of the role;
- outline the key responsibilities of the employee in the role; and
- establish a training and development program.

### **The Annual Review:**

The purpose of the Annual Review meeting is to:

- a) allow the employee and the Manager to agree on the final assessment of the employee during the full review period, which is usually twelve months.

The final assessment is based on:

- the extent to which key performance indicators ('KPI's') and/or objectives have been met (considering the degree to which obstacles have interfered); and
  - a judgment of the expected behaviours being demonstrated.
- b) ensure that the Manager formally tasks the employee for the next review period, and to set up training and development needs and strategies.
  - c) encourage the employee to provide constructive feedback to his/her Manager in relation to their leadership, support and guidance.

### **Informal Feedback Meetings**

During the 12-month review period, regular informal discussions and two-way communication must take place so that the formal Annual Review Meeting provides no surprises for either the employee or the Manager.

### **Training & Development**

The Shire of Wyalkatchem commits to providing training and development in line with the requirements of the role, budgetary limitations and operational needs of the organisation for effective strategic planning. Where training and development opportunities are identified as part of the Employee Performance and Development review process this should be provided to Human Resources and/or the Department Manager for review and action.

### **Underperformance**

Where unsatisfactory performance is identified by the Shire of Wyalkatchem this will be dealt with through this policy coupled with the disciplinary policy and performance management policy. Sustained and/or serious underperformance may lead to disciplinary action and/or termination of employment.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in performance appraisals and compliance with the relevant legislation. All the organisation's employees will be notified of any variation to this policy by the normal correspondence.

## 5.6. TRAINING AND DEVELOPMENT

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Training and Development Requisition Form. *
Related Legislation	<i>Local Government Industry Award 2010</i> <i>Fair Work Act 2009</i>

\*To be developed

### OBJECTIVE

To facilitate the training and development of employees within areas which are of mutual benefit for the Shire and its employees.

### POLICY

The Shire will support employees to attend appropriate conferences, seminars and training programs relating to their individual function and responsibilities as detailed in position descriptions and their individual Training and Development Plan.

During the budget preparation process the Chief Executive Officer, in consultation with Executive Managers, shall propose for the consideration of Council an allocation of funds for staff attendance at Conferences and Seminars and for Staff Training for the ensuing financial year.

There will be no payment of training fees or time off to attend training unless prior approval for training has been authorised through the appropriate channels:

- Approval to attend is only to be granted if the relevant budget provides sufficient funds and the conference, seminar or training course has been identified in the employee's Training and Development Plan as being deemed to be of particular relevance to Council's operations and / or to the employee's professional development needs;
- Except for Senior Staff where attendance at conferences has been included in their contract, all conferences / seminars attended outside the State will require approval of the Chief Executive Officer;
- The following expenses incurred as a result of approved training will be met by Council and if paid by an employee can only be reimbursed with the production of a detailed receipt:
  - Registration fees;
  - Accommodation and reasonable meals costs;
  - Minor expenses, such as taxi, parking fees and telephone calls;
  - Travelling expenses.

Alcohol, mini bars and in-house movies will not be paid by Council.

- Air travel will be limited to economy class and will be organised by the Executive Support Officer;
- The Shire will endeavor to provide transport where training is to be held away from the Shire Office, however in the event that a personal vehicle is used, travel reimbursements may be claimed as per the *Local Government Industry Award 2010*; and
- Staff attending conferences shall conscientiously attend all conference proceedings unless carrying out other duties on behalf of the Shire during the term of the conference. An evaluation report on the attendance at each conference / seminar / course shall be prepared and submitted to the appropriate Manager or Chief Executive Officer if requested.

#### **Variation to This Policy**

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in performance appraisals and compliance with the relevant legislation. All the organisation's employees will be notified of any variation to this policy by the normal correspondence.

## 5.7. STUDY ASSISTANCE

Responsible Department	Human Resources
Former policy Reference	GP18 – Education & Study Assistance First adopted 16 June 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Study Assistance Application Form.*
Related Legislation	Nil

\*To be developed

### OBJECTIVE

To Shire supports employees who endeavour to further their education (as it relates to their position), through the provision of a financial subsidy and time off for study.

### POLICY

Study assistance relates to any qualification gained through University / TAFE / College which has a national recognisable attainment.

Permanent employees who have completed their probationary period may be eligible for study assistance subject to the conditions of this policy.

Approval may be granted only where there is clear relevance between current or prospective duties and the studies to be undertaken.

The Chief Executive Officer is authorised to approve Study Assistance based on advice from the relevant Manager.

Applications for study assistance must be made annually. It is preferable that discussions / applications are made in conjunction with the annual performance appraisable process.

The Shire will allocate in the Annual Budget a sum to assist with the costs associated with employee study assistance.

### Financial Assistance

The Shire will consider reimbursement to the maximum value of \$2,500 in any year for the education through a recognised provider (i.e. University of TAFE):

- Authorisation prior to commencement of the program is required, in order that the contents of the program can be assessed to ascertain the relevance to current work duties and responsibilities.
- Employee must pay for the approved unit(s) up front and pass the unit(s), prior to any reimbursement claim being made.
- In order to claim reimbursement, employees must complete the study assistance claim form, provide the receipt of the payment and a transcript of results obtained.

The Chief Executive Officer may use their discretion and negotiate the payment of study expenses directly to the provider on the provision that a formal agreement is made for the repayment should the employee not meeting the requirements as stated above. The formal agreement to include the employees authorisation that any monies owed to the Shire of Wyalkatchem in relation to relocation expense to be deducted from the employees pay.

The Chief Executive Officer has the right to refuse approving study assistance should the annual budget allocation be exhausted due to an increase number of employees assessing the study assistance program.

### **Time off for study**

The shire will consider up to five (5) hours per week, paid time off for employees who wish to gain higher education through a recognised provider (i.e. University of TAFE);

- For time off to study to be approved, employees must satisfy the Shire that all endeavors have been made to study outside of working hours, e.g. evening classes, correspondence etc., and that rostered days off are be utilised (this may include a change to rostered day off in order to accommodate study hours)
- The five (5) hours per week shall include travel time to and from the place of study.
- Reasonable time for examinations will be considered.
- A study assistance application form must be completed and approved prior to time off for study being commenced.
- Time off is offered as an alternative to financial assistance and must be applied for on an annual basis.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in performance appraisals and compliance with the relevant legislation. All the organisation's employees will be notified of any variation to this policy by the normal correspondence.

#### **Taxation Reference – Fringe Benefits Tax Guide**

The Employee Study Assistance Policy allows for an opportunity for various self-education expenses to be reimbursed. These expenses are an exempt benefit based on the “otherwise deductible rule” which, subject to conditions, allows for the reimbursement of various costs related to study or self-education. These conditions include:

1. Can only relate to expenditure conducted by the employee on a study course attended by the employee.
2. The course undertaken must relate directly to the employment of the employee, and enhance opportunities for higher levels of pay or promotion or to maintain and improve the skill or knowledge of the employee to carry out the role that they are currently employed in.
3. Cannot relate to Higher Education Contribution Payments (HECS), or payments made under the Post Graduate Education Loan Scheme (PELS).

## 5.8. STAFF SUPERANNUATION

Responsible Department	Corporate Services
Former policy Reference	F5 – Superannuation Contribution by Council First adopted 18 June 1998
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Minor Review
Shire Related Documents	Nil
Related Legislation	<i>Superannuation Guarantee Administration Act 1995</i> <i>Superannuation Charge Act 1992</i>

### OBJECTIVE

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

The Shire of Wyalkatchem is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known as Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Shire of Wyalkatchem and its employees may also make additional voluntary contributions to a complying fund.

### POLICY

The Shire of Wyalkatchem will make superannuation contributions for employees on the following basis:

- In addition to the *Superannuation Guarantee Administration Act 1995* and *Superannuation Charge Act 1992*, employees may elect to make both salary sacrifice and post-tax contributions up to 5% of their salary as an additional superannuation contribution.
- This policy applies to all permanent employees except where superannuation benefits have been varied for Senior Employees who are employed under negotiated performance based contracts. The Shire of Wyalkatchem will match any superannuation contribution made by an employee up to a maximum of 5% additional employer contribution.
- Employees shall have freedom of choice of the complying fund that their superannuation contributions are paid to, providing this choice is not changed more regularly than annually.
- The default fund shall be WA Super.

### Variation to This Policy

This policy may be cancelled or varied from time to time to reflect legislative changes and other mitigating circumstances. All the organisation’s employees will be notified of any variation to this policy by the normal correspondence.

### 5.9. LOCAL GOVERNMENT HOLIDAYS

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Industry Award 2010</i>

#### OBJECTIVE

To establish guidelines for the payment of Local Government holidays

#### POLICY

Shire of Wyalkatchem employees shall be entitled to Western Australian Gazetted public holidays. In addition to the Gazetted public holiday’s employees shall be entitled to take paid Local Government Holidays on 2 January and Easter Tuesday.

Local Government holidays may be taken at a time mutually agreed to between the Shire of Wyalkatchem and the employee.

Local Government holidays are to be taken within the calendar year to which they are applicable to. Local Government holidays will not be accumulated past one calendar year.

### 5.10. CHRISTMAS / NEW YEAR CLOSURE OF COUNCIL FACILITIES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019 OMC 385/2021
Resolution Date	18 April 2019 16 November 2021
Last Amendment Date	18 April 2019 – New Policy; 22 October – 2 words removed 16 November 2021 – re write
Shire Related Documents	Nil
Related Legislation	Nil

#### OBJECTIVE

Authorising closure of administration office and depot over the Christmas and New Year period.

#### POLICY

The Shire Administration Office and Works Depot will be closed for a total of ten (10) business days over the Christmas and New Year period with the date of closure and return to work to be determined by the CEO on an annual basis.

### 5.11. LEAVE MANAGEMENT: ANNUAL AND LONG SERVICE LEAVE POLICY

Responsible Department	Corporate Services and Human Resources
Former policy Reference	GP11 – Annual Leave & Long Service Leave & Leave without Pay First adopted 18 November 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Application for Leave Application for Cashing out leave and agreement*
Related Legislation	<i>Local Government (Long Service Leave) Regulations</i> <i>Fair Work Act 2009</i> <i>National Employment Standards</i> <i>Local Government Industry Award 2010</i>

\*To be developed

#### OBJECTIVE

To ensure employees are familiar with the process for accessing their leave accruals in accordance with the National Employment Standards and the provisions of the relevant industrial instrument.

#### POLICY

The purpose of this policy is to provide a consistent application of the leave provisions in the relevant industrial instrument by:

- Facilitating consistency throughout the Shire of Wyalkatchem in administering the leave provisions for employees.
- Providing teams with information to effectively manage the Annual and Long Service Leave entitlements of employees.
- Encouraging employees to take leave by reinforcing the positive benefits of taking leave when it becomes due.

#### Procedure

This policy applies to all employees who are employed on a full time or part time basis, but does not apply to employees employed on a casual basis (apart from long service leave which apply to casuals).

- Employees shall be entitled to Annual and Long Service Leave consistent with the provisions of the National Employment Standards and the applicable industrial instrument.
- All employees should take annual leave and long service leave within one year from the date in which it is accrued unless it is postponed with the written permission of the Shire of Wyalkatchem.
- Employees should be informed that under the provisions of the *Local Government (Long Service Leave) Regulations*:

“Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment for or in lieu of that leave shall be at the rate applicable to the employee for ordinary time (excluding allowances) at the end of the period of 6 months unless otherwise agreed in writing between the Local Government and employee”

The manager or supervisor shall manage the taking of leave and maintain a leave roster ensuring that adequate coverage of functions is maintained.

- Shire of Wyalkatchem will endeavour to approve leave applications to meet the convenience of the employee, however the operational needs of the Local Government must also be considered.
- Employees are entitled to receive 'pay in advance' for leave providing applications are approved and supplied to payroll before the end of the last pay period prior to them going on leave.
- Leave application forms should be signed by the applicant and signed by the responsible Manager. All leave application forms need to be forwarded to payroll for action.
- Employees should ensure that all Annual Leave applications are made for a period equal to or greater than one week as leave applications for lesser periods may be refused.
- Where an employee requires a period of personal leave, such as for injury of illness while on annual leave they may apply to have the leave reversed in line with the notice and evidence requirements set out in the *Fair Work Act*.

#### Leave Rosters

- Managers are required to develop and maintain leave rosters that identify proposed relief/coverage arrangements for all employees within their area of responsibility.
- Where relief is required, this is to be negotiated with the relevant Manager and if necessary, recruitment is commenced through Human Resources/Manager.
- To encourage effective workforce planning, teams must monitor the leave roster to ensure that sufficient employees are available to cope with peak workload periods. It is therefore essential that supervisors regularly refer to the current operational and business plans to determine those peak periods.
- Supervisors should regularly monitor the leave taken to ensure that the total accrued leave does not exceed this policy.

#### Approvals and Obligations

- Leave applications forms are required to be completed and then to be submitted for approval to the relevant Manager;
- Leave applications will be considered in the context of needs of the employee operational requirements and the team leave roster (in particular if there are multiple employees seeking leave);
- Managers must consider how the duties and responsibilities of the position will be delivered in the absence of the employee on leave;
- After approval, leave forms are forwarded to payroll for processing;
- It is the obligation of individual employees, in conjunction with the Manager, to determine whether there is a need to communicate their impending absence to other employees; and
- As a general rule Managers should advise all employees of their absence and what acting arrangements, if any, have been effected.

Where coverage is not possible to accommodate all leave applications, it shall be the responsibility of the manager to consult the employees regarding the situation and allow discussion to enable employees to resolve the situation. There may be a situation where some employees are happy to accommodate others leave applications but it is preferable that employees attempt to resolve the situation without any type of arbitration by the Shire of Wyalkatchem.

### **Cashing out Annual Leave**

Cashing out annual leave means an employee receives payment instead of taking time off work.

Annual leave can only be cashed out when the award or registered agreement allows it.

The following conditions apply for cashing out annual leave:

- The Chief Executive Officer and employee agree in writing to the cashing out
- The payment to the employee must not be less than the amount that would have been payable had the employee taken the leave at the time the payment is made
- The agreement to cash out annual leave must not result in the employee's remaining paid annual leave balance being less than 4 weeks, and
- The maximum amount of annual leave that may be cashed out in any period of 12 months is two weeks.

Each cashing out of a particular amount of paid annual leave must be subject of a separate written agreement. The written agreement must:

- Signed by both the employee and the Chief Executive Officer
- State the amount of leave to be cashed out and the payment to be made to the employee for it
- State the date on which the payment is to be made, and
- Be signed by the Chief Executive Officer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.

A copy of this agreement will be retained on the employees personnel file.

### **Deferral of Long Service Leave**

- Within 6 months of long service leave becoming due, managers will be advised by payroll officer of employees within their team who have not cleared long service leave for that year, if the entitlement has become due;
- Employees are required to formally seek approval from their Manager to defer long service leave. This deferral request must be in writing and clearly identify the amount of leave accrued, at what date it will be cleared and why it has not been cleared. All approvals to be authorised by the Chief Executive Officer; and
- Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment for or in lieu of that leave shall be at the rate applicable to the employee for ordinary time
- (excluding allowances) at the end of the period of six months unless otherwise agreed in writing between the Shire of Wyalkatchem and employee.
- Deferrals in excess of this period require the approval of the Chief Executive Officer.

### **Variation to Policy**

This policy may be cancelled or varied from time to time at the discretion of Chief Executive Officer. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method. All employees are to read this policy prior to applying for leave.

## 5.12. ROSTERED DAY OFF & TIME IN LIEU

Responsible Department	Corporate Services
Former policy Reference	GP10 - Rostered Day Off First adopted 18 November 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	<i>Fair Work Act 2009</i> <i>National Employment Standards</i> <i>Local Government Industry Award 2010</i>

### OBJECTIVE

The objective of this policy is to provide staff with guidelines for the accrual and management of Roster days off and overtime.

### POLICY

The Shire of Wyalkatchem is committed to providing flexibility in the workplace that considers the work requirements of the Council and the individual/family circumstances of the employees. The provision of roster days off and flexible working arrangements contributes to this commitment and may assist employees to achieve greater work/life balance

The traditional five-day week or thirty-eight-hour week comprises of an employee working 7.6 hours on each of the five working days of the week (Monday to Friday)

In order for an employee to accumulate hours for a rostered day off, an employee must work:

Outside Staff - 0.90 hours per day additional ordinary time for 8 days of the fortnight (i.e. 8.5 hours per day) and an additional 0.40 every second Friday (i.e. 8 hours). Allows for 1 day RDO each fortnight

Administration Staff – 0.40 hours per day additional ordinary time on the first nineteen working day of the cycle (i.e. 8 hours per day). Allows for 0.4-day RDO per fortnight.

When an employee has taken other leave entitlements, including but not limited to annual leave, sick leave, LWOP there is no RDO accrued on these hours.

### Taking a RDO

Outside Staff - Each 9-day qualifying period must be worked before the rostered day off is taken. Rostered days off must be taken every second Monday when due. Accrual of the rostered day off beyond the fortnight cycle is not permitted without the express approval of the Manager of Works or Chief Executive Officer.

Where approval is granted, employee shall not accrue in excess of three RDOs without prior approval in writing from the Chief Executive Officer.

Administration Staff - Each 20-day qualifying period must be worked before the rostered day off is taken.

Employees must make application to schedule a rostered day off, and will be subject to manager's approval taking into consideration of other staff movements and deadlines.

Administration staff are encouraged to take their entitled RDO each month. Accumulation of rostered days off shall not exceed three days without the prior approval from the Chief Executive Officer.

Administration staff are only permitted to take 2 RDO off consecutively at a time, without the approval of the Chief Executive Officer. This will only be permitted under extenuating circumstances and during the period of Christmas / New Year office closure.

In the instance where a staff member has accrued in excess of 5 RDO's, the employee must provide a plan to reduce the number of RDO's. Employees with excess of 5 RDO's may be required to reduce their working hours, so that additional RDO's do not accrue or may be paid out their excess RDO's at the normal hourly rate of pay – as authorised by the Chief Executive Officer.

Staff will be expected to conduct routine personal matters e.g. dental appointments on their rostered day off.

#### **Time in lieu**

Employees may be required to work additional time in order to meet deadlines. Employees have the option of being paid the overtime at the overtime rate of pay, or accruing the additional time as Time in Lieu (TIL). TIL will be accrued equivalent to working overtime. I.e. 1 Hour of overtime, attracting an overtime rate of 1.5 will be accrued as 1.5 hours of TIL.

Where an employee has requested to work additional hours to accumulate a TIL day off, this accrual will be based on 1:1.

Accumulation of TIL shall not exceed three days without the prior approval from the Chief Executive Officer

#### **Variation to Policy**

This policy may be cancelled or varied from time to time at the discretion of Chief Executive Officer. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method. All employees are to read this policy prior to applying for leave.

### 5.13. CORPORATE UNIFORM, DRESS CODE & HYGIENE AT WORK POLICY

Responsible Department	Human Resources
Former policy Reference	GP9 – Uniform Policy First adopted 17 June 2010
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and Re-write
Shire Related Documents	Policy <b>3.8 PROTECTION FROM THE SUN FOR OUTDOOR WORK</b>
Related Legislation	<i>Occupational Safety &amp; Health Act 1984</i>

#### OBJECTIVE

The type of clothing and standard of dress for the Shire of Wyalkatchem’s employees varies according to roles and safety requirements. This policy provides parameters regarding appropriate types of clothing, standards of dress and related matters.

#### POLICY

The Shire of Wyalkatchem shall adopt a corporate uniform for staff employed in the following areas:

- Customer Service / Administration Staff
- Outside Staff
- Any other groups of staff that the Chief Executive Officer may from time to time see fit.

#### Commitment

The Shire of Wyalkatchem is committed to presenting itself in a professional manner as well as maintaining a safe and healthy working environment for its employees. This policy aims to fulfil such a commitment by providing clarity in relation to personal clothing and hygiene standards. For the purposes of this policy the term “employee/s” shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Wyalkatchem in any capacity.

#### Compulsory Uniform/Protective Clothing

The Shire of Wyalkatchem may require employees to wear a uniform. Usually, a compulsory Shire of Wyalkatchem uniform will be provided at no cost to the employee. In some cases, an allowance may be provided for the purchase and maintenance of a uniform. The following applies in relation to compulsory wearing of Shire of Wyalkatchem uniforms:

- The employee is responsible for ensuring their uniform is kept clean and presentable. Any employee who fails to wear the required uniform when presenting for duty shall be sent home to change and may not receive payment for the time they are not at work;
- Uniforms shall be replaced if it is determined by an appropriate officer that they are no longer suitable for use due to ordinary wear and tear; and
- If an employee’s uniform is damaged the employee may be entitled to a replacement uniform or an additional one-off allowance. An employee may not be entitled to a replacement uniform or an additional

one-off allowance if their uniform has been damaged due to neglect or misconduct. In such cases the employee will be responsible for the replacement costs of the uniform;

### Additional Requirements Relating to Protective Clothing

An employee may be instructed to wear protective clothing by an appropriate officer. Employees will be issued with protective clothing by the Shire of Wyalkatchem. An employee must not modify, alter or change protective clothing under any circumstances unless they are directed to do so by an appropriate officer.

### Outside Staff Clothing Requirements / Allocations

On the commencement of an employee classified as an outside staff member the following uniform / protective clothing will be issued.

Garment / Item	Fulltime	Part-Time
Long Sleeve Hi Vis Shirt	5	2
Pants – Long	3	1
Hi Vis Jacket	1	1
Safety Boots	1	1
Hat	1	1
5 ltr Water Bottle	1	1
Sun protection glasses	1	1

The issue of uniform / protective clothing to an employee employed on a casual basis, will be at the discretion of the Manager of Works and/or Chief Executive officer and take into consideration the estimated length of casual employment, number of days per week being worked, type of duties being performed, employees current dress attire.

The Manager of Works and/or Chief Executive Officer may increase the allocation for part-time employees based on the number of day's works and the type of duties being performed.

### Outside staff Business Attire

Where an outside employee is required to regularly attend meetings or other formal occasions, where there is an expectation that smart business dress is required. The Chief Executive Officer has the discretion to approve a one off or annual uniform allowance, to the maximum of \$300pa, for the purchase of uniforms from an approved uniform provider.

### Customer Service / Administration Staff

Customer Services / Administration staff will be provided a uniform allowance for the purchase of uniforms from an approved uniform provider as follows;

- Full-time - \$400 per annum.

- Part-time - \$400 per annum pro-rata.
- Contract employees – as per their individual agreement.
- Casual Staff - at the discretion of the Manager Corporate Services and/or Chief Executive Officer taking into consideration the estimated length of casual employment, number of days per week being worked, type of duties being performed and employees current dress attire.

The allowance is GST exclusive. For the ease of budgeting, per annum will be from 1 July to 30 June. Should an employee commence employment mid-year – the amount may be pro-rata until the 30 June. The costs of any uniforms purchased above the limit will be borne by the employee.

The allowance is only to be used for the purchase of Council uniforms and is not redeemable for cash or any other purposes, unless stipulated within the employee contract.

### **Wearing of Uniform out of Hours**

Primarily uniforms are to be worn only during working hours and employees should take care to refrain from wearing uniforms outside of work. Employees must recognise that when wearing the uniform they are recognised as representing the Shire of Wyalkatchem. Employees must adhere to the Shire of Wyalkatchem's Code of Conduct, policies and procedures if they are wearing the uniform outside of work.

An employee must refrain from consuming alcohol whilst wearing a Shire of Wyalkatchem uniform unless alcohol consumption has been sanctioned by an appropriate officer. Employees who consume alcohol or act in an inappropriate manner whilst wearing a uniform may face disciplinary action.

### **Acceptable Standards of Dress**

Employees who are not required to wear uniforms must present for work in a professional manner and be suitably attired for their work activities. The standard for both men and women is smart business dress.

Smart business dress for work may include, tailored trousers, tailored skirts, collared business shirts, tailored shorts, tailored jackets, dresses, blouses, smart/business shoes, socks, appropriate underwear, belts and ties.

Smart business dress for work does not include; low cut or sheer tops, tops that expose the midriff, shorts that expose the buttocks, thongs, bare feet, singlets, faded jeans, frayed jeans, board shorts or other items of clothing deemed unsuitable by an appropriate officer.

The following items may be acceptable provided they do not pose any possible hazard to health and safety at work or deviate significantly from the image required in the given work area.

- Clothing worn to comply with cultural or religious practices;
- Tattoos or body piercings; and
- Jewelry.

An Employee's hair should be neat and tidy and kept in a clean condition. Employees with long hair may be required to tie it back or wear a hair net at the request of an appropriate officer.

### **Casual Dress Days**

On "casual dress" days, "smart casual" is the minimum required standard. The Shire of Wyalkatchem Polo Shirt and Jacket (if required) is the preferred uniform which can be worn with appropriate smart business dress jeans, skirt, pants or shorts. Further guidance is available from the respective line manager.

### **Shire Casual Shirts and Jackets**

From time to time the Shire of Wyalkatchem will coordinate the purchase of Shire of Wyalkatchem polo shirts and jackets. Each permanent employee has the option to receive one polo shirt and one jacket should they have not been previously issued with these garments. The costs of polo shirt and jacket is not deducted from any uniform allowance.

Replacement polo shirts and jackets will be on an as needed bases and at the discretion of the Chief Executive Officer.

Should the Shire of Wyalkatchem change the design of either the polo shirt and/or Jackets, each employee has the option to receive one of each garment.

### **Shire of Wyalkatchem Events**

The Shire of Wyalkatchem holds or attends a number of events in a Shire capacity. Unless otherwise determined, the same dress standards as casual dress days apply.

### **Unacceptable Standards of Dress**

The following items are unacceptable at the Shire of Wyalkatchem:

- Clothing that contains messages or designs that may be offensive to others including but not limited to items of clothing which may be considered racist, sexist or derogatory; and
- Body tattoos that contain messages or designs that may be offensive to others including but not limited to tattoo's which may be considered racist, sexist or derogatory.

### **Tax Deductibility**

The Shire of Wyalkatchem's uniform has been entered on the Register of Approved Occupations clothing, meaning the expenditure incurred by a paid employee in relation to their uniform can be claimed as a tax deduction.

### **Personal Hygiene**

Employees are responsible for ensuring that they maintain good standards of personal hygiene whilst at the workplace. Clothes should be laundered to a reasonable standard and employees should be respectful of others and minimise strong body odour, perfumes and colognes when attending the workplace.

Where problems are identified in working arrangements or facilities or with the health and safety of the individual, these must be reported to a responsible person immediately.

All matters relating to personal hygiene will be handled sympathetically and discreetly.

### **Consequences of Breaching This Policy**

This policy constitutes a lawful instruction to all of the organisation's people and breaches may lead to disciplinary action or termination by the Shire of Wyalkatchem. People who breach the policy may also be personally liable for their actions.

### **Variation to This Policy**

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

## 5.14. SECONDARY EMPLOYMENT POLICY

Responsible Department	Office of the Chief Executive Officer / Human Resources
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New policy
Shire Related Documents	Application for Secondary Employment*
Related Legislation	<i>Local Government Act 1995 s5.40</i>

\*To be developed

### OBJECTIVE

The Shire of Wyalkatchem recognises that its employee's may engage in secondary employment outside of their employment at the Shire of Wyalkatchem. This policy aims to provide guidance on the disclosure, implications and limitations regarding 'secondary employment' in the context of perceived and actual conflicts of interest with the work conducted at the Local Government.

### POLICY

For the purposes of this policy, secondary employment includes paid employment with another organisation, running a business, maintaining a professional practice or consultancy, contract work and being a director of an organisation. It may also include voluntary activities if those activities have the potential to affect employment with the Shire of Wyalkatchem.

### Commitment

The Shire of Wyalkatchem will exercise the discretion to consent to an employee's application for secondary employment, unless the secondary employment will, or is likely to have an adverse impact on their employment with the Shire of Wyalkatchem. In considering any such application, the Shire of Wyalkatchem will have due regard to principles affecting employment by Local Governments under Section 5.40 of the Local Government Act 1995.

