



# COUNCIL POLICY

AUGUST 2020

# ARRANGEMENT

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## Section 1 - Council / Governance

### 1.1 Code of Conduct

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#### POLICY STATEMENT

1. The following Policy Schedule is adopted, and forms part of this Statement –
  - a) Sch. 1.1– Code of Conduct.
2. The Code of Conduct applies to –
  - a) Elected members, insofar as it is not contradicted by the Local Government Act or Rules of Conduct Regulations 2007,
  - b) members of a committee established by Council,
  - c) all employees.

#### APPLICATION

3. To elected members, committee members, employees and contractors.

#### OBJECTIVE

To provide guidance and management the conduct of elected members, committee members and employees, including consultants and contractors.

#### STATUTORY CONTEXT

*Local Government Act 1995 –*

- s.5.94 – public inspection of Code of Conduct
- s.5.103 – requirement to prepare a code of conduct for elected members, committee members and employees

*Local Government (Administration) Regulations 1996 –*

- r.34B – required matters about gifts to employees
- r.34C – required matters about interest affecting impartiality

*Local Government (Rules of Conduct) Regulations 2007 –*

- r.12 – gifts to elected members
- r.21 – gifts that can be accepted

#### CORPORATE CONTEXT

None

#### HISTORY

Former Policy \_\_\_\_\_  
 Adopted 20 December 2018

#### REFERENCES

The code of conduct required by the Local Government (Elections) Regulations r.8 is separate to Schedule 1.1, and is therefore binding on elected members.

The Code of Conduct should also apply to contractors and suppliers, if stipulated in the contract / tender / engagement of the contractor.

## **Schedule 1.1 – Code of Conduct**

WALGA Model Code of Conduct – 10 July 2018

The Code of Conduct provides Council Members, Committee Members and employees in the local government 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.

The Code is complementary to the principles adopted in the Local Government Act and Regulations which incorporates four fundamental aims to result in –

- a) *better decision-making by local governments;*
- b) *greater community participation in the decisions and affairs of local governments;*
- c) *greater accountability of local governments to their communities; and*
- d) *more efficient and effective local government.*

The Code provides a guide and a basis of expectations for Council Members, Committee Members and employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.

### **Definitions**

**Committee member** means any member appointed to a Committee constituted by Council in accordance with the *Local Government Act 1995* s.5.8 and s.5.10, whether an elected member or not,

**Council member** means any person who is an elected member of Council,

**employee** means any person who is employed by the Shire. For the purposes of the sections of the Code of Conduct in relation to employees' disclosure of interests, this shall include a person who under a contract for services with the local government will provide advice or a report on a matter.

## **1. ROLES**

### **1.1 Role of Council Member**

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows –

*A Councillor:*

- (a) *represents the interests of electors, ratepayers and residents of the district;*
- (b) *provides leadership and guidance to the community in the district;*
- (c) *facilitates communication between the community and the council;*
- (d) *participates in the local government's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a Councillor by this Act or any other written law.*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on –

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

## 1.2 Role of Employees

The role of employees is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995 –

*The CEO's functions are to –*

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) *cause council decisions to be implemented;*
- (d) *manage the day to day operations of the local government;*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) *speak on behalf of the local government if the mayor or president agrees;*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

## 1.3 Role of Council

The role of the Council is in accordance with S 2.7 of the Local Government Act 1995 –

*(1) The council –*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to –*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies."*

## 1.4 Principles affecting the employment of employees by the Shire

The following principles, set out in section 5.40 of the Act, apply to the employment of the Shire's employees –

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *employees are to be treated fairly and consistently; and*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

## 1.5 Relationships between Council Members and Employees

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

- a) *accept that their role is a leadership, not a management or administrative one;*
- b) *acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;*
- c) *refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.*

## 2. CONFLICT AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

- a) Council Members, Committee Members and employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Council Members, Committee Members and employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Council Members, Committee Members and employees who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

### 2.2 Financial Interest

Council Members, Committee Members and employees will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

### 2.3 Disclosure of Interest

*Definition – In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 – “interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

- a) A person who is an employee and who has an interest in any matter to be discussed at a Council or Committee meeting attended by the person is required to disclose the nature of the interest –
  - i) in a written notice given to the CEO before the meeting; or
  - ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person is required to disclose the nature of any interest that the person has in the matter –
  - i) in a written notice given to the CEO before the meeting; or
  - ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in Section 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if –
  - i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
- i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- f) If –
- i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - ii) a disclosure is made as described in item (d)(ii) at a meeting; or
  - iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

### 3. PERSONAL BENEFIT

#### 3.1 Use of Confidential Information

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. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the City (and in the 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.

#### 3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

#### 3.3 Improper or Undue Influence

Council Members and employees will not take advantage of their position to improperly influence other Council Members or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Council Members, Committee Members and employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council members, committee members and employees shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

#### 3.4 Gifts – Employees

Definitions – In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 – “activity involving a local government discretion” means an activity:

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

“gift” has the meaning given to that term in S 5.82(4) except that it does not include:

- (a) a gift from a relative as defined in S 5.74(1); or

(b) a gift that must be disclosed under Regulation 30B of the *Local Government (Elections) Regulations 1997*; or

(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

“notifiable gift”, in relation to a person who is an employee, means:

(a) a gift worth between \$50 and \$300; or

(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

“prohibited gift”, in relation to a person who is an employee, means:

(a) a gift worth \$300 or more; or

(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who –
- i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b) A person who is an employee and who accepts a notifiable gift from a person who –
- i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,
- is to notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- c) The notification of the acceptance of a notifiable gift must be in writing and include –
- i) the name of the person who gave the gift; and
  - ii) the date on which the gift was accepted; and
  - iii) a description, and the estimated value, of the gift; and
  - iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
  - v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
    - (1) a description; and
    - (2) the estimated value; and
    - (3) the date of acceptance,
- of each other gift accepted within the 6 month period.
- d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- e) This clause does not apply to gifts received from a relative (as defined in s.5.74(1) of the *Local Government Act 1995*) or an electoral gift (to which other disclosure provisions apply).
- f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

#### **4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES**

##### **4.1 Personal Behaviour**

- a) Council Members, Committee Members and employees will –
- i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
  - iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
  - iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - v) always act in accordance with their obligation of fidelity to the Local Government.

- b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

#### **4.2 Honesty and Integrity**

Council Members, Committee Members and employees will –

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

#### **4.3 Personal Communications and Social Media**

- a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Local Government, its Council Members, employees or contractors, which breach this Code of Conduct.
- c) Council Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.
- d) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

#### **4.4 Performance of Duties**

- a) While on duty, employees will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council members and committee members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

#### **4.5 Compliance with Lawful Orders**

- a) Council Members, Committee Members and employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- b) Council Members, Committee Members and employees will give effect to the lawful decisions and policies of the Local Government, whether or not they agree with or approve of them.

#### **4.6 Administrative and Management Practices**

Council Members, Committee Members and employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

## 4.7 Corporate Obligations

### a) Standard of Dress

Council Members, Committee Members and employees are expected to comply with neat and responsible dress standards at all times. Accordingly –

- i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

### b) Communication and Public Relations

- i) All aspects of communication by employees (including verbal, written or personal), involving the Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that –
  - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
  - information of a confidential nature ought not be communicated until it is no longer treated as confidential;
  - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
  - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.
- iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

## 4.7 Appointments to External Organisations

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members –

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

## 5. DEALING WITH COUNCIL PROPERTY

### 5.1 Use of Local Government Resources

Council Members and employees will –

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

### 5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy, awards and the provisions of the Local Government Act.

### **5.3 Access to Information**

- a) Employees will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

### **6. BREACH OF CERTAIN PROVISIONS**

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by another statutory body, including but not limited to –

- Department of Local Government and Communities, and
- Corruption and Crime Commission.

– End of Schedule

## 1.2 Acknowledgment of Ballardong People

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### POLICY STATEMENT

1. The following statement is the official Acknowledgement of Ballardong people by the Shire of Cunderdin –

*The Shire of Cunderdin acknowledges the Ballardong people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.*

### APPLICATION

2. A Welcome to Country may be arranged with a local Ballardong Elder to recognise the traditional custodians of the area, for official major Shire of Cunderdin events, including but not limited to events celebrating Aboriginal and Torres Strait Islander people and culture.
3. An Acknowledgement of the Ballardong People is to be read aloud at these events by the official representative of the Shire, and at other events where considered appropriate.
4. An Acknowledgment of the Ballardong People is to be placed by the Shire of Cunderdin in appropriate written forms, including but not limited to –
  - a) Strategic Community Plan
  - b) Corporate Business Plan,
  - c) Shire of Cunderdin website.

### OBJECTIVE

To acknowledge the traditional custodians of the area.

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

**Ballardong** is the spelling of the people group name as used by the South West Aboriginal Land and Sea Council but can also be spelled as **Balladong**.

## 1.3 Elected Member Records – Capture and Management

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### POLICY STATEMENT

1. Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO, for storage.

### APPLICATION

2. The Shire as an organisation, in meeting its obligations to facilitate the capture and management of elected member records will –
  - a) provide a collection point readily accessible to each elected member to deposit the required materials
  - b) materials collected will be separated according to elected member and financial year of deposit
  - c) for electronic records (emails, digital photos etc), a suitable format for backup of all electronic records will be provided at least once per year,
  - d) the electronic record then to be deposited with other required materials,
  - e) where a copy of the record is to be retained by the elected member, photocopying or other duplicate as necessary, will be provided without charge.
3. Access to the records created may be required, and is to be facilitated by the CEO –
  - a) as permitted under various legislation such as the Local Government Act, the Freedom of Information Act etc,
  - b) by order of an authorised body such as the Standards Panel or a Court of law etc,
  - c) by a representative an authorised body such as the Ombudsman or Crime and Corruption Commission etc.

### OBJECTIVE

To outline arrangements and responsibilities for elected member records required under the State Records Act.

### STATUTORY CONTEXT

*Local Government Act 1995 –*

*State Records Act 2000*

- Obligation of elected members
- Obligation of shire

*Freedom of Information Act 1992*

### CORPORATE CONTEXT

Shire of Cunderdin Records Keeping Plan

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

State Records Office policy imposes the obligations on elected members and the organisation under the State Records Act, as advised on 30 July 2009 –

*In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.*

*This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.*

*Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council.*

In effect, any form of record which may affect accountability or contribute to a decision or action made as an elected member must be retained. These records may be –

- physical – a letter, a handwritten note, a photo someone sends to an elected member in explanation / complaint, an agenda where you have made NOTES on various items, etc
- electronic – an email or document sent as an attachment to an email, digital photo, an e-file that is sent for review or comment
- audio – message left on your answering machine, although this is likely to be unusual, since rarely are many details left in a message, but it is a record.

The records are not only those you receive, but also those that you create, such as –

- a note of a conversation where someone asked you to pursue a particular matter,
- a letter that you write in the capacity of elected member,
- an email you send as an elected member

The records only need to be relating to those “*affecting the accountability of the Council and the discharge of its business ... up to and including the decision making processes of Council*”. It is the elected members decision and judgement as to what extent this applies, *and it is suggested that this not be further defined.*

The principles of relevance and ephemerality apply, for example –

- a note to remind you to phone a person is ephemeral, but NOTES of the conversation may not be,
- a copy of an agenda that has no NOTES made is irrelevant, as the document can be reproduced by the Shire at any time,
- a promotional brochure or conference information is not relevant

## 1.4 Elected Members – Recognition of Service

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### POLICY STATEMENT

1. The CEO is to arrange a suitable gift for departing elected members, to the value permitted by the *Local Government (Administration) Regulations 1996 s.34AC*, on the basis of –
  - a) \$50.00 per year for each Elected Member,
  - b) an additional \$25.00 per year for each year of service as Deputy President,
  - c) an additional \$50.00 per year for each year of service as President.