### Requirement

An employee must not engage in secondary employment outside the service of the Shire of Wyalkatchem without first informing the CEO. The CEO will review the nature of the secondary employment and provide the employee with an outcome. If the CEO elects not to give consent to secondary employment, the CEO must provide an explanation outlining any perceived or actual adverse impacts that secondary employment may have on their employment with the Shire of Wyalkatchem.

### Conflicts of Interest with the Local Government

Secondary employment can lead to conflicts of interest and/or conflicts of duties. An employee must not use Shire of Wyalkatchem time, resources, or information obtained from the Shire of Wyalkatchem in the course of secondary employment, or otherwise take advantage of their position at the Shire of Wyalkatchem for the benefit of their secondary employment.

An assessment of any secondary employment will be undertaken annually or more regularly if required in order to minimise risks including but not limited to:

- the creation of an actual or perceived conflict of interest between official and private business interests;
- misuse of Shire of Wyalkatchem resources, especially telephones, email and office stationery and material;
- unauthorised use of information and intellectual property;
- absenteeism due to competing commitments;
- diminished work performance resulting from tiredness, distraction or time pressures;
- increased load on co-workers who must 'cover' the reduced performance of one employee; and
- adverse effects on the public's perception of the integrity of the Shire of Wyalkatchem.

### **Responsibility of Employee**

An employee must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

Employees with approval to engage in secondary employment have a duty to notify the CEO of any change in circumstances which might give rise to a conflict of interest, incompatibility with the Shire of Wyalkatchem employment or any real or perceived adverse impact on their performance of professional duties.

### **Responsibility of Chief Executive Officer**

The CEO may deny an application to engage in secondary employment where it presents a conflict with their Shire of Wyalkatchem duties.

The CEO may make the termination of secondary employment a condition of commencement or continuation of employment with the Shire of Wyalkatchem. Further, the CEO may place any necessary restrictions on secondary employment so as to not interfere with the position with the Shire of Wyalkatchem. An employee who engages or continues to engage in secondary employment after being informed that their application has been denied may be subject to disciplinary action. In some circumstance, the Shire of Wyalkatchem may be obliged to notify an external agency, such as the Corruption and Crime Commission, if the secondary employment arrangement requires further investigation.

The Chief Executive Officer may delegate his/her authority to deal with all or any part of this policy and procedure to an appropriate Officer.

### **Voluntary & Community Organisations**

Shire of Wyalkatchem employees are encouraged to contribute to the community and be involved in voluntary and community organisations. Within the context of this Policy, an employee is free to fully participate in voluntary and community organisations, charities and in professional associations. However, this must be in the employee's own time, except where permission is granted by the CEO for participation during work hours. All involvement in voluntary and community organisations must be disclosed and approval sought from the CEO. This further extends to unpaid external work and work experience, including internships. See voluntary services policy.

### **Appeals**

If an employee who does not receive approval from the Shire of Wyalkatchem to undertake secondary employment wishes to appeal the decision, they are entitled to make their appeal in writing to the CEO for reconsideration.

#### **Variation to This Policy**

This policy may be cancelled or varied from time to time. This policy may be cancelled or varied from time to time. All the Shire of Wyalkatchem employees will be notified of any variation to this policy by the normal correspondence method. All employees are responsible for reading this policy prior to engaging in secondary work.

## 5.15. GRATUITY, GIFTS AND DEPARTING EMPLOYEES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP5 – Gratuitous Payment & Presentation First adopted 17 February 2010, Last review 17 October 2013.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act s5.50</i> <i>Local Government Administration Regulations 1996 19a</i>

### OBJECTIVE

This policy is designed to provide guideline for gratuity payments to employees whose employment with the Shire of Wyalkatchem is finishing.

### POLICY

When an employee leaves their employment or is made redundant, they may be given a good or service as a token of appreciation for their commitment and service to the Shire of Wyalkatchem.

This Gratuity Policy outlines the circumstances in which gratuity payments may be made to an employee. This policy should be read in conjunction with section 5.50 of the *Local Government Act 1995* and *Local Government Administration Regulations 1996*, specifically regulation 19a. A gratuity payment is paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government.

### Commitment

The Shire of Wyalkatchem is committed to recognising long serving employees within the parameters set by the *Local Government Act 1995* and the associated regulations.

### Eligibility for Gratuity Payments

An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

An employee who has been dismissed by the Shire of Wyalkatchem for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy

The Chief Executive Officer is authorised to approve Petty Cash claims in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process and unexpended amounts will be returned to general revenue.

### Prescribed Amounts for Gratuity Payments

Number of Years' Service	Amount of Gratuity
Continuous service greater than 1 year and less than 10 years	A gift, or contribution towards a gift, to the value of \$50 per each completed year of service with the Shire of Wyalkatchem.
Continuous service greater than 10 year and less than 15 years	<p>A gift, or contribution towards a gift, to the value of \$50 per each completed year of service with the Shire of Wyalkatchem.</p> <p>And a framed Statement of Service</p> <p>Items are to be presented to the employee by the Chief Executive Officer, at a function to be determined by the Chief Executive Officer.</p>
Continuous service greater than 15 year and less than 20 years	<p>A gift, or contribution towards a gift, to the value of \$50 per each completed year of service with the Shire of Wyalkatchem.</p> <p>And a framed Statement of Service</p> <p>Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer.</p>
Continuous service greater than 20 years	<p>A gift, or contribution towards a gift, to the value of \$50 per each completed year of service with the Shire of Wyalkatchem, up to the value of \$1500</p> <p>And a framed Statement of Service and a plaque</p> <p>Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer.</p>

Presentation for Senior Employees leaving the Shire to be considered independently to this policy and will be at the discretion of the Chief Executive Officer and Shire President.

The Shire of Wyalkatchem acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by, legislation or a relevant industrial instrument. The Shire of Wyalkatchem has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.

### **Determining Service**

For the purpose of this policy, continuous service shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty unless Shire of Wyalkatchem determines otherwise;
- Any period of unpaid leave unless the Shire of Wyalkatchem determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire of Wyalkatchem determines otherwise.

### **Financial Liability for Taxation**

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire of Wyalkatchem in relation to any claims or liabilities for taxation in relation to the gratuity payment.

### **Payments in addition to this Policy**

The Shire of Wyalkatchem agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire of Wyalkatchem has caused local public notification to be given in relation to the variation.

### **Financial Implications**

The Shire of Wyalkatchem acknowledges that at the time the policy was introduced, the financial implications to the Shire of Wyalkatchem *were understood* and that these financial implications had been investigated based on the workforce position current at that time.

The Shire of Wyalkatchem will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

### **Consequences of Breaching this Policy**

The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.

### **Variation to this Policy**

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

### **This policy is to be given Local Public Notice**

### 5.16. SENIOR EMPLOYEES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995 S5.37</i>

#### OBJECTIVE

The designation of senior employees in accordance with section 5.37 of the *Local Government Act 1995*.

#### POLICY

For the purposes of Section 5.37 of the *Local Government Act 1995*, the Shire of Wyalkatchem shall designate the following employee/s to be “senior employees”:

1. Chief Executive Officer
2. Manager of Works

### 5.17. APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP1 – Acting CEO First adopted 17 February 2005, Last reviewed 21 August 2014
Resolution Number	OMC 53 /2019
Resolution Date	19 April 2019
Last Amendment Date	19 April 2019 – Major review and re-write
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995, section 5.36(2)(a)</i>

#### OBJECTIVE

To provide for the appointment of Council’s Managers as Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

#### POLICY

1. In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of Managers suitably qualified to perform the role of Acting Chief Executive Officer.
2. Managers will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to performance and dependent on availability and operational requirements.
3. Appointment to the role of Acting Chief Executive Officer shall be made in writing for a defined period that does not exceed three (3) months. A Council resolution is required for periods exceeding three (3) months.

## 5.18. STAFF HOUSING

Responsible Department	Human Resources / Corporate Services
Former policy Reference	GP36 – Shire Housing Policy First adopted 15 August 2013
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Policy <b>5.16 SENIOR EMPLOYEES</b>
Related Legislation	<i>Residential Tenancy Act 1987.</i>

### OBJECTIVE

To provide clarity on the eligibility and conditions of use of Council owned housing by Shire employees and to ensure that the requirements of the Residential Tenancy Act 1987 are met.

Council housing and rental subsidy is provided with the specific purpose of aiding Council in being able to attract and retain appropriate staff.

**DEFINITIONS:** Senior Officer means a person or an employee as defined under the Local Government Act 1995 Section 5.37(1) – as outlined in **5.16 SENIOR EMPLOYEES** policy.

### POLICY

#### Chief Executive Officer

These provisions relate to the Chief Executive Officer (CEO) as a Senior Employee appointed under Section 5.37(a) of the Local Government Act 1995.

In this regards:

- a) The CEO will be provided with a Shire owned or rented house to a minimum configuration of three (3) bedrooms and two (2) bathrooms at a rental rate as defined under their contract of employment.
- b) If a rental house is required, the CEO in consultation with the Shire President shall determine an appropriate standard and location of the house to be rented.

#### Manager of Works

The following will apply to the Manager of Works:

- c) A Shire owned or rented house to a minimum configuration of three (3) bedrooms and two (2) bathrooms at a rental defined under their contract of employment.
- d) If a rental house is required, the CEO shall determine an appropriate standard and location of the house to be rented.

#### Other Employees

- a) A Shire owned house to an appropriate standard and location to the satisfaction of the CEO shall be provided at a discounted rental rate to be determined through the Annual Budget / Fees and Charges to the following positions:

- Manager Corporate Services
- Leading Hands
- Other\*

\*as deemed necessary by the CEO to secure occupation a position by a suitable person.

Rental for shire owned residences that are provided to staff outside their employment conditions will be at the market rate as defined by Council's fees and charges.

Council shall only provide housing while the person is employed by the Council. Council shall provide housing during these periods of absence – Annual Leave, Sick Leave, Bereavement Leave, Long Service Leave and Leave without pay not exceeding 3 months. Council shall not provide housing during extended periods of leave unless approved by the CEO. Council reserves the right to transfer staff member to alternative housing if required to meet operational needs.

#### **Permanent fixtures**

Permanent fixtures shall include the following:

- Hot Water System
- Dishwasher
- Authorised air-conditioning units (ie authorised air-conditioning units are inbuilt ducted or wall mounted units installed and owned by Council)
- Floor coverings
- Window treatments
- Light fittings (except globes)
- Authorised TV antennae or Satellite equipment (ie authorised TV equipment is equipment installed and owned by Council to ensure the house is able to receive a television service)
- Stove
- Internal Heating appliances

Maintenance costs on permanent fixtures shall be the responsibility of Council.

#### **Improvements to housing by tenants**

Any improvement carried out to Council's owned houses shall only be permitted with prior approval of the Chief Executive Officer.

#### **Tenancy Agreement**

- a) All staff occupying Shire owned houses shall be required to complete a Form 1AA Residential Tenancy Agreement (under s27 of the Residential Tenancies Act 1987 (WA)) with the following requirements for the Lessee:
  - A security bond of an equivalent to 4 weeks rent and (where applicable) a pet bond of \$200 which may be paid as a lump sum or garnished from wages over a 10 week period.
  - Term of Agreement as per the tenancy agreement after cessation of employment of the Shire or other as agreed to by the CEO. Where an extension of the accommodation is accepted by the CEO, the rental will be at the market rate as defined by Council's fees and charges.

- b) The Chief Executive Officer to make appropriate arrangements to undertake inspections of all Shire owned houses on at least twice per year to ensure that the house and gardens are kept to an acceptable standard.
- c) The Chief Executive Officer may approve the lease to persons other than employees
- d) Houses will be inspected for maintenance needs once per year.

Tenants and the Shire of Wyalkatchem to adhere to the requirements of the *Residential Tenancy Act 1987*.

### **Maintenance of Gardens**

Provided tenants keep their lawns and gardens in good order, Council will be responsible for all water charges for the first of water per 500LK of water per financial year for Shire employee tenants.

The tenant is responsible for the maintenance of lawns and gardens. The shire operates a garden maintenance scheme which is an opt-in scheme. Employees taking to opt-in will be required to pay a gardeners private works amount as set in the fees and charges. Changes to this fee is effective immediately. Fortnightly payments are in addition to any rental payments and are to be includes as a deduction in an employee's fortnightly pay.

### **Outgoings**

Unless otherwise stated in an employee's employment conditions, the tenant shall be responsible for the normal outgoings such as electricity, gas, phone and internet.

### **Insurance**

The tenant shall be responsible for insurance cover of all contents, furniture and fittings, items of plant and vehicles owned by the tenant or housed at the premises.

### **Paint in Shire Residences**

Council uses neutral tones in all Council owned residential buildings, (colour palate "porcelain") however is a resident wishes to vary the colour of a room (for example a child's bedroom), that they be allowed to do so upon approval of the Chief Executive Officer. Painting must be performed by a contractor approved by the Chief Executive Officer and any associated costs, including returning the walls to the original colour, may be borne by the tenant.

### **Use of adhesive on walls**

Council requires tenants to ensure the proper care and maintenance of residential properties provided to staff and the community and to this end prohibits the use of adhesive tape, adhesive putty or any similar products, on the walls or ceilings of Council's residential properties as these are likely to cause damage to painted surfaces.

### **Vacating Shire Houses**

All tenants of Shire owned houses and flats are to get the carpets cleaned prior to vacating the resident as per the tenancy agreement.

### **Housing allowances**

Staff who are permanent fulltime employees who do not reside in a shire residence, and reside within the Shire of Wyalkatchem, will be entitled to a housing allowance of \$5,000 per annum. The Shire's housing allowance is commonly referred to as the Wyalkatchem allowance. Only a single subsidy will apply per dwelling in the event that two or more Shire staff occupy the same residence.

Part-time employees who met the above requirements are entitled to a pro-rate Wyalkatchem Allowance.

In the event that a Shire employee enters into a tenancy agreement for a shire property, which is not included as part of their employment contract, the housing allowance will be allocated to the rental, with the tenant requiring to pay the difference in the form of a fortnightly payroll deduction.

### 5.19. SHIRE MOBILE PHONE AND OTHER ELECTRONIC COMMUNICATION

Responsible Department	Office of the Chief Executive Officer / Human Resources
Former policy Reference	GP14 – Telephone use First adopted 21 April 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Mobile Phone / iPad acceptance form*
Related Legislation	Nil

\*To be developed

#### OBJECTIVE

To establish clear direction on the allocation to staff and subsequent use of Shire mobile phones and other electronic communication devices

#### DEFINITION

‘Other devices’ means electronic tables (such as iPads, tablets etc.) and satellite phones.

#### POLICY

1. The following employees are to be provided with a Shire of Wyalkatchem mobile phone and iPad in accordance with their respective contractual agreement:
  - a. Chief Executive Officer
  - b. Manager of Works
2. The following employee/s are to be provided with a Shire of Wyalkatchem mobile phone and iPad based on the operational need
3. The allocation of mobile phones and other devices for business purpose shall be determined by the Chief Executive Officer based on operational need and budget restrictions.
4. The purchase and replacement of mobile phones and other devices shall be determined by the Chief Executive Officer based on operational need and budget restrictions.
5. All staff in receipt of a mobile phone and other device shall sign an acceptance form acknowledging the provisions of this policy.
6. Private use to be accordance with employee’s contractual agreement.
7. Reasonable private use of mobile phones is acceptable as determined by the Chief Executive Officer. Should an employee’s private use of a mobile phone and/or other devices be determined by the Chief Executive Officer to unreasonable and excessive, such costs attributed to that use shall be reimbursed by the employee.

8. Employees in possession of a mobile phone and/or other device is responsible for its use and care, and shall provide immediate notification of any loss, damage or malfunction, with explanation to the particular circumstances.
9. Employees are prohibited from using shire mobile phones and/or devices to access
  - i. Adult services (including sex and chat lines)
  - ii. Information lines not relating to work matters
  - iii. Numbers associated with phone-in competitions, gambling or placing bets
  - iv. Fee charging services such as 055 numbers
10. The Shire may withdraw entitlement to use a mobile phone or other device should there be evidence or an admission as to personal neglect or abuse. Further, at the discretion of the Chief Executive Officer reimbursement of the cost to repair, replacement, or reimbursement of excessive use may be sought from the offending officer.
11. Only senior executive staff may use mobile phones and other devices whilst on leave, with all other mobile phones/ other devices to be returned to the relevant Directorate for absences exceeding more than two working days, or as otherwise approved by the CEO.
12. Where deemed appropriate, the Chief Executive Officer may award a Mobile Phone Allowance to certain staff to allow them to carry and use their personal mobile phones for calls / texts for work purposes as and when the need arises.

Classifications	Type of positions	F/T per F/N
Team leaders / Managers who require regular contact with the Manager or works, contractors and employees within their team	<ul style="list-style-type: none"> <li>• Team leader – Town Maintenance</li> <li>• Team Leader – Road Construction</li> <li>• Manager Corporate Services</li> </ul>	\$20
Employees who are regularly require to work alone, requires contact with works and other employees within their team	<ul style="list-style-type: none"> <li>• Plant Operators</li> </ul>	\$10
Employees who are required to be contactable by Staff on a regular basis	<ul style="list-style-type: none"> <li>• Cleaners</li> </ul>	\$5

## 5.20. LOSS OF DRIVER'S LICENCE

Responsible Department	Human Resources
Former policy Reference	GP31 – Loss of Drivers Licence First adopted 17 May 2012
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Policy <b>3.3 DRUG AND ALCOHOL POLICY</b> Policy <b>3.2 WORK HEALTH AND SAFETY (WHS)</b> Policy <b>4.1 CODE OF CONDUCT</b>
Related Legislation	<i>Local Government Industry Award 2010</i>

### OBJECTIVE

To outline the possible outcomes if an employee loses their driver's license or if their driver's license was to lapse (or invalidated) and such license is needed for them to satisfactorily perform their duties.

Loss of license" for the purpose of this policy shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and cancellation.

### POLICY

It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties.

The need for a valid Driver's License is one such qualification that is needed in many positions.

Should an employee lose their driver's license, this may negatively impact on their ability to perform their duties and will be dealt with in accordance with this Guidelines and Policy Procedure.

### Guidelines and Procedure for loss of Driver's License

An employee is required to notify their supervisor / manager at the earliest opportunity when they lose their license.

An employee who has lost their license must not operate any Shire of Wyalkatchem vehicle. Any employee who does operate a vehicle whilst not in possession of a current driver's license will face disciplinary action. Driving a Shire vehicle, whilst not processing a current driver's license, is violating the law and can potentially be invalidating the Shire's vehicle insurance policy.

Where an employee has lost their driver's license and it is a requirement of the position that they hold a current C, HR, MR or class license, then the employee's immediate Supervisor and Manager, together with the Human Resources and/or Chief Executive Officer shall formulate a strategy to deal with the situation based on the individual merits of the case.

Factors that shall be taken into account shall include;

- The extent to which the employee is required to use the Shire's vehicles in performing the functions of their role;
- The reasons for loss of license;
- Whether alternative duties/suitable vacancies are available
- The employee's length of service, work performance and behaviour record; and
- The length of time before the employee will gain an extraordinary license/regain their driver's license.

Depending on the merits of any particular case, the following strategies may be implemented:

- The employee may perform alternative duties which do not require a driver's license with their current section/division if suitable;
- The employee shall be redeployed elsewhere with the shire if supportable;
- The employee shall apply for and be granted annual leave, long service leave (if eligible) or leave without pay; and
- The employee services shall be terminated.

The Chief Executive Officer shall have the final decision as to whether employment shall continue, however the affected employee shall be advised of their right to contest any such decision through the appropriate dispute resolution process.

Should an employee's services be terminated, that person may reapply for employment should a suitable vacancy be advertised once they have regained their license.

Any redeployment to an alternative position shall be for a limited time period until the employee's license is reinstated. However, an employee may remain in the alternative position if the Shire believes that the employee will re-offend during work time and compromise the Shire's duty of care to the community.

An employee will receive the relevant rate of pay in accordance with *the Local Government Industry Award 2010* for the alternative position during this period.

### **Alcoholism / Substance Abuse**

Attempts must be made to ascertain whether or not the employee has an underlying behavioral problem where an employee loses their license due to a drink driving / drug charge.

It is recognised that alcoholism / drug addiction is an illness which causes socio-economic problems for individuals and the community as a whole. People who suffer from alcoholism drug addiction require treatment, support and counselling to overcome their addiction.

Employees who stipulate that they have a problem which resulted in them losing their license may be assisted by the Shire. The level of support will be determined at the discretion of the Chief Executive Officer. If the employee is willing to undergo rehabilitation and counselling to assist with their addiction then the shire will look more favorably upon supporting them through the transitional period of recovery.

Due to the employer's duty of care to the community, those people who have previously lost their license due to a drink driving charge may be required, at the discretion of the Chief Executive Officer, to undergo a breath test before and after the use of a vehicle.

The decision to supply and fund counselling to the employee to assist with recovering during the employee's illness lies with the Chief Executive Office discretion. No employee will be forced to attend counselling, however, the shire will look more favorably upon an employee who admits they have a problem and willing to see treatment.

### 5.21. COUNCIL VEHICLES ISSUED TO STAFF

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019    OMC 271/2021
Resolution Date	18 April 2019    28 April 2021
Last Amendment Date	18 April 2019 – New Policy    28 April 2021 Review
Shire Related Documents	Nil
Related Legislation	Nil

#### OBJECTIVE

To supply employees with a means of transportation in order that they may provide effective and efficient services.

#### POLICY

No employee shall drive a Shire vehicle without a valid “C” class driver’s licence. Upon request, employees will produce their current driver’s licence for inspection by a delegated officer.

The employee shall be responsible for payment of fines incurred as a result of failing to observe the Road Traffic Code and/or any parking prohibitions.

All Shire vehicles are deemed to be ‘pool vehicles’ during normal business hours and are not exclusive in use to the respective assigned employees.

All vehicles shall be appropriately housed and secured at the residence of the employee. It is the responsibility of the employee to maintain the vehicle in a clean and tidy state, and report immediately any damage or malfunction. Smoking is banned in all Shire of Wyalkatchem vehicles.

The following conditions shall apply to staff that have vehicles issued to them by Council: -

- **Chief Executive Officer**
  - Unrestricted use of the vehicle, in the South West Land Division of Western Australia or other use as approved by Council;
  - No Shire logo
  - Choice of colour
  - Maximum value of vehicle \$65k (exc. GST) as per the annual budget.
  - Replaced at a frequency that minimises net cost to Council which, is to be assessed annually and reported in each annual budget.
  
- **Manager of Works**
  - Unrestricted use of the vehicle within the South West Land Division except for periods of annual leave and long service leave unless otherwise approved by the Chief Executive Officer provided for in the employee’s contract.
  - No Shire logo
  - No choice of colour

- Maximum value of vehicle \$55k (exc. GST) as per the annual budget.
- Replaced at a frequency that minimises net cost to Council which, is to be assessed annually and reported in each annual budget.
  
- **Manager Corporate Services**
  - Unrestricted use of the vehicle within the South West Land Division except for periods of annual leave and long service leave unless otherwise approved by the Chief Executive Officer or provided for in the employee's contract.
  - No Shire logo
  - No choice of colour
  - Maximum value of vehicle \$40k (exc. GST) as per the annual budget
  - Replaced at a frequency that minimises net cost to Council which, is to be assessed annually and reported in each annual budget.
  
- **Leading Hand - Plant Operator & Leading Hand – Parks & Gardens**
  - Leading Hands are entitled to home garage a Shire vehicle.
  - Home garaging means driving the vehicle from the place of work to home and from home to the place of work, subject to home being within 10 kms of the Shire Offices.
  - This right is explicitly granted as compensation for the Leading Hands being available to be called upon to work outside of normal working hours.
  - All non-work related out-of-hours use of the vehicle is prohibited.
  - Family members are not entitled to drive the vehicle at any time.
  - The vehicle is a tool-of-trade and prior to taking periods of leave, including Personal Leave, the vehicle is to be left at, or returned to the Depot where it can be made available for use by other team members.

Any alterations to the above allowances will be taken to Council for approval. Maximum values may be considered as part of the budget consideration processed based on estimates and/or quotations for the proposed vehicle/s.

## 5.22. EMPLOYEE PLANT / VEHICLE USE

Responsible Department	Works and Services
Former policy Reference	GP22 – Employee use of Council facilities: Plant & Equipment First adopted 18 August 2011
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and Re-write
Shire Related Documents	Employee Plant / Vehicle Use request form*
Related Legislation	Nil

\*To be developed

### OBJECTIVE

To provide guidance on the private use of Shire plant and vehicles by Shire employees.

### POLICY

Employees may, with the written approval of the Chief Executive Officer, use the Shire Plant after hours free of charge on their own residential land and Shire Residence, this approval will be allowed or disallowed depending on the nature of the work to be carried out and subject to the following conditions:

- The employee being trained on the use of the equipment (where necessary);
- The use being limited to work associated with the employee's / Shire property
- The employee meeting the costs of consumables e.g. fuel, disc etc.
- The equipment is not for the purpose to undertake work for profit or for non-employees other than recognised charitable groups
- The employee is to be responsible for the care, maintenance, damage and repair of the equipment.
- Any damage from misuse is to be paid for by the operator.
- The employee accepts liability for any injury incurred by themselves or other persons or body whilst using the equipment.

Request to use Shire of Wyalkatchem Plant or equipment must be made in writing using the appropriate application form.

Shire plant items such as loaders, graders and large trucks are not available for private use by employees.

Where an employee intends using plant for personal gain or profit, full private works rates will apply.

### 5.23. WORKING FROM HOME POLICY

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 64/2020
Resolution Date	21 May 2020
Last Amendment Date	21 May 2020 – New Policy
Shire Related Documents	<p>Working from Home Agreement</p> <p>Policy <b>3.3</b> <b>DRUG AND ALCOHOL POLICY</b></p> <p>Policy <b>3.2</b> <b>WORK HEALTH AND SAFETY (WHS)</b></p> <p>Policy <b>4.1</b> <b>CODE OF CONDUCT</b></p> <p>Policy <b>5.19</b> <b>SHIRE MOBILE PHONE AND OTHER ELECTRONIC COMMUNICATION</b></p>
Related Legislation	<p><i>Local Government Industry Award 2020</i></p> <p><i>Fair Work Act 2009</i></p> <p><i>Occupational Safety &amp; Health Act 1984</i></p>

#### OBJECTIVE

The Shire of Wyalkatchem (Local Government) is committed to providing flexible and family friendly working arrangements for employees. This policy outlines the circumstances in which a working from home arrangement is appropriate and provides guidelines to facilitate the management of such an arrangement.

#### POLICY

#### SCOPE

This policy applies to permanent employees of the Local Government seeking to enter into a regular arrangement to carry out part of his/her duties from home, for a specified period of time or in exceptional circumstances, permanently.

For the purpose of this policy ‘working from home’ means working away from an employee’s ordinary contracted place of employment. A ‘home office’ means a designated space for an employee to work while away from the workplace.

#### Working from home arrangement

In order to ensure the safety and wellbeing of our employees, and to ensure the arrangement is consistent with the Local Government’s requirements, an interested employee must apply for a Working from Home Arrangement (**WFHA**). All applications are considered on a case-by-case basis by the Manager for subsequent consideration and approval by the Chief Executive Officer. The Manager and employee are responsible for demonstrating that the requirements of this policy have been satisfied before an application for a WFHA is approved. The Local Government may refuse an application for a WFHA where it is not suitable or it does not meet operational requirements.

### Eligibility criteria

The Local Government's responsibility to consider flexible working arrangements is in accordance with the *Local Government Industry Award 2010* and the National Employment Standards in the *Fair Work Act 2009*.