### APPLICATION

2. Multiple terms of service as a member of Council are to be considered individually according to each period, and not cumulatively.
3. Each departing elected member shall also receive an appropriate plaque or certificate of service.
4. Presentation of the gift and plaque or certificate will generally be made at the final meeting being attended by the elected member, or at a suitable function.
5. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government, Sporting and Cultural Industries.

### OBJECTIVE

To provide for recognition of service to the community as an elected member.

### STATUTORY CONTEXT

*Local Government Act 1995* –

- s.5.60 – when a person has an interest
- s.5.60A – financial interest
- s.5.69 – Minister may allow elected members disclosing interests to participate etc. in meetings
- s.5.100A – gifts to elected members may only be made in prescribed circumstances

*Local Government (Administration) Regulations 1996* –

- r.34AC – gifts to council members, when permitted etc.
  - (1) at least one 4 year term must be completed
  - (2) maximum gift of \$100 per year of service to maximum of \$1,000

### CORPORATE CONTEXT

None

### HISTORY

Adopted \_\_\_\_\_

### REFERENCES

**Statutory requirement –**

**Prior to adoption, amendment or revocation to clauses 1, 2 or 3 of this Policy, elected members must –**

- **declare a financial interest in accordance with the Local Government Act, and**
- **receive written approval of the Minister for Local Government to participate and vote.**

This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A. Approval from the Minister under s.5.69 is therefore required prior to any amendment, alteration or revocation of the Policy whatsoever.

Although elected members are able to claim meeting fees, travel etc. as of right, it is considered appropriate that there be some recognition from the Shire on behalf of the community, for their commitment to the district.

Where qualifying, enquiries should also be made through the Department to obtain a Certificate of Appreciation from the Minister.

## 1.5 Related Party Disclosures (AASB 124)

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### POLICY STATEMENT

1. The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.
2. Each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.
3. The following Policy Schedules are adopted, and form part of this Statement –
  - 1.4(a) – Related Party Disclosures – Definitions
  - 1.4(b) – Related Party Disclosures – Procedure

### APPLICATION

#### 4. Application

This Policy applies to –

- a) Related Parties of Council
- b) Key Management Personnel

#### 5. Key Management Personnel (KMP)

In accordance with AASB 124, KMP are –

- a) All elected members
- b) CEO
- c) Manager Works and Services
- d) Manager Finance and Administration
- e) Environmental Health Consultant
- f) Planning Consultant
- g) Financial Consultant

#### 6. Related Party – Council

- a) Related entities to Council are those where the Shire of Cunderdin has significant control or influence, which is deemed to be a greater than 20% –
  - financial interest in the organisation,
  - voting rights in the organisation.
- b) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

#### 7. Related Party – KMP

- a) Related parties of the KMP are close family members of the KMP.
- b) For the AASB 124, close family members could include extended family members (such as, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the KMP in their dealings with the Shire.
- c) Related entities to the KMP or close family members are those where the person has control, joint control or influence, which is deemed to be greater than 20% –
  - financial interest in the organisation
  - voting rights in the organisation.
- d) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

#### 8. Related Party Transactions (RPT)

- a) 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.

- b) For the purposes of determining whether a related party transaction has occurred, the following transactions or provisions of services have been identified as meeting this criterion –
  - i) payments to elected members;
  - ii) employee compensation whether it is for KMP or close family member of KMP.
  - iii) lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a real estate agent)
  - iv) lease agreements as lessee or lessor, for commercial properties or other properties;
  - v) 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).
  - vi) loan arrangements between related entities or KMP;
  - vii) contracts and agreements for construction, consultancy or services
  - viii) purchases or sales of goods; property and other assets;
  - ix) rendering or receiving of services; or goods;
  - x) transfers under licence agreements; or finance arrangements (example, loans);
  - xi) provision of guarantees (given or received);
  - xii) commitments to do something if an event occurs, or does not occur, in the future;
  - xiii) settlement of liabilities on behalf of Council or by the Shire on behalf of that related party.

#### 9. Ordinary Citizen Transactions (OCT)

- a) OCT are where there is no special treatment or consideration of either party and are deemed to be any transaction that a member of the public would receive in the usual course of business, and includes but is not limited to –
  - i) payment of rates and charges imposed by Budget resolution, fines and penalties etc.
  - ii) payment of application or development fees imposed by Council and applying to any applicant
  - iii) use of Shire facilities, whether use of the facility incurs a fee or not, and includes recreation facilities, public venues, library, parks, ovals, reserves, waste facility and public open spaces
- b) OCT incorporates transactions resulting from delivery of Public Service Obligations and includes but is not limited to –
  - i) attending Shire of Cunderdin functions that are open to the public
  - ii) attending events that are open to the public
- c) All Ordinary Citizen Transactions identified within this policy are unlikely to influence the conclusions that those reading the Shire's financial statements would make.

#### 10. Materiality

For guidance, materiality is generally deemed to apply where –

- a) Where an RPT can be expressed in financial terms
  - Single transaction – greater than \$300
  - Cumulative transactions – greater than \$1,500 in a financial year
- b) Where an RPT cannot be expressed in financial terms –
  - reasonable person test – would an ordinary person consider that pressure has been applied or influence exerted

#### 11. Related Party Notification

- a) KMP must submit to the CEO a Related Party Declaration, notifying of any existing or potential related party relationship between the Shire and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.
- b) Related Party Declarations are to be submitted –
  - i) within 30 days of commencement;
  - ii) annually, prior to 31 August;
- c) Related Party Declarations are to be updated where –
  - i) any new or potential related party transaction that is required or likely to be required to be disclosed in the Shire's financial statements; or
  - ii) any change to a previously notified related party transaction.

## 12. Related Party Transaction Notification

- a) 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.
- b) KMP must submit to the CEO a Related Party Transaction Notification, notifying of any transaction between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.
- c) Related Party Transaction Notifications are to be submitted –
  - i) at minimum – within 30 days of the end of each financial year;
  - ii) recommended – at Council meeting each month.

## 13. Confidentiality

- a) All information contained in a disclosure return, will be treated in confidence.
- b) Generally, related party disclosures in the annual financial reports are reported in aggregate and individuals not specifically identified.
- c) 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.

## 14. Discretionary capacity of the CEO

Where a matter is not covered by this policy, the CEO is authorised to make a determination, and may seek such advice as is necessary in order to do so.

### **OBJECTIVE**

To comply with the requirements of AASB124.

### **STATUTORY CONTEXT**

*Local Government (Financial Management) Regulations 1996 –*

- r.4 – AAS to be complied with and has priority over Regulations
- r.5 – annual budget, annual financial report and other financial reporting to be in accordance with AAS
- Sch.2 Form 1 – CEO required to certify annual financial reports complied in accordance with AAS

*Local Government (Audit) Regulations 1996 –*

- r.9 – audit is to be performed in accordance with AAS

*Australian Accounting Standard 124 – Related Party Disclosures*

### **CORPORATE CONTEXT**

Annual Report Requirements

### **HISTORY**

Former Policy

Adopted 20 December 2018

### **REFERENCES**

Abbreviations –

AASB – Australian Accounting Standards Board

KMP – Key Management Personnel

OCT – Ordinary Citizen Transaction

RPT – Related Party Transaction

The objective of the AASB is to ensure that an entity's financial statements 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 must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

Effective beginning 1 July 2016 the Shire must disclose in the Annual Report certain related party relationships and transactions together with information associated with those transactions in its Financial Statements, to comply with Australian Accounting Standard 124 Related Party Disclosures.

If there is a related party transaction with the Shire applicable to a reporting financial year, the AASB 124 requires the Shire to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about the Shire's disclosure requirements under the AASB 124, please refer to <http://www.aasb.gov.au>

## **Schedule 1.5(a) – Related Party Disclosures – Definitions**

**ALBT or arm's length business transaction** means a transaction where the terms between parties are reasonable in the circumstances of the transaction that would result from –

- (a) neither party bearing the other any special duty or obligation; and
- (b) the parties being unrelated and uninfluenced by the other, and
- (c) each party having acted in its own interest

**associate** means relation to an entity (the first entity), an entity over which the first entity has significant influence.

**close members of the family of a person** means relation to a key management person, family members who may be expected to influence, or be influenced by, that key management person in their dealings with the Shire and include –

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

**control** means the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

**entity** can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body or non-profit association.

**financial benefit** includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.

Examples of "giving a financial benefit" to a Related Party include but are not limited to the following –

- (a) Giving or providing the Related Party finance or property.
- (b) Buying an asset from or selling an asset to the Related Party.
- (c) Leasing an asset from or to the Related Party.
- (d) Supplying services to or receiving services from the Related Party.
- (e) Issuing securities or granting an option to the Related Party.
- (f) Taking up or releasing an obligation of the Related Party.

**joint control** is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of 2 or more parties sharing control.

**joint venture** is an arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement.

**KMP or key management personnel or Key management person** are those person(s) having authority and responsibility for planning, directing and controlling the activities of the Shire.

**KMP compensation** all forms of consideration paid, payable, or provided in exchange for services provided.

**material** is the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**OCT or ordinary citizen transaction** are transactions that an ordinary citizen would undertake with the Shire, which is undertaken on arm's length terms and in the ordinary course of carrying out Shire's functions and activities.

**related party** is a person or entity that is related to the Shire or KMP pursuant to the definition contained in the AASB 124 –

- (a) an entity that is controlled, jointly controlled or significantly influenced by the Shire or KMP;
- (b) close family members of the KMP; or
- (c) an entity controlled, jointly controlled or significantly influenced by a close family member of the KMP.

**RPT or related party transaction** means a transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged.

**significant** means likely to influence the decisions that users of the Shire's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Shire and related party outside a public service provider/ taxpayer relationship.

**remuneration or remuneration package** and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from an RPT.

## **Schedule 1.5(b) – Related Party Disclosures – Annual Reporting Requirements**

### **1. Background**

The objective of the standard is to ensure that the Shire's financial statements contain disclosures necessary to advise of 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 must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

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

### **2. 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 include a person who has significant influence over the reporting entity, a member of the KMP of the entity, or a close family member of that person who may be expected to influence that person.

KMPs are defined in the Policy Statement as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

The Shire will therefore be required to assess all transactions made with these persons or entities.

### **3. 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, Council has defined in the Policy Statement the transactions or provisions of services have been identified as meeting this criterion:

### **4. Related Party Transactions**

Some of the transactions listed in the Policy Statement, occur on terms and conditions no different to those applying to the public and have been provided during delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Shire 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.

### **5. Ordinary Citizen Transactions**

Ordinary Citizen Transactions that occur with the identified KMP as defined in AASB124, are identified in the Policy Statement as any transaction with the Shire of Cunderdin or use of Shire facilities that any member of the public would receive.

Where any of the services OCTs were not provided at arm's length and under the same terms and conditions applying to the public, elected members and KMP will be required to make a declaration about the nature of any special terms received.

All transactions which does not meet the criteria of arm's length business transactions, elected members and KMP as identified, will be required to provide the necessary details to the CEO

### **6. Ordinary Citizen Transactions (OCTs) – Annual Report**

Management will put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, a list of OCTs that are provided on terms and conditions no different to those applying to the public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire's financial statements make. As such no disclosure in the quarterly Related Party Disclosures is required.

7. 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.

– End of Schedule

## 1.6 Council Policy – Making, amending, deleting

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### POLICY STATEMENT

1. Additions, deletions or alterations to Council Policy shall only be made by specific Council resolution stating –
  - a) stating the current Council Policy number if an amendment or deletion,
  - b) the proposed policy number to clearly indicate functional area if a new Council Policy, and
  - c) proposed wording and justification for the amendment, deletion or adoption.

### APPLICATION

N/A

### OBJECTIVE

To ensure that policy is up-to-date and appropriately authorised

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

The CEO is to maintain the official copy of the Council Policy Manual, updated as soon as possible after each authorised resolution of Council.