Applications to work from home will be assessed according to the following criteria:

- Suitability of the employee's work to be performed off-site
- The employee being able to demonstrate efficiency will be maintained or increased as a result of the WFHA
- The reasons for the employee wanting to work from home
- Ability of the employee to complete work within the employee's agreed span of hours as detailed in their employment contract and *Local Government Industry Award 2010*
- The presence of the skills, ability and knowledge to work autonomously
- The impact the arrangement may have on the productivity of co-workers
- The impact the arrangement may have on service delivery and customer service
- Proposed methods for engaging with the employee and assessing their productivity and effectiveness
- The employee having a suitable home office and access to necessary equipment, internet and IT systems to enable the employee to effectively work from home

### Manager responsibilities

Where a WFHA has been approved, it is the responsibility of an employee's manager to:

- ensure the employee is working in accordance with their WFHA and adhering to the Local Government's policies and procedures
- ensure the employee has completed a risk assessment of their home office and other relevant areas, for example bathroom, kitchen and facilitate the Local Government to conduct safety inspections
- review and sign off on records of hours worked (timesheets) as required
- monitor and review the WFHA on a regular basis to ensure it is meeting the needs of the Local Government and the employee
- communicate regularly and ensure employees working from home are included in team meetings and receive all necessary information to undertake their work
- where practicable, ensure equipment and tools required to perform the tasks are provided to the employee, and
- accurately document the ownership and usage arrangements of the equipment and assets.

### Employee responsibilities

Where an employee's application to work from home has been approved, it is the employee's responsibility to ensure they:

- adhere to the Local Government's policies and procedures
- maintain regular contact with their respective Manager and colleagues, and be contactable during their agreed hours of work
- meet fitness for work requirements. If an employee is unwell, injured or unable to work due to other reasons, then the employee must submit a request for leave
- take all reasonable steps to establish a safe working environment and report any health, safety and wellbeing hazards, near misses and incidents
- maintain accurate and up to date records of hours worked at home within the normal span of hours

- allow a person, appointed by the Local Government, to access their home office and related areas to allow a safety inspection as required, and
- take all reasonable precautions necessary to secure the Local Government's equipment.

### **Working from home arrangement agreement**

An employee's terms and conditions of employment remain the same when working from home. This includes hours of work, remuneration and the requirement to perform their role effectively and efficiently, and to act in the best interests of the Local Government. Any variation to hours of work, availability and expectations associated with implementing a WFHA must be documented in a working from home agreement.

WFHAs will be reviewed on a regular basis to ensure they are operating effectively and meeting the requirements of the Local Government. As part of the review process, concerns with the WFHA may be addressed or if the WFHA is unsuccessful, the agreement may be terminated.

### **Allowances**

Where deemed appropriate, the Chief Executive Officer may award a Mobile Phone Allowance to staff to allow them to use their personal mobile phones for calls / texts for work purposes as and when the need arises. The Chief Executive Officer may determine the Mobile Phone Allowance amount based on the employees requirements to the maximum of \$20 per fortnight.

Where deemed appropriate, the Chief Executive Officer may award an Internet Allowance to staff to allow them to use their personal internet for work purposes as and when the need arises. The Chief Executive Officer may determine the Internet Allowance amount based on the employees requirements to a maximum of \$40 per fortnight.

### **Consequences of breaching this policy**

This policy constitutes a lawful instruction to employees. Any breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

### **Variation to this policy**

This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

## 5.24. MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION POLICY

Responsible Department	Human Resources
Former policy Reference	Nil
Resolution Number	OMC 266
Resolution Date	21 May 2020
Last Amendment Date	21 May 2020 – New Policy
Shire Related Documents	<p>Policy <b>3.9</b> EQUAL OPPORTUNITY POLICY</p> <p>Policy <b>5.5</b> EMPLOYEE PERFORMANCE AND DEVELOPMENT POLICY</p> <p>Policy <b>5.2</b> RECRUITMENT AND SELECTION POLICY</p> <p>Policy <b>5.4</b> PROBATIONARY PERIOD OF EMPLOYMENT</p>
Related Legislation	<p><i>Local Government Industry Award 2020</i></p> <p><i>Fair Work Act 2009</i></p> <p><i>Occupational Safety &amp; Health Act 1984</i></p> <p><i>Local Government Legislation Amendment Act 2019</i></p> <p><i>Section 5.40 of the Local Government Act 1995</i></p>

*See next page*







# 6. COUNCIL / ELECTED MEMBER POLICIES

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### 6.1. ORDINARY COUNCIL MEETING DATES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy 17 December 2020 – Time changed to 4:00pm.
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act –s5.3</i> <i>Local Government (Administration) Regulations – Regulation 12</i>

#### OBJECTIVE

To regulate and set meeting dates

#### POLICY

That the Ordinary Council Meetings be conducted on the third Thursday of each month, except January, unless otherwise determined by a Council as a ‘Special Meeting’.

That a schedule of Ordinary Council Meeting dates will be advertised accordingly.

That Council meetings commence at 4:00pm unless otherwise determined by the Shire President.

**Local Public Notice is to be given annually.**

## 6.2. COUNCIL WORKSHOP MEETING DATES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To regulate and set meeting dates

### POLICY

The Chief Executive Officer may convene a Councillor Workshop on the first Thursday of each month, except January unless a special meeting has been determined by Council.

That Council Workshop commence at 3.30pm unless otherwise determined by the Chief Executive Officer. Council workshops are open to the public, unless the matter is of a confidential nature.

That a schedule of Council Workshop meeting dates will be advertised accordingly.

### 6.3. COUNCIL FORUMS

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP42 – Council Workshop Policy First adopted 19 March 2015
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act – (Part 5)</i>

#### OBJECTIVE

To ensure Council Forums are held in a way that is consistent with principals of transparency and accountability.

#### POLICY

##### Introduction

The *Local Government Act 1995 (Part 5)* sets out the framework whereby Councillors meet as the governing body for the purpose of decision-making on behalf of the Shire.

It is an intention of the Act that councils conduct business and make decisions

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

The Shire of Wyalkatchem conducts Workshop / Agenda forums two weeks prior to every Ordinary Meeting of Council. Workshop forums provide Councillors with the opportunity to gain maximum knowledge and understanding of any issues presented to the Council on which they must vote.

## 6.4. ELECTED MEMBER TRAINING AND DEVELOPMENT

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	6.4. ELECTED MEMBER TRAINING AND DEVELOPMENT
Resolution Number	OMC 53 /2019 OMC 111/2024
Resolution Date	17 April 2019 18 July 2024
Last Amendment Date	17 April 2019 – New Policy 18 July 2024 – Major Review, adopted 8 July 2024
Shire Related Documents	Policy <b>6.5 ELECTED MEMBER TRAINING &amp; TRAVEL</b> Policy <b>6.7 ELECTED MEMBER'S FEES, ALLOWANCE,</b>
Related Legislation	Sections 5.126, 5.127 and 5.128, <a href="#">Local Government Act 1995</a> Regulation 36, <a href="#">Local Government (Administration) Regulations</a>

### OBJECTIVE

To give effect to the Shire of Wyalkatchem's commitment to facilitate continuing professional development of Council Members, which enhances their knowledge and develops their skills, thus augmenting Council's capacity for well-informed decision-making and the provision of good government for our community.

**Definition:** Training and development encompass organisational processes designed to improve a Councillors knowledge, skills and capabilities.

While training concentrates on enhancing specific job-related competencies, development takes a more expansive, long-term approach to foster employees' overall growth and potential.

### POLICY

This policy provides a framework to assist Council Members to identify and access relevant training and defines the expenses that will be paid by the Shire of Wyalkatchem.

This policy supports compliance with sections 5.127 and 5.128 of the *Local Government Act 1995* (the Act), which require Local Governments to prepare and adopt a policy in relation to the continuing professional development of Council Members, and to provide annual reports on training.

### BUDGET ALLOCATIONS

The council shall ensure adequate resources are allocated annually in the Shire's budget to provide the opportunity for Councillors to participate in appropriate training and development.

Unexpended allocations at the end of the financial year will not be carried forward to the next financial year.

The Shire of Wyalkatchem Annual Budget will include:

### Whole of Council Training and Development

An allocation for Council as a whole, to be used for:

- Council Member Induction, dealt with under Part 2 of this Policy,
- Local Government Conferences
- Identified appropriate training and development \$2,000/ each Councillor
- Accommodation and Travel
- Shire President additional allowance of \$3,000

### **Council Member Induction**

Following each election, the Shire of Wyalkatchem will conduct a comprehensive induction program, providing newly elected Council Members with information that will support them to understand Council Member roles and responsibilities; legislative obligations; personal responsibilities; and strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to assist in fostering a team culture and to refresh their understanding.

### **Mandatory Council Member Training**

Council Members are required to complete the Council Member Essentials Course within 12-months from the day on which they are elected, unless exempt under Regulation 36 of the *Local Government (Administration) Regulations 1996*. Council Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

The Shire's preferred provider is WALGA, and course delivery is available face to face and via webinars. Council Members will be provided with enrolment options and the Shire will coordinate bookings and arrangements to implement their selection.

Where most Council Members prefer face to face training, the Shire may arrange on-site delivery and coordinate this with neighboring Local Governments to achieve cost savings.

Council Members not yet required to complete the Mandatory Training may still choose to participate, with associated costs attributed to the Whole of Council Training and Development budget allocation.

The Chief Executive Officer is authorised to approve requests from Elected Members for professional development, training and conference attendance without referral to Council providing that the costs do not exceed a total of \$2,000 for each Councillor and the additional \$3,000 for the President, in any 12-month period, providing the course or conference is organised by an identified, industry-recognised training provider.

The Chief Executive Officer will be responsible for the record keeping of Councillor professional development and training.

Council Members are encouraged to identify and share relevant Continuing Professional Development opportunities with Council and the CEO. The CEO will also identify and inform Council Members of relevant opportunities.

### **Application and Approval**

Council Members who wish to attend training or professional development may make application by providing the following details to the CEO in writing:

- a) Course or event title, provider or organiser name, location and date;
- b) Copy of, or link to program, course outline or other summary of content;
- c) An outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this policy; and
- d) Total estimated costs include accommodation, travel and sundry expenses.

Applications, including all required details, are to be submitted in a reasonable time for registration. Where possible, the Shire will seek to take advantage of reduced prices for early registration.

### **Approval**

Approval for Council Member attendance may be granted by:

- (a) the Chief Executive Officer where the:
  - (i) application complies with this policy;
  - (ii) event is to be held within Australia or New Zealand; and
  - (iii) the Council Member has sufficient funds available in their professional development allocation to meet all costs of attendance.
- (b) resolution of Council where the:
  - (i) application has been refused by the Chief Executive Officer;
  - (ii) application does not comply with this policy.

Approval will not be granted for training or continuing professional development scheduled to occur in the last six months of a Council Member's term of office.

### **Sharing of knowledge**

In order to realise the maximum benefit for the Shire of Wyalkatchem, Council Members will provide a report on their attendance, key features and benefits of the training or professional development at the earliest opportunity. Council Members may include ideas and innovations identified through professional development for discussion at future Council Member workshops, where the matter relates to the Shire of Wyalkatchem's strategic objectives.

Knowledge sharing may be provided as a presentation or verbal update to an informal Council workshop, or a written report provided to the Chief Executive Officer and circulated to all Council Members. Where relevant, copies of resources obtained at the event may also be shared.

### **Accompanying persons/entertainment costs**

Council Members are responsible and will be required to pay all costs associated with an accompanying person attending an event (including conference dinners and functions).

The Shire of Wyalkatchem may coordinate accompanying person bookings and registrations for travel, accommodation and the event / function, with costs incurred to be paid to the Shire by the Council Member prior to the Shire confirming the booking/s.

### **Booking Change / Modification Costs**

Costs incurred for changing or modifying a booking for travel or accommodation, where the change or modification is:

- a. At the request of the Council Member, are to be paid by the Council Member; or
- b. A requirement or for the convenience of the Shire, are to be paid by the Shire of Wyalkatchem.

### **Cancellations**

Costs incurred for cancellation of registration, travel or accommodation, where the cancellation is:

- a. At the request of the Council Member, are to be attributed to the Council Member's individual allocation; or
- b. A requirement or for the convenience of the Shire of Wyalkatchem, are to be paid by the shire.

## 6.5 ELECTED MEMBER TRAINING & TRAVEL

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Delegation Register Elected Member Professional Development Application* Policy <b>4.1 CODE OF CONDUCT</b>
Delegation Reference	1.2.27 Fees etc. for Council Members
Related Legislation	<i>Local Government Act 1995</i>

\*To be developed

### OBJECTIVE

To purpose of this policy is to provide clear guidelines to elected members:

- Wishing to access any training and development programs that may enhance and improve the skills necessary to perform their role and function as an elected member
- For travel and accommodation arrangements when required to travel on Shire’s business.

### POLICY

This policy provides a framework to all Elected Members on training, professional development and travel relating to Shire Representation, for the benefit of Council and the community.

#### 1. Professional Development

##### 1.1. Commitment to professional development

- 1.1.1. As the public face of Council and as community representatives, elected members play an integral leadership role on the processes for the development, communication and representation of Council’s Strategic Plan and Council’s policies, strategies and programs.
- 1.1.2. Professional development for elected members contributes towards a positive presentation of Council for the betterment of the organisation and the community.
- 1.1.3. Council will allocate funds through its budget process to meet approved professional development needs of elected members.

##### 1.2. Personal Development

- 1.2.1. Elected members are encouraged to identify individual and group personal development needs to enhance their effectiveness. As the needs of individual members may vary, each member is encouraged to see the assistance of the Chief Executive Officer in analysing his or her particular requirements and in identifying appropriate course, seminar and training to meet those needs.

### **1.3. Conferences, seminars, forums or delegations**

- 1.3.1. An elected member who is funded by Council to attend a conference seminar, forum, delegation or similar event, shall participate as a representative of Council, not as an individual.
- 1.3.2. Elected members may participate in conferences, seminars, forums, delegations or similar events where it can be demonstrated that attendance will:
  - Provide information on a contemporary issue, so that Council can contribute to discussion or debate;
  - Put forward Council's viewpoint during formation of collaborative policy or stance on an issue;
  - Meet community expectations that Council representation is necessary for the benefit of the community;
  - Provide development to the elected member in his/her role; or
  - Provide improvements to the built, social, economic and natural well-being of the community.

### **1.4. Funding for Professional Development**

Council will allocate funds for professional development during the budget process each year to provide for the professional development of elected members.

### **1.5. Application for professional development funding**

- 1.5.1. To maximise the effectiveness of allocated resources, Council will only meet the costs of professional development outlined in this policy, subject to approval of the Shire President and/or Chief Executive Officer.
- 1.5.2. An elected member is required to complete the required form to facilitate participation in professional development.
- 1.5.3. If a request for professional development cannot be accommodated within the budget allocation the President, in conjunction with the Chief Executive Officer, will determine if additional funding may be available from another area of budget.
- 1.5.4. Applications to attend any interstate and overseas conferences, seminars forums, delegations or similar events under this Policy must be discussed with the Shire President or Deputy Shire President prior to arrangements being made.

### **1.6. Travel and Accommodation while attending professional development**

- 1.6.1. Travel and accommodation expenses incurred as part of attending professional development activities must be in accordance with Section 2 of this policy – Travel and Accommodation.

## **2. Travel and Accommodation**

### **2.1. Travel within Western Australia**

Elected members may attend Shire Representation events within Western Australia during their term of office upon the following conditions:

- 2.1.1. The travel falls within the definitions for conference, professional development or delegation;
- 2.1.2. Prior approval has been granted by the Shire President or Deputy Shire President and the Chief Executive Officer as applicable;

- 2.1.3. In deciding whether approval is to be granted the Shire President or Deputy Shire President and Chief Executive Officer should take into consideration the elected members remaining term of office; and
- 2.1.4. There is sufficient budget allocation for the elected members travel.

## **2.2. Travel outside of Western Australia**

Elected members may attend Shire Presentation events held outside WA and overseas during their term of office upon the following conditions:

- 2.2.1. The travel falls with the definitions for conference, professional development or delegation;
- 2.2.2. An item has been present to Council specifying;
  - The benefit to the Shire of the attendance at the conference, professional development or delegation;
  - Whether, if applicable, there is a necessity to send more than one elected member; and
  - Whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.
- 2.2.3. Approval has been granted by Council resolution
- 2.2.4. There is sufficient budget allocation for the elected members travel.

## **2.3. General Conditions of travel**

### **2.3.1. Bookings**

Approved travel and accommodation will be booked by the Office of the Chief Executive Officer upon the completion of a form titled "request for travel booking". This will allow the Shire to take advantage of any discounts offered. Travel requires should be provided at least one month before travel to allow adequate time for bookings to be made.

### **2.3.2. Travel**

- 2.3.2..1. The cost of air travel to and from destinations is to be the shortest more practical route unless additional travel is contemplated before or after a conference.
- 2.3.2..2. Elected members who include travel other than that referred to in as part of the entire journey and the additional travel is unrelated to the approved travel, must pay the costs of this additional travel from personal funds.
- 2.3.2..3. Air travel will be booked as economy class on the most economical flight. The cost of any upgrade to business class shall be paid from the elected members personal funds.
- 2.3.2..4. The Shire President and/or the Chief Executive Officer shall have the authority to assess special, medical or extenuating circumstances and approve business travel. Such requests must be made in writing and supported by appropriate evidence.
- 2.3.2..5. Hire cares may be booked only if required to meet the reasonable travel requirements of the conference or professional development
- 2.3.2..6. Taxi fares for reasonable travel requirements relevant to the conference and or Council Business.

- Will be reimbursed upon return on the production of receipts to verify the expense; or
- Can be paid with Cab charge or vouchers issued to the elected member prior to departure.

2.3.2..7. Elected members, who use their own private vehicle for conference travel will be reimbursed for vehicle costs in accordance with the Public Service Award Motor Vehicle Allowance to the maximum amount equivalent to what it would have cost to travel by air.

2.3.2..8. As part of Shire Business Travel Insurance Policy, any travel insurance for Elected Members or their spouses is provided for as art of that certificate of currency.

### **2.3.3. Meals and Incidentals**

2.3.3..1. The Shire will pay for reasonable costs of meals and incidentals. Such expenses which will be paid or reimburse by the Shire include:

- Taxi, train, bus and tram fares to/from the airport and the venue;
- Vehicle hire, petrol and parking fees;
- Breakfasts, lunches, dinners not included in the registration fee;
- Reasonable telephone, facsimile and internet charges;
- Optional activities relating to the conference/training; and
- Laundry and dry cleaning if the stay is for more than three days

2.3.3..2. The Shire will not pay for or reimburse;

- Mini bar expenses;
- Entertainment costs not associated with those scheduled as part of the Shire Presentation event; and
- Any expenses associated with matters other than those attended to while attending the Shire Representation event.

### **2.3.4. Accompanying persons**

2.3.4..1. A partner or spouse may accompany an elected member to a Shire Representation event.

2.3.4..2. All expenses incurred by the accompanying person are to be paid by the accompanying person or elected member, except the following which will be paid or reimbursed by the Shire:

- Official conference meals
- Accommodation provided there is not an increase in accommodation costs arising from the elected member attending the even on their own.

2.3.4..3. Where the Shire meets an account containing any expenditure of costs incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the elected member/accompanying person within 30 days of being invoiced for such expenditure.

### 3. Workplace Information

Following participation in an event covered by section 1 or a Shire Representation event of more than 2 days' duration covered in section 2 (excluding Local Government Week):

- 3.1. The elected member(s) are encouraged to submit an individual or composite report (where approval has been granted for more than one member to attend) for inclusions in the "Reports to be Received" in the next Council Agenda, within 30 days of attendance.
- 3.2. The report should document:
  - The program and major points of interest to the Shire
  - Whether the objectives of the participation were met
  - The benefits to the elected member, council and the community; and
  - The value of future attendance or representation by council at similar events.
- 3.3. All conference and training papers remain the property of the Shire.

#### *KEY TERM DEFINITIONS*

**Conference** means conferences, seminars, congresses, forums, workshops, study tours, delegations and events relevant to the role of a Councillor.

**Professional Development** means personal development such as undergraduate and post graduate studies, short courses, study tours, conferences, seminars, forums, or similar events that will assist a Councillor in their broad civic leadership role.

**Delegation** means any formal group visit, authorised by Council, to an external organisation representing the Shire of Wyalkatchem.

The Terms "Conference, Professional Development and Delegation" are collectively used in this policy under the term "Shire Representation".

## 6.6. DRESS STANDARD

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	19 April 2019
Last Amendment Date	19 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To present a tidy and professional image of staff and elected members to the community.

### POLICY

Dress requirements for Councillors and Staff attending the following meetings will be:

- Special and Ordinary Council meetings is to business attire including a coat and / or business shirt and tie for males and equivalent standard of dress for females; and
- Committee Meeting is to be a neat casual clothes or business attire (depending on the nature of the business to be discussed)
- Workshop forums is to be neat casual clothes.

## 6.7. ELECTED MEMBER'S FEES, ALLOWANCE, REIMBURSEMENT AND BENIFITS

Responsible Department	Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Elected Member Allowance, reimbursement and benefit claim form* Delegation Register
Delegation Reference	1.2.27 – Fees etc. for Council Members
Related Legislation	<i>Local Government Act 1995</i>

\*To be developed

### OBJECTIVE

To clearly outline the support and allowances available to the Shire's Elected Members within the provisions of the *Local Government Act 1995* (the "Act") to cover any "out of pocket" expenses that are incurred in carrying out their function as an Elected Member. It also establishes guidelines in respect to Elected Members' participation in conferences and training.

### POLICY

The *Local Government Act 1995*, Section 5.98, 5.98 (A), 5.99 and 5.99(A) provides for fees and allowances as determined by the Salaries and Allowances Tribunal (SAT) from time to time. The current Policy provides for clear definitions on reimbursements that members are entitled to and conferences and training opportunities available to members.

In addition to those allowances and reimbursements available to Elected Members under the *Act*, and Regulations made under the *Act*, this Policy will outline "approved expenses" the Shire will reimburse Elected Members if incurred in their capacity as an Elected Member.

The Council also recognises that Elected Members have a responsibility to undertake development opportunities necessary to enable them to fulfil their duties of public office.

### Allowances

Elected Member meeting attendance fees and the Shire president's local government allowance are to be paid on a biannual basis in arrears.

#### 1. Shire President Allowance

The annual local government allowance for the Shire President is set by Council in accordance with the appropriate SAT bands (Table 7) for 'Annual allowance for Mayor or President of a Local Government'.

#### 2. Deputy Shire President Allowance

The annual local government allowance for the Deputy Shire President is set in accordance with section 5.98(A) of the *Local Government Act 1995*, which is 25% of the Presidents Allowance.

#### 3. Elected Member attendance fee

The annual local government attendance fee for Elected Members is set by Council in accordance with the appropriate SAT bands (table 5) for 'Annual Attendance fees in lieu of Council meeting and Committee meeting attendance fees – Local Government'.

#### **4. Shire President attendance fee**

The annual local government attendance fee for the Shire President is set by Council in accordance with the appropriate SAT bands (table 5) for 'Annual Attendance fees in lieu of Council meeting and Committee meeting attendance fees – Local Government'.

#### **5. Annual allowance in lieu of reimbursement of expenses**

In accordance with section 5.99A of the *Act*, Council provides an annual allowance to Elected Members in lieu of reimbursement of particular types of expenses, including information and communication technology (ICT).

### **ICT Expenses and Equipment**

In terms of ICT Expenses, the annual allowance is referenced in point "5" above, is designed to meet all telecommunications costs including telephone, mobile phone, mobile device (iPad), home computer and internet charges.

In terms of ICT Equipment, the Shire will make available to Elected Members, for use during their term in office, a mobile computing device (iPad or similar device). Council will budget separately for the purchase of mobile computing devices. The ICT Expenses allowance will be adjusted to allow for these costs. The devices will remain as an asset of the Shire and one provided to the Councillors for the business of Council.

As a general rule, mobile devices such as iPad's will be provided and maintained by the Shire. However, in certain circumstances, and with the approval of the Chief Executive Officer, Elected Members may provide their own compatible mobile device.

Mobile devices (including iPads) which are used for the business of Council will, from time to time, contain confidential information relating to the business of the Shire. As such, they must be appropriately secured and remain in the possession of the Elected Member.

If an iPad device is lost or misplaced, this must be reported to the Shire staff at the earliest opportunity. Users must be aware that the device can be remotely locked and the contents deleted if necessary. It is the users' responsibility to take additional precautions such as backing up contacts, photos and email.

From time to time, Elected Members may be required to bring in their Council supplied devices so that the Shire staff can check settings and automatic update functions.

Mobile devices (such as iPads) will not be made available for purchase by Elected Members while they remain in office. The existing device must either remain in service or if the device requires updating for age/technology reasons, the old device must be returned and a new one will be purchased.

When an Elected Member ceases to be an Elected Member, the iPad may be offered to the individual for purchase at its depreciated value. In such cases, the device is required to be presented to Council staff so that the sim card can be removed and the device reset to its factory settings. The individual will be required to ensure that they back-

up their contacts, photos and any other personal information they wish to retain as all data on the device will be erased.

Reimbursement of travelling expenses for attending ordinary or special meetings of Council (or any meeting as capacity as a member of that committee)

It is noted that under section 5.98(2)(a) and Regulations 31(1)(b), an Elected Member who incurs travel expenses because of the member's attendance at a Council meeting or meeting of a committee of which he or she is a member, is entitled to be reimbursed:

- a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back –
  - i. for the person to travel from the person's place of residence or work to the meeting and back; or
  - ii. if the distance travelled referred to in sub-paragraph (i) is more than 100km for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to the boundary.

The expenses shall be paid only on receipt of a formal claim and shall be calculated on the number of kilometers between the President/Elected Member's principal place of residence or work within the Shire to the meeting venue and back. The rate per kilometer to be calculated at the same rate contained in section 30.6 of the *Local Government Officer's (Western Australia) Interim Award 2011*.

Information or advice is available from the Chief Executive Officer or the Manager Corporate Services at any time. Elected Members shall endeavour, where practical, to make arrangements to utilise a Council vehicle to attend appropriate meetings.

Dates of payment for reimbursement are:

1. January
2. June

All claims for the current financial year must be processed and paid before year end 30 June.

All claims are to be submitted to the Chief Executive Officer for authorisation.

### **Expenses approved for reimbursement**

For the purpose of Regulation 32(1)(a):

1. the express authority of the Council is given to Council members to perform the following functions:
  - a) attendance by an Elected Member at any working group meeting, ordinary or special briefing session and Council forum, notice of which has been given by the Chief Executive Officer;

- b) attendance by an Elected Member at any meeting of anybody to which the Elected Member has been appointed by the Council or to a secondary body as approved by the Chief Executive Officer;
  - c) attendance by an Elected Member at any annual or special electors' meeting;
  - d) attendance by the Shire President at a meeting or function of anybody including any State Government body, in his or her capacity as the Shire President, including attendance by the Deputy Shire President or an Elected Member in place of the Shire President;
2. The following expenses incurred by an Elected Member in performing a function to which express authority is given under this resolution, are approved for reimbursement:
- a. child care costs, to be reimbursed as per the SAT determination section 4.2 (2) 'Extent of expenses to be reimbursed';

***\*child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.***

- b. Travel costs;
- c. Parking

## 6.8. COUNCILLOR INDUCTIONS

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	19 April 2019
Last Amendment Date	19 April 2019 – New Policy
Shire Related Documents	Policy <b>6.4 Elected Member Training and Development</b> Policy <b>6.5 Elected Member Training &amp; Travel</b>
Related Legislation	<i>Local Government Act 1995</i>

### OBJECTIVE

To set out guidelines for the induction of newly elected members to the Shire of Wyalkatchem Council.

### POLICY

It is essential to the effective operation of Council decision-making and Council business that elected members are provided with a clear understanding of their role and responsibilities when first elected to council. It is also important that they understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long-term planning documents.

It is also important that returning members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising. It is equally important that new and returning members are provided with the same information.

Key to this is the induction process which should be provided for each new Council and/or Councillors, elected or appointed to fill extraordinary vacancies when they arise. This is in addition to any program developed under the Elected Member Training and Development Policy (6.4)

### Principles

- a) An accessible, informative induction program is essential to Councillors being able to understand their roles and to be able to move quickly and easily into their governance responsibilities after being elected to Council.
- b) Sitting councilor's will support newly elected councilor's by participating in the induction process.

### Provisions

1. The Chief Executive Officer (CEO) will prepare an induction program for Councillors which will commence immediately after an election and will be completed no later than three months after the election date.
2. The CEO will consult with the President of the Shire of Wyalkatchem in the preparation of the program.
3. The induction program is to include, but not be limited to, the matters set out below;
  - Standing Orders
  - Details of the Council/Committee system and membership entitlements
  - Declaration of interest information / process

- Roles of Elected Members, President (and Council) and functions of the CEO under the Act
- Code of Conduct
- WALGA Elected member Training Schedule
- Council's Register of Policies
- Examples of Work Requests Forms
- Annual Budget
- Adopted Plans and Strategies (i.e. IPR Suite – Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan, Asset Management Plan and workforce Plan)
- Primary and Annual Return
- Annual Report
- Delegation Register
- Organisational Structure and Senior Employee contacts
- Record Keeping Responsibilities
- Local Government Act and Department guidelines

Councillors will be expected to save these documents to their Council-provided tablets to ensure easy access to these documents. In addition, a copy of these documents will be kept in the Administration Office at all times.

## 6.9. COMPLAINTS AGAINST ELECTED MEMBERS AND THE CEO

Responsible Department	Chief Executive Officer
Former policy Reference	C7 – Complaints Procedures for Elected Members & the CEO First adopted 18 April 2002
Resolution Number	OMC 53 /2019                      OMC 268/2021
Resolution Date	18 April 2019                      28 April 2021
Last Amendment Date	18 April 2019 – Major Review and re-write 28 April 2021 – Additional based on New Model Code of conduct Policy – see end.
Shire Related Documents	Wyalkatchem Standing Orders Local Law Policy <b>5.24 MODEL CODE OF CONDUCT</b>
Related Legislation	<i>Local Government Act 1995-s.5.23, 5.60, 5.120</i> <i>Local Government (Rules of Conduct) Regulations 2007 – Part 2</i> <i>(r.4, r.6-12)</i> <i>Corruption and Crime Commission Act 2003 – s.28</i> <i>Vexatious Proceedings Restriction Act 2002 –s.3</i> DLGSCI Guidelines on the Model code of Conduct

### OBJECTIVE

To guide the management of complaints against an elected member of Chief Executive Officer (CEO) in matters relating to breaches of the Shire’s Code of Conduct and Standing Orders Local Laws.

### POLICY

The Shire of Wyalkatchem is committed to observing the highest standards of ethics and integrity in engagements between elected members, the Shire’s employees and all persons with whom the Shire has official dealings. Engagements will be frank and honest and the Shire at all times will act, and be seen to act, in good faith and in an impartial, accountable and proper manner.

This policy sets out the procedure for handing complaints against an elected member or the CEO to ensure that concerns are treated in a fair and prompt manner.

The provisions of this policy outline the minimum procedural requirements for investigating a complaint. Any additional provisions must be consistent with this policy,

### Scope

1. This policy is limited to complaints about breaches of the Shire’s Code of Conduct and the Standing Orders Local Law by elected members and the CEO. It does not deal with complaints about services delivered by the Shire or complaints against any other employee of the Shire.
2. The CEO has a responsibility to notify the CCC of suspected misconduct under Section 28 of the Corruption and Crime Commission Act 2003. This policy does not remove or override that obligation.

## Definitions

<i>Assessment Officer</i>	a person appointed or authorised by the CEO (or the Manager of works in the case of a complaint against the CEO) to provide investigative services under the provisions of this policy
CCC	the Corruption and Crime Commission
<i>Code of Conduct</i>	the Shire of Wyalkatchem <i>Code of Conduct</i>
<i>Complaint</i>	an allegation about a breach, or breaches, of the Shire's <i>Code of Conduct</i> and/or <i>Standing Orders Local Law</i> by an elected member, or members, or the CEO
<i>Council</i>	the body of elected members convened in an ordinary or special council meeting
DLGCSC	Department of Local Government, Sport and Cultural Industries
<i>Elected member</i>	means a person elected and holding valid office under the <i>Local Government Act 1995</i> as a member of Council of the Shire of Wyalkatchem.
<i>Standing Orders</i>	The Shire of Wyalkatchem <i>Standing Orders Local Law</i>

Who can make a Complaint and who will investigate.

1. Any person may make a complaint alleging a breach of the *Code of Conduct* or the *Standing Orders*.
2. The process outlined in this policy does not prevent a complainant from making a complaint directly to the Local Government Standards Panel or DLGCSC. However, a complainant is encouraged to resort to the provisions of this policy before escalating a complaint to the Standards Panel or the DLGCSC.
3. Complaints about the conduct of elected members must be submitted in writing to the CEO.
4. Complaints concerning the CEO must be addressed to the Shire President.
5. A complaint under this policy will be investigated by the Assessment Officer unless it appears, in the opinion of the CEO or the Shire President, that it is trivial, frivolous or vexatious.
6. An Assessment Officer who has a close personal relationship with either the complainant or the person the subject of the complaint must disclose this to the CEO and is disqualified from participating in the investigation.
7. The Assessment Officer may only commence and follow through with an investigation referred by the CEO, Shire President or another elected member.

## Responsibilities of the CEO, Shire President and Council

1. Within one week of receiving a complaint, or such other time directed by the Council, the CEO must refer it to the Assessment Officer.

2. If the Assessment Officer declares a conflict outlined in clause 3(6) the CEO, or the President, must appoint an alternative Assessment Officer.
3. The CEO is authorised to determine whether a complaint falls within the scope of this policy and refer it to the Assessment Officer. This does not prevent the Shire President or Council from referring a complaint to the Assessment Officer.
4. An anonymous complaint may be referred to the Assessment Officer if there is sufficient evidence and/or specific detail of the alleged behaviour or action that warrants an investigation.
5. Reports from the Assessment Officer will be considered by Council in open session unless the Council resolves otherwise and the decision to consider the matter behind closed doors complies with the provisions of section 5.23(2) of the Local Government Act 1995.
6. In deciding the appropriateness of any sanctions recommended by the Assessment Officer the Council must not conduct a re-hearing of evidence already considered by the assessment Officer. In deliberating on alternative sanctions Council must consider the options listed in clause 8(2).
7. An Assessment Officer recommendation and Council's decision on the recommendation must be included in the minutes of the meeting. Should Council not adopt a recommendation it must provide a reason, or reasons, for doing so and submit these to the DLG for review before adopting an alternative decision.
8. An elected member who is the subject of a complaint must disclose an impartiality interest when the matter comes before Council.
9. The CEO must report monthly to Council on complaints covered by this policy. The report will include, as a minimum, a summary of the –
  - a) number of complaints received, and
  - b) nature of the issues raised by complainants, and
  - c) outcomes of complaints, and
  - d) estimated cost of dealing with complaint

#### **Assessment Officer - Duties**

1. The primary duty of the Assessment Officer is to establish the facts of an allegation, make findings of fact and make a recommendation to Council on any action considered appropriate to the circumstances.
2. The Assessment Officer must action the investigation of a complaint without delay.
3. The Assessment Officer will, in writing, inform a person who is the subject of a complaint about the process being undertaken to deal with the matter.
4. The Assessment Officer must ensure proper records of investigations are kept.
5. The Assessment Officer will report directly to council including –
  - a. attending meetings of the Council in an advisory capacity; and
  - b. when requested, provide advice on complaints and investigative processes; and
  - c. where, at the conclusion of an investigation he or she makes a finding that the conduct constituted a breach, make a recommendation on the sanction, or other action, that should follow.
6. Any report concluding that a breach has occurred should be in the form of a summary of the enquiries undertaken and include sufficient information for the Council to be satisfied the elected member or CEO has breached the Code of Conduct or Standing Orders Local Law.

As a minimum the report will contain:

- a) The nature of the complaint and the standard of conduct that is alleged to have been breached.
- b) The process undertaken by the Assessment Officer in assessing and enquiring into the complaint.
- c) Reference to any submission(s) received.
- d) The facts of the matter.
- e) Any findings and the reasons for those findings.
- f) Any recommendations to Council.

### Assessment Criteria and Actions

1. The Assessment Officer in assessing a complaint will have regard to the following grounds –
  - a. whether there is any prima facie evidence of a breach of the *Code of Conduct or Standing Orders Local Law* by an elected member or the CEO; and
  - b. whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties; and
  - c. whether the conduct the subject of the complaint could reasonably constitute a breach of the *Code of Conduct or Standing Orders Local Law*; and
  - d. whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the DLGCSC, the Corruption and Crime Commission or the WA Police; and
  - e. whether there is an alternative and satisfactory means of redress; and
  - f. how much time has elapsed since the events, the subject of the complaint, took place. (Any incidence that occurred prior to the appointment of the Assessment Officer may not be considered); and
  - g. how serious the complaint is and the significance it has for Council; and
  - h. whether the complaint is one of a series indicating a pattern of conduct.
2. Before commencing an enquiry into a complaint the Assessment Officer must initially decide whether to –
  - a) resolve the complaint without investigation by making a recommendation to the Council for a resolution such as, but not limited to, mediation, informal agreement or negotiated settlement and give the complainant advice on the resolution in writing; or
  - b) conduct an investigation and arrive at a finding on whether or not a breach has occurred; or
  - c) not commence an enquiry - or discontinue making an enquiry - where it subsequently becomes evident that the matter should be referred to another body or person; and refer the matter to that body or person as well as advising the Council and complainant in writing. Referral to another body or person will constitute finalisation of a matter and no further action is required by the Shire; or
  - d) dismiss a complaint because it is, in the opinion of the Assessment Officer, trivial, frivolous and/or vexatious. The definition of 'vexatious proceedings' in section 3 of the Vexatious Proceedings Restriction Act 2002 is to be used as a guide to determine whether a complaint is vexatious. The Assessment Officer must not dismiss a complaint if he or she is uncertain or has any doubt whether the complaint is trivial, frivolous or vexatious.
3. In determining what action to recommend the Assessment Officer may decide either to –
  - a) take no further action and give the complainant the reason/s in writing, and those reasons may include, but are not limited to, the complaint being outside the jurisdiction of the Assessment Officer, or

- b) resolve the complaint by use of alternative and appropriate strategies including, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
  - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
  - d) deal with the matter by conducting an investigation and reporting the outcome to Council.
4. Any report concluding that a breach has occurred should be in the form of a summary of the enquiries undertaken and include sufficient information for the Council to be satisfied the elected member or CEO has breached the *Code of Conduct* or *Standing Orders Local Law*. As a minimum the report should contain:
- a) the nature of the complaint and the standard of conduct that is alleged to have been breached.
  - b) the process undertaken by the Assessment Officer in assessing and enquiring into the complaint.
  - c) reference to any submission(s) received
  - d) the facts of the matter.
  - e) any findings and the reasons for those findings.
  - f) any recommendations to Council.
5. In conducting enquiries, the Assessment Officer must follow the rules of procedural fairness and will –
- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation; and
  - b) provide the person the subject of the complaint with an opportunity to place before the Assessment Officer or other person undertaking the enquiry any information the person considers relevant to the enquiry; and
  - c) act fairly and without prejudice or bias; and
  - d) ensure that no person decides a case in which they have a conflict of interest; and
  - e) conduct the enquiries without undue delay.
6. Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the Assessment Officer should proceed to finalise the matter taking into consideration all available information that has been received.

#### **Assessment Officer – Recommendations for Breaches**

1. Where in the opinion of the Assessment Officer a breach has occurred the Assessment Officer may recommend any of the following actions against the person who committed the breach–
  - a) dismiss the complaint and recommending no further action;
  - b) censure the elected member for misbehavior;
  - c) require the elected member or CEO to apologise to any person adversely affected by the breach;
  - d) require training;
  - e) require mediation;
  - f) counsel the elected member or CEO;
  - g) revise any of council's policies, procedures and/or the *Code of Conduct*.
2. Before making a recommendation under clause 8(1), the Assessment Officer will have regard to the following:

- a) the seriousness of the breach;
  - b) whether the breach can be easily remedied or rectified;
  - c) whether the subject person has remedied or rectified their conduct;
  - d) whether the subject person has expressed contrition;
  - e) whether the breach is technical or trivial only;
  - f) whether the breach represents repeated conduct;
  - g) the degree of reckless intention or negligence of the subject person;
  - h) the extent to which the breach has affected other parties or the council as a whole;
  - i) the harm or potential harm to the reputation of local government and of the council arising from the conduct;
  - j) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny;
  - k) whether an educative approach rather than a punitive response would be more appropriate;
  - l) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action;
  - m) what action or remedy would be in the public interest
3. Where the Assessment Officer considers it appropriate he/she may make a recommendation to Council, without making a finding on whether or not the breach alleged in the complaint occurred.
  4. Where the Assessment Officer makes findings, the findings and the reasons for those findings will be submitted in writing to the Council, the complainant and the person who is the subject of the complaint.

#### **Local Government Standards Panel**

1. The Local Government Standards Panel has jurisdiction over elected members only. Allegations concerning breaches of this Code by non-elected members of committees and the CEO cannot be referred to the Local Government Standards Panel.
2. If the Local Government receives a complaint intended to be made to the Standards Panel, the Local Government should ensure it is referred to the Standards Panel and not dealt with by the Assessment Officer or Council. However, if the complainant is agreeable and has not yet formally submitted the complaint to the Local Government Complaints Officer (as defined by s. 5.120 of the *Local Government Act 1995*), it may be dealt with by referring it to the Assessment Officer for investigation and report to Council.
3. Matters that can be dealt with by the Standards Panel are minor breaches under Part 2 of the *Local Government (Rules of Conduct) Regulations 2007*, and these include:
  - Contravention of certain local laws (Regulation 4)
  - Improper use of Information (Regulation 6)
  - Securing personal advantage or disadvantaging others (Regulation 7)
  - Misuse of local government resources (Regulation 8)
  - Prohibition against involvement in administration (Regulation 9)
  - Directions given to or attempts to influence a local government employee (Regulation 10)
  - Improper statements or use of improper expression about a local government employee (Regulation 10)
  - Non-disclosure of interest adverse to impartiality (Regulation 11)
  - Acceptance of a prohibited gift (Regulation 12)

- Failure to notify CEO of a notifiable gift within 10 days of acceptance of the gift (Regulation 12)

#### **Corruption and Crime Commission (CCC)**

1. The Assessment Officer must not investigate, or be requested to investigate, cases or allegations of serious misconduct. The Assessment Officer will deal only with matters that involve minor behavioral breaches identified in the Code of Conduct.
2. The CCC is to be informed of allegations concerning minor breaches of the Code and be advised that –
  - a) the matter is being dealt with by the Assessment Officer; and
  - b) the outcome will be provided for the CCC's review in accordance with the *Corruption and Crime Commission Act 2003*

## 6.10. COMPLAINTS MANAGEMENT

Responsible Department	Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>CODE OF CONDUCT</b>
Related Legislation	<i>Local Government Act 1995</i> <i>Local Government (Rules of Conduct) Regulations 2007</i> <i>Corruption and Crime Commission Act 2003</i> <i>Public Sector Management Act 1994</i>

### OBJECTIVE

To provide a guide to management of the process in dealing with complaints made by ratepayers, other members of the public (including Shire employees), public and private organisations and received at the Shire.

### POLICY

Complaints made by ratepayers, other members of the public (including Shire employees), public and private organisations and received at the Shire are to be responded to and dealt with in accordance with this policy.

### Scope

This policy applies to Shire employees designated to respond to complaints relating to alleged unsatisfactory service, misconduct, or a breach of ethics, integrity and discipline.

### Definitions

**Complainant** a ratepayer, member of the public, Shire employee, or an organisation (whether public or private) concerned or directly and adversely affected by an action or event for which the Council and/or the Shire’s CEO have responsibility and jurisdiction under the legislative framework governing the Shire

**Complaint** an expression of dissatisfaction conveyed to the President, the Council, the CEO or the Shire relating to:

- an action, whether past, present or intended, or lack thereof; or
- a concern for a likelihood of an action or lack thereof,

that has adversely affected, is adversely affecting or is capable of adversely affecting the complainant, the Shire's ratepayers, members of the public or private or public organisations

Service or operations complaint A complaint related to the Shire's provision of ratepayer services

Complaint about a breach of discipline or misconduct A complaint against an employee of the Shire who:

- disobeys a lawful order or instruction issued by the CEO or Shire senior employee;
- commits misconduct as defined in section 4 of the Corruption and Crime Commission Act 2003;
- is acting in contravention of the Shire of Wyalkatchem Code of Conduct for Council Members, Committee Members and Staff;
- is acting in contravention of any provision of a federal, state or local law and/or Council Policy applicable to a Shire employee; or
- is committing an act of victimisation within the meaning of the Public Interest Disclosure Act 2003

misconduct breaches of discipline as described in:

- section 4 of the Corruption and Crime Commission Act 2003; and
- section 80 of the Public Sector Management Act 1994.

Complaint about a breach of Rules of Conduct a complaint against the President or one or more Councillors covered by the Local Government (Rules of Conduct) Regulations 2007

CEO the Chief Executive Officer of the Shire, being also the Complaints Officer in accordance with section 5.120 of the Local Government Act 1995 and the principal officer of the Shire which is the notifying authority for the purposes of section 28 of the Corruption and Crime Act 2003

Employee a Shire employee of any category, including permanent, full and part-time staff, temporary staff, volunteers, contractors and persons under work experience arrangements

## 1. Principles

Principles underlying this policy are:

- commitment to providing quality services to the Shire's ratepayers;
- compliance with the local government legislative framework;
- respect and sensitivity towards the needs of the Shire's ratepayers;
- transparency and accountability in the delivery of services; and
- maintenance of confidentiality and respect for natural justice principles.

## 2. Complaints Processing

1. The Shire shall receive, investigate and undertake corrective action (if required) in response to a complaint depending on its type.
2. Complaints shall be dealt with in accordance with the Shire's procedures as follows:
  - a) complaints about service and operations shall be dealt with the Chief Executive Officer units following whenever possible the Complaints Management Procedures;
  - b) complaints about breach of discipline shall be dealt with under the relevant discipline policy and procedures and provisions of any applicable industrial relations instrument; and
  - c) complaints about breach of Rules of Conduct shall be dealt with in accordance with the Local Government (Rules of Conduct) Regulations 2007 by the Shire's Complaints Officer.
3. In establishing the order in which complaints will be attended to, consideration will be given to the urgency of each complaint in terms of public safety implications, seriousness, frequency of occurrence, severity and the need and possibility for immediate action.

## 3. Employees Responsible

1. For the purposes of subclauses 2(1) and 2(2) of this policy, and consistent with section 5.44 of the Local Government Act 1995, the CEO may exercise the role of complaints management officer himself or herself or appoint a management representative as the Shire officer primarily responsible for complaints resolution.
2. For the purposes of subclause 2(3) and consistent with section 5.19 of the Local Government Act 1995, the CEO is the complaints officer for the purposes Complaints about breach of Rules of Conduct and may designate a senior employee as Complaints Officer.

## 4. Timeliness Standards

1. All complaints submitted to the Shire must be acknowledged within 3 working days.
2. All complaints submitted to the Shire must be responded to within 10 working days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim reply outlining the reason for the delay.

## 5. Accessibility Standards

1. Complaints related documentation, including the Code of Conduct and guidance documents on how to lodge a complaint, must be made readily available to ratepayers and other members of the public in paper and/or electronic format.
2. Provision must be made to accommodate persons with disabilities wishing to lodge a complaint.

## 6. Right of Review

1. Complainants dissatisfied with the way in which their complaint about a service, or operation, or breach of discipline was handled by the Shire may apply to the CEO for a review of the complaint handling process.

**7. Unreasonable, Frivolous or Vexatious Complaints**

Please refer to policy **1.13 HABITUAL OR VEXATIOUS COMPLAINANTS** in regards to the management and process of Unreasonable, Frivolous or Vexatious complaints.

**8. Complaints Reporting**

In accordance with section 5.121 of the *Local Government Act* the number of complaints received in the reporting year under section 5.121 regarding complaints made about elected members is to be disclosed in the Annual Report.

## **DLGSCI Guidelines on the Model Code of Conduct for Elected Members**

**VOTING REQUIREMENT**

Absolute Majority

**COUNCIL RESOLUTION:**

*(268 /2021) Moved: Cr Stratford*

*Seconded: Cr Holdsworth*

*That Council appoints the following persons to receive complaints relating to Council Members, Committee Members and Candidates:*

- 1. Shire President; and*
- 2. Deputy Shire President*

*Further, the template complaints form, provided by the Department of Local Government, Sport and Cultural Industries, be adopted as the approved form for receiving complaints.*

**CARRIED 5/0**

### 6.11. COUNCILLOR RETIREMENT – GIFT / FUNCTION

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	GP5 – Gratuitous Payment & Presentation First adopted 17 February 2010, Last review 17 October 2013.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review, Policy Split and re-write
Shire Related Documents	Nil
Related Legislation	Nil

#### OBJECTIVE

To show appreciation to Councillors who have made significant contributions to the Council and the community.

#### POLICY

Upon retirement of a Councillor, an official presentation and function shall be held to recognise the Councillor’s service to the Council. A gift shall be presented to the Councillor after a minimum of two years of services.

The function will be held as a luncheon prior to a Council Meeting or nibbles proceeding a Council Meeting with a presentation included.

A formal civic function will be held for long serving Councillors who have completed three (3) terms or more in office.

A gift shall be presented to Councillors in line with the following prescribed amounts

- Continuous services greater than two years and up to four years                    \$100
- Four years continuous services    \$400
- Five years continuous services    \$500
- Six years continuous services    \$600
- Seven years continuous services     \$700
- Eight years continuous services     \$800
- Nine years continuous services     \$900
- Ten or more years continuous services     \$1000

On retirement of the Shire President, they are to be presented with their gravel and striker plate which is to be suitably engraved.

The Shire President is to be consulted to determine a suitable gift for Councillor’s Service. In the event the Shire President is retiring, the Deputy Shire President is to be consulted.

## 6.12. WELCOME AND AKNOWLEDGEMENT TO COUNTRY POLICY

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	N/A – NEW POLICY
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	N/A – NEW POLICY
Shire Related Documents	Nil
Related Legislation	Reconciliation Australia Indigenous.gov.au – Australian Government

### OBJECTIVE

To establish protocols for Shire staff and Councillors regarding the appropriate recognition and acknowledgement of Noongar People as the Traditional Custodians of the Ballardong land on which the Shire of Wyalkatchem is situated.

### POLICY

The Shire of Wyalkatchem recognises the Noongar People as the traditional custodians of Ballardong Country and is committed to observing appropriate protocols for acknowledging this custodianship at formal Shire events which are attended by members of the public and external stakeholder groups.

This Policy outlines cultural protocols of “Welcome to Country”, “Acknowledgement of Country” and “Cultural Performances” and provides guidance as to their appropriate use.

### Definitions:

**Welcome to Country:** a formal welcome onto Ballardong land given by an Elder or Traditional Custodian of the land. The Welcome to Country should be the first item on the order of proceedings for the event and may comprise a single speech with or without an accompanying cultural performance.

**Acknowledgement of Country:** a statement of recognition of the Traditional Custodian of the land. An Acknowledgement can be given by any person.

**Cultural Performance:** includes but is not limited to, dance, song or musical performance, and/or other means of artistic expression.

**Elder:** is defined as someone who has gained recognition as a custodian of knowledge and lore and who has permission to disclose knowledge and beliefs. It is important to understand that age alone doesn't necessarily mean that one is recognised as an Elder.

### Welcome to Country:

Welcome to Country is a respectful appreciation of the aboriginal people who have historically lived in the region and acknowledges aboriginal people's unique culture and history including an affiliation with the land.

A Welcome to Country can only be performed by elders who are recognised as Traditional Custodians of Ballardong Country and is intended to give traditional custodians the opportunity to formally welcome people to their land.

Events where it may be appropriate for a Welcome to Country to be performed include:

- 1 Official civic events by invitation;
- 2 Where visiting dignitaries are being formally hosted by Shire staff or Elected Members. These can include Members of Parliament, state and federal government Ministers, Heads of State and their representatives and/or visiting persons of high renown or esteem;
- 3 NAIDOC and Reconciliation Week events hosted by the Shire or Council;
- 4 Openings or official launches of large public events; and
- 5 Shire of Wyalkatchem's citizenship award presentations.

Where it is identified that a Welcome to Country should be performed, the following should occur:

- 6 The Shire's event leader is to advise the Chief Executive Officer of the event details and requirement for a Welcome to Country, no less than four weeks prior to the event.
- 7 The Chief Executive Officer will task the Governance Executive Officer with responsibility for organising the Welcome to Country including, the sourcing of an appropriate Elder or Traditional Custodian after liaising with locals and the Ballardong Aboriginal Corporation.

### Thanking an Elder after performing a welcome to Country

A brief acknowledgement should be given after the elder has given the Welcome to Country, a suitable response would typically include the following wording;

***I would like to thank (name of person) and would also like to pay my respect to the traditional owners, the Noongar People and the Elders past, present and future on whose country we are meeting.***

### Acknowledgement of Country:

An Acknowledgement of Country can be performed by anyone and is a respectful public acknowledgement of the traditional custodians of the land. Generally, an acknowledgement will be performed by the events' host or Master of Ceremonies unless, a specific person has been requested to perform this function.

Events where an Acknowledgment should be considered include:

- (a) Preceding Council or Committee meetings;
- (b) Citizenship ceremonies;
- (c) Large meetings where external stakeholders are present;
- (d) Official openings or launches of public events, either by invitation or not and;
- (e) Special events as determined by staff managing the event.

Where it is identified that an Acknowledgement of Country should be performed, the following should occur:

- (f) The Shire's event leader should prepare speech notes that incorporate an Acknowledgement of Country.
- (g) The preferred Acknowledgement of Country is as follows:

***I would like to respectfully acknowledge the Noongar people living on Ballardong Land, who are the traditional owners of the land on which we meet today. I would also like to pay my respects to the Elders both past and present of the Noongar people for they hold the memories, the traditions, the culture and the hopes of the Noongar people***

**Cultural Performance:**

Cultural Performances include dance, song, artistic expression and music and are an optional addition to a Welcome to Country or Acknowledgement of Country.

Cultural Performances will most commonly accompany a Welcome to Country however, may also accompany an Acknowledgment of Country.

Where it is identified that a Cultural Performance is necessary or possible the following should occur:

- (a) The Shire's event leader should advise the Chief Executive Officer, no less than four weeks prior to the event, that in addition to a Welcome to Country or Acknowledgement of Country, an opportunity to include a Cultural Performance is appropriate and possible.
- (b) Once approved, the Governance Executive Officer will organise arrangements for the Cultural Performance inclusive of sourcing an appropriate performance and the management of logistics and honorarium payments.

The determination of whether a Cultural Performance is necessary or possible shall be made by the Chief Executive Officer and Shire President. Contingent factors shall be accounted for including but not limited to logistical constraints of the event or function including, physical and time constraints, project budgets and appropriateness.

### 6.13. ATTENDANCE AT EVENTS - POLICY

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	Item 10.3.3 14/2024
Resolution Date	OMC 15 February 2024
Last Amendment Date	New Policy
Shire Related Documents	Policy <b>4.2 CODE OF CONDUCT – elected members, committee members and candidates</b> Shire of Wyalkatchem Record Keeping Plan.
Related Legislation	<i>State Records Act 2000</i> <i>Local Government Act 1995</i>

#### OBJECTIVE

To provide guidance and directives to Elected Members and Chief Executive Officers when attending events.

#### 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 Governance Executive Officer (GEO).

1.2 Any invitation or offer of tickets not addressed to the GEO 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 council 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 determines 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

Event	Date of Event	Approved Attendee/s	Approved local government contribution to cost	Date of council resolution or CEO authorisation
Example: Greater Westralia Regional Agricultural Ball	20 December 2019	President Cr Brown and Partner Deputy President Cr Green and Partner CEO and Partner	6 tickets @ \$190 each Total cost \$1,140	Ordinary Council Meeting 4 November 2019

## 6.14. ELECTRONIC MEETINGS AND ATTENDANCE AT COUNCIL MEETINGS AND COMMITTEE MEETINGS VIA ELECTRONIC MEANS and RECORDING OF MEETINGS

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	97/2024
Resolution Date	OMC 25 June 2024
Last Amendment Date	New Policy
Shire Related Documents	Hints and Tips Sheet for Recorded Meetings*
Related Legislation	<i>Local Government Act –s5.3</i> <i>Local Government (Administration) Regulations – Regulation 12</i> <i>Standing Orders Local Law 1999</i>

\*To be developed.