### HISTORY

Former Policy	_____
Adopted	20 December 2018

### REFERENCES

Policy is the standing instructions of Council essentially about the “how to” whereas delegations are about “who may”. Policy may not be altered without a decision of Council.

The purpose of policy documents is to enable the effective and efficient management of Shire 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 administrative and Council decisions, and to be familiar with the philosophy behind individual decisions.

If it is not in the Council Policy Manual, it may be usual practice, but it is not Council Policy. Unless it is specifically stated that the authority is to be included in the Policy Manual, it is to be considered that the authority to act, is for a specific matter and is not general or on-going.

## 1.7 Legal Representation for Elected Members and Employees

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### POLICY STATEMENT

1. The following Policy Schedule is adopted, and forms part of this Statement –
  - Sch. 1.7 – Legal Costs Indemnification
2. When there is a need for the provision of urgent legal advice before an application can be considered by Council, the amount determined in accordance with Schedule 1.6 clause 3(e) where the CEO may give authorisation is \$10,000.

### APPLICATION

3. To instances where elected members or employees may require legal assistance resulting from actions in the performance of their duties with the Shire.

### OBJECTIVE

To provide for legal support for elected members and employees in appropriate circumstances

### STATUTORY CONTEXT

*Local Government Act 1995* –

- s.5.103 – requirement to prepare a code of conduct for elected members, committee members and employees

### CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### REFERENCES

None

## **Schedule 1.7 – Legal Costs Indemnification**

### **1. Introduction**

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

It is necessary to determine that assistance with legal costs and other liabilities is justified for the good government of the district.

### **2. General Principles**

The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Shire or otherwise in bad faith.

The Shire may provide assistance in the following types of legal proceedings –

- a) proceedings brought by members and employees to enable them to carry out their local government functions (eg. where a member or employee seeks a restraining order against a person using threatening behaviour);
- b) proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person (eg. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg: defending defamation actions); and
- c) statutory or other inquiries where representation of members or employees is justified.

The Shire will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not prevented, however, from taking their own private action. Further, the Shire may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Shire.

### **3. Applications for Financial Assistance**

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, in advance if possible, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application is to be accompanied by an assessment of the request and a recommendation prepared by the CEO.
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, must ensure compliance with the financial interest provisions of the Local Government Act 1995.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value specified by Council.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.
- g) Any application is to be subject to an enforceable agreement to repay expenses incurred by the Shire, either –
  - In full but not exceeding the extent recovered by a member in accordance with 4(a) below, or
  - In full where 4(2) applies.

### **4. Repayment of Assistance**

1. Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the Shire.
2. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
3. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such moneys in a court of competent jurisdiction.

– End of Schedule

## 1.8 Elected Members – Conference & Training Expenses

---

### POLICY STATEMENT

1. The Shire will meet all reasonable expenses of members incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business authorised by Council or the Shire President.

### APPLICATION

2. Such expenses may include –
  - accommodation,
  - meals,
  - refreshments,
  - travel,
  - other appropriate out-of-pocket expenses subject to budget allocations.
3. Expenses automatically met by the Shire are limited to accommodation in single/twin or double room, registration fees, meals associated with registration, vehicle and other travel with prior approval, parking and breakfasts for elected members only.
4. Other than WALGA Annual Convention or other event where the elected member's partner is reasonably expected to attend, costs incurred by a partner accompanying an elected member are to be met by the elected member, except an accommodation upgrade cost from single to twin/double and official conference dinner cost only.
5. Unless authorised and moderate in nature, expenses for alcohol are to be met by the elected member.

### OBJECTIVE

To outline appropriate expenditure for elected members training

### STATUTORY CONTEXT

*Local Government Act 1995*

*Rules of Conduct Regulations 1996 –*

- r.3 – General principles to guide the behaviour of elected members

### CORPORATE CONTEXT

None

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### REFERENCES

N/A

## 1.9 Council Chamber Usage

---

### POLICY STATEMENT

1. The Shire of Cunderdin Council Chamber is not available for use by the general public other than when attending meetings convened or under the auspices of Council.

### APPLICATION

2. The Council Chamber shall only be used for Council or Shire sponsored functions or meetings such as –
  - a) Council meetings;
  - b) Committee meetings;
  - c) Council supported Committees;
  - d) Councillor training;
  - e) Auditors undertaking the annual and/or interim audit of the Shire's processes;
  - f) Staff professional associations;
  - g) Functions/receptions organised by the Shire;
  - h) Meetings with Parliamentarians and other such persons of public office; and
  - i) Local Government elections.
3. Community groups and organisations should be directed to other Shire owned facilities.
4. Under special circumstances, the Chief Executive Officer or the Shire President may approve the use of the Council Chambers.

### OBJECTIVE

To maintain the dignity of the Council Chambers by giving direction as to the uses of the Chambers that will be permitted.

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### REFERENCES

## 1.10 Public Question Time

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### POLICY STATEMENT

1. The following Policy Schedule is adopted, and form part of this Statement –
  - a) Procedure for Public Question Time

### APPLICATION

2. The Procedures for Public Question Time apply to –
  - a) Ordinary and Special Council meetings,
  - b) Every meeting of Council committees which have a delegated power or duty.

### OBJECTIVE

To provide for the effective management of public question time.

### STATUTORY CONTEXT

*Local Government Act 1995* –

- s.5.103 – requirement to prepare a code of conduct for council members, committee members and employees
- s.5.24 – requirement for public question time

*Local Government (Administration) Regulations 1996* –

- r.5 – meetings where public question time is required
- r.6 – minimum time for public question time
- r.7 – procedure for public question time

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

Without this Policy, the only controls available to the Presiding Member of a meeting are the provisions of the Act and Regulations, all of which allow wide discretion, but offer limited guidance as to processes.

Additional provisions may be available in a Meeting Procedures Local Law.

## **Schedule 1.12 – Procedure for Public Question Time**

The *Local Government Act 1995* requires that a minimum of 15 minutes be provided at council meetings for public question time. Public question time is early in the meeting as required by the Act. This allows questions to be asked before business is dealt with and also smooth running of the business part of the meeting. The procedure for asking a question is outlined below.

### Presenting a question

1. Questions should be addressed to the Presiding Member, and submitted in writing to the CEO by 4.00pm two business days prior to the meeting.
2. Priority will be given to those questions relating to a matter on the Agenda before the meeting. General questions will only be addressed if time permits.
3. The length of question, including any background information, should not exceed 150 words.
4. Questions are limited to 2 per person, and with a total time limit of 2 minutes per speaker. Multiple parts to a question are considered separate questions.
5. Questions are to be directed to the Presiding Member, not to any other person.
6. Questions must be related to issues pertaining to the Shire.
7. Question regarding personal affairs, opinions, information or perceptions not relating directly to Shire business will be refused.
8. Retain your own copy of the question/s to be read aloud at the meeting.
9. No late documentation or item is to be brought into the meeting for distribution without prior arrangement with the CEO.

### Managing the questions

10. The CEO is to compile the same or similar questions submitted with notice, and provide a single response.
11. A question without notice at the meeting is to be written on the form available at the meeting so that the exact wording of the question is recorded in the minutes of the meeting. Staff will be made available to assist in wording the question if desired.
12. A timer may be activated at the beginning of each person's time period and the Presiding Member will require questioners to conclude after 2 minutes.
13. Those asking questions are to state their name, address and the item number to which they are referring, and then read the question. Staff will have prepared brief NOTES to enable an informed response to be given at the meeting.
14. When specifically requested, questioner's details may be kept private.
15. Questions without notice or multiple parts to a question will be answered in the order they are asked to a maximum of 2.
16. Should time permit, after all present have had an opportunity to ask a question, additional questions may be considered.
17. Where a question raises a significant issue not addressed in the staff report, and which cannot be adequately responded to, the meeting will need to consider whether the item should be held over or referred back for further consideration. In making this decision, the meeting will take account of statutory deadlines and other implications if appropriate.

### Responding to the questions

18. The order in which questions are to be addressed is –
  - a) questions with notice relating to matters within that meeting's agenda;
  - b) questions with notice relating to other matters;
  - c) questions without notice relating to matters within that meeting's agenda; then
  - d) questions without notice relating to other matters.
19. Matters considered confidential under section 5.23 of the Act will not be addressed other than to advise of such.
20. Written questions submitted by a person not present at the meeting may be declined, and dealt with as correspondence.
21. Responses will be provided in reasonable detail, but in order to permit as many questions as possible, will be concise and to the point. Should greater detail be required, this should be notified to the Shire after the meeting.
22. Questions without notice will only be responded to at the meeting if they are simple. Otherwise they will be taken on notice and will be answered in writing after the meeting and the response included in the agenda of the next council meeting.
23. The meeting will not debate nor discuss the question raised with the questioner. Discussion or debate directly with an elected member or employee, or within the gallery is not permitted.

**PLEASE NOTE**      **Members of the public should note that no action should be taken on any item discussed at a council meeting until written advice on the resolution of council being received.**

## 1.11 Organisational Risk Management

*From – Shire of Cunderdin Risk Management Governance Framework, September 2014 (LGIS)*

### POLICY STATEMENT

1. The Shire of Cunderdin (“the Shire”) Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.
2. It is the Shire’s Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.
3. 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.
4. 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.
5. 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.
6. Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

### APPLICATION

#### 7. Definitions

**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 goals) 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 policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

#### 8. Risk Management Objectives

To –

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

#### 9. Risk Appetite

- a) 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.

- b) All organisational risks to be reported at a corporate level 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 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.

#### 10. Roles, Responsibilities & Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

#### 11. Monitor & Review

- a) 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.
  
- b) This policy will be kept under review by the Shire's Executive Management Team and its employees. It will be formally reviewed every two years in line with the Local Government Audit Regulations (reg. 17).

### **OBJECTIVE**

Management of risks of all forms, not only OSH.

### **STATUTORY CONTEXT**

*Audit Regulations 1996 –*

- r.17 – Audit Committee to review CEO report on risk management, internal control and legislative compliance

*Occupational Safety and Health Act 1984*

### **CORPORATE CONTEXT**

Shire of Cunderdin Risk Management Plan

### **HISTORY**

Former Policy

Adopted 20 December 2018

### **REFERENCES**

None

## Section 2 - Administration / Organisation

### 2.1 Senior employees – Designation

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#### **POLICY STATEMENT**

1. Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –
  - a) Manager Corporate Services and Finance
  - b) Manager Works and Services

#### **APPLICATION**

2. Designation of the position is made due to the functions of the role, and applies regardless of the title of the position at the time.

#### **OBJECTIVE**

To designate certain roles as senior employees pursuant to the Act.

#### **STATUTORY CONTEXT**

Local Government Act 1995 –

- s.5.37 – senior employee or class of employee may be designated

#### **CORPORATE CONTEXT**

Nil

#### **HISTORY**

Former Policy

Adopted

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20 December 2018

#### **REFERENCES**

None

## 2.2 Acting / Relieving CEO

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### POLICY STATEMENT

1. The Manager Corporate Services and Finance is approved as Acting CEO in the following circumstances –
  - a) in the unforeseen, urgent absence of the CEO, and
  - b) for a period of up to 1 month, or as otherwise determined by Council.

### APPLICATION

2. Where the role is required to be taken up in the unforeseen, urgent absence of the CEO –
  - a) the President, or Deputy President if the President is unable to be contacted, is to be advised immediately,
  - b) depending on the circumstances, the President may decide to call a Special Meeting of Council to consider the matter, and the Council may determine to continue with the Manager Corporate Services and Finance in the role or engage an external person for the duration,
  - c) the Manager Corporate Services and Finance continues as Acting CEO until determined otherwise by Council at a Special Council Meeting or the next Ordinary Council Meeting.
3. Where the CEO intends a known, planned period of leave, it is to be approved by the President, and advised to the next Ordinary Meeting of Council, together with the proposed arrangements for Acting CEO.
4. The Acting CEO, is authorised to exercise all duties, powers and responsibilities assigned to that position, whether a delegation, policy, direction or accepted practice, subject only to any limitations that may be imposed by the Council.

### OBJECTIVE

To ensure that acting or relieving staff are aware of the extent of their authority and responsibility

### STATUTORY CONTEXT

*Local Government Act 1995*

### CORPORATE CONTEXT

Delegations Register –

- 1.2 – Acting CEO – Appointment

Policy Manual –

- 2.1 – Senior employees – Designation

### HISTORY

Former Policy

Adopted 20 December 2018

### REFERENCES

Appointment as Acting CEO other than as specified in Delegation 1.2 or in this Policy is by specific decision of Council as per the Local Government Act.

## 2.3 Social Media usage

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### POLICY STATEMENT

1. The following Policy Schedules are adopted, and form part of this Statement –
  - 2.3(a) – Social Media – Employee comments and use of private pages/accounts
  - 2.3(b) – Social Media – Public comments in Shire controlled pages/accounts
  - 2.3(c) – Social Media – Use of Shire/private pages/accounts for Shire purposes
2. This Policy applies to all employees, volunteers and contractors of the Shire who access social media for professional or social purposes whether via personal devices or those supplied by the Shire.
3. Comments and posts are subject to the State Records Act 2000. Where applicable, the Act requires that the posting is retained as an official record.

### APPLICATION

3. **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) –
  - a) Facebook,
  - b) Pinterest,
  - c) LinkedIn,
  - d) Twitter,
  - e) YouTube, and
  - f) Foursquare.
4. Any breach of this Instruction, may result in disciplinary action up to and including termination of employment. The Shire may also be obligated to refer any breach of this Instruction to an external agency where an employee may be held personally liable for their actions.
5. Information that is prohibited from disclosure on social media includes but is not limited to –
  - a) financial or technical information,
  - b) commercially sensitive information,
  - c) personal information about employees,
  - d) any information about customers, suppliers or members of the general public.
6. People who breach the Policy may be subject to disciplinary action –
  - a) up to and including dismissal or termination of contract; and
  - b) may also be personally liable for their actions.

### OBJECTIVE

To clarify responsibilities of employees using social media for work purposes or relating to Shire matters.

### STATUTORY CONTEXT

*Local Government Act 1995*

*State Records Act 2000*

### CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct

### HISTORY

Former Policy

Adopted

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20 December 2018

**REFERENCES**

Refer Policy 1.1 – Code of Conduct, Schedule 1.1, item 4.3

**Schedule 2.3(a) – Social media – Employee comments and use of private pages/accounts**

1. An employee cannot comment on behalf of the Shire unless expressly authorised by the CEO. If the person wishes to broadcast something (either as an initial broadcast or a response) then a request to the Chief Executive Officer (or authorised delegate) must be made.
2. Employees who use social media for personal / private purposes must not infer or state they are speaking on behalf of the Shire and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.
3. An employee is able to share links that the Shire has posted on the social media sites, or submitting a “like” action, or comment on an event, initiative or program, provided that it is in the best interests of the Shire.
4. Employees 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.
5. Use of sites to comment of issues relating to the Shire of Cunderdin or to bully, harass, discriminate against another employee, may be subject to disciplinary action.

– End of Schedule

**Schedule 2.3(b) – Social media – Comments in Shire controlled pages/accounts**

1. Comments are welcomed and encouraged through the Shire website and on social page/accounts.
2. These sites are moderated to ensure everyone has the opportunity to comment in a safe and engaging environment.
3. Comments deemed inappropriate will not be published and will be deleted –
  - a) Postings and links placed on shire social media platforms that are, or can be interpreted as offensive, slanderous, defamatory or untrue will be removed by the Chief Executive Officer's nominated Moderator.
  - b) The Shire of Cunderdin will use profanity blocklists and keyword blocklists where available and appropriate. Comments on Shire posts considered to be offensive or defamatory will be removed by the Moderator and repeat offenders may be blocked at the Chief Executive Officer's sole discretion.
  - c) Postings and links placed on the Shire's social media platforms that are commercial in nature may be removed.
  - d) The Shire of Cunderdin will endeavour to use social media comments and feedback to strengthen its customer service and decision making but it should be noted that comments,
  - e) feedback and suggestions will not be treated as official complaints, or as official submissions. Where possible, this statement will be posted on the social media platform.
4. Inappropriate comments include, but are not limited to those –
  - a) deemed to be spam or questionable;
  - b) profanity;
  - c) containing language or concepts that could be deemed offensive or damaging;
  - d) irrelevant;
  - e) promotion of an event that is not community focused or is authorised by a community organisation;
  - f) comment directed to individuals; and
  - g) that attack a particular person or group.
5. Inclusion of links to relevant content is permitted, but the link and any comment must be relevant to the post topic.
6. The CEO has the right to delete or withhold publicly publishing any comments submitted to the Shire of Cunderdin website or social media pages/accounts without notice.

– End of Schedule

**Schedule 2.3(c) – Social media – Use of Shire/private pages/accounts for Shire purposes**

1. The CEO may authorise specified employees to use social media for Shire purposes.
2. If a person is provided with express permission by the CEO to use social media they must –
  - provide information that is truthful, accurate and in the interests of the Shire,
  - 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.
3. Employees who use social media in the course of their work must –
  - a) Use spell check and proof read each post;
  - b) Understand the context before entering any conversation;
  - c) Know the facts and verify the sources;
  - d) Be respectful of all individuals and communities with which the person interacts with online;
  - e) Be polite and respectful of other opinions;
  - f) Seek to conform to the cultural and behavioural norms of the social media platform being used;
  - g) 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 their supervisor; and
  - h) Understand and comply with any directions given by the CEO on topics that are not to be discussed for confidential, operational or legal reasons.
4. A person authorised to use social media should always be aware that the Shire may be liable for any posts made. Guidance should be sought from the Chief Executive Officer if about stating or responding to something on a social media site.

– End of Schedule

## 2.4 Shire Logo

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### POLICY STATEMENT

1. The primary logo of the Shire is –



### APPLICATION

2. The logo should be used –
  - a) on all Shire publications, letterheads, promotional materials etc
  - b) where the Shire has provided sponsorship or support for a program, activity or advertisement – e.g. sporting or community event.
3. Private use of the logo is not permitted unless –
  - a) the approval of the CEO has been obtained, and
  - b) there is an identifiable benefit to the Shire or community through acknowledgement of support or promotion of the area.
4. Approval for private use of the logo may be withdrawn at any if the use is considered to be inappropriate.

### STATUTORY CONTEXT

Copyright

Intellectual property

### CORPORATE CONTEXT

Nil

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### REFERENCES

None

## 2.5 Information & Communications Technology Use

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### POLICY STATEMENT

#### 1. General Use of Information and Communications Technology (ICT) Equipment

- a) While the Shire'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 the Shire. Because of the need to protect the Shire's network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and a degree of personal use is allowed on the Shire's equipment / devices/ systems. Staff members should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles –
  - i) Personal use should be conducted either before or after contracted hours of work or authorised breaks;
  - ii) 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;
  - iii) Personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials;
  - iv) 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
  - v) If there is any uncertainty regarding acceptable personal use then staff members should consult their supervisor or manager for guidance.
- b) For security and network maintenance purposes, authorised individuals within the Shire may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
- c) The Shire reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.
- d) All emails sent by Shire staff should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire's style guide or as otherwise advised.

#### 2. Security and proprietary information

- a) All information stored on the Shire'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 staff members should consult their supervisor or manager for guidance.
- b) 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 advice from the CEO or the Manager Corporate Service and Finance.
- c) All devices connected to the Shire's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software and staff members must use caution when opening files received from unknown senders.

#### 3. 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 or utilising Shire ICT systems or resources.

#### 4. System and network activities

- a) The following activities are not permitted –
  - i) 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 or the end user;
- ii) Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire or the end user does not have an active license;
  - iii) 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;
  - iv) Introduction of malicious programs or code into the network or onto devices connected to the network;
  - v) Revealing your account password to others or allowing use of your account by others;
  - vi) The Shire'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 Corporate Services and Finance;
  - vii) Making fraudulent offers of products, items, or services, or running private business interests via any Shire equipment, device or account; and
  - viii) Undertaking private work.
- b) The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position –
- i) 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;
  - ii) Executing any form of network monitoring which will intercept data not intended for the user's host;
  - iii) Attempting to avoid or bypass the Shire's network security measures;
  - iv) Interfering with any other user's account, by whatever means; and
  - v) Using the system in a way that could damage or affect the performance of the network in any way.

## 5. Email and communications activities

The following activities are not permitted –

- i) 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;
- ii) Any form of harassment via electronic/ICT means;
- iii) Unauthorised use, or forging, of email header information;
- iv) 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;
- v) Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- vi) Use of any of the Shire's network or systems for the purpose of generating unsolicited communications;
- vii) Providing information about, or lists of the Shire's staff members to parties outside the Shire or to personal email addresses;
- viii) Communicating in a manner that could adversely affect the reputation or public image of the Shire; and
- ix) Communicating in a manner that could be construed as making statements or representations on behalf of the Shire without the Shire's express permission to do so; and
- x) Users should also endeavour 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.

## 6. Remote access

Users with remote access should be reminded that, when they are connected to the Shire'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's corporate equipment and systems. That is, their machines need

to connect and communicate reliably with the Shire'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's system –

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

7. Provision and use of mobile phones and information/communication devices

- a) 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 and users must not change service providers unless permitted to do so.
- b) 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 should be through the Shire's server, to ensure the integrity of the recordkeeping system.
- c) 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. Staff members may also be held criminally liable for their actions.
- d) 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. A staff member who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Staff members may also be held criminally liable for their actions.

8. Consequences of breaching this policy

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

**APPLICATION**

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

**OBJECTIVE**

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

**STATUTORY CONTEXT**

None

**CORPORATE CONTEXT**

Policy Manual –

- 1.1 – Code of Conduct
- 2.3 – Social Media usage

**HISTORY**

Adopted 20 December 2018

**REFERENCES**

Refer Policy 1.1 – Code of Conduct, Schedule 1.1, item 4.3

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**Statement of Understanding**

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

*[Do not sign this document unless you fully understand the contents and requirements].*

Name of Staff member: \_\_\_\_\_

Staff member’s Signature \_\_\_\_\_

Date \_\_\_\_\_

Please forward signed copy to the Senior Finance Officer/HR Officer.

## Section 3 - Financial Management

### 3.1 Purchasing – Framework

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#### **POLICY STATEMENT**

The Shire of Cunderdin (The “Shire”) is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire of Cunderdin’s strategic and operational objectives.

#### **APPLICATION**

##### **Objectives**

The Shire purchasing activities will:

- Achieve best value for money that consider sustainable benefits, such as; environmental, social and local economic factors;
- Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire’s Policies and procedures;
- Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Cunderdin;
- Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire’s Risk Management framework;
- Ensure recording evidence of purchasing activities in accordance with the *State Records Act 2000* and the Shire’s Record Keeping Plan;
- Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

##### **Ethics & Integrity**

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

### **Value for money**

The Shire will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

### **Assessing Value for Money**

Value for money assessment will consider:

- All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.
- The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policies; and
- Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

## **PURCHASING THRESHOLDS AND PRACTICES**

### **Defining the Purchasing Value**

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements are able to be provided by a single supplier.