### OBJECTIVE

To provide guidance on the attendance and conduct of Council and Committee Meetings held via electronic means.

### POLICY SCOPE

This policy applies to:

1. All Council and Committee Members.
2. Meetings with attendees participating via electronic means in accordance with Regulations 14C and 14CA of the *Local Government (Administration) Regulations 1996* (the Regulations).
3. Meetings held by electronic means in accordance with Regulations 14D and 14E of the Regulations.

### POLICY STATEMENT:

#### PRINCIPLES

- Behaviour Protocols

The Western Australia Local Government Association (WALGA)'s guidance material on electronic meetings is states:

*“The pace of an e Meeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:*

- *Speak clearly and slowly, as connections may be distorted or delayed.*
- *Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first.*
- *In debate, only speak after the Presiding Member has acknowledged you. Then state your name so that others know who is speaking.*
- *Follow the Presiding Member's directions and rulings.*
- *If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member.*
- *Avoid looking for opportunities to call Points of Order, instead politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act 1995 or any other relevant matter.”*

- Logistical Considerations
- Participating in meetings via electronic means, whether the meeting is electronic or a physical meeting, presents logistical challenges and can impact the effective conduct of the meeting.
- An electronic meeting is as effective as the worst connection at the meeting.
- In addition to the behavioural protocols mentioned above, members should ensure they have a stable connection to the meeting and are able to give the meeting their full and proper attention.
- To ensure the best connection possible, members are requested to mute their microphone when not speaking.

- Confidentiality

In accordance with Regulations 14CA (5) and (6), members attending via electronic means must ensure they are in an appropriate location, being private and free from distractions (both to themselves and to other meeting attendees). When a meeting is closed to the public (Behind Closed Doors) in accordance with Section 5.23 of the *Local Government Act 1995* (the Act), members must ensure that the deliberations cannot be observed or overheard by any other person.

## **MEETINGS WITH ATTENDEES PARTICIPATING VIA ELECTRONIC MEANS**

### **(a) REQUESTS FOR ATTENDANCE**

- Regulation 14C (2) stipulates a member may attend a meeting via electronic means:

“(a) if —

- *a public health emergency or state of emergency exists or a natural disaster has occurred; and*
- *because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*
- *the member is authorised to attend the meeting by electronic means by the mayor, president or council;*

or

(b) *if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.”*

- An application to participate via electronic means is to be made in writing (email will suffice) to the Shire President at least twenty-four (24) hours prior to the meeting. This enables appropriate record keeping and monitoring of the 50% attendance cap stipulated in Regulation 14C (3).
- The member applying for electronic participation is to provide sufficient information in the request to enable the decision-maker to determine if the requirements of Regulation 14C (5) are met and provide reasons why the member is unable to attend the meeting in person.
- In instances where the Shire President authorises attendance via electronic means, the Shire President will notify the Chief Executive Officer to enable the electronic meeting invitation to be sent to the attendee.

In some instances, the President may determine the request is to be presented to Council, in which case the application will be presented for consideration as part of the attendances portion of the meeting. Council may authorise participation via a simple majority decision. Officers assisting the meeting will generate the electronic meeting invitation and send it to the attendee immediately following Council’s resolution.

- The minutes of the meeting shall record whether a member's electronic participation was granted or refused by the President, or by Council.
- The Administration will appropriately monitor these authorisations to ensure the 50% cap referenced in Regulation 14C (3) is not exceeded.

**(b) CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT**

- In deciding whether to authorise a member to attend a meeting via electronic means, the President or Council must consider whether the location from which the member intends to attend the meeting, and the equipment the member intends using to attend the meeting, are suitable for the member to effectively engage in deliberations and communication during the meeting.
- To attend a meeting via electronic means, the member is to ensure that the location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.
- In rooms where sound may travel, and particularly where a meeting is closed to the public (Behind Closed Doors), the member is to use headphones to ensure the deliberations cannot be inadvertently overheard.

**(c) MAINTAINING CONFIDENTIALITY**

- In accordance with Regulation 14CA (5), the member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- The members' declaration is to be recorded in the minutes of the meeting.
- Where confidentiality cannot be maintained, a member cannot attend and is required to leave the closed part of the meeting.
- Where a member is required to leave the meeting, the Officer assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting.
- The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

**(d) PREFERRED ELECTRONIC MEANS AND EQUIPMENT FOR ATTENDANCE**

- The Shire of Wyalkatchem utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire- provided iPad, Councillors may use their own laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- External members may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.

**(e) GENERAL CONDUCT OF ELECTRONIC ATTENDANCE AT MEETINGS**

Suspension of Local Government (Council Meetings) Local Law 1999

At the commencement of a meeting where a member is attending via electronic means, Council, under Part 18 of the Council Meetings Local Law should resolve to suspend, for the duration of the meeting, Members are to remain in their proper places.

### Procedure for Speaking

Part 9 Section 9.1 of the Council Meetings Local Law provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. To facilitate electronic meetings and electronic participation at physical meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

### Procedure for Voting

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings where a member or members are participating via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member participating by electronic means to state whether they are 'for' or 'against' the motion being put forward and then each member in the physical location by a show of hands.

### Procedure for dealing with Conflicts of Interest

Any members participating via electronic means who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officer assisting the meeting shall initiate the disconnection of the member from the meeting, and subsequent reconnection. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.

### Record of Attendance and Leaving and Re-entering the Meeting

The Presiding Member will regularly check the attendance of any members attending via electronic means. Members' faces must always be visible. A member is taken to no longer be in attendance at a meeting if they cease to be in instantaneous communication with each other person present at the meeting. The member's title (i.e. President ..., Cr ...) is to be displayed at all times.

To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes). The Presiding Member will verbally confirm that the leave has been granted. Any such cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance with Regulation 11. The Presiding Member will consider the effect of this on the quorum requirements and act as necessary.

## **MEETINGS HELD VIA ELECTRONIC MEANS**

### **1. DETERMINING ELECTRONIC MEETINGS**

1.1 Regulation 14D (2) enables meetings to be held via electronic means:

“(a) if —

- (i) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
- (ii) *the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in sub regulation (2B);*

or

**3.** if —

- *a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
- *the mayor, president or council authorises the meeting to be held by electronic means;*

or

**4.** *if the council otherwise authorises the meeting to be held by electronic means.”*

1.2 In accordance with Regulation 14D(2)(c), the decision of Council whether to conduct a meeting via electronic means is to be made either at a Special Council Meeting called for that purpose, or at the Ordinary Meeting of Council held prior to the proposed electronic meeting.

1.3 Circumstances where Council may consider it appropriate to conduct a meeting via electronic means (outside Regulation 14D(2)(a) or (b)) include, for example, seeding or harvest to reduce the need for travel time.

1.4 In-person attendance at a meeting held via electronic means under Regulation 14D is not possible. This includes participation by members of the public.

### **2. CONSIDERATION OF A SUITABLE LOCATION AND EQUIPMENT**

2.1 In deciding whether to conduct a meeting via electronic means, the President or Council must consider whether the location from which each member intends to attend the meeting, and the equipment each member intends using to attend the meeting, are suitable to effectively engage in deliberations and communication during the meeting.

2.2 When attending an electronic meeting, members are to ensure that their location is quiet and private, such as a room without distractions and where all the doors and windows can be closed to other people.

2.3 In rooms where sound may travel, and particularly where a meeting is closed to the public, members are to use headphones to ensure the deliberations cannot be inadvertently overheard.

### 3. **MAINTAINING CONFIDENTIALITY**

- 3.1 In accordance with Regulation 14D (6), each member is to declare either prior to the meeting, or prior to the closed part of the meeting, that confidentiality can be maintained (as the case requires).
- 3.2 The members' declarations are to be recorded in the minutes of the meeting.
- 3.3 Where confidentiality cannot be maintained, a member cannot attend and is required to leave the meeting.
- 3.4 Where a member is required to leave the meeting, the Officers assisting the meeting shall initiate the disconnection of the member from the meeting, and any subsequent reconnection.
- 3.5 The time the member left the meeting and returned to the meeting is to be recorded in the minutes of the meeting in accordance with Regulation 11.

### 4. **PREFERRED ELECTONIC MEANS AND EQUIPMENT FOR ATTENDANCE**

- 4.1 The Shire of Wyalkatchem utilises either Zoom or the Microsoft Teams platform for electronic meetings. The platform to be used will be notified prior to the meeting.
- 4.2 In the case of Councillors, members are to utilise the Shire-provided iPad as it is the equipment supported by the Shire's ICT specialists. If there is a fault with the Shire- provided iPad, Councillors may use their own laptop or desktop computer, as long as it has facilities for a microphone, webcam and headphones.
- 4.3 External members of Committees may use their own mobile device, laptop or desktop computer so long as it has facilities for a microphone, webcam and headphones.
- 4.4 Members of the public may use their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.

### 5. **NOTICE OF ELECTRONIC MEETINGS**

Following Council's decision to conduct a meeting via electronic means, the Chief Executive Officer is to provide notice via the Shire's website, social media, and administration and library noticeboards, that the meeting(s) will be held via electronic means.

### 6. **PUBLIC QUESTION TIME**

- 6.1 The public are invited to submit questions in writing to the Shire prior to 1pm on the day of the meeting (or 12pm for Audit & Risk Committee Management Meetings).
- 6.2 Questions are to be emailed to [admin2@wyalkatchem.wa.gov.au](mailto:admin2@wyalkatchem.wa.gov.au) or delivered to the Shire Administration Office and must include the person's full name and address.
- 6.3 Questions at an Ordinary Meeting of Council can relate to any matter affecting the Shire. Questions at a Special Council Meeting or Audit & Risk Committee Management Meeting must relate to items on the agenda for that meeting. The Presiding Member will read the questions during Public Question Time but cannot exceed 2 minutes on each question.
- 6.4 Responses to all questions will be provided in writing and included in the next Council or Committee Meeting Agenda.

## 7. DEPUTATIONS.

This can be a particular matter of concern to either an individual or a group of people. (Note that Deputies cannot participate in the debate or ask any questions of Council.)

7.1 The public can request a Deputation at a meeting held via electronic means in accordance with Clause 6.9 of the Shire of York Local Government (Council Meetings) Local Law 2016.

7.2 The request for a Deputation is to include confirmation that the person can participate in the meeting using their own mobile device, laptop or desktop computer which has facilities for a microphone, webcam and headphones.

7.3 Requests which cannot fulfil the requirements of clause 12.2 above, cannot be accepted at an electronic meeting.

7.4 A copy of the deputation to be made at an electronic meeting is to be emailed to [admin2@wyalkatchem.wa.gov.au](mailto:admin2@wyalkatchem.wa.gov.au) or delivered to the Shire Administration prior to 1pm on the day of the meeting and must include the person's full name and address.

7.5 Copies of the deputation will be provided to members prior to the meeting.

## 8. CONFLICTS OF INTEREST

8.1 Members declaring an Interest in a matter presented to a meeting held via electronic means are to email the completed Disclosure of Interest Form to [admin2@wyalkatchem.wa.gov.au](mailto:admin2@wyalkatchem.wa.gov.au) prior to 1pm on the day of the meeting (or 12pm for Audit & Risk Committee Management Meetings).

8.2 Members who declare a Financial or Proximity Interest in an item must leave the meeting as is required when attending in person. Where a member is required to leave the meeting, the Officer assisting the meeting will place the member in the Waiting Room and manage the transition of the member to and from the meeting. The time the member left the meeting and returned to the meeting will be declared by the Presiding Member and is to be recorded in the minutes of the meeting in accordance with Regulation 11.

8.3 At the Declaration /Disclosure of Interest Item of Business, the Presiding Member will read aloud each disclosure of interest. The Presiding Member will then ask if there are any further disclosures to be made. Members should ensure they make any necessary disclosures at this point so the Minute Taker can record the relevant Agenda Items.

8.4 Subsequently, the Presiding Member will call on each member to read their declaration immediately prior to the relevant Agenda Item being discussed.

## 9. LEAVE OF ABSENCE

9.1 Members who need to request Leave of Absence can apply for leave by emailing [admin2@wyalkatchem.wa.gov.au](mailto:admin2@wyalkatchem.wa.gov.au) prior to 3pm on the day of the meeting.

9.2 The email must include the dates of the requested leave of absence and a reason for requesting the leave (for example, work commitments or a holiday).

## 10. TECHNICAL DIFFICULTIES

- 10.1 The Presiding Member may adjourn the meeting for a short period of time to allow technical difficulties to be resolved. The Presiding Member will state the reason for the adjournment and anticipated length, prior to the meeting being adjourned.
- 10.2 Once the technical difficulty is resolved the Presiding Member will explain the technical difficulty prior to the meeting recommencing.

## 11. GENERAL CONDUCT OF ELECTRONIC MEETINGS

At the commencement of an electronic meeting, Council should resolve to suspend, for the duration of the meeting, – Members to be in their proper places.

### Procedure for Speaking

All members are encouraged to mute their microphone when not speaking to minimise background noise.

Part 9.1 of the Council Meetings Standing Orders provides that every member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. To facilitate electronic meetings, each member present shall exhibit due courtesy when wishing to speak, to enable the effective and orderly conduct of the meeting.

### Procedure for Voting

In accordance with Regulation 9, voting is to be conducted so that no-one's vote is secret. For meetings held via electronic means, the Presiding Member will ask if there is any member opposed to a recommendation/motion and pause. If a member is opposed, they are to speak their name. If there is no member opposed, the item is passed unanimously. Where an item has been debated, the voting method shall be by the Presiding Member calling each member to state whether they are 'for' or 'against' the motion being put forward. The Presiding Member will then confirm whether the motion has been Carried or Lost.

## 12. RECORD OF ATTENDANCE AND LEAVING AND RE-ENTERING THE MEETING

The Presiding Member will regularly check the attendance of members. Members' faces must always be visible. A member is taken to no longer be in attendance if they cease to be in instantaneous communication with each other person present at the meeting. Members' titles (i.e. President ....., Cr .....) must be displayed at all times.

To request leave from the meeting, the member is to raise their hand, wait for verbal acknowledgement from the Presiding Member, and advise the Presiding Member of their reason for requesting leave and the anticipated period of time (for example, I request leave from the meeting for two minutes).

The Presiding Member will verbally confirm that the leave has been granted. Any cessation in attendance of a member will be recorded in the minutes of the meeting in the chronological order it occurs in accordance with Regulation 11.

The Presiding Member will consider the effect of this on the quorum requirements and act as necessary.

## **RECORDING OF COUNCIL AND COMMITTEE MEETINGS**

1. Recordings will be made via audio from the Council Chamber Com box and desk microphones a via video using Zoom or Microsoft Teams. The recording will be conducted by Shire Officers.
2. Members of the public will be advised that a recording of the meeting will be made via the Agenda for the meeting and a sign will be prominently displayed in Council Chambers.
3. The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be recorded.
4. In accordance with the requirements for a Class 4 local government, the recording of the meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
5. The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
6. The Presiding Member may decide to cease recording at any time during the meeting.
7. Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Video, images and audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
8. In accordance with Part 8.1 of the Shire of Wyalkatchem Standing Orders Local Law 1999, nobody shall use any visual or Visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the Presiding Member, which is to be received at least 24 hours prior to the meeting.

### **Training**

Training will be provided by WALGA or other suitable providers and a Hints and Tips sheet for recorded meetings will be developed and provided to all Councillors.

### **Meeting or Items of Business Behind Closed Doors**

Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* (the Act) is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.

Confidential recordings may be released, if requested, to the Local Government Standards Panel, the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

### **Record Keeping**

The official record of the meeting will be the written minutes kept in accordance with the Act and any relevant Regulations.

All recordings will be retained as part of the Shire's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

### **Conduct and Responsibilities**

Councillors and Committee Members are required to act in accordance with the Act (and Regulations), Shire of Wyalkatchem Standing Orders Local Law 1999, Code of Conduct – Council Members, Committee Members and Candidates and other relevant policies.

Staff are required to act in accordance with the *Act (and Regulations)*, Shire of Wyalkatchem Standing Orders Local Law 1999, Employee Code of Conduct and other relevant policies.

Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance. Standing Orders section 8.6 Prevention of Disturbance applies to all members of the public gallery.

### **Liability and Defamation**

Under Section 9.57A of the *Local Government Act 1995*), the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.

Under Section 9.56 of the Act Councillors and employees are not liable to defamation for any statements made in good faith.

Further defences under the *Defamation Act 2005* may also be applicable.

As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent governance. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.

Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Meeting of Council, whereby Council may revoke or change the decision.

### **PENALTIES:**

**The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* do not provide for penalties applicable to this policy.**

### **KEY TERMS/DEFINITIONS:**

***Act* means the *Local Government Act 1995*.**

***Regulations* means the *Local Government (Administration) Regulations 1996*.**

***Member* means a Councillor or a Committee Member.**

***Meeting* means an Ordinary Meeting of Council, a Special Meeting of Council or a Meeting of a Committee of Council (including the Audit & Risk Management Committee).**

***Electronic Means* telephone, video conference or any other form of instantaneous communication.**

***Behind Closed Doors* means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.**

***Public Gallery* means any person attending a meeting who is not a Member, CEO or an Officer that is required to attend the meeting.**

# 7. WORKS AND SERVICES POLICIES

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## 7.6.ROAD MAKING MATERIALS

Responsible Department	Works and services
Former policy Reference	EP5 – Gravel Pit Rehabilitation Policy First adopted 19 February 2015
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Gravel and other Material acquisition agreement*
Related Legislation	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>

\*To be developed

### OBJECTIVE

To provide guidance on the sourcing of suitable gravel for road construction as well as the rehabilitation of disused gravel pits.

### POLICY

It is Council policy that where possible road making materials for road building not be obtained from road reserves.

Where gravel supplies are required for roadworks, the Manager of Works is to source gravel from landowners close to the road requiring maintenance. The Manager of Works should approach the landowner concerned at least two months prior to the time when works are due to commence and request the landowner's permission to remove gravel, enable the landowner to make any domestic arrangements in relation to stock.

An agreement must also be signed by the Shire of Wyalkatchem and the landowner.

The agreement to have consideration of the following;

- Payment of Royalties
- Timeframe and duration
- Access Routes
- If applicable, compensation
- Rehabilitation requirements and timeframes.

If the landowner is unwilling to allow Council access for the gravel reserves on their land, that it be Council policy to arrange a meeting with the Shire President and/or local Councillor, Chief Executive Officer and Manager of Works to continue with negotiations.

If the landowner is still unwilling to allow Council access for gravel reserves, compulsory resumption of the land for Council purposes to take place.

## 7.7. RESTRICTED ACCESS VEHICLES

Responsible Department	Works and Services
Former policy Reference	E31 – Permit Vehicles Approval First adopted 20 November 2003
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To control and rationalise the movement of Restricted Access Vehicles on the Shire's road network to provide for the efficient movement of freight, reduce damage to Shire roads and minimise risks to all road users.

### POLICY

#### Request to Access New Routes for Restricted Access Vehicles

1. All Restricted Access Vehicles (RAV) require a permit from Main Roads Western Australia (MRWA) and will be restricted to:
  - a. The MRWA RAV approved road network applicable to the RAV; and
  - b. The conditions on that network route.
2. New Requests to include a Shire road or part of a Shire road into the MRWA RAV road network will require the applicant to apply in the first instance to MRWA via their on-online form. MRWA will then seek feedback from the Shire.
3. The Shire may withdraw support for an approved route at any time if;
  - a. The route is deemed unsafe for RAV use;
  - b. The route is deemed unsuitable for RAV use; or
  - c. The operator has breached the permit conditions

#### Application

Responsibility for the implementation of this policy rests with the Chief Executive Officer

## 7.8. SCHOOL BUS STOPS

Responsible Department	Works and Services
Former policy Reference	GP27 – School Bus Signs First adopted 20 November 2003, Last reviewed 15 December 2011.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide guidance on the erection of suitable signage at designated school bus stops.

### POLICY

On notification of School Bus Route / Pick-up and drop off successful application from School Bus Services, the shire will arrange for suitable signage to be located at the school bus stop. This includes crossing signs and turning bus signs. The number and design of suitable signage is at the discretion of the Manager of Works.

If a bus driver or parent has concerns regarding the signage they are to be address with the Chief Executive Officer and/or Manager of Works.

Shire to seek an up to date detailed school bus routes from School Bus Services in November each year.

Once signage is confirmed that it is no longer required at the location all signage to be removed.

## 7.9. ROAD NAMES

Responsible Department	Works and Services
Former policy Reference	GP28 – Renaming Roads First adopted 20 November 2003, Last review 15 December 2011.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide easy identification of Shire Roads

### POLICY

Except as provided below, a road name shall not be proposed for a new/existing road if that road name is currently in use within the Shire. This includes the use of;

- I. Like-sounding names e.g. names with the addition/deletion of “s”; or
- II. Same name with a different suffix, e.g. road as opposed to street;
- III. Where a road is closed or access denied as it crosses a main thoroughfare, one (1) portion of the road shall be renamed.

Roads shall be named or renamed (as the case may be):

- So as to avoid repetition as outlined above specifically with suburbs; and
- Form the approved reserve list of names for roads.

Road names are to be sourced from;

- Person, entitles, places or events of historical or heritage significance and directly related to the Wyalkatchem area and its neighbourhood;
- Persons having a distinguished record of achievement with the Shire’s history.
- As per the Geographical Name Committee approved road name list.

A brief explanation of the relationship and significance of the name shall accompany all nominations for road names to the Shire.

Acceptance of nominated names for incorporation into a reserve road name list and for applying to particular thoroughfares will be put before Council for approval.

Support to name or rename roads in established areas can be obtained by applying to Council stating their reasons and Council is to write to all landholders adjoining the affected road to obtain their views.

Once a name has formally been assigned to the road and adopted by the Geographic Names Committee, all relevant Government bodies, servicing authorities and Australia Post shall be notified of the final action taken and the commencement date.

## 7.10. PRIVATE WORKS

Responsible Department	Works and Services
Former policy Reference	GP38 – Undertaking of Private Works First adopted 15 August 2013.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Private Works Request* Private Works Acceptance and agreement* Fees and Charges
Related Legislation	

\*To be developed

### OBJECTIVE

To provide ensure a source of income for Council and efficient use of Council's plant and workforce resources.

### POLICY

At the discretion of the Manager of Works, where works are to be carried out on behalf of a ratepayer or other private person, an estimated cost of the works will be in accordance with Council's schedule of fees and charges. Unless other arrangements are made, this estimate will be prepared to Council with a written undertaking by the customer to pay the actual cost of works if it exceeds the estimate.

Private works totaling more than \$50,000 needs to have Council approval, prior to the commencement of works.

## 7.11. PLANT AND VEHICLE REPLACEMENT

Responsible Department	Works and Services
Former policy Reference	GP37 – Plant and Vehicle Replacement First adopted 15 August 2013
Resolution Number	OMC 2783
Resolution Date	15 August 2013
Last Amendment Date	15 August 2013
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide direction to management of the minor and major plant and equipment replacement requirements including fleet of light, medium and heavy vehicles.

To manage Council plant and equipment in the most efficient and economical manner;

- To follow Best Practice principles for vehicle and plant fleet asset management with the flexibility to operate within changing market conditions;
- To maintain a modern, reliable and efficient plant fleet within the limits of funds available that conforms with legislative requirements for environmental and Occupational Health and Safety management; and
- To ensure that the process of purchasing, leasing, renting or replacing plant and vehicles are legal, ethical and to Council's best advantage. The outcomes of this policy are: open and effective competition, value for money, ethical behaviour and fair dealing.

### POLICY

#### OPTIMUM MOTOR VEHICLE REPLACEMENT TIMING

The **Doctor's Vehicle** changeover is subject to the requirements and conditions of the joint cost sharing (50/50) arrangement between the Shire's of Wyalkatchem and Koorda, normally every 2 years or 60,000km whichever occurs first.

The **Environmental Health Officer/Building Surveyor Vehicle** changeover is subject to the requirements and conditions of the New-Health arrangements between the Shire's of Wyalkatchem, Koorda, Mount Marshall and Trayning normally every 1 year or 20,000km whichever occurs first.

The **CEO's** vehicle changeover is normally every 2 years or at 60,000km whichever occurs first and is to be a Calais V Series, Statesman or equivalent. A different vehicle can only be purchased with Council approval, Contract of Employment Conditions and subject to Budget allocation.

The **Deputy CEO's** vehicle changeover is normally every 2 years or at 60,000km whichever occurs first and is to be a Commodore V6 or equivalent. A different vehicle can only be purchased with CEO approval, Contract of Employment Conditions and subject to Budget allocation.

The **Manager of Works** vehicle changeover is normally every 2 years or at 60,000km whichever occurs first and is to be a Ford/Holden Dual Cab Utility or equivalent. A different vehicle can only be purchased with CEO approval, Contract of Employment Conditions and subject to Budget allocation.

The **Works Utility** changeover is normally every 4 years or at 80,000km whichever occurs first and is to be a Ford/Holden Utility or equivalent. A different vehicle can only be purchased with CEO approval.

The economic life for each type or group of plant, as estimated using historical records, manufacturer’s data and envisaged future usage, is to be used to forecast the plant replacement dates. The decision regarding when to change over the light fleet, plant and heavy vehicles should be based on optimum replacement timing.

The optimum replacement point in the life of the vehicle is when the decreasing line of depreciation intersects with the increasing cost of repairs and maintenance. Optimum replacement timing for a vehicle or an item of plant is calculated to best estimate the optimum time, either in kilometres or engine hours, and time, to achieve the lowest average annual costs during the life of the vehicle/machine. Optimum Change Over is indicated in kilometres/engine hours and time.

The Plant Replacement Program and the estimated economic life of Shire plant is to be reviewed and reported annually. Council’s changeover policies for the heavy fleet shall be in line with the Optimum Replacement benchmarks recommended in the Institute of Public Works Engineering Australia (IPWEA) Plant & Vehicle Management Manual (refer table).

Group/Type	Optimum Replacement Years	Timing KM/Hrs
Backhoe Loader	7	5,000
Excavator Mini	6	5,000
Grader	10	5,000
Heavy Duty Truck (HR & HC)	8	500,000
Light Duty Truck (LR)	6	100,000
Loader	8	8,000
Medium duty Truck (MR)	8	200,000
Mower Front Deck	5	2,000
Roller Large	10	5,000
Skid Steer	5	5,000
Sweeper	8	8,000
Tractor Medium	8	5,000
Trailer heavy	15	NA
Trailer light	10	NA

The optimum replacement timing for a vehicle or an item of plant is calculated to best estimate the optimum time, in either kilometres or engine hours, and time, to achieve the lowest average annual cost during the life of the machine.

The optimum replacement point in the life of the plant item is near when the decreasing line of depreciation intersects with the increasing cost of repairs and maintenance costs. Actual depreciation figures will show two distinct steep drops in resale value. The first significant drop is immediately post purchase. The second drop is prior to a major component overhaul, which is when second hand buyers are aware of a large impending repair and maintenance bill.

Utilisation is as critical in optimum replacement as time. Council understands the importance of replacing plant before resale values fall dramatically and repairs & maintenance costs increase. Adopting optimum replacement reduces annual plant replacement costs in the long term, reduce maintenance costs and most importantly reduce downtime in the outside operations.

### Plant Replacement Program

A Plant Replacement Program shall be developed and adopted for all Shire plant items showing the original acquisition dates, the scheduled replacement dates and the estimated net replacement cost for each item. The economics for managing plant is to balance the increasing cost of repairs and maintenance with the net acquisition cost of each new item.