A **category of supply** can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

### **Strategic Purchasing Value Assessments**

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

### Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- Exclusive of Goods and Services Tax (GST); and
- The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

### Purchasing Practice Purchasing Value Thresholds

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (ex GST)	Purchasing Practice
Up to \$5,000 (ex GST)	Purchase directly from a supplier using a Purchase Order issued by the Shire or with approval by Corporate Credit Card holder.  Seek at least one (1) verbal quotation from a suitable supplier.
From \$5,001 and up to \$20,000 (ex GST)	Seek at least two (2) written quotations from suitable suppliers.  For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.  The purchasing decision is to be based upon assessment of the supplier's response to: <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest price.</li> </ul> The purchasing decision is to be evidenced using the Quotation Evaluation Form retained in accordance with the Shire's Record Keeping Plan.
From \$20,001 and up to \$250,000 (ex GST)	Seek at least three (3) written quotations from suitable suppliers, containing price and specifications of good and services. Confirmed via Purchase Order or Contract/Agreement.  The purchasing decision is to be based upon assessment of the suppliers' responses to: <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• Value for Money criteria, not necessarily the lowest quote.</li> </ul> The purchasing decision is to be evidenced using the Quotation Evaluation Form retained in accordance with the Shire's Record Keeping Plan.
Over \$250,000 (ex GST)	<b>Tender Exempt</b> arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&amp;G Reg.11(2)</i> ) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation.  <u>OR</u>  <b>Public Tender</b> undertaken in accordance with the <i>Local Government Act 1995</i>

Purchase Value Threshold (ex GST)	Purchasing Practice
	<p>and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to:</p> <ul style="list-style-type: none"> <li>• A detailed specification; and</li> <li>• Pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The purchasing decision is to be presented to Council, unless delegated authority has been previously given to a committee or CEO. Evidence using the Quotation Evaluation Form, Conflict of Interest Forms and Background Check retained in accordance with the Shire's Record Keeping Plan.</p>
Emergency Purchases (Within Budget)	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.</p>
Emergency Purchases (No budget allocation available)	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>
LGIS Services Section 9.58(6)(b) Local Government Act	<p>The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.</p> <p>Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</p>

## Exemptions

An exemption from the requirement to publically invite tenders may apply when the purchase is:

- Obtained from pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- From a Regional Local Government or another Local Government;
- Acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (exc GST) and represents value for money;

- Acquired from an Australian Disability Enterprise and represents value for money;
- Within 6 months of no tender being accepted;
- Where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- The purchase is covered by any of the other exclusions under Regulation 11 of the Regulations.

### **Emergency Purchases**

Emergency purchases are defined as the supply of goods or services associated with:

- A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of *the Local Government Act 1995 and Functions and General Regulation 11(2)(a)*; OR
- A State of Emergency declared under the *Emergency Management Act 2005* and therefore, *Functions and General Regulations 11(2)(aa), (ja) and (3)* apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

### **Inviting Tenders though not required to do so**

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold.

This decision will be made after considering:

- Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- Any value for money benefits, timeliness, and risks; and
- Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

### **Expressions of Interest**

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process [*F&G Reg.21*] where the required supply evidences one or more of the following criteria:

- Unable to sufficiently scope or specify the requirement;
- There is significant variability for how the requirement may be met;
- There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

### **Unique Nature of Supply (Sole Supplier)**

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- purchasing value is estimated to be over \$5,000; and
- purchasing requirement has been documented in a detailed specification; and

- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

The Sole Supplier form must be completed and be evidenced in accordance with the Shire's Record Keeping Plan.

### **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, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

### **Contract Renewals, Extensions and Variations**

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless

- The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

### **Sustainable Procurement**

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

The Shire will embrace Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Formal Requests for Quotation and Tenders are to include a request for information from Suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

### **Local economic benefit**

The Shire encourages the development of competitive local businesses within its boundary firstly, and secondly within its broader region. As much as practicable, the Shire is to:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;

- avoid bias in the design and specifications for requests for Quotation and Tenders – all requests must be structured to encourage local businesses to bid;
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting is to be included in the evaluation criteria for quotation and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

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

### **Purchasing from Aboriginal Businesses**

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrated benefit for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted. The rationale of making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

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

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of the Policy, where a value for money assessment demonstrates benefits for the Shire's achievements of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantaged to Australian Disability Enterprises, in instances where not directly contracted. The rationale of making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

### **Purchasing from Environmentally Sustainable Procurement**

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- demonstrate policies and practices that have been implemented by the business as part of its operations;
- generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

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

#### **Objectives**

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.

Part of the consideration of establishing a panel includes:

- there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

### **Establishing and Managing a Panel**

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

### **Distributing work amongst Panel Members**

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.
  - i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.
  - ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.
  - iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in clause 1.4.2(2) of this Policy.
  - iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

### **Purchasing from the Panel**

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

### **Communications with Panel Members**

The Shire will ensure clear, consistent and regular communication with Panel Members.

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured in accordance with the Shire's Record Keeping Plan. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

### **Record Keeping**

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

In addition, the Shire must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire relevant to the performance of the contract.

### **Purchasing Policy Non-Compliance**

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive Officer or the Deputy Chief Executive Officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

### **OBJECTIVES**

To objects are to –

- Obtain quality goods and services that are judged to deliver the best value-for-money or be the most advantageous,
- Provide compliance with the *Local Government Act 1995* and the *Functions and General Regulation 1996*,
- Deliver a best practice approach and procedures to internal purchasing for the Shire,
- Ensure consistency for all purchasing activities that integrates within all the Shire operational areas.

**STATUTORY CONTEXT**

S.3.57 of the Local Government Act 1995

Part 4 of the Local Government (Functions and General) Regulations 1996

**CORPORATE CONTEXT**

Council Policy No. 3.2 - Regional Price Preference

Council Policy No. 1.1 - Code of Conduct

Record Keeping Plan.

Operational Procedure – Quotations

**HISTORY**

Former Policy      Adopted 20<sup>th</sup> December 2018

Adopted              20<sup>th</sup> August 2020

**REFERENCE**

None

## 3.2 Purchasing – Regional Price Preference

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### POLICY STATEMENT

1. The following Policy Schedules are adopted, and form part of this Statement –
  - Policy Schedule 3.2 – Regional Price Preference.
2. The Regional Price Preference applies to providers and suppliers –
  - a) established within the preference region,
  - b) based outside the preference region.

### APPLICATION

3. This Policy applies to all purchasing and procurement activity, and is not limited to tendering.

### OBJECTIVE

To ensure that when purchasing goods and services, the Shire achieves the best possible value for money whilst supporting local businesses and industry and generating economic growth within the Shire.

### STATUTORY CONTEXT

*Local Government (Functions and General) Regulations 1996 –*

- r.24B – terms used
- r.24C – authority to adopt a regional price preference policy
- r.24D – maximum % discount and maximum \$ value of discount permitted
- r.24E – once prepared, Statewide notice is required, submissions invited, and if significant changes made, further Statewide notice
- r.24F – Policy can't be adopted until after Statewide notice of adoption, and specified matters must be in the policy, and the policy must be included in tender specifications

### CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 3.7 – Tenders – Authority to set, specifications, criteria, call, accept, vary
- 3.8 – Contracts – Variations

Policy Manual –

- 3.1 – Purchasing – Framework
- 3.3 – Transaction Cards

### HISTORY

Former Policy

Adopted 20 December 2018

### REFERENCES

**Statutory requirements under the Functions & General Regulations if a policy is to be adopted –**

- **Statewide notice of proposed policy, amendment or revocation,**
- **public comment period of 4 weeks,**
- **submissions considered prior to adoption, and**
- **Statewide notice of adoption.**

Approved panel arrangements for suppliers as permitted by the Regulations are not in place.

**Policy Schedule 3.2 – Regional Price Preference**

1. Definitions

**price preference** is the application of a discount to the price when comparing submitted prices only, so as to give a marginal advantage to a regional offer, and does not refer to the price that is to be accepted;

**preference region** is specified as the geographical area which comprises the whole of the Shires of Cunderdin and Tammin;

**regional tenderer** as defined under the *Local Government (Functions and General) Regulations 1996 s 24B(2)* as a supplier that has been operating a business continuously out of premises within the region for at least 6 months and submits a tender for the supply of goods and/or services;

**start up businesses** means a business of less than 10 employees, which has commenced within the preceding 6 months prior to closing date of tender, or would be established specifically for the purposes of the tender;

**regional content preference** is the incentive for businesses/contractors outside the region to purchase goods, services and construction from within the region, but excludes travel and accommodation costs;

**tenderer** includes a new or start up business where the owner or provider has been resident of the region for at least 6 months.

2. Preference principles

The Shire will encourage local industry to do business with the Shire by providing incentive through the adoption of a regional price preference advantage in conjunction with standard evaluation considerations, and as part of usual procurement consideration.

The price preference will apply to suppliers who are based in, and operate from the preference region in relation to all purchasing by the Shire for the supply of goods and services and construction (building) services, unless specifically stated otherwise, providing they are competitive in regard to specification, service, delivery and price.

3. Start-up Businesses

Where a new or start up business having less than 10 employees makes a submission, the anticipated longevity of the business, its relevance to the region and if goods or service previously not available in the region, are to constitute a component of “value for money” or “most advantageous” considerations as per Function and General Regulations r.24D(3). Reasons are to be itemised, and detailed as part of the “value for money” evaluation in accordance with Policy Sch.3.1(a) – Purchasing Principles.

4. Regional business preference

This preference enables businesses/contractors within the preference area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

The following levels of preference are to be applied to whole of contract for all purchasing under this provision –

Reduction % to be applied to whole of purchase	Contract for	Maximum reduction value per purchase
10%	Goods or services	\$20,000
5%	Construction (incl. building and roadworks etc) services	\$30,000

To qualify as a local business/contractor, a supplier must meet the following conditions –

- a) A permanent business location in the preference region for at least six (6) months. *Local Government (Functions and General) Regulations 1996* states that the 6 month calculation is based on the period prior to when the tender closes.
- b) Have permanent staff based in the preference region
- c) Management and delivery of the majority of the quotation / contract will be carried out from their business location in the preference region.

The price of the bids from the local businesses/contractors will be reduced / discounted for evaluation purposes only, by the percentage to the maximum value set out in this clause.

### 5. Regional Content Preference

Some businesses / contractors may be based outside the preference region, but utilise significant resources based in the preference region. This preference provides an incentive for businesses / contractors outside the preference region to purchase goods, services and construction from within the preference region.

The preference applies to the value of the goods, materials or services that are purchased from within the preference region, and are referred to as *Regional Content*.

The following levels of preference are to be applied to the portion of the proposal claimed / identified as the Regional Content portion of the contract for all purchasing under this policy –

<b>Reduction % to be applied to Regional Content only of purchase</b>	<b>Contract for</b>	<b>Maximum reduction value per purchase</b>
10%	Goods or services	\$20,000
5%	Construction (incl. building and roadworks etc) services	\$30,000

Regional content limitations for suppliers based outside the preference region are –

- a) some or all of the goods, materials or services are to be supplied from regional sources. The preference only applies to that part of the tender or quote that has been supplied from regional sources, which needs to be specified in the submission.
- b) businesses outside of the preference region who claim that they will use regional business in the delivery of the contract outcomes –
  - must stipulate who the regional provider will be and the value of the regional content, and
  - will be required as part of the contract conditions, to demonstrate that they have actually used the regional provider.

The price of the bids from the businesses/contractors using preference region content will be reduced for evaluation purposes and for that component of the bid only, by the amounts set out in above.

### 6. Scope

It should be noted that price is only one factor to be considered when the Shire assesses submissions. Accordingly, a regional submission where price is within the preference is not guaranteed of procurement, as the submission must also meet other relevant criteria, as per Policy 3.1 – Purchasing Framework.

– End of Schedule

### 3.3 Transaction Cards

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#### POLICY STATEMENT

1. Schedules

The following Policy Schedules are adopted, and form part of this Statement –

- 3.3(a) – Purchasing Principles
- 3.3(b) – Purchasing Thresholds

2. Management Oversight

The Chief Executive Officer shall determine and implement systems and procedures that are adequate to ensure –

- a) assessment and selection of transaction card facilities suitable to the efficient and effective operations of the Shire;
- b) authorisation and appointment of suitably eligible cardholders;
- c) cardholder duties and responsibilities are documented; and
- d) cardholders provided with training; and
- e) monitoring and auditing of transactional card activities is planned and reported.

3. Reporting

The Chief Executive Officer will ensure that acquitted transaction statements for each transaction card facility are provided to Council as part of the monthly financial reporting regime.

4. Misuse, Misconduct and Fraudulent Use

- a) Any alleged misuse of transaction cards will be investigated, and may be subject to disciplinary procedures.
- b) 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*.

5. Principles for usage – Allowable transactions

- a) Transaction card facilities may only be used where –
  - i) the expenditure is directly arising from a Shire operational business activity for which there is an Annual Budget provision;
  - ii) the expenditure is in accordance with legislation, the Shire Purchasing Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder.
  - iii) 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;
  - iv) 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.
  - v) hospitality expenditure may only occur when it is in accordance with any Shire Hospitality Policy or is undertaken with the express permission of the Chief Executive Officer.
  - vi) official travel, accommodation and related expenses may only occur in accordance with Shire policies and procedures;
  - vii) a sufficient record of each transaction is obtained and retained in the local government record.
- b) Allowable transaction modes include –
  - i) in-person and over the counter retail purchases;
  - ii) telephone or facsimile purchasing;
  - iii) mail order purchasing and subscriptions;
  - iv) internet purchasing.

## 6. Principles for usage – Prohibited transactions

- a) The Shire prohibits the use of transaction card facilities for –
  - i) cash advances;
  - ii) incurring expenses which are personal or private (i.e. any expenditure which is not an approved local government activity);
  - iii) making deposits onto the card, whether to offset misuse or otherwise;
  - iv) incurring capital expenditure;
  - v) incurring expenditure for goods or services which are subject to a current supplier contract;
  - vi) incurring expenses which are not in accordance with legislation, the Shire's Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual cardholder;
  - vii) expenses for which another transaction card is the approved facility where available;
  - viii) splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
  - ix) incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).
- b) For clarity, elected members are prohibited from using Shire 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.

## 7. Additional Cardholders

- a) The Chief Executive Officer is the primary cardholder for the Shire and may authorise additional cardholders within the Shire's approved total credit limit.
- b) Individual transaction card limits are as approved by the CEO.

## 8. Cardholder Agreement

- a) The Cardholder Agreement is as determined by the CEO.
- b) Failure to comply with any of these requirements could result in the card being withdrawn from the employee.
- c) In the event of loss or theft through negligence or failure to comply with the Shire of Cunderdin Transaction Card Policy any liability arising may be passed on to the cardholder.

## 9. Consequences of Non-Compliance

Failure to comply with the Delegation or Policy may result in disciplinary action up to and including termination of employment.

## **APPLICATION**

### 10. Definitions

**Cardholder** means an employee who has been authorised by the Chief Executive Officer to incur expenditure by means of a transaction card.

**Transaction Card** means a card facility (which may include; credit, debit, 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 Cunderdin business activities only in accordance with relevant Shire policies.

### 11. Cardholder authority

All cardholders must have the authority to commit expenditure by the Shire.

### 12. Determining When Transaction Card Facilities are Appropriate

- a) Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire of Cunderdin operations by ensuring –
  - i) goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire;

- ii) financial management and accounting standards are met; and
  - iii) purchasing and payment functions are secure, efficient and effective.
- b) Transaction card facility providers will only be acceptable where, in the opinion of the Chief Executive Officer, they –
- i) provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire to sufficiently administer the facility; and
  - ii) provide the Shire with protection and indemnification from fraudulent unauthorised transactions.

### 13. Cardholder duty of care and responsible use obligations

- a) A cardholder is required to –
- i) keep the transaction card and access information in a safe manner; protected from improper use or loss.
  - ii) only use the transaction card for allowable purposes and not for prohibited purposes.
  - iii) obtain, create and retain local government records that evidence transactions.
  - iv) 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.
  - v) return the transaction card to the Shire before termination of employment, inclusive of reconciliation records.
  - vi) reimburse the Shire the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.
  - vii) Comply with all cardholder responsibilities as outlined by the card provider.
- b) Benefits obtained through use of a transaction card (i.e. membership or loyalty rewards) are the property of the Shire and may only be used for Shire business purposes. Such benefits must be relinquished by the cardholder to the Shire. Under no circumstances may such benefits be retained as a personal benefit.

### 14. Transaction evidence

- a) A sufficient transaction record must include the following minimum information – p
- i) invoice and / or receipt that includes; the date, company name, address, ABN, amount and any GST amount included;
  - ii) where an invoice and / or receipt cannot be obtained, the cardholder must provide a signed statement, detailing the nature of the expense and sufficient information to satisfy the requirements of subclause (i) above.
  - iii) approval of the expense in (ii) above is to be referred to the Chief Executive Officer for a decision.
- b) 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 –
- i) the number of persons entertained;
  - ii) the names of any employees in that number; and
  - iii) the purpose of providing the entertainment or hospitality.

### 15. Card Reconciliation Procedures

- a) Card statement accounts will be issued to the relevant cardholder who will, within 7 days, acquit the transactions on the account.
- b) Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the *Goods and Services Tax Act 1999* to enable a GST rebate to be applied.
- c) Transactions shall be accompanied by a job number for costing purposes.
- d) Should approval of expenses be refused by the Chief Executive Officer recovery of the expense shall be met by the cardholder.
- e) The cardholder shall sign and date the card statement with supporting documentation attached stating all expenditure is of a business nature.

**16. Disputed Transactions**

- a) The Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from the Shire's operating bank account for such.
- b) When a Cardholder believes that charges are incorrect they should first contact the supplier to determine the causes of the discrepancy and if necessary the Creditors Officer will notify the bank in writing.
- c) Any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

**17. Cancelled Cards**

Cancellation of a Card may be necessary where the –

- a) cardholder changes job function within the local government;
- b) cardholder terminates employment with local government;
- c) the employment of the Cardholder is terminated;
- d) card is no longer required;
- e) cardholder has not adhered to set procedures;
- f) misuse of the Card; or
- g) other sufficient reason in the opinion of the CEO.

**18. Review of Card Use**

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses shall be referred to the Chief Executive Officer for a decision.

**19. Procedures for Lost, Stolen and Damaged Cards**

- a) The cardholder must formally advise the Executive Manager Corporate & Community Services of the loss or theft without delay.
- b) The loss or theft of a transaction card must be reported to the card provider as a matter of priority.
- c) Advice of a damaged card is to be provided to the Executive Manager Corporate & Community Services who will arrange a replacement.

**OBJECTIVE**

To ensure the proper management of transaction cards

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

- 6.5(a) – Chief Executive Officer duty to ensure that proper accounts and records of the transactions and affairs are kept in accordance with regulations.

*Local Government (Financial Management) Regulations 1996 –*

- r.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.
- r.11(1)(a) and (2) – requirement to develop procedures that ensure effective security for the authorisation and payment of accounts and for the authorised use of payment methods, including transaction cards.

**CORPORATE CONTEXT**

Delegation Manual –

- 3.1 – Municipal Fund – Incurring expenditure

Policy Manual –

- 3.1 – Purchasing Framework

**HISTORY**

Former Policy \_\_\_\_\_

Adopted 20 December 2018

**REFERENCES**

Fuel card statements have all relevant details provided. Other than certification by the cardholder, no further procedures are required.

**Schedule 3.3(a) – Transaction Cards – Cardholder Agreement**

Conditions of use of Corporate Credit, Store, Fuel and Debit Cards –

1. Ensure all cards are maintained in a secure manner and guarded against improper use.
2. All cards are to be used only for Shire of Cunderdin official activities as prescribed by the CEO, there is no approval given for any private use.
3. Ensure no one else other than the authorised cardholder uses any card issued.
4. All documentation regarding a card transaction is to be retained by the cardholder and produced as part of the reconciliation procedure.
5. Card limits are not to be exceeded.
6. Observe all cardholder responsibilities as outlined by the card provider.
7. Purchases on all cards are to be made in accordance with Shire of Cunderdin Purchasing Policy.
8. Reconciliation is to be completed within 7 days of the date of card statement being issued on the supplied template.
9. Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the *Goods and Services Tax Act 1999* to enable a GST rebate to be applied.
10. Transactions shall be accompanied by a job number, cost centre and element type for costing purposes.
11. If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration all expenditure is of a business nature. Approval of this expense is referred to the CEO for a decision.
12. Should approval of expenses be denied by the CEO recovery of the expense shall be met by the cardholder.
13. The cardholder shall sign and date each card statement with supporting documentation attached stating all expenditure is of a business nature.
14. Lost or stolen cards shall be reported immediately to the card provider and a written account of the circumstances shall be provided to the CEO on the next working day.
15. All cards are to be returned to the CEO on or before the employee’s termination date with a full acquittal of expenses.

**ACKNOWLEDGEMENT OF RECEIPT OF CREDIT, STORE, FUEL AND DEBIT CARD/S**

- a) I have read this policy and understand my responsibilities which include the requirement that the card/s can only be used for official business only and acknowledge receipt of the following cards noted below.
- b) I acknowledge that failure to comply with the Delegations or Policies may result in disciplinary action up to and including termination of employment.

Card type Credit, Debit, Store, Fuel	Organisation	Number

Name and Signature \_\_\_\_\_ Date \_\_\_\_\_

– End of Schedule

**Schedule 3.3(b) – Purchasing using Credit Cards**

**HOW I MAKE A PURCHASE**

- Use this form to seek prior approval from the card holder before purchasing goods and services using a Corporate Credit Card.
- Obtain prices for purchases, complete this form and submit to the credit card holder for authorisation.
- Once authorised, complete the purchase and attach the receipt/tax invoice and any other supporting documentation to this form and submit to the Finance department.

Requested by		Date	
Signature		Tax invoice or supporting documentation attached	Yes / No
Request is compliant with Delegation 3.1 and Policy 3.1			Yes / No

Supplier		
GL Account / Job No	Description of Goods	<b>AMOUNT</b> (incl. GST)
GST Code		
TOTAL		

**REASON FOR USING CREDIT CARD FOR THE PURCHASE**

**AUTHORISED**

Cardholder position	Cardholder Name	Cardholder Signature	Date

**GST CODES**

	Income and purchases subject to GST		Free income and purchase
	No report		Input tax

– End of Schedule

### **3.4 Minor Requests for Financial and Other Assistance**

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#### **POLICY STATEMENT**

1. The following Policy Schedule is adopted, and forms part of this Statement –
  - a) 3.4 – Criteria for Assistance
2. The total amount available will be determined in the Budget each year, in the following categories –
  - a) assistance for capital projects
  - b) annual contributions to local groups
  - c) discretionary provision – including for individuals

#### **APPLICATION**

3. The Shire of Cunderdin provides financial and in-kind assistance to sporting, community and welfare groups /organisations to support specific projects of a capital nature or capital purchases which respond to identified community needs.
4. The Shire may also consider a donation to Shire residents who have been selected as National or State representatives.

#### **OBJECTIVE**

To establish guidelines for requests for assistance by groups and individuals.

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

Delegations Register –

- 3.11 – Donations – Financial and In-kind Works / Services

Annual Budget

#### **HISTORY**

Former Policy

Adopted                      21 February 2019

#### **REFERENCES**

None

## **Schedule 3.4 – Criteria for assistance**

### **1. Capital projects**

The Shire will advertise during March each year inviting applications from local sporting and community groups, for Council to consider including funds in the following financial year budget to contribute towards a planned capital project within the Shire.

The assistance that may be provided by Council up to \$5,000 ex GST per project, excluding major projects funded through Community Sporting and Recreation Facilities Fund.

CSRFF Grants are considered by Council separately to this Policy, and subject to grant conditions usually considered on the basis of 1/3<sup>rd</sup> contribution from each of –

- CSRFF (Dept of Sport and Recreation)
- Shire
- applicant organisation.