There are special circumstances where the CEO may authorise an extension of retention for plant items, special purpose plant with low utilisation may be retained longer and also whenever extra machines or vehicles are required for temporary use trade-ins may be retained for that purpose.

#### **Source of Funds**

The Shire of Wyalkatchem's Plant Replacement Program is to be funded from the Internal Asset Fund especially developed using plant depreciation charges (plant replacement costs factored into charge out rates) and operating profit on each item of plant, thus generating the appropriate amounts to cover replacement costs. The necessary funds to complete each year's Plant Replacement Program to be considered within Council budget.

#### **Whole of Life Costs**

Internal hire rates are based on whole of life costs and annual budget internal hire rates reflect full cost recovery including the cost of replacement. Depreciation charges reflect the level of funding required to replace an item at its optimum replacement point.

Depreciation recovered through the recharge rate is classified as "over-recovery" and transferred directly to the plant replacement reserve to ensure the funds are available to fund the 10-year replacement program for plant and heavy vehicles.

#### **Economic Life of Plant**

Shire plant is subdivided into several groups/types, each group represents machines with similar economic life. For example, the group of heavy earthmoving machinery has a minimum predicted economic life of 7 years (about 5,000 hours) and trucks have a predicted economic life of 5-6 years.

The economic life of an item of plant is the period of time where optimum performance of the machine is obtainable with little down time, and where major repair is not required, ie the period from new until it begins to require extensive or continuous heavy maintenance work.

When a machine is retained longer than its economic life, gradually it will cost more to maintain and at the same time it starts to drop its resale value. A machine should be replaced when it reaches its economic life span. Financially there is no benefit to keep the machine longer beyond that point, even if it is still in fair condition.

#### **Plant Maintenance Cost**

Management of each Shire asset is mainly based on the cost of on-going maintenance. This cost is gradually becoming higher as the asset becomes older. Careful monitoring of the on-going costs and the condition of the plant can give an accurate guide as to whether the machine is to be retained or replaced.

Regular cost monitoring and analysis shall be carried out for each item of plant.

#### **Plant Net Replacement Cost**

Annually, the resale/residual value of each item of plant is to be revalued so that realistic net replacement costs can be estimated accurately.

#### **Other Reasons for Replacing Plant Items**

An item of plant is to be replaced when there is substantial evidence that:

- The required repair cost is greater than the acquisition cost of a new unit.

- The major capital expenditure to be spent is unlikely to be recouped when the machine is later disposed of.
- The plant is unable to produce the required output, or has become obsolete.
- The plant does not meet the current safety standard.

#### **Plant Replacement Method**

- Vehicles or plant subject to changeover are to record a minimum of two trade in values and be advertised for outright sale within the region.
- Purchase of all items of plant costing less than \$100,000 (excluding GST) or purchased through Government Contracts are to be authorised by the CEO with Council endorsement and three quotations are to be gained showing Value for Money.
- Purchases of items costing in excess of \$100,000 (excluding GST) must be authorised by the CEO with Council endorsement and shall be by public tender or through Government Contract.

#### **Plant Purchase Conditions**

All new Plant & Vehicle Tender Specifications are to include the supply and installation of:

- Turbo Timers (where applicable)
- Air Conditioning (Where machinery has enclosed operator cabin)

## **7.12. HIRE OF SHIRE PLANT**

Responsible Department	Works and services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Policy <b>7.5 PRIVATE WORKS</b>
Related Legislation	Nil

### **OBJECTIVE**

To ensure the safe and proper use of Shire property

### **POLICY**

Shire plant or equipment that has a driver / operator compartment shall not be hired out within its driver/operator, commonly referred to as Wet Hire.

With the exception of the Shire's Tree Planter, no minor items of plant, such as chainsaws, whipper snippers, lawn mowers, turf equipment or tools are available for hire.

The Shire's Tree Planter maybe hired without a driver/operator, commonly referred to as dry hire.

All request for Hire of Shire plant to be directed to the Manager of Works and be considered and processed in line with Council's private works policy **7.5 PRIVATE WORKS**

### 7.13. RURAL ROAD VERGE VEGETATION MANAGEMENT

Responsible Department	Works and Services
Former policy Reference	EP17 – Roadside Conservation First adopted 16 October 2003, Last review 20 April 2006. EP4 – Roadside Vegetation Conservation First adopted 16 October 2003, Last review 26 February 2014.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review – Combine old policies – re-write
Shire Related Documents	Nil
Related Legislation	<i>Environmental Protection Act 1986</i> <i>Local Government Act 1995</i>

#### OBJECTIVE

To provide guidelines for the construction and maintenance of rural roads whilst acknowledging the importance of the protection and conservation of native vegetation contained within rural road verges under the care, control and management of the Shire of Wyalkatchem.

#### POLICY

##### Scope:

This policy applies to road verges located in a dedicated road reserve outside of the Gazetted Town Site within the Shire of Wyalkatchem.

##### Definitions:

Designated Maintenance Corridor - *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* Regulation 5, Item 22 ‘Clearing for maintenance in existing transport corridors provides that a local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated ‘maintenance corridor’ as shown in Diagram 1



Diagram 1 Designated Maintenance Corridor  
Application of Policy:

1. **Road Construction Operations** – All works shall be planned to ensure that there is no damage to any vegetation outside the limits of the designated maintenance corridor.

Where necessary, the Shire will make application for the necessary clearing permits from the Department of Water and Environment Regulation prior to undertaking any road construction activities. If required as a condition/s of permit, special considerations for declared or threatened flora and/ or fauna will be made prior to works being undertaken.

2. **Road Maintenance Operations** – The Shire’s road maintenance program includes grading, slashing, herbicide application, pruning, drain clearing, drainage improvements, bitumen resealing, shoulder grading and gravel re-sheeting.

Road maintenance activities will be contained within the designated maintenance corridor which comprises of the running surface, road shoulders, table drain and back slope.

As part of the Shire’s annual road program, unsealed shoulders subject to traffic volumes will require periodic grading and gravel patching. During this process all grasses and vegetation will be removed and disposed of offsite.

Some maintenance grading requires occasional clearing and/or pruning of vegetation to accommodate the machine and ensure road safety, however, where possible this will be minimised.

Drains are usually mechanically cleared and maintained using a grader and/or slashed if covered with grass. Drains that are inaccessible to mechanical equipment may require maintenance with hand tools or the application of herbicides to the vegetation. In cases where these practices will not provide for an acceptable level of drainage then the use of excavation equipment may be used.

Council will take all care not to damage any portion of the rural road reserve from the back slope to the fence line so far as practicable, however, the Council does not accept any responsibility for any loss or damage to vegetation that may occur due to road construction or maintenance activities.

3. **Removal of Dangerous Vegetation** - Occasionally it is necessary to remove a dangerous tree/vegetation that poses an imminent threat to public safety, such as impeding sightlines or a tree that has been subject to storm damage and is threatening to impact a fence line or carriageway. Following inspection by a Shire officer, the vegetation removal will be in accordance with the Environment Protection (Clearing of Native Vegetation) Regulations 2004.

4. **Services and Utilities** – Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice Western Australia, utility providers are to liaise with the Local Government Authority regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimise the impact on vegetation where possible, however if removal is required, it is the responsibility of the service providers to obtain a valid exemption or a clearing permit from DWER.

5. **Unauthorised Clearing and/or Activities within Rural Road Reserves** – Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection Act legislation.

No works shall be undertaken in rural road verges without prior written approval from the Shire of Wyalkatchem. This includes planting, drainage works, fencing, spraying, burning, and clearing of vegetation or seed collection.

6. **Landowner Maintenance of Rural Road Verges** – Landowners may apply in writing to the Shire of Wyalkatchem to maintain the rural road verge immediately adjacent to their property.

Maintenance activities may include vegetation protection or weed removal but do include any additions or developments such as drainage works or other construction works of any type. Planting within road verges may be considered, however approval will only be given to native / local species that enhance biodiversity of the road verge corridor.

Landowners need to be aware when applying for approval that their application may be refused if the Shire is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

Clearing may be approved along, but no more than 1.5 metres from a fence line to provide access to construct or maintain a boundary fence under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

## 7.14. ROAD CLOSURES - TEMPORARY

Responsible Department	Works and Services
Former policy Reference	GP15 – Road Closures - Temporary First adopted 15 August 2003 EP4 – Roadside Vegetation Conservation First adopted 16 October 2003, Last review 26 February 2014.
Resolution Number	OMC 2265
Resolution Date	21 April 2011
Last Amendment Date	21 April 2011
Shire Related Documents	Nil
Related Legislation	

### OBJECTIVE

To provide uniform and safe guidelines for the conduct of Sporting Events or Street Parties within the Shire in accordance with delegated authority from Main Roads WA and Australian Standards 1742.3 – Traffic Management for Roadworks.

### POLICY

1. Street Parties and sporting events may be held on local roads upon submission of a letter of application. Street Parties and sporting events in other roads shall require the approval of Council.
2. The letter of application must be accompanied by a plan displaying the section of street closure and a Traffic Management Plan.
3. Written confirmation from residents supporting the event (75% in favor as a minimum, in the section of the street to be closed) must accompany the letter of application.
4. A 'Road Closure Form' (freely available from any Police Station) signed by the Police Traffic Branch is to be attached to the letter of application prior to submission to the Shire.
5. One week prior to the event, a letter drop is to be undertaken to all properties in the street effected by the street closures, advising of the date and time of the event.
6. The section of street closed for the event is to be left in a clean and tidy condition.
7. Advertising the road closure if required by the 'Road Closure Form' will be carried out by the Shire at the cost of the applicant.
8. The organisers of the event are to ensure that there is no consumption of any alcohol within the road reserve. The sale of alcohol is illegal. Prohibited substances are not to be consumed or administered.
9. The event organisers must ensure that all participants are respectful of the amenity of surrounding residents in relation to noise, behaviour and parking. Compliance with the law and the Shire's Local Laws and Policies are to be adhered to at all times.
10. The Shire will be responsible for the booking of Street Parties and determine the orderly scheduling of events.
11. The Shire, on the applicant's behalf, will notify all emergency services regarding the road closure and the event.
12. Barricading and signage may be supplied to event organisers if requested in the letter of application.

## **PROCESS**

This process is used for a temporary short-term closure for the period of an event such as the community Christmas party.

1. You will need to contact an officer from the Shire (CEO/DCEO or Works Manager) and forward a written request at least 3 months in advance of the function.
2. You will be advised to obtain an "Application for an Order for a Road Closure" form from the nearest Police Station where the event is to be held.
3. On the reverse side of the form, you will need to obtain permission from all residents or businesses in the vicinity of the proposed road closure.
4. A Traffic Management Plan showing the alternate route and signage must also to be submitted at the time of the "Order for a Road Closure" form.
5. Once the traffic management plan and form are received by the Shire, an Officer will review the arrangements and should any discussion or site inspection be necessary, it is at this time it will occur.
6. Once accepted, the Chief Executive Officer will then sign his approval and the documentation will be forwarded to Main Roads WA for their clearance, if required. The form will then be returned direct to you for final clearance from the local police.
7. Dependent on what the purpose of the road closure is, Council staff will be responsible for the placement and removal of the road warning signs in accordance with the traffic management plan. This may incur a fee depending on the events purpose i.e. commercial versus community.

## **Standards**

MRWA - Traffic Management for Events - Code of Practice (July 2006)

AS1742.3 - Traffic Management for Roadworks

## 7.15. DEEP DRAINAGE

Responsible Department	Works and Services
Former policy Reference	E25 – Deep Drainage First adopted 20 December 2001
Resolution Number	OMC 13.5.14
Resolution Date	20 December 2001
Last Amendment Date	20 December 2001
Shire Related Documents	Nil
Related Legislation	

### OBJECTIVE

### POLICY

1. Property Owners are to be encouraged to assess and plan the overall drainage issues pertaining to a particular property drainage region, including necessary formal mapping prior to any applications to implement drainage is considered by Council.
2. Council is to assess the merits of a particular drainage application and its impact on localised areas and the overall drainage of that particular area, prior to any decision- or decision-making process being implemented.
3. Any drainage approval to be subject to at least minimally the following conditions:  
  
Drainage proposal that requires directing water across a road reserve shall only approved if
  - a) The Property Owner undertakes to meet all costs associated with necessary mapping and directing water across any particular road reserve, whether it is a culvert flood crossing, and the future maintenance of that utility.
  - b) Council will determine scope of work required
  - c) Council will be responsible for the actual works
  - d) The Property if sold, the drainage agreement to be included in the sale contract.
  - e) The Property Owner is to sign legal documents agreeing to all clauses above.

## 7.16. PROVISION OF CROSSOVERS AND INVERTS

Responsible Department	Works and Services
Former policy Reference	Pp – 1 Provision of Crossovers and Inverts First Adopted: 21 April 2011, Last reviewed 20 July 2017
Resolution Number	OMC 2269
Resolution Date	21 April 2011
Last Amendment Date	20 July 2017
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>15(1)(b) and 15(2)</i>

### OBJECTIVE

The objective of this policy is to define the Shire's specification and financial obligations for the construction and/or modification of vehicle Crossovers and Inverts in road reserves.

### POLICY

#### APPROVAL

All new and modified or reconstructed Crossovers and Inverts require approval from the Shire *prior* to construction. Approval will be issued by written letter or email from the Shire to the property owner. Application for approval must be made in writing by the property owner and lodged by post, email or in person at the Shire office. The application will be acknowledged. This application must as a minimum include contact details (name, address, email address and 'phone number(s)), property details, location of proposed works and details of the proposed works including contractor, materials and dimensions. A site drawing must be attached showing the position of the crossover.

Council authorises the Chief Executive Officer to determine all matters relating to this policy. This policy in general applies to all building approvals.

#### FINANCIAL CONTRIBUTION

In accordance with the Local Government Act 1995, Pursuant to Regulation 15(2) of the Local Government (Uniform Local Provisions) Regulations 1996, the Shire will contribute to the cost of a standard crossover up to the amount specified in the fees and charges schedule for the relevant financial year as approved by Council.

The financial contribution by the Shire is only provided when Crossovers and Inverts are constructed in accordance with this policy and have received approval *prior* to construction. The contribution is made after proof of full payment is supplied to the Shire.

The subsidy applies to residential, industrial, commercial or rural properties. The subsidy only applies to the first crossover to a location (as per regulation 15. (1) (b) Local Government (Uniform Local Provisions) Regulations 1996). All other crossovers are at the landowner's own expense. Strata, group housing or multiple building developments are subject to development application.

## Crossover Specification

1. Driveway crossover works must comply with the Shire's current Specification and Drawings applicable to the work;
2. The owner of the property for which the crossover is constructed shall bear the cost of any public utility service modifications required as a result of constructing the crossover;
3. Maintenance and repairs to Crossovers and Inverts are the responsibility of the property owner to which the crossover belongs;
4. Authorised works must be carried out within six (6) months of the date of approval, otherwise the authorisation will lapse;
5. The applicant shall indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant in relation to the proposed works;
6. The Council will require the applicant to make good, at the applicant's cost, any work completed which does not comply with the Council's Specification, Drawings or any other terms and conditions of the approval;
7. This Authorisation does not confer on the Applicant any exclusive right, entitlement or interest in the Council Land and does not derogate from the Council's powers arising under the *Local Government Act 1995* or any other law;
8. Public Safety, traffic management and pedestrian management is the responsibility of the property owner during the construction period.  
Persons carrying out the work shall have minimum \$10 million public liability insurance. Where the works are undertaken by the Council, the Council will provide appropriate signage and pedestrian and traffic management;
9. Crossovers and Inverts must be perpendicular to the property boundary;
10. A clearance of one metre (1m) must exist between:
  - a. the side boundary and the crossover;
  - b. the crossover and any service pole;
  - c. the crossover and any tree within the verge;
11. At all times, the job must be kept clean and tidy and free from all surplus materials, spoil and debris of all kinds. All surplus earth, clay and excavated material from the job shall be removed from the site and disposed of by the applicant or contractor;
12. ***Prior to the pouring of concrete, or sealing with bitumen or asphalt***, the applicant must arrange for an inspection to be undertaken by the Shire;
13. Any deviations from the specifications listed herein may be approved by the Manager of Works or Chief Executive Officer.

**Note:** Applicants are advised to undertake a thorough investigation to ascertain the location of existing underground utility services (e.g.: telecommunications, waste sewerage, gas and electricity) prior to undertaking any excavation. Call 1100 or visit: <https://www.1100.com.au/>

All other details and specifications are listed in the applicable drawings.

***Applicable Drawings:***

1. Appendix 1: "SWM-Road-Urban Driveway Invert and Slab"  
(For Crossovers and Inverts **Within** the Wyalkatchem Town site);
2. Appendix 2: "SWM-Road-Rural Driveway with pipe crossing"  
(For Crossovers and Inverts **Outside** the Wyalkatchem Town site

# 8. PARKS AND LANDSCAPING POLICIES

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## 8.6. STREET TREES

Responsible Department	Works and Services
Former policy Reference	E13 – Provision of Trees First adopted 20 November 2003
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major Review and re-write
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide guidance on the appropriate remove and replacement of street trees within the Shire of Wyalkatchem.

### POLICY

#### Street Tree Removal

Individual trees within Council reserves or grounds which are diseased, hazardous or roots of which are causing pavement damage shall be removed on approval of the Chief Executive Officer.

#### Street Tree Planting

Street tree planning is only to be carried out during optimum planting periods and the species of tree to be planed must suit the local with due regard to power, telephone and water services. Such species may include Coral Gums, Dwarf Sugar Gum, Bottlebrush and Forrestonia.

#### Tree Register

The following trees as having a significant value to the community;

Address	Species	Significant vaue
67 Piesse Street	Cymbia Ficifolia (Red Flowering Gum)	Shade to rose garden & very good for birds. Not many trees in street.
Railway Terrace - Info Bay near Fountain		Planted by Shirley Strickland
Railway Terrace - Info Bay near Fountain		Donated by Don Eaton - in memory of bush fire
Westlake Road	Drinking \Tree Stump	
21 Flint Street (private property)		

With the exception of minor pruning and pruning as directed by Western Power, no major pruning or removal of the above-mentioned trees is to take place without the approval of Council.

Should Council approve the proposed works, public notice to be given inviting submission on the proposed pruning and/or removal. All submissions to be considered when making the final decision.

## 8.7. REQUESTS TO REMOVE DANGEROUS TREES

Responsible Department	Works and Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Delegation Register
Delegation Reference	1.2.29 – Issuing Notices
Related Legislation	<i>Local Government Act s.3.25 and sch.3.1.9</i>

### OBJECTIVE

To ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.

### POLICY

The issuing of notices under Section 3.25 and Schedule 3.1.9 of the *Local Government Act 1995* regarding trees on private property will only be issued where the tree concerned represents a definite treat of imminent harm to persons or catastrophic damage to property and only after the complainant has taken reasonable steps to resolve this issue privately with the tree owner.

Requests from residents for the issue of a notice regarding trees on neighboring private property are to be received in writing. The complainant will be required to provide the following;

1. Demonstrate what actions they have taken previously to resolve the issue privately with the tree owner; and
2. Commission and submit, at the complainant's cost, a Tree Inspection Report by a qualified arborist detailing the reason for removal prior to the Council proceeding with any consideration of the request.

The request will be declined if it does not meet the above requirements.

Where the request meets the above requirements, a notice will be issued to the tree owner to make the tree safe.

The Chief Executive Officer, under delegation 1.2.29, is authorised to issue notices in accordance with Section 3.25 of the *Local Government Act 1995* and shall be enforced by the Chief Executive Officer, under delegation 1.2.30 in accordance with Section 3.26 of the *Local Government Act 1995*, if not complied with.

This policy shall not prevent the Council or its officers from intervening in emergency situations as provided for by Section 3.34 of the *Local Government Act 1995*.

## 8.8. STREET VERGE TREATMENTS

Responsible Department	Works and Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Street Verge Treatment application* Policy <b>8.1 STREET TREES</b> Policy <b>PR PROVISION OF CROSSOVERS AND INVERTS</b>
Related Legislation	Nil

\*To be developed

### OBJECTIVE

To enhance and maintain the visual amenity and safety of street verges throughout the Shire of Wyalkatchem.

### POLICY

This policy sets out the process and conditions for all verges within the Shire of Wyalkatchem Townsite.

The Shire is committed to creating an environment that is visually appealing, safe and contributes to the broader environment in a sustainable way. The shire encourages the use of natural materials within the verge whilst understanding the benefits of innovative products that form modern landscapes.

The shire appreciates the contribution that residents make regarding the landscaping and maintenance of verges adjacent to their properties. The Shire is of the view that property owners should take responsibility for the landscaping, irrigation and maintenance of street verges adjacent to their property, whilst the street trees will be maintained by the Shire as per the policy **8.1 STREET TREES**

### General

The verge is the area of land between the kerb and the property boundary. The purpose of the verge is to provide an area where public utilities/services such as power, gas and telecommunications can be located. The verge is also a public open space recognised and valued for its street trees and streetscape environment.

The owner or occupier of land/property which is directly adjacent to that part of the verge may install a permissible verge treatment. Permissible treatments include vegetation and hard surfacing as detailed below.

The following general conditions shall be met, unless written authorisation is received from the Shire.

- 0.50m set back and clear access to all service infrastructure (like manholes, pits and poles) and hard stand (like footpaths and driveways)
- Where there is no footpath ensure a pedestrian has safe and clear access (immediately adjacent to the road)
- Sight lines for pedestrian and vehicular access across or through the verge shall be maintained in accordance with the Austroads guide to Traffic Management – Part 6: Intersections, Interchanges and Crossings.
- Roads and paths shall be kept free from obstructions, both permanent and temporary including overgrown vegetation and loose material, to ensure clear access is maintained at all times for pedestrians and vehicle movement.
- Changing the level of the verge, either fully or partially, is not permitted, without the prior authorisation from the Shire.
- Acceptable forms of loose aggregate materials such as pebbles, stones, crushed brick and gravel are acceptable, only if the following conditions are met:
  - It does not present as a hazard
  - Is neat and tidy
  - Contained with the verge area at all times.

The shire can at its discretion ask that these materials be removed if these conditions are not met at the owner's expense.

The shire advises owners undertake a dial before you dig check prior to undertaking any works.

Where treatments have been installed prior to the adoption of this policy, the shire at its discretion may approve retrospectively.

### **Vegetation**

The Shire encourages the planting out the verge with ground cover or grass. A person shall not plant a garden in a road reserve with approval of the Shire and then only in conformity with the conditions set out below

- Maximum growth/height restrictions apply, including glowing spikes, to retain sight lines. In general terms this will be deemed to be 600mm from the finished ground level, or in compliance with Austroads Guide to Traffic Management – Part 6: Intersections, interchanges and Crossings.
- Poisonous, spiky foliaged, pest or declared weed species are not permitted. If these plants are identified the Shire will asked for these to be removed, at the owners cost.
- All Turf species that can achieve good site coverage are acceptable
- No damage to existing street trees including their root system shall occur during any modification to the verge. If it is found that the trees health declines to a point where the tree needs to be removed, in response to these modifications, the property owner may be responsible for all costs associated with removal and replacement of the trees.

The Shire shall not issue approval for the planting of a garden in any portion of a road reserve, except on written application of the owner of the land that abuts that portion of the Street.

A person requiring an approval to plan a garden in a road reserve shall submit to the Shire a sketch plan setting out details of the proposed garden and the position of the proposed garden beds and any trees or shrubs proposed to be planted in relation to the adjacent carriageway.

The owner of land that abuts a portion of a road reserve may plant and reticulate a lawn in that portion of the road reserve without obtaining approval to do so except when the lawn is to be a part of a street treatment or paved treatment

### **Street Trees**

The Shire is responsible for all trees on the verge, as per policy **8.1 STREET TREES**

### **Irrigation**

Where irrigation is installed, in the verge it shall:

- Minimise spray onto any road or Footpath when watering.
- Ensure they are not a potential tripping hazard to pedestrians
- Maximise efficiency and minimise water usage

### **Hard surfacing**

The Shire deems hard surfacing to be treatments that impede water absorption, including pavers of all kind and synthetic turf. Unless written approval is received from the Shire all hard surfacing will:

- Cover a maximum of 50% of the verge including the crossover.
- Be setback a minimum of 2 meters from the edge of any street tree.
- Be installed in a manner that can easily be removed to access underground services as/when required.
- Be trafficable if pavers
- Be requested to be removed/reduced at the adjacent property owners expense if found by the Shire to be causing flooding.
- Not be in-situ concrete or any asphalt material, except as designated crossovers and Council footpaths.
- Only be made safe after any required verge works, All cost associated with the reinstatements of treatments is the responsibility of the property owner.

### **Structures**

Permanent and non-permanent structure are not allowed on the verge without written approval from the Shire, including block or retaining walls.

### **Crossovers**

All crossovers are required to comply with the Shire's "specification for vehicle crossovers"

### **Compliance**

If the verge is deemed non-compliant to all or a part of this policy, the shire shall notify the resident/owner twice, asking for rectification work to be carried out. If rectification does not occur in the allocated timeframe, without prior notification, the shire will arrange for the works to be carried out and invoice the full cost to the property owner.

### **Maintenance and Reinstatement**

There is no requirement from the Shire or any other service provider, to rectify damage to irrigation, planting, turf or hard surfacing after maintenance works have been completed affecting the verge. The verge will be made safe but there is no requirement to return it to its original state.

Where feasible, residents will be advised, prior to works commencing, to allow time to relocate/remove any item. Please note that this may not always be possible depending on the nature of the works required.

# 9. COMMUNITY - SERVICES AND FACILITIES

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## 9.6.CONSUMPTION OF ALCOHOL ON SHIRE OWNED AND MANAGED PROPERTIES

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Application to Consume Alcohol on Council Property*
Related Legislation	<i>Liquor Control Act 1988 WA liquor Licensing Act 1998 Liquor Control Regulations 1989 Health Act 1911 Health (Public Building) Regulations 1997 Food Act 2008 Food Regulations 2009 and Foot Safety Standards</i>

\*To be developed

### OBJECTIVE

This policy works towards achieving the following outcomes for the consumption and sale of alcohol at Shire owned and managed properties:

- Safe consumption of alcohol
- Responsible service of alcohol
- Minimise harm and alcohol related damage and violence

### POLICY

Members of the public and organisations who wish to consume, supply or sell alcohol on reserves managed by the Shire and in Shire owned facilities are to observe the following conditions:

1. An application must be made to the Shire by submission of the prescribed form at least 14 days prior to the event date. If alcohol is being sold the Shire must be provided with a copy of the liquor license as approved by the Department of Racing, Gaming and Liquor prior to the license period commencing.
2. The permit holder listed on the 'Application to Consume Alcohol on Council Property' is responsible for the safety and wellbeing of all people involved in the event and managing the activity to ensure other users and residents are not impacted.
3. Alcohol consumption is not to exceed six hours in any one day, must not commence prior to 11am and must cease before the following times:

Monday – Thursday	10.00pm
Friday and Saturday	12.00am (midnight)
Sunday	9.00pm
4. Any extension or variation to these hours requires the approval of the Officer in Charge of police and the Chief Executive Officer.

5. Events that are considered to be high risk, and/or events where the organisers have previously breached hire conditions (including damage to Shire property) may have their permits refused, or be asked to provide additional information (such as risk management plans, evidence of crown controllers etc.) before a permit is granted.
6. For any perceived high-risk event, applications to consume alcohol should be forwarded to the local police station for their input before approval is considered.
7. Depending on the nature and location of the event or function the Shire of Wyalkatchem may also place additional terms and conditions on the 'Application to Consume Alcohol on Council Property'

## 9.7. COMMUNITY BUS HIRE

Responsible Department	Corporate Services
Former policy Reference	GP8 – Community Bus Hire First adopted 15 August 2013
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019
Shire Related Documents	Fees and Charges Community Bus application and Conditions of use*
Related Legislation	Nil

\*To be developed

### OBJECTIVE

To provide guideline defining the eligibility and criteria for the use of the Shire of Wyalkatchem community bus.

### POLICY

All users of the community bus will be required to pay the hire fee and bond (as per the current Fees and Charges Schedule) to the Shire of Wyalkatchem and adhere to the Conditions of use documents.