<b>Ineligible projects</b>
Where there is a fundraising outcome
Trophies, prizes, gifts, costumes etc
Where target group is students in a school setting
Where better funded through other sources
Retrospective funding
Operational funding
Recurrent salaries or operational costs not directly associated with the proposed project
Applicants with outstanding acquittals

<b>Application requirements (where appropriate)</b>
Completed and signed application
Copy of certificate of incorporation
Copy of public liability insurance
Copy of last audited statements
All relevant information included
Submitted by closing date

<b>Assessment criteria</b>
Alignment with the Shire's Strategic Community Plan
Management and financial capacity of applicant to deliver
Anticipated outcomes in response to identified need
Access, opportunity and participation
Evidence of other funding / support obtained / being sought
Recognition of the Shire of Cunderdin

All requests for a contribution will be decided by Council and must demonstrate a thorough planned approach and Council will not generally consider contributing more than one-third of the total cost of the project.

Successful applicants must provide a financial acquittal of funds including receipts relating to the grant and complete a brief evaluation by May 31 of the funding period.

Council may request a presentation to Council prior to considering the request.

## **2. Annual contributions to local groups**

Annual operating contributions will be made to the following groups as determined in the Budget –

<b>Group</b>	<b>In Kind / Not charged</b>	<b>Cash as per Budget</b>
Cunderdin Sport and Recreation Centre	as per agreement	Yes

## **3. Assistance for individual**

- a) The maximum grant that may be awarded in this category is \$200 for interstate travel and \$300 for international travel.
- b) The eligibility criteria for assessing financial support applications (Individual Development) for people who have been selected to represent the State or Nation in interstate or international championships, competitions or significant cultural, academic or community service programs are:
  - only residents of the Shire of Cunderdin are eligible to apply.
  - applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural or educational activities.
  - applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
  - there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
  - only one application per financial year may be funded for any one individual.
  - a maximum of \$500 per year will be funded per family.
  - funds will only be provided towards travel or accommodation expenses.
  - priority will be given to applicants who have demonstrated initiative and endeavour in raising funds for themselves.

– End of Schedule

## 3.5 Self-Supporting Loans

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### POLICY STATEMENT

1. A request to Council to raise a self-supporting loan will be considered only from community or not for profit organisations.

### APPLICATION

2. Each request will be considered on its merits, and the organisation may be asked to provide guarantors or other acceptable security.
3. In the event of Council agreeing to make funds available on a self-supporting basis, Council reserves the right to control and/or to carry out any of the following –
  - a) the preparation of plans and specifications for the proposed work,
  - b) the calling of tenders for the proposed work,
  - c) the preparation of the contract documents,
  - d) the letting of the contract,
  - e) sole supervision of the project,
  - f) sole authorisation of expenditure of funds for the project.

### OBJECTIVE

To set the circumstances in which a request for a self-supporting loan would be considered

### STATUTORY CONTEXT

*Local Government Act 1995* –

- s.6.20 – Power to borrow
- s.6.21 – Restrictions on borrowing

*Local Government (Financial Management) Regulations 1996*

- r.20 – Circumstance where local public notice is not required for exercise of power to borrow

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

None

### **3.6 Rates – Prize Eligibility**

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#### **POLICY STATEMENT**

1. In order to qualify for any rates incentive prize, payment of rates must be processed prior to close of business hours on the due date.

#### **APPLICATION**

2. Discount will not be permitted after this time and date in any circumstances.
3. Entry to any prize draw will not be allowed after this time and date in any circumstances.
4. The monetary value of any rates incentive prizes offered are to be determined in the relevant Budget.
5. Prizes are to be selected by random number process within 2 weeks of the due date.

#### **OBJECTIVE**

To clarify complying eligibility for rate prize

#### **STATUTORY CONTEXT**

Local Government Act 1995

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

#### **REFERENCES**

### 3.7 Timely Payment of Suppliers

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#### POLICY STATEMENT

1. Creditor invoices are to be dealt with in a timely and prompt fashion.

#### APPLICATION

2. All invoices are to be given to the Creditors Clerk without delay.
3. The Creditors Clerk is to –
  - a) date stamp each invoice with the date of receipt by them.
  - b) check –
    - i) the goods/services are as per purchase order – quantity, price etc,
    - ii) calculations,
    - iii) invoice information is to be entered into Synergy without delay,
    - iv) if no delivery docket is received, direct the invoice to the person who took delivery of the goods or services for confirmation of receipt,
      - target response time for this person is 2 business days
    - v) if a delivery docket is received and has been certified by the receiving employee, or once confirmation of (2)(iii) above is received, direct the invoice and attached documentation to the person signing the purchase order for authorisation.
      - target response time for this person is 2 working days,
4. Receiving employee –
  - the employee who received the goods/service is required to process and certify the documentation within 2 business days.
5. Authorising employee –
  - the employee who is to authorise the invoice for payment (i.e. the person who signed the purchase order), is required to process and certify the documentation within 2 business days.
6. Creditors Clerk – once confirmation of receipt and authorisation has been given –
  - i) verify the authorised details with those entered into Synergy on receipt,
  - ii) process the invoice for payment in the next available batch of creditor payment.
7. Target duration from time of receipt of invoice to payment of invoice is 10 working days.
8. The Creditors Clerk is to advise the CEO by monthly report of –
  - a) any consistent non-adherence to this Policy or the timeframes required of employees,
  - b) complaints by creditors regarding timeliness of payment,
  - c) impediments to meeting the target timeframes,
  - d) unreasonable demands of creditors.

#### OBJECTIVE

To make provision for timely payment of creditors

#### STATUTORY CONTEXT

None

#### CORPORATE CONTEXT

None

#### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

## **REFERENCES**

It is acknowledged and accepted that –

- a) complex invoices may require clarification or additional checking,
- b) invoices may miss deadlines for processing of payment.

Report of Office of Auditor General, *Timely Payment of Suppliers*, June 2018

## 3.8 Investments

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### POLICY STATEMENT

#### 1. Approval to invest

Surplus funds to immediate requirements may be deposited into an authorised institution, in accordance with Local Government (Financial Management) Regulations 1996 r.8, 19 and 19C.

### APPLICATION

#### 2. Prudent Person Standard

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

#### 3. Approved Investments

Investments may only be made with authorised institutions as follows –

- a) An authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
- b) The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*.
- c) Bonds that are guaranteed by the Commonwealth or a State or Territory and which have a term not exceeding three years.

#### 4. Prohibited Investments

Investments which are not allowed are as follows –

- a) Deposits with an institution except an authorised deposit-taking institution;
- b) Deposits for a fixed term of more than 12 months;
- c) Bonds that are not guaranteed by the Commonwealth, State or Territory Government that have a term to maturity of more than 3 years; or
- d) are in a foreign currency.

#### 5. Risk Management Guidelines

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

#### 6. Reporting and Review

A report on the investments will be included as part of the monthly information presented to Council, listing for each investment the institution, amount, term to maturity, maturity date, amount interest rate.

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

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

### OBJECTIVE

To provide guidelines for appropriate investments, subject to legislative compliance.

### STATUTORY CONTEXT

*Banking Act 1959 (Commonwealth)*

- s.5 – definition of *authorised deposit taking institution*
- s.9(3) – authority to carry on a banking business

**Local Government Act 1995 –**

- 6.5(a) – Chief Executive Officer duty to ensure that proper accounts and records of the transactions and affairs are kept in accordance with regulations.
- s.6.9(2) – interest on monies held in Trust is to be applied to the purpose of the monies held
- s.6.14 – money held in trust may be invested under *Trustees Act 1962* Part III

**Local Government (Financial Management) Regulations 1996 –**

- r.8 – money from different accounts may be placed in a common investment
- r.19 – control procedures for investments required
- r.19C – restrictions on investments – prohibited –
  - o deposits with institutions not authorised
  - o fixed term of more than 12 months
  - o bonds not guaranteed by Commonwealth State or Territory
  - o bonds with maturity term more than 3 years
  - o foreign currency

**Trustees Act 1962 –**

- Part III - Investments

**Western Australian Treasury Corporation Act 1986****CORPORATE CONTEXT**

## Delegations Register –

- 3.3 – Investments

**HISTORY**

Former Policy

Adopted

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20 December 2018**REFERENCES**

### 3.9 Financial Hardship Policy

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#### POLICY STATEMENT

This policy applies to:

- 1 Outstanding rates, debtors and services charges as at the date of adoption of this policy; and
- 2 Rates and services charges levied during any period where a declared State of Emergency is in force.

It is reasonable community expectation, as the Shire deals with the effects of any declared State of Emergency that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide relief to ratepayers or debtors 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.

#### APPLICATION

##### 1 Payment difficulties, hardship and vulnerability

Financial hardship occurs where a person is unable to pay rates and services charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Cunderdin recognises the likelihood that a declared State of Emergency will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers or debtors experiencing financial hardship.

##### 2 Financial Hardship Criteria

While evidence of hardship is required, the Shire recognises that not all circumstances are alike, and 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
- Loss of primary source of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers or debtors are encouraged to provide as much information as possible to support their individual circumstances, which will be taken into consideration during the assessment process. Preference will be for ratepayers or debtors to enter into a reasonable payment proposal. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying statutory responsibilities.

##### 3 Payment Arrangements

Payment arrangements facilitated in accordance with Clause 2 of this Policy, and Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

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

In the case of severe financial hardship, the Shire reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

##### 4 Interest Charges

A ratepayer or debtor that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charged. Applications will be assessed on a case by case basis.

## 5 Deferment of Rates

Deferment of rates may apply for ratepayers who had a Pensioner Card, State Concession Card or WA Seniors Card together with a 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 is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

## 6 Debt recovery

Debt recovery processes may be suspended whilst negotiating a suitable payment arrangement with a ratepayer or debtor. Where a ratepayer or debtor is unable to make payment in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then the Shire will continue to suspend debt recovery processes.

Where a ratepayer or debtor has not reasonably adhered to an agreed payment plan, then for any Rates, debtors and Service Charges that remain outstanding on 1<sup>st</sup> July of any financial year, the Shire may offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of that financial year.

Rates, debtors and service charges that remain outstanding at the end of the said financial year, may be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*, and Council Policy – Debt Collection Policy

## 7 Review

The Shire will advise ratepayers or debtors of all decision made under this policy and advise them of their right to seek a review by the full Council.

## 8 Communication and Confidentiality

The Shire will maintain confidential communication at all times and undertake to communicate with a nominated support person or other third party at the ratepayer's or debtor's request. The Shire recognises that applicants during the times of a declared State Emergency are experiencing additional stresses, and may have complex needs, and will provide additional time to respond to communication and will communicate in alternate formats where appropriate. All communications with applications is to be clear and respectful.

## 9 Conflict of Interest

Where the ratepayer or debtor has a close relationship with any staff member, or Councillor, that staff member or Councillor must remove themselves from any decision-making process.

## **OBJECTIVES**

To give effect to the Shire's commitment to support the whole community to meet the unprecedented challenges arising from declared State of Emergencies, the Shire of Cunderdin recognises that these challenges may result in financial hardship for ratepayers or debtors of the Shire.

The Policy is intended to ensure that the Shire offers fair, equitable, consistent and dignified support to ratepayers or debtors suffering hardship, while treating all members of the community with respect and understanding at these difficult times.

## **STATUTORY CONTEXT**

Local Government Act 1995

**CORPORATE CONTEXT**

3.10 Debt Collection Policy

**HISTORY**

Adopted 18 June 2020

**REFERENCE**

None

### 3.10 Debt Collection Policy

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#### POLICY STATEMENT

To ensure proper records are maintained of debts owed to the Shire as required by the *Local Government Act 1995* and provided guidance to Council in determining efficient, effective and economical procedures for debt collection.