The community bus is a 22-seat coaster bus (including driver) and is provide for the use of Wyalkatchem groups, organisations and local residences.

Council does not object to the hire of the community bus to people from outside the Shire of Wyalkatchem. If, however, the bus is hired by somebody who is not a resident of Wyalkatchem, and the bus is subsequently required by a local, the non-local must be advised that the bus is no longer available to them. At least one week’s notice must be given to the non-local of the cancellation of the hire to enable them to make other arrangements.

Smoking is not permitted on the community bus.

Persons holding a WA Driver’s License with a Light Rigid (LR) class or above are able to hire and drive the community bus. (Proof of license will be required as part of the booking procedure. If the driver is receiving reward for driving the bus the driver will be required to hold an “F” endorsement on their WA Driver’s License. “Reward” is defined as an amount received for carrying those passengers intended to exceed the running costs of the motor vehicle.

The cleaning of the bus is the responsibility of the hirer. If the bus is returned in an untidy state and it is not possible to contact the hirer responsible prior to the next hire of the bus, the bus will be cleaned and the hirer will be responsible for the cost of cleaning.

Where any injuries or damage is a result from the negligence of the driver and/ or passengers, no liability is accepted by Council.

Community groups that wish to be exempt from the fees and charges are to apply to Council for a grant through the Community Financial Assistance Grant process each year.

## 9.8. COMMUNITY ASSISTANCE GRANT SCHEME

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	FP7 – Community Grants & User Group deduction in charges: Application and Procedures First adopted 20 December 2001, Last review 15 August 2013.
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – Major review and re-write
Shire Related Documents	Community assistance Grant application package* Delegation Register Policy <b>9.4 COMMUNITY BUDGET REQUESTS</b>
Delegation Reference	1.2.18 – Defer, Grant Discounts, Waive or Write Off Debts
Related Legislation	Nil

\*To be developed

### OBJECTIVE

To provide financial assistance to community based clubs and organisations (groups).

### POLICY

In recognition of the pivotal role that community groups and organisations play in developing vibrant and diverse communities, Council is committed to the provision of support and assistance through the Shire of Wyalkatchem Financial Assistance Grant Scheme.

Each financial year Council will invite community-based, not-for-profit organisations in the Shire of Wyalkatchem to submit Community Assistance Grant / Sponsorship / Support Applications to Council for consideration.

“Community Assistance Grants” refers to funding towards infrastructure and equipment. Examples of this type of funding are uniforms or play equipment.

“Sponsorships” Refers to funding towards events, projects (annual or one off). Examples of this type of funding are; significant event of local/state/national level, community workshops/information sessions, school holiday programs and activities

### Guidelines

1. Consideration will be given to priority areas, not limited to, emergency services, education, youth, sports, age friendly communities, recreation, heritage and culture with the Shire of Wyalkatchem.
2. Only one application for assistance towards one project will be assessed for the provision of minor sporting, recreation, culture or other project.
3. The applicant organisation must operate from the Shire of Wyalkatchem and beneficiaries must be residents of the Shire of Wyalkatchem. If managed by an outside group,

demonstrated evidence that a high percentage of members/users resident in the Shire of Wyalkatchem must be included in the application.

4. Only groups who can demonstrate that they are a not-for-profit community organisation will be considered eligible for funding.
5. Groups must be an incorporated body and operate under an Australian Business Number (ABN) or have the ability to complete a statement of supplier.
6. Groups must be operating for a minimum of six months within the Shire of Wyalkatchem.
7. A tax invoice, with proof of purchase, is required before payment of the grant can be made by the Shire of Wyalkatchem.

### **Funding Amounts**

1. Grants of up to \$2,000 will be considered
2. For funding requests over \$500, a copy of your group's current financial statement must be attached.
3. Council's contribution will generally be limited to one third of the total project costs and not fund more than 50% of the total project costs.
4. The value of in kind work undertaken by volunteers may not exceed one third of the complete value of the project. The voluntary work should be described and valued at the rate of no more than \$20 per hour. (Generally \$15 per hour for unskilled works and \$20 an hour for skilled labour).

### **Retrospective Funding**

1. No application for retrospective funds will be considered as a part of this grant scheme.
2. Projects may not materially commence before the announcement of successful applicants.

### **Funding Conditions**

Successful applicants will be required to adhere to the following funding conditions

1. Adhere to the project budget as stated in the application.
2. Expend the funds made available only on the agreed project, event or activity.
3. Acknowledge the funding provided by the Shire
4. Indemnify the Shire insofar as any activities relevant to the funding are concerned.

### **Eligible Projects**

Some projects or events (or part of) will be considered ineligible for funding through this scheme. These include:

1. Any project which is deemed by Council to be of direct benefit of a business, person or any other profit making venture, or any government department or agency (school P&C groups are excepted).
2. Projects that have already commenced.
3. Projects that cannot demonstrate a contribution by the group, organisation or community which will benefit from the granting of funds for the project.

4. Salaries or recurrent operational costs. (These will be removed from the proposed budget before consideration).
5. Any project submitted from a religious group, for a religious purpose or for the provision or improvement of religious infrastructure (i.e church buildings or grounds)
6. Requests for funding for ongoing operational costs. – Please refer to policy **9.4 COMMUNITY BUDGET REQUESTS** for these type of funding requests.

### **Eligible Projects**

Projects will be considered eligible if they can demonstrate that:

1. All other potential funding sources have been sought; and/or
2. They are able to demonstrate benefit to the wider community; and/or
3. Provide benefit to Shire residents through recreational social or cultural means.

### **Sponsorship**

Application for sponsorship for the value of \$250 or below can be made in writing to the Chief Executive Officer without completing the application form, however the request must still provide a brief outline of meeting the requirements as outlined above.

The Chief Executive Officer is authorised to consider each application for sponsorship on its own merit and make a determination of the outcome.

Successful applications for sponsorship approved by the Chief Executive Officer to be reported to Council when considering the current funding round applications. This expenditure to be taken into consideration when considering applications and the annual budget allocation for community grants.

### **Waiving of Fees**

Groups requesting waiving of Council fees and charges are to be made in writing to the Chief Executive Officer without completing the application form, however the request must still provide a brief outline of meeting the requirements as outlined above.

The Chief Executive Officer is authorised to consider each application for waiving of fees and charges on its own merit and make a determination of the outcome. The decision to waive fees and charges must be made in accordance with any delegated authority approved by Council.

Successful applications for waiving of Council fees and Charges approved by the Chief Executive Officer to be reported to Council when considering the current funding round applications. This expenditure to be taken into consideration when considering applications and the annual budget allocation for community grants.

### **Funding**

Council will provide an annual allowance within its annual budget for the funding of the Community Grant Scheme. 50% of the total allocation will be made available for the first round of applications. The balance of the funding after the first round, will be available within the second round.

### **Assessment and Ranking**

On receipt of applications, management will access and rank the applications against the following key selection criteria and ranked in order or priority:

1. Alignment with the guidelines and eligibility criteria;
2. Demonstration of the community need for the project;
3. Benefit to the Wyalkatchem Community (i.e. contribution to community well-being);
4. Alignment to the Shire of Wyalkatchem Strategic Community Plan goals and strategies;
5. Capacity to make a significant financial or in-kind contribution to the project/event;
6. Past funding history and profile of organisation;
7. Levels of volunteer participation and wider community participation;

Applications that encompass the following attributes will receive a lower priority level in the assessment process:

1. Seeking funding for bonds, employee salaries and wages;
2. Requests that are deemed to be regular ongoing operational costs of an organisation;
3. Funding for recurring projects
4. Events/projects where other funding avenues have been identified.

#### **Other Conditions**

1. Council reserves the right to consider an allocate funds without the right of appeal.
2. Council reserves the right to request further information
3. All applications will be advised, in writing, of the outcome of their application.

#### **Funding Rounds / Advertising**

The Community Assistance Grant Scheme will be advertised to coincide with the opening of each rounding round and subsequent invitation for applications.

Two funding rounds will be open to receive applications, with applications closing in the following months;

1. November
2. March

The CEO to determine closing dates to coincide with advertising and Council meeting timeframes.

#### **Timeframe**

All applicants will be notified of the outcome of their application within one month of Council's / Chief Executive Officer decision regarding application.

## 9.9. COMMUNITY BUDGET REQUESTS

Responsible Department	Corporate Services
Former policy Reference	Nil
Resolution Number	OMC 53 /2019
Resolution Date	18 April 2019
Last Amendment Date	18 April 2019 – New Policy
Shire Related Documents	Nil
Related Legislation	Nil

### OBJECTIVE

To provide guidelines for the timely management of community budget requests, that fall outside the community Assistance Grant Scheme guidelines.

### POLICY

Public consultation and budget consideration requested from community groups, organisations and individuals will commence in April each year, with a closing date for such requests by 31 May.

Requests that exceed \$25,000 or require an ongoing commitment of Council must be discussed with the Chief Executive Officer prior to making submission. The Chief Executive Officer may require additional supporting documentation, such as business plans / formal proposals to be submitted with their requests for consideration.

### Advertising

The request for inclusion in the Annual budget will be advertised in April.

### Timeframe

All applicants will be notified of the outcome of their submission within one month of Council's decision regarding budget requests.

### Feedback

Organisations that have money donated to them by Council may be requested to provide feedback on the benefits gained to the organisation and the community by the usage of those funds.

## 9.10. SWIMMING POOL USE – WYALKATCHEM DISTRICT HIGH SCHOOL CARNIVALS

Responsible Department	Office of the Chief Executive Officer
Former Policy Reference	Nil
Resolution Number	OMC 117/2019
Resolution Date	19 December 2019
Last Amendment Date	New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i>

### OBJECTIVE

To provide guidance on the hiring of the swimming pool to the local District High School.

### POLICY

When the Wyalkatchem District High School is given exclusive use of the swimming pool for the annual faction swimming carnival or inter-school swimming carnival, all children and adults are allowed free entry to the facility.

No other members of the public can use the pool for the duration of the carnival.

Where the carnival falls outside the normal opening hours and the shire occurs additional cost, this costs is to be reimbursed by the Wyalkatchem District High School.

## 9.6. SWIMMING POOL USE – SWIMMING LESSONS

Responsible Department	Office of the Chief Executive Officer
Former Policy Reference	Nil
Resolution Number	OMC 117/2019
Resolution Date	19 December 2019
Last Amendment Date	New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i>

### OBJECTIVE

To provide guidance on the hiring of the swimming pool swimming lessons conducted through the Wyalkatchem District High School and the government operated Vacswim programs.

### POLICY

The Shire of Wyalkatchem supports the education of children and promotes the activity of swimming lessons.

Where the swimming lessons falls outside the normal opening hours and the shire occurs additional cost, the additional costs is to be borne by the Shire of Wyalkatchem.

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter free of charge provided they leave the pool as soon as the classes are completed.

Vacswim swimming teachers are allowed to have free entry to the swimming pool while they are teaching vacation and in term swimming lessons.

### 3.7. SWIMMING POOL USE – OPERATIONAL HOURS VARIATION

Responsible Department	Office of the Chief Executive Officer
Former Policy Reference	Nil
Resolution Number	OMC 117/2019
Resolution Date	19 December 2019
Last Amendment Date	New Policy
Shire Related Documents	Nil
Related Legislation	<i>Local Government Act 1995</i> <i>Health Act 1911, as amended,</i> <i>Health Act (Swimming Pools) Regulation 2007</i>

#### OBJECTIVE

To provide guidance on extending the operational hours of the swimming pool during specific weather conditions to maximise community use

#### POLICY

##### Hot Weather

Where staff are available and temperatures are high the pool hours maybe extended beyond 6pm. In the event of the pool hours being extended, it will be at the discretion of the CEO as to length of extension, and subsequent closure time. It should not be taken for granted that all hot days will have extended hours. This decision is also at the discretion of the CEO.

##### Cold Weather

Where daily duties are completed and weather conditions are cold and inclement, the swimming pool may close prior to 6pm with prior approval of the CEO. On days of cold and inclement weather the pool maybe closed early in the event of minimal general attendance. Any pre-organised programs will not be effected by any such closure. Patrons shall be made aware of this policy verbally and by signage internally at the swimming pool.

# 10. BUSHFIRE CONTROL

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## 10.6. ADVISORY COMMITTEE

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Delegation Register
Delegation Reference	3.1.8 – Appoint Bush Fire Control Officer/s
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

- To carry out the Shire’s statutory obligations under the *Bush Fire Act and Regulations 1954*.
- Provide timely, quality and effective emergency services;
- Minimise the impact of emergencies on the community;
- Work with the community to increase bush fire awareness and fire prevention strategies;
- To ensure that bush fire brigade volunteers receive appropriate training for their respective roles within the brigade;
- Ensure that operational equipment is serviceable and available for emergencies;
- Provide a workplace that is safe and each individual is treated with respect in an environment that is free from discrimination and harassment;
- Work cohesively with other emergency management agencies;

### POLICY

The Council of the Shire of Wyalkatchem is to establish a Bush Fire Advisory Committee. The function of the Committee is to:

- To consider all matters raised by Bush Fire Brigades and make recommendations to the Shire of Wyalkatchem.
- To advise the Shire of Wyalkatchem on all matters relating to the operation of the *Bushfires Act and Regulation 1954*
- To Advise the Shire of Wyalkatchem on the best and most efficient means of maximising fire control resources in the district.
- To endorse office bearers of Brigades and make recommendations to the Shire of Wyalkatchem for the appointment of CBFCO, DCBFCO, FCO and Dual FCO

The Bush Fire Advisory Committee composition is as follows;

- The Chief Bushfire Control Officer (CBFCO) (Chairperson)
- The Deputy Chief Bushfire Control Officer (DCBFCO)
- One Fire Control Officer (FCO) nominated by each Brigade
- The Shire’s Chief Executive Officer

- The Shire of Wyalkatchem Representative
- Council shall appoint a minute taker

The Bush Fire Advisory Committee (BFAC) will held biannually prior to and post the Bush Fire Season generally around October and April respectively.

The Bush Fire Advisory Committee Annual General Meeting will be held in conjunction to the prior Fire Season BFAC meeting (April) to allow for the Office Bearer position to be endorsed and relevant updates to be considered.

The Bush Fire Advisory Committee Annual General Meeting to include the following in the order of Business

- Each Brigade captain to present a report of membership
- At this meeting all positions will be declared vacant (CEO to take the chair)
- The CBFCA, DCBFCA or GEO/CEO will act as returning officer during the election of the new position;
- The new office bearers will assume the positions as of the date of the AGM

A Quorum of the BFAC shall consist of more than one half of the voting committee

At meetings of the Advisory Committee each member shall have one vote and in the case of a draw, the Chairperson shall exercise a deciding vote. Observers, advisers and staff may not vote on any matter.

Recommendations from the Advisory Committee Meeting will be presented to Council as soon as practical after each meeting

No recommendation comes into effect until it is endorsed by Council or by the CEO under delegated authority.

In the event that Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer position becomes vacant, in accordance with section s.38(2C) the vacancy is to be filled within one month after the vacancy occurs. Where possible the recommended appointment should be endorsed by Council.

If deemed necessary, the Chief Executive Officer may make the appointment, under delegation 3.1.8 – appoint Bush Fire Control Officers/s. In the event that the Chief Executive Officer has exercise this delegation, the Chief Executive Officer is to provide advice of this appointment at the next Ordinary Meeting of Council.

Upon appointment of Bush fire control officers, including Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control officer a notice of appointment to be published at least once in a newspaper circulating in the district as per the *Bush Fire Act 1954 s38(2A)*.

In accordance with the *Bush Fire Act 1954(2E)* the CEO is to issue a certificate of appointment by the local government.

## 10.7. BUSH FIRE BRIGADES

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Nil
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

To provide a hazard management agency for Bushfire control in the municipal area of Wyalkatchem, including maintaining and supporting local fire brigades and their members

### POLICY

#### BUSH FIRE BRIGADES

The Shire of Wyalkatchem has the following registered Bush Fire Brigades:

- Wyalkatchem
- Yorkrakine
- Nalkain

The Shire of Wyalkatchem Volunteer Bush Fire Brigades undertakes the following objectives:

- Provide timely, quality and effective emergency services;
- Minimise the impact of emergencies on the community;
- Work with the community to increase bush fire awareness and fire prevention strategies;
- To ensure that bush fire brigade volunteers receive appropriate training for their respective roles within the brigade;
- Ensure that operational equipment is serviceable and available for emergencies;
- Provide a workplace that is safe and each individual is treated with respect in an environment that is free from discrimination and harassment;
- Work cohesively with other emergency management agencies;
- Report to Council through the Bush Fire Advisory Committee on any relevant matters.

The Shire of Wyalkatchem Volunteer Bush Fire Brigades undertakes the following values:

- Put the community first;
- Act with honesty and integrity;
- Work together as a committed team;
- Strive to keep ourselves and other safe;
- Respect the value and contribution of others;
- Have open and honest two-way communication; and
- Continually develop our skills to service the community.

## Memberships

A person wishing to become a member of a Bush Fire Brigade is to be provided with a copy of these guidelines and commence the DFES endorsed (Volunteer Firefighting 1) VFF1 Pathway for a new volunteer including;

- Brigade application (Application to join a Bush Fire Brigade);
- Criminal History Check (as required);
- Medical (as required);
- DFES Induction (when available – currently under development);
- Service Induction.

The complete form is to be authorised by the Brigade Captain / Secretary and then forwarded to the Shire of Wyalkatchem for processing. The Shire of Wyalkatchem to forward application forms to DFES for approval and to record the information on the Resource Management System database.

If the application for membership is refused by the Brigade, it must provide written advice as to the reason why, to the applicant and the Shire of Wyalkatchem within 28 days of the application being made.

## Conditions of Membership

### Minimum Training

In accordance with VFF1 DFES endorse pathway, Volunteer Bush Fire Brigade members are required to complete the following required courses:

- AllIMS Awareness
- Introduction to Firefighting
- Bush Fire Firefighting

### Driver's License

All drivers of vehicles are required to hold a current Western Australian driver's license for the class of vehicle that is being driven.

Any traffic offence that results in a suspension or loss of license must be reported to the Brigade Captain or Fire Control Officer

## Legislative requirements

Members must comply with the requirements of Legislation.

The main legislation specifically pertinent to the role of a Bush Fire Brigade members includes;

- Fire of Emergency Service Authority Act 1998
- Bush Fire Act and Regulations 1954
- Occupational Health & Safety Act 1984
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Road Traffic Act 1974

### Type of Membership

#### Fire Fighter

Members at least 16 years of age who undertake normal Bushfire Brigade activities.

#### Auxiliary

Members who are not 'Fire Fighter' members of the brigade but are willing to render other assistance such as transportation requirements, catering, communications etc. as required by the Bushfire Brigade. This is a non-operational role.

### Suspension of Membership

A volunteer member may be suspended by the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer, Fire Control Officer or Brigade Captain where the member:

- Willfully or negligently disregards the *Bush Fire Act 1954*, *Bush Fires Regulations 1954*, Shire of Wyalkatchem Bush Fire Brigade Guidelines & Operational Procedure; and
- Has performed an unsafe act that jeopardizes the safety of the members or others

The suspended member will be excluded immediately from such Brigade duties and activities. The Brigade Captain must notify the member, in writing, advising of the suspension period and reason.

The period of the suspension shall not exceed three (3) consecutive months and shall be determined by the Chief Bushfire Control Officer or the Deputy Chief Bushfire Control Officer in consultation with the Brigade Captain or area Fire Control Officer.

On completion of the suspension period the member will be required to undertake refresher training before resuming active firefighting duties.

### Termination of Membership

Membership of a Volunteer Bush Fire Brigade terminate when:

- The member provides written notification of resignation to the brigade
- The member willfully or negligently disregards the *Bush Fire Act 1954*, or the associated Regulations
- The member has received two official notification of unacceptable conduct
- Has not been active in the brigade for a period of 2 years
- Is deceased

When a membership is terminated the member must return within 30 days all property belonging to the Bush Fire Brigade and/or the Shire of Wyalkatchem.

### Rights of a Member

A brigade member shall not be dismissed from any brigade duty without the opportunity to defer the allegation. Any person may lodge a written objection to the CBFCO and/or CEO of the Shire of Wyalkatchem if they believe that have been unfairly treated to have the matter reconsidered.

### **Complaints and Grievances**

Any member of a Bush Fire Brigade who is unhappy with the operation of a Bush Fire Brigade should raise their concerns with the Brigade Captain. If the member is still dissatisfied the member can raise their concerns in writing to the CBFCO and/or CEO of the Shire of Wyalkatchem.

### **Member Records**

The brigades to update a list of active, associated, auxiliary and cadet members to Council by October ear year.

### **MEETINGS OF BUSH FIRE BRIGADES**

Bush Fire Brigades are required to hold at least one meeting per year at the commencement of the bush fire season prior to the Annual Meeting of the Bush Fire Advisory Committee. Meetings to be minuted by the Secretary of the Brigade. Minutes to be forward to the Shire of Wyalkatchem to include in the Bush Fire Advisory Committee agenda. An invite to the CBFCO and a DFES representative should be made to attend Bush Fire Brigade meetings.

The Brigade Captain will chair the meeting and in their absence members present will elect a Chair for the meeting.

### **Annual General Meeting**

Each Brigade should hold its Annual General Meeting prior to the BFAC AGM at which elections of Brigades Officers shall take place.

Each brigade shall elect a:

- Captain
- Fire Control Officer
- Lieutenants
- Secretary

Brigades shall advise the Shire of Wyalkatchem through the BFAC of any outcomes of the meeting.

### **Special Meeting**

- The Brigade Captain may at any time convene a Special Meeting of the Brigade
- The Secretary of a brigade must convene a Special Meeting when a written required is made by four or more active members of the Brigade
- The names of those requesting the special meeting are to be recorded in the minutes.

### **Notice of Meeting**

A notice of Meeting will be emails, SMS or posted to members at least seven days prior to the meeting

### **Quorum**

A quorum shall consist of at least four active brigade members.

### **Voting**

Each Brigade member present at the meeting shall be entitled to a vote. In the event of an equality of votes the Brigade Captain may exercise the deciding vote.

## 10.8. OFFICERS PROFILE

Responsible Department	Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Delegation Register
Delegation Reference	3.1.8 – Appoint Bush Fire Control Officer/s
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

Office Bearers appointed to the Bush Fire Brigades have specific responsibilities in respect to their position; it is therefore necessary that Office Bearers have the appropriate skills and attributes to fulfil their position.

### POLICY

It is recognised by the Shire of Wyalkatchem that it may not always be practicable for all office bearers to hold the qualifications that pertain to their position and in such cases their appointment will be at the discretion of the CBFCO and they will be encouraged to obtain the relevant qualifications within a 12 month period of their appointment.

### Chief Bushfire Control Officer (CBFCO)

The CBFCO is that of a leader, decision maker, planner and manager of the Bush Fire Brigades. The CBFCO is to ensure that the organisation is functioning to a standard commensurate too the risks within the Shire of Wyalkatchem.

#### Duties and Responsibilities of the Chief Bushfire Control Officer

- Represent Council on the BFAC, DOAC and LEMC
- During wildfire incidents manage the fire resources of the Shire and Brigades and where necessary fulfil the role as Incident Controller
- Promote the use of AIIMS structure
- Encourage Office bearers and Volunteer Firefighters to undertake training
- Demonstrate positive leadership and mentor DCBFCO, FCO's, Captains, Lieutenants, and Brigade members
- Develop Bush Fire Brigades to effectively manage and control Bushfires
- Issue and cancel permits to burn in accordance with the Bush Fire Act;
- Impose and remove Harvest, Movement of Vehicle and hot works ban;
- Advise the Shire of Wyalkatchem when Harvest and movement of Vehicle Bans should be implemented / lifted

#### Qualifications of a Chief Bush Fire Control Officer

- Firefighting experience of 5 years or more
- DFES Courses
  - AllIMs Awareness
  - Introduction Fire Fighting
  - Bush Fire Firefighting
  - AllIMS 4
  - Ground Controller
  - Fire Control Officer
  - Advance Bush Fire Fighting
  - Crew Leader Bushfire
  - Sector Commander

In addition to the above it is also desirable for the CBFCO to have training in the following;

- Intro to Structural Fire Fighting

#### **Deputy Chief Fire Control Officer (DCBFCO)**

The role of the DCBFCO is that of a leader, decision maker and planning that assists the CBFCO in managing the Bush Fire Brigades.

#### Duties and Responsibilities of the Deputy Chief Bushfire Control Officer

- To deputise for the CBFCO in their absence
- Provide advice to the CBFCO and the Shire of Wyalkatchem when Harvest and movement of Vehicle Bans should be implemented

#### Qualifications of a Chief Bush Fire Control Officer

- Firefighting experience of 5 years or more
- DFES Courses
  - AllIMs Awareness
  - Introduction Fire Fighting
  - Bush Fire Firefighting
  - AllIMS 4
  - Ground Controller
  - Fire Control Officer
  - Advance Bush Fire Fighting
  - Crew Leader Bushfire
  - Sector Commander

In addition to the above it is also desirable for the CBFCO to have training in the following;

- Intro to Structural Fire Fighting

#### **Fire Control Officer (FCO) & Dual FCO**

A FCO is a delegated representative of the Local Government for the administration of the provision of the *Bush Fire Act 1954*. The position is required to perform active operational duties both in firefighting and fire prevention strategies in the local community.

A Fire Control Officer may jointly hold the position of Brigade Captain.

The appointment of Dual FCO also provides legal coverage for an FCO in control of a fire that crosses a Shire boundary. In the event that a fire crosses a shire boundary the Dual FCO may remain in control of the fire or transfer the control of the fire to the FCO of the respective shire.

#### Duties & Responsibilities of a Fire Control Officer

- Prevention of Bushfires;
- Protecting Life and Property in the event of a Bushfire;
- Issue and cancel permits to burn in accordance with the Bush Fire Act;
- Impose and remove Harvest, Movement of Vehicle and hot works ban;
- Perform duties as prescribed by the Bush Fires Act and authorised by Local Government;
- To take control of firefighting operations at a wildfire.

#### Qualifications of a Fire Control Officer

- Firefighting experience of 5 years or more
- DFES courses
  - AllIMs Awareness
  - Introduction Fire Fighting
  - Bush Fire Firefighting
  - Fire Control Officer

In addition to the above it is also desirable for the FCO to have training in the following;

- Ground Controller

### **Captain**

The Captain of the Bushfire Brigade shall be responsible for the leadership and management of the Brigade.

#### Duties & Responsibilities

- Demonstrate positive leadership and mentor Lieutenants and Brigade members
- Command, control and confidently manage firefighting activities
- Conduct brigade briefings
- Management and maintenance of Brigade property and equipment
- Report any injuries or damage to property that occur as soon as possible to the Shire of Wyalkatchem
- Conduct Brigade meetings
- Represents the Brigade at the BFAC
- Test brigades' vehicles Automatic Vehicle Locator (AVL) on a monthly basis

#### Qualifications

- Firefighting experience of 5 years or more
- DFES course
  - AllIMs Awareness
  - Introduction Fire Fighting

- Bush Fire Firefighting
- Fire Control Officer

In addition to the above it is also desirable for the Captain to have training in the following;

- Ground Controller

### **Lieutenant**

The Lieutenant of the Bush Fire Brigade shall be responsible for the operational management of a volunteer firefighters of the Brigade. The role is required to provide operational and administrative support to the Captain in managing the brigade.

In the absence of the Captain the Lieutenant assumes all responsibilities of that position

#### **Duties & Responsibilities**

- Provide support to the Captain in the Management of the Brigade
- Demonstrate positive leadership and mentor Brigade members
- Conduct Brigade briefings
- Encourage volunteer members to undertake training activities

#### **Qualifications**

- Firefighting experience of 5 years or more
- DFES course
  - AllIMs Awareness
  - Introduction Fire Fighting
  - Bush Fire Firefighting
  - Fire Control Officer

### **Secretary**

The secretary role for BFAC and Executive committee meetings in the Shire of Wyalkatchem will be undertaken by the GEO or Shire of Wyalkatchem. The secretary role for Brigade meetings will be undertaken by the Brigade Secretary.

#### **Duties & Responsibilities**

- Ensure members receive notification of meetings
- Prepare an Agenda and record the Minutes of Meetings and that these documents are circulated to members and the CBFCO as well as the Shire of Wyalkatchem.
- Document and record all Brigade correspondence
- Annually review Brigade membership and report changes to the CBFCO as well as the Shire of Wyalkatchem.

#### **Qualifications**

- DFES course
  - AllIMs Awareness
  - Introduction Fire Fighting
  - Bush Fire Firefighting
- Basic Computer literacy skills

## 10.9. BUSH FIRE APPLIANCES

Responsible Department	Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Nil
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

To ensure that Wyalkatchem Bush Fire Brigades are adequately resourced to achieve timely, quality and effective emergency services and minimise the impact of emergencies on the community.

### POLICY

- The Shire shall provide and maintain the firefighting appliances and equipment pursuant to the powers conferred under Section 36 of the *Bush Fires Act 1954*.
- Maintenance and repair of all Shire-owned appliances and equipment will be the responsibility of the Shire and all maintenance or repairs will be carried out with the knowledge and consent of the Chief Executive Officer.
- All replacement parts or equipment will be purchased on an official Shire Purchase Order
- The Brigade Captains will submit reports of damage to Shire appliances or equipment to the Chief Executive Officer or Works Manager as soon as practicable after such damage has occurred.
- The driver of the Shire firefighting appliance shall be responsible for bring to the attention of the Brigade Captain and the Shire, any defects in the tyres, brakes or other components of that appliance.
- The Brigade Captain will be responsible for;
  - Ensuring that the Brigade appliances are serviced and checked at least on an annual basis by an approved mechanic; and
  - Ensuring that the battery, tyres, water, oil and fuel of the Shire’s firefighting appliances are checked regularly.
- Firefighting appliances allocated to Volunteer Bush Shire Brigades will be stationed at the Brigade headquarters or other locations nominated in writing by the Brigade and agreed to by the Chief Executive Officer and/or Council.
- No firefighting appliance shall be relocated from the Brigade Headquarters or other nominated location by any person without the Brigade Captain being advised either verbally or in writing of the intend location of the appliance.
- The Brigade Captain will at all times keep the Shire informed of any changes in the day to day location and operational status of the brigade’s appliances.
- The driver of any Shire Firefighting appliance will hold a current driver’s license appropriate for the appliance being driven and be either:

- a) a Council employee;
  - b) a registered member of the Volunteer Bush Fire Brigade
  - c) any person authorised by the Chief Executive Officer, Manager of Works or Fire Control Officer.
- The driver of a Shire firefighting appliance shall at all times observe the provisions of the Road Traffic Code, in particular those sections applying to emergency vehicles.

## **FUEL**

Council meets the cost of fuel for Emergency Service Units

Each Emergency Service Vehicle to be issued with a fuel card and pin. Fuel cards to be for Emergency Service Vehicles only, private use of the fuel card is strictly prohibited.

Accounts for Fuel from service stations require:

- a) Driver's signature
- b) Printed name of driver
- c) Registration number of vehicle

Fuel receipts to be submitted to the Shire.

## **EQUIPMENT AND TOOLS**

Each Fire unit shall be supplied with such equipment and tools as deemed necessary to fulfil and maintain its role and function.

### **Private Works**

Emergency Service appliances are not to be used for private purposes. Brigades are not to undertake any private works or hazard reduction burns on private land without the consent of the Shire of Wyalkatchem. Special community circumstances may arise and subject to Captains approval in consultation with the CBFCO and/ or CEO.

### **Crewing of Emergency Service appliances**

- Bush Fire appliances travelling to and from incidents shall only carry members who are safely seated in the cab or on specially designed seating fitted with seat belts and in accordance with any written Law or Policy relevant to that class of vehicle.
- A crew will consist of a minimum of 2 brigade members, unless the vehicle is being transported for the following reasons;
  - Re-fueling;
  - Maintenance and/or services.

## 10.10. FIRE HAZARD REDUCTION

Responsible Department	Chief Executive Officer
Former policy Reference	B4 – Fire Breaks First adopted 20 December 2001, Last review 19 September 2002 EP3 – Bush Fire Permits First adopted 20 December 2001, Last review 19 September 2002 EP2 – Implementation of Fire Warnings First adopted 15 December 2011
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Delegation Register
Delegation Reference	3.1.2 - Prohibited Burning Times - Vary 3.1.3 - Prohibited Burning Times – Control Activities 3.1.4 - Restricted Burning Times – Vary and Control Activities 3.1.5 - Control of Operations Likely to Create Bush Fire Danger 3.1.6 - Burning Garden Refuse / Open Air Fires 3.1.7 – Firebreaks
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

To establish and maintain a Bush Fire organisation in accordance with Part IV of the *Bush Fires Act 1954* in order to provide adequate fire protection of those areas of the municipality within the Bush Fire District and to carry out an ongoing program of hazard reduction having due regard at all times for the preservation of the natural environment.

### POLICY

#### FIRE HAZARD REDUCTION

##### Roadside Burning and Firebreaks

The CEO is delegated to approve applications to carry out controlled burning on roadways under Council's control. Applications in writing to be submitted one month prior to the proposed burn and include;

- A plan of the proposed area to be burnt;
- Clearly identify reason for burning;
- When the burn is to take place;
- Resources (people, plant and equipment) to be attendance.

When considering an application to determine if approval will be given the CEO to take the following into consideration

- Roadside furniture
- Vegetation
- Need to burn
- Long term effect of the burn on weed growth and effect on vegetation

The CEO should discourage unnecessary burning of roadside.

All approved roadside burning to take place prior to the 15 December.

The following conditions to be applied for all approved roadside burning

- Must be completed by the 15 December;
- Signs indicating “Roadside Burning Ahead” to be erected at both ends of the controlled burn.
- All roadside burns are to be under the direct responsibility of the Bush Fire Brigade or the Fire Control Officer in the area.
- Where roadside burning is permitted to control the incursion of grasses, the native vegetation will first be misted with water to ensure a cold burn.
- The construction of firebreaks on road verges and road reserves under the Council care control and management is expressly banned.

### **Camping and Cooking Fires**

The lighting of camping and cooking fires with the Shire of Wyalkatchem has been expressly banned by Council during the prohibited burning period.

### **Harvesting**

Harvesting is prohibited by Council on Christmas Day, Boxing Day and New Year’s Day.

### **Prohibited and Restricted Burning period**

The following prohibited and restricted burning period applies for the whole of the Shire of Wyalkatchem

Restricted Burning Period (permit required)	19 September to 31 October
Prohibited burning period	1 November to 7 February
Restricted Burning Period (permit required)	8 February to 22 March

In accordance with Council delegation 3.1.2 Prohibited Burning Times – Vary, variations to either Prohibited or restricted burning times or conditions may be authorised by the Chief Fire Control Officer and the Shire President jointly.

Where a variation to either Prohibited or restricted burning times or conditions has been made, the Chief Executive Officer is to ensure that procedural requirements of s17 (7B) and (8) are complied with.

### **Firebreaks**

The Chief Executive Officer is authorised to issue written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire.

This written notice, being the First and Final Fire Break Order will be sent to landowners with their annual rate notice. In August and September of each year a copy of the Fire Break Order will be included in the Wyalkatchem Weekly. When the Shire receives notification of a properties change of ownership, the new owners are to be send a copy of Council's Firebreak Order.

Firebreaks must be in place by 1 November and maintained until 1 March. Firebreaks are to be plough, scarify, cultivated or otherwise clear and maintained of all flammable material.

Position and dimensions of firebreaks are;

### **Rural Land**

- i. Firebreaks are to be not less than three (3) meters in width around the internal boundary of adjoining properties and on the internal boundary to a road verge;
- ii. That firebreaks to be cleared and maintained at least three (3) meters wide within 20 meters of the perimeter of any building or group of buildings, haystack or bush land, in such manner as to completely encircle the building, haystack or bushland.

### **Town site**

All Town site lots within the Shire of Wyalkatchem are required to be cleared and maintained free of all flammable material.

For the purpose of this section flammable material means dead grass and timber, boxes, cartons, paper and any combustible material or rubbish, does not include living trees and shrubs and plants in the gardens.

### **Fuel Dumps and/or depots**

All grass or flammable materials to be cleared from areas where drum ramps are located and where drums, full or empty are stored and such areas are to be maintained free of grass and similar flammable materials.

For the purpose of this section flammable material means dead grass and timber, boxes, cartons, paper and any combustible material or rubbish, does not include living tree and shrubs and plants in gardens.

### **Alternative Firebreaks**

The Chief Executive Officer is authorised to approve or reject applications from landowners for the unreasonable extension of time in which firebreaks are to be provided and to approve or reject request for the provision of Firebreaks in alternative position or by alternative methods. The Chief Fire Control Officer or **relevant** area Fire Control Officer is to be consulted where necessary.

Crown Reserves of large areas

Reserves are required only to have a firebreak of 6 meters width cleared around the external Boundary, provided that such firebreak is placed as close as possible to the boundary.

### **Firebreak Inspections**

The Chief Executive Officer is to undertake, or cause to undertake Firebreak Inspection of rural firebreaks and inspections of Town site properties to ensure that they are compliant with the Shire's Firebreak order. Should a Bushfire Control Officer have concerns over the condition or lack on firebreaks, the Bush Fire Control Officer to bring the matter to the attention of the property owner. Should firebreaks still not meet requirements, the Bushfire Control Officer to advise the Chief Executive Officer for action.

Initial inspections are to be completed by the end of the first / second week in October. Non Compliance letters to be forward to offending landowners.

Any landowners that are non-compliant on 1 November to be issued with a Bush Fire Infringement Notice and be given 7 days to comply with the Council's Firebreak order.

If a landowner remains non-compliant at the end of the stated period Council will enter land to take necessary works in accordance with its powers to achieve compliance at landowner's costs.

### **Hazard Reduction Operations**

All hazard reduction operations undertaken by a Bush Fire Brigade shall be authorised by the Shire.

### **Internal Combustion Engines**

All stationery Engines and electric motors driving water pumps and lighting plants must be surrounded by a break of four meters cleared of flammable material. All such engines are to be fitted with spark arresters and exhausts to be no more than one meter above ground level. Such engines and motors not to be operated unattended, between 9.00am and 5.00pm on a day of very high or extreme fire danger rating or on any day that a total fire band is in place.

### **Permits**

In accordance with the Bush Fire Act 1954, Bush Fire Control Officers or Council's Chief Executive Officer may issue permits to Burn.

Where possible, permits to burn are to be issued by an appointed Bush Fire Control Officer or Chief Executive Officer located at the Shire Administration Office. Permits must be issued in the prescribed form. Bush Fire Control Officers to be notified of the issue of permit as soon as practical via SMS.

A Bush Fire Control Officer may make the determination to cancel all issued permits for a particular day/s or length of time. The Bush Fire Control Officer to inform Council Staff, who will send out an permit cancellation advice via SMS.

### 10.11. BUSH FIRE – PERSONNEL PROTECTIVE CLOTHING / EQUIPMENT

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Nil
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

#### OBJECTIVE

To ensure that brigade members are adequately protected while conducting firefighting activities.

#### POLICY

Registered Brigade members on the fire grounds must be dressed in accordance with the Department of Fire & Emergency Services recommended industry standard or equivalent. Members turning up to fires without the minimum requirement will be advised to dress properly or asked to leave the fire ground.

#### RECOMMENDED STANDARD FOR BUSH FIRE FIGHTING

- Approved Coveralls (one or two pieces) as supplied by the Shire of Wyalkatchem;
- Approved Helmet as supplied by the Shire of Wyalkatchem, on the direction of the Incident Controller;
- Gloves and Goggles as supplied by the Shire of Wyalkatchem;
- All personal are responsible for the availability, condition, care and cleanliness of their own kit;
- Only correct attired members will be permitted to crew Brigade appliances
- The appearance and conduct of Bush Fire Members whilst wearing either operational dress or uniform is to be such that it will not cause any criticism upon the organisation or the Shire of Wyalkatchem.

#### EQUIVALENT STANDARD

- Cotton or woolen long trousers, cotton or woolen long sleeve shirt and safety boots and leather gloves.

**Note:** Please refer to DFES SOP 3.2.1 Personal Protective Clothing / Equipment for a complete list of requirements. DFES issued SOP's can be found within the DFES volunteer portal.

#### PPCE distribution

All registered brigade members to be issued with one complete PPCE set prior to the commencement of the Bush Fire season. All brigade members are to ensure that their uniform and equipment is in good / fair working condition. Members with uniforms and/or equipment in poor condition to seek replacement.

The Shire of Wyalkatchem to circulate uniform order form to the Bush Fire Brigade Captain/Secretary to obtain uniform requirements. The Bush Fire Brigade Captain/Secretary to forward uniform order forms to the LGA. The Shire of Wyalkatchem to collate and coordinate the ordering and distribution of PPCE.

## 10.12. HARVEST & MOVEMENT OF VEHICLE BANS

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	19 April 2019 - Minor Amendment
Shire Related Documents	Delegation Register
Delegation Reference	3.1.3 – Prohibited Burning times – Control Activities.
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

### OBJECTIVE

The Shire of Wyalkatchem has the right to impose the ban on activities such as harvesting crops, vehicle movements and hot works. The only exception to the ban is watering and feeding of livestock. This procedure is to refine the way the ban is measured and implemented.

### POLICY

#### Imposing of Harvest, Movement of Vehicle and hot work bans

Bush Fire Control Officers may impose a harvest, movement of vehicle and hot work bans. The Chief Bush Fire Control Officer is the over-riding responsible officer to impose and remove bans. The CBFCO in this role must liaise with a minimum of 3 other Fire Control Officers located throughout the Shire of Wyalkatchem to conduct weather readings using the appropriate tools such as Kestrels Weather metres. The information and readings that has been gathered by the FCO's must be recorded and relayed to the CBFCO. The CBFCO will then make the decision to impose a ban if required.

The following information shall give reason for the CBFCO of the Shire of Wyalkatchem to impose a harvest and movement of vehicles ban:

- The weather readings taken have indicated a Grass Fire Danger Index (GFDI) of 32.
- A Total Fire Ban that has been implemented by the Department of Fire and Emergency Services.
- Lack of firefighting resources located in the Shire of Wyalkatchem.
- Bushfire incidents currently ongoing on the Shire of Wyalkatchem.
- Bushfire incidents currently ongoing within the proximity of the Shire of Wyalkatchem boundaries.

The CBFCO may request that the delegated FCO's take readings every day during the Prohibited Fire Season.

Once the decision has been made to impose the harvest, movement of vehicles and hot works ban then the following notifications must be made;

- Send SMS notification via the Shire message service
- Email the ABC harvest ban announcement service if ban announced before cut off
- Send notification to bordering Shires

### **Automatic Harvest, Movement of Vehicles and Hot Works Ban**

It is Shire Policy that a Harvest, Vehicle Movement and Hot Works ban shall be in place for Christmas Day, Boxing Day and New Years Day. Other public holidays may have similar bans imposed at the discretion of the delegated Harvest Ban officer after consultation with the CBFCO.

#### **Note**

- If CBFCO or DCBFO is unable to be contacted, the CEO in consultation with the Shire President is authorised to impose Harvest, Movement of Vehicle and Hot Works Bans if weather readings exceed a GFDI of 32 without further consultation.
- Harvest, Movement of Vehicle and Hot Works Bans are to be effective immediately.

### 10.13. BUSH FIRE CONTROL – PROVISION OF SHIRE PLANT AND EQUIPMENT

Responsible Department	Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Policy <b>3.7 FITNESS FOR WORK</b> Policy <b>3.2 WORK HEALTH AND SAFETY (WHS)</b> Policy <b>7.7 HIRE OF SHIRE PLANT</b>
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

#### OBJECTIVE

To ensure that Wyalkatchem and neighboring Bush Fire Brigades are adequately resourced to achieve timely, quality and effective emergency services and minimise the impact of emergencies on the community.

#### POLICY

In the event that the Incident Control has identified the need to additional resources including specific plant and equipment for controlling fires in the Shire of within close proximity of the shire, the Chief Executive Officer is authorised to provide shire resources including plant, equipment and staff.

The Chief Executive Officer is authorised to pay overtime at any time and when necessary for staff who are adequately trained and are willing to attend fires.

The Chief Executive Officer to adhere to Council’s work policies, including Council’s Fit for Work Policy.

The Shire will utilise plant and equipment at fires, under the direction of the Incident Controller subject to the following conditions.

- Only Shire personnel to operate Shire plant and equipment.
- Adequate duty of care is exercised to minimise the risk of injury to staff and damage to machines.
- Machines are accompanied by four-wheel drive support vehicles, capable of quickly evacuating the fire scene if life is endangered.

### 10.14. DISTRICT OPERATIONS ADVISORY COMMITTEE

Responsible Department	Office of the Chief Executive Officer
Former policy Reference	Nil
Resolution Number	OMC 141/2018
Resolution Date	18 October 2018
Last Amendment Date	18 October 2018
Shire Related Documents	Nil
Related Legislation	<i>Bush Fire Act 1954</i> <i>Bush Fire Regulation 1954</i>

#### OBJECTIVE

To ensure that the Shire of Wyalkatchem and its Brigades are well represented at a regional level.

#### POLICY

The Chief Bush Fire Control Officer will represent the Shire of Wyalkatchem on the District Operations Advisory Committee. Where the Chief Bush Fire Control Officer is unable to attend, the Deputy Chief Bush Fire Control Officer will attend. There neither officers are able to attend, the Chief Executive Officer will attend.

Attendees to report to the Bush Fire Advisory Committee and the Bush Fire Brigades on any relevant matters.

# 11. TOWN PLANNING POLICIES

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### 11.1. MOVEABLE BUILDINGS

Responsible Department	Corporate Services
Former policy Reference	PP3 – Moveable Buildings First adopted 17 April 2014
Resolution Number	2900
Resolution Date	17 April 2014
Last Amendment Date	17 April 2014
Shire Related Documents	Shire of Wyalkatchem Local Planning Scheme 4.
Related Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

#### OBJECTIVE

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Town sites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (e.g. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Town sites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of '**containers**' within the non-industrial areas of the town site.

#### 1. DEFINITIONS

A PERMANENT building is generally not designed to be moved and includes the following;

- a) '**Site Built**' structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) '**Relocated Dwellings**' are structures that have previously been constructed on its original site elsewhere within or outside the district. The structures that are then relocated from the original construction site are not necessarily designed to be again relocated.

A MOVEABLE building is generally any structure capable of being transported from one location to another. There are three basic types as follows;

- a) **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- b) **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.
- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'sea containers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

## 2. BACKGROUND

Due to the historic uncertainty in the permanence of mining activities, and the mobility of mining operations, the establishment of permanent workforce accommodation in the region may not always be desirable or viable.

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Wyalkatchem could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine applications for planning consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme (see Table 1 – Zoning Table of LPS No4) where dwellings are permitted. The Building Surveyor may impose appropriate conditions including the requirement for a bond or bank guarantee.

**Donga type** and **Containers** are subject to Council consideration.

## 3. POLICY

### 3.1. Council Policy on Moveable Buildings

- a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favor of the use of moveable buildings, especially in the town site areas; however the Council will consider each application on its merits.

- b) The Council shall not permit the establishment, occupation or erection of ***donga type*** structures for residential purposes within a Town site Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.
- c) The Council will only permit ***donga type*** structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.
- d) The Council will only permit ***site built*** and ***relocated*** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.
- e) The Council will not permit the storing or use of a '***container***', as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

### **3.2. Measures to ensure Compliance with Planning Consent**

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special building licence of a specified duration.

## 11.2. OUTBUILDINGS IN RESIDENTIAL AND TOWNSITE ZONES AREAS

Responsible Department	Corporate Services
Former policy Reference	PP2 – Outbuildings in Residential and Town site Zone Areas First adopted 17 April 2014
Resolution Number	2900
Resolution Date	17 April 2014
Last Amendment Date	17 April 2014
Shire Related Documents	Shire of Wyalkatchem Local Planning Scheme 4.
Related Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

### OBJECTIVE

To maintain the amenity of streetscapes and views along the street by ensuring that associated outbuildings do not detract from the streetscape and are not visually intrusive to neighboring properties or adjoining public spaces.

### POLICY

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme N<sup>o</sup>4, hereby adopts the following Policy.

### LOCAL PLANNING SCHEME N<sup>o</sup>4 POLICY N<sup>o</sup>2 OUTBUILDINGS IN RESIDENTIAL AND TOWNSITE ZONED AREAS

DATE ADVERTISED: 14 March 2014    DATE ADOPTED: 17 APRIL 2014

#### 1. DISCUSSION

Council is experiencing an increase in the demand for outbuildings greater in proportions to that listed in the R Codes 'Deemed to Comply' provisions. The Council considers it reasonable to put in place this policy in order to properly consider the development of larger outbuildings.

#### 2. DEFINITIONS

- A. 'Outbuilding'** is an enclosed non-habitable structure that is detached from any dwelling, but is NOT a –
- a. **'Garage'** is any roofed structure, other than a carport, designed to accommodate one or more vehicles and attached to the dwelling;
  - b. **'Verandah'** is a roofed open platform attached to a dwelling;
  - c. **'Patio'** is an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling;
  - d. **'Gazebo'** is an unenclosed open-framed structure covered in a water permeable material or unroofed, which may or may not be attached to a dwelling.
- B. 'Setback'** is the horizontal distance between a wall at any point and an adjacent Lot boundary, measured at right angles (90 degrees) to the building.

- C. **'R Codes'** is a state planning policy made under section 26 of the Planning and Development Act 2005. This policy is cited as State Planning Policy 3.1 Residential Design Codes or R-Codes. The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia.

### 3. BACKGROUND

Residential and Town site zoned Lots within the town sites of Wyalkatchem and Korrelocking enjoy a greater size being typically around 1,000m<sup>2</sup> or greater. Land owners of Residential and Town site zoned Lots often have development potential to build outbuildings greater in size than their City counterparts. Presently the State Planning Policy 3.1 Residential Design Codes commonly referred to as the 'R Codes' permits in areas zoned less or greater than R30 an outbuilding size that collectively does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area whichever is the lesser, do not exceed a wall height of 2.4m and do not exceed a ridge height of 4.2m. The outbuilding policy will enable the development of outbuildings larger than the R Codes 'deemed to comply' dimensions.

The Council has delegated authority to the Building Surveyor to determine applications for planning consent for all applications for outbuildings in the Residential and Town site zones of the Scheme (see Table 1 – Zoning Table of LPS No4).

### 4. POLICY

#### 4.1. Council Policy on Outbuildings

Outbuildings that satisfy the following development criteria are regarded as satisfying the Design Principles of the Residential Design Codes 2013 (as amended) and may be approved by the Building Surveyor without referral to the Council of the Shire of Wyalkatchem.

Applications not meeting this policy development criteria and/or are of a contentious nature is to be referred to Council in the form of a written development application (available at the Shire office) for determination. Where an application is to be referred to Council for consideration, comments from adjoining and/or affected owners are to be obtained and confirmed in writing.

Outbuildings that Comply with the Residential Design Codes 2013 (as amended) Deemed-to-comply requirements; OR:

- i. Comply with the Building Code of Australia 2013 (as amended);
- ii. Are constructed of new materials. Where second hand materials are proposed, the Building Surveyor may require a certification from a practising structural Engineer as to the structural adequacy of the design and/or materials. The Building Surveyor may also require the cladding of the proposed second-hand outbuilding to be painted in an approved colour or renewed;
- iii. Are not attached to a dwelling;
- iv. Are not habitable;
- v. Are not within the primary street setback area;

- vi. Do not reduce the amount of open space required by the Residential Design Codes 2013 (as amended) to less than the prescribed amount;
- vii. Are setback in accordance with the requirements of the Residential Design Codes 2013 (as amended);
- viii. Are of size, or comprise an aggregate size of outbuildings on one lot, that does not exceed the specifications contained in Table 1 below. Should the lot area exceed the table below then the proposed outbuilding will need to be referred to Council for planning consent –

**Table 1**

LOT AREA (m <sup>2</sup> )	MAXIMUM SINGLE OUTBUILDING (m <sup>2</sup> )	TOTAL OUTBUILDINGS (m <sup>2</sup> )	MAXIMUM WALL HEIGHT (meters)	MAXIMUM RIDGE HEIGHT (meters)
500 – 749	46	62	2.4	3.6
750 – 999	73	97	3.0	3.6
1000 – 1249	94	125	3.0	3.6
1250 – 1699	117	156	3.0	3.9
1700 – 2049	130	202	3.0	3.9
2050 – 2999	143	262	3.3	4.2
3000 – 5000	157	375	3.6	4.5
2050 – 2999	143	262	3.3	4.2
3000 – 5000	157	375	3.6	4.5

#### 4.2. Measures to ensure Compliance with Planning Consent

When an application for planning consent for an outbuilding is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- A. lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion for a second-hand outbuilding to a standard acceptable to the Council;
- B. specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council;
- C. apply and have granted a building permit of a specified duration.

### 4.3.LOCAL PLANNING POLICY NO 9 – DEVELOPMENT APPROVAL EXEMPTIONS

Responsible Department	Corporate Services
Former policy Reference	NEW – First adopted 28 July 2022
Resolution Number	73/2022
Resolution Date	28 July 2022
Last Amendment Date	N/A
Shire Related Documents	Shire of Wyalkatchem Local Planning Scheme 4.
Related Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

#### SHIRE OF WYALKATCHEM LOCAL PLANNING SCHEME No. 4

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 4, hereby adopts the following Policy prepared under the provisions of Division 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### LOCAL PLANNING POLICY No. 9 DEVELOPMENT APPROVAL EXEMPTIONS

DATE ADVERTISED:    DATE FINALLY ADOPTED: 28 July 2022

### 8 INTRODUCTION

The Council is prepared to exempt certain classes of development from requiring a Development Approval (DA) that are not already exempted by the Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

Notwithstanding the current exemptions outlined in clause 61 of the Deemed Provisions, the Council supports additional exemptions in accordance with item 20 of the **Table** included in clause 61 (1), an extract of which is shown below.

**TABLE ONE**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.

## 9 OBJECTIVES

The objectives of this policy are as follows;

- (h) To avoid unnecessary costs and delays in obtaining Development Approval.
- (i) To avoid inclusion of unnecessary standard items on the Council agenda.
- (j) To better streamline development implementation where certain conditions are satisfied.

## 10 POLICY

Development approval is not required for works, as defined in Part 1 of the Deemed Provisions, if -

- (f) the works are of a class specified in Column 1 of an item in **Table 2**; and
- (g) if conditions are set out in Column 2 of **Table 2** opposite that item - all of those conditions are satisfied in relation to the development or works.

A Development approval exemption does not relate to any other legislation that would otherwise apply to such development or works.

**TABLE 2**

Zone	Column 1 Works	Column 2 Conditions
Rural	Any development or works that are determined to be required as part of an approved operating agricultural business or activity.	<ul style="list-style-type: none"> <li>(a) The development or works are not located with a setback area of 20 metres from a street boundary and 10 metres from any other boundary.</li> <li>(b) The development or works are not within a heritage area or have any heritage status.</li> <li>(c) The development or works are not new activities, or use classes, that have not received Council's prior approval.</li> <li>(d) The development or works are not within a Bushfire Prone mapping area as determined by Department of Fire and Emergency Services.</li> <li>(e) The development or works do not create excessive increase in road traffic.</li> <li>(f) The development or works do not require a new or reconfigured crossover to a public road.</li> <li>(g) The development or works include adequate provision for any altered drainage that may be created by the proposal.</li> </ul>

## 5. APPLICATION OF THE POLICY

The Policy applies to development or works in the zones of the Scheme as listed in **Table 2**.

Compliance with the Conditions in Column 2 is subject to the Chief Executive Officer's discretion.

## 3. IMPLEMENTATION

This Policy will be effective from the conclusion of the review of the advertising of the Policy in accordance with Scheme provisions.