#### APPLICATION

The Shire of Cunderdin will exercise its debt recovery powers in order to reduce the overall burden on ratepayers and it will be guided by the following principles:

- Providing the Shire of Cunderdin with an effective method for the collection of any and all outstanding debts;
- Ensuring that debt collection procedures are carried out in a fair and equitable manner;
- Making the process used to recover outstanding debts clear, simple to administer and cost effective;
- Transparency, by making clear the obligations of its Ratepayers and Sundry Debtors to the processes used by the Shire is assisting them to meet their financial obligations.
- Ensuring that the Shire of Cunderdin is compliant with all regulatory obligations; and
- Promoting effective governance of the Shire's finances.

##### 1. Sundry Debtors

The Shire of Cunderdin's credit terms are stated on the issued tax invoice. The recovery of outstanding sundry debtor's accounts will be collected in a fair and timely manner.

- Where a payment is not received within 35 days from the date of the initial invoice, a reminder invoice shall be issued requesting full payment. Where a payment is not received a further 14 days from the reminder issued a Final Notice shall be issued requesting full payment within 14 days, unless the debtor has agreed to enter into a special repayment arrangement.
- Where amounts remain outstanding for more than 60 days from date of invoice, recovery action will commence, based upon a risk management approach as determined by the value and type of debt. This action may include referral to a debt collection agency.

##### 2. Rates Arrears

The recovery of outstanding rates will be collected in a fair and timely manner.

- Where a payment is not received within 35 days from the date of the initial Rates Notice, a Final Notice shall be issued requesting full payment within 14 days, unless the debtor had agreed to enter into a special repayment arrangement or is on an instalment plan.
- Interest will be applied on balances that are over 35 days. The percentage interest charged is the percentage as approved by Council when the Annual Budget is adopted, in accordance with Section 6.13(1) of the *Local Government Act 1995*. The rate as set is not to exceed the maximum rate of interest as prescribed within Regulation 19A of the *Local Government (Financial Management) Regulations 1996*.
- Once the debt is overdue for more than 60 days, then a letter of demand is sent requesting payment within 14 days and notifying the debtor that further action will be taken.
- After 14 days from the date of the letter of demand, legal action may be taken, including handing over to a debt collection agency or lawyers. All associated legal costs are passed on to the debtor.
- In cases where the owner of a leased or rented property on which municipal rates are outstanding cannot be located or refuses to settle rates and services charged owed, notice may be served on the lessee to tenant to pay to the Shire the rent due under the lease/tenancy agreement as it become due until the amount in arrears has been paid.
- If rates and services charges remain unpaid for at least 3 years a caveat may be registered on the title for the land under the provisions of Section 6.64(3) of the *Local Government Act 1995*, and

the Shire may take possession of the land. Before this course of action is to be taken, approval is to be obtained for Council.

### 3. Bad Debts

Where a Sundry Debtor has accounts unpaid for a period exceeding 6 months and the debtor has provided documentary evidence of having filed for bankruptcy or insolvency, or the debtor has proven untraceable; the debt may be written off under Delegated Authority by the Chief Executive Officer or the Deputy Chief Executive Officer. Any amounts above the Delegated Authority shall be referred to Council for a decision.

## **OBJECTIVES**

### **STATUTORY CONTEXT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

### **CORPORATE CONTEXT**

3.9 Financial Hardship Policy

### **HISTORY**

Adopted 18 June 2020

### **REFERENCE**

None

## Section 4 - Order / Public Safety

No Council Policies applicable to this area of operations.

## Section 5 - Fire Control

### 5.1 Bush Fire Brigades – Establishment

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#### **POLICY STATEMENT**

1. The following Council Policy Schedules are adopted, and form part of this Statement –
  - 5.1 – Volunteer Bush Fire Brigades areas
2. In accordance with the Bush Fires Act section 41(1) the following Bush Fire Brigades are established, and have the area as per Council Policy Schedule 5.1 Bush Fire Brigade areas –
  - Ygnattering Brigade
  - Cunderdin Brigade
  - Meckering Brigade

#### **APPLICATION**

N/A

#### **OBJECTIVE**

To define the Bush Fire Brigade areas

#### **STATUTORY CONTEXT**

*Bush Fires Act 1954* –

- s.41 – establishment and maintenance of Brigades

#### **CORPORATE CONTEXT**

Local Emergency Management Arrangements

#### **HISTORY**

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

#### **REFERENCES**

The Cunderdin townsite is covered by the Cunderdin Fire and Emergency Services Unit, and is administered directly by Dept of Fire and Emergency Services.

Brigades are not incorporated organisations.

**Schedule 5.1 – Volunteer Bush Fire Brigade areas**

Deferred for further consideration / development

– End of Schedule

## 5.2 Firebreaks and Fuel Hazard Reduction – Inspection & Prosecution

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### POLICY STATEMENT

1. Firebreaks must be installed and fuel hazard reduction measures taken each year by the date required by the firebreaks and fuel hazard reduction notice.

### APPLICATION

2. The inspection of firebreaks is to commence not later than seven days after the required date.
3. The inspection is to be carried out by the Community Emergency Services Manager or other person directed by the CEO, and preferably accompanied by an Fire Control Officer.
4. In accordance with the Bush Fires Act s.56(1), FCO's are to report any firebreaks not in compliance to the CEO as soon as possible, for action.
5. The owner/occupier of a property found not to comply with requirements is to be sent a letter requiring compliance by a specified date not more than 10 days after inspection.
6. A second inspection of non-complying properties is to be carried out, after the specified date for compliance has elapsed.
7. Where a property remains non-compliant, the CEO may without further notice –
  - a) issue an infringement notice, and
  - b) arrange for the carrying out of works so that the property complies, either using the Shire's own staff or contractors.
8. Where compliance has had to be arranged by the CEO, the full cost of achieving compliance, is to be recovered from the property owner either –
  - a) if completed by contractor – the cost invoiced by the contractor engaged, plus 10%, or
  - b) if completed by Shire staff and plant – at full private works rates.
9. Non-payment of an infringement notice or cost of achieving compliance is to be treated as a sundry debt, and appropriate cost recovery actions.

### OBJECTIVE

To determine the process for inspection and enforcement of fire control measures

### STATUTORY CONTEXT

*Bush Fires Act 1954* –

- s.56(1) – duty of FCO to advise non-compliance

Shire of Cunderdin fire breaks and fire hazard reduction notice

### CORPORATE CONTEXT

Delegation Register –

- 3.5 – Sundry and Rate Debtors – Recovery and Agreements

Policy Manual –

- 5.4 – FCO Duties

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

## **REFERENCES**

The firebreaks and fire hazard reduction notice –

- must be published in the Government Gazette and local public notice given in order to be enforceable,
- once published, has the effect of being a local law,
- further publication is required only if amended or revoked.

## 5.3 Harvest & Movement of Vehicles Bans

---

### POLICY STATEMENT

1. At least two of the following persons are to be consulted when determining whether a Harvest and Movement of Vehicles Ban is to be imposed.
  - a) Chief Bush Fire Control Officer;
  - b) Deputy Chief Bush Fire Control Officer;
  - c) Chief Executive Officer;
  - d) Fire Control Officer/s;
  - e) Community Emergency Services Manager (CESM).

### APPLICATION

1. Notification of Harvest and Movement of Vehicles Bans are to be notified to –
  - a) ABC Radio, and other radio stations broadcasting locally
  - b) Department of Fire and Emergency Services, Department of Parks and Wildlife
  - c) adjoining Shires
  - d) message placed on the Shire of Cunderdin Fire and Harvest Bans Information line (answering machine)
  - e) by SMS broadcast
2. On notification of a Harvest and Movement of Vehicles ban –
  - a) Shire plant on road reserves, in gravel pits etc outside the Cunderdin and Meckering townsites are to cease that activity.
    - o This restriction does not apply to legal use of vehicles on constructed public roads.
  - b) Shire crews undertaking activities that could be considered “hot work” (chainsaw, brushcutter, slashing etc) are to cease that activity.
    - o This restriction does not apply where –
      - the activity is within the Cunderdin or Meckering townsites, and
      - is on green grass/vegetation or surrounded by a clear area complying with the Fire Break and Hazard Reduction Notice.
    - o This exemption may be over-ridden by a Total Fire Ban, which prohibits any hot work in the open air, that may be issued by Department of Fire and Emergency Services.

### OBJECTIVE

To establish the authority to notify harvest bans etc. on behalf of the Shire

### STATUTORY CONTEXT

*Bush Fires Act 1954*

Shire of Cunderdin fire breaks and fire hazard reduction notice

### CORPORATE CONTEXT

None

### HISTORY

Former Policy	20 December 2018
Adopted	21 February 2019

### REFERENCES

None

## 5.4 FCO Duties

---

### POLICY STATEMENT

1. In the event of an emergency, a Fire Control Officer is to ensure the safety of firefighters –
  - a) Incident Control is to be established appropriate to the circumstances,
  - b) Any FCO or person in charge of a fire, or any other person authorised to do so, may order away from the fire, any person not wearing adequate and appropriate attire, e.g.: inappropriate footwear, synthetic fabrics, shorts, short-sleeved shirt etc

### APPLICATION

2. Fighting fires is inherently dangerous. Matters within the control of each FCO, volunteer and person that add to that risk include –
  - a) absence of or inadequate management at the fire site (incident control, team leader)
  - b) failure to report to the person managing the fire, to follow their instructions
  - c) inappropriate attire
3. In the event of an emergency, the FCO / Incident Control should provide relevant details to the CEO and Community Emergency Services Manager (CESM) as able, in order to –
  - a) arrange support as needed,
  - b) respond to phone calls and enquiries from the community and others,
  - c) issue SMS broadcast if necessary.
4. Fire reports  
The appropriate FCO is to submit a written report on the forms supplied by the Shire, of any uncontrolled fires in their area.

### OBJECTIVE

To outline primary duties of FCO's in accordance with the Bush Fires Acts and Occupational Safety and Health Act.

### STATUTORY CONTEXT

*Bush Fires Act 1954* –

- s.39 – special powers of a fire control officer
- s.56 – duties of police officers, bush fire control officers etc.

*Occupational Safety and Health Act 1984*

Shire of Cunderdin fire breaks and fire hazard reduction notice

### CORPORATE CONTEXT

Delegation Register –

- 5.1 – Issue of burning permits – CEO
- 5.2 – Fire fighting – Emergency plant hire
- 5.3 – Restricted burning periods – Variation (CEO)
- 18.1 – Issue of burning permits – Fire Control Officers
- 18.2 – Prohibited burning periods – Variation (President & CBFCO jointly)

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

None

## 5.5 Shire Plant use in Emergencies

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### **POLICY STATEMENT**

1. The Shire, where practicable, shall make its plant available for use at fire service incidents/civil emergencies.

### **APPLICATION**

2. Requests for assistance and instructions can only come from the Fire Control Officer in charge of the fire or the Community Emergency Services Manager.
3. Shire staff members authorised to permit the use of the Shire plant at fire services incidents/civil emergencies are –
  - a) Chief Executive Officer.
  - b) Manager Works and Services; and
  - c) Manager Corporate Services and Finance.
4. Shire staff members operating the plant in accordance with (1) above, must have undertaken Bush Fire Awareness Training.
5. Front end loaders and graders (which are not licensed to be driven on the road after sundown) can only be used for fire control –
  - a) during daylight hours, or
  - b) at night, when accompanied by a fire tender.
6. Loaders and graders (which are machines with hydraulic controls) can only be used in open paddock situations which means they cannot be driven into rocky, hilly bushland.
7. Shire water tankers must be parked in a safe area and used only for back up water supplies.
8. Shire staff members attending/assisting fire incidents shall be appropriately dressed.
9. Where Shire plant is utilised in accordance with (1) above, expenses are to be met by the Shire unless the expenses can be recovered by insurance procedures.
10. An operator has the right to refuse any instructions, which he/she feels would put them and the machine at risk.
11. Each machine shall be accompanied by a fire fighting unit when on the fire ground cutting breaks or carrying out other fire mitigation works.

### **OBJECTIVE**

To specify –

- a) when plant may be used at a fire service incident/civil emergency.
- b) which staff members can authorise the use of the Shire Plant at fire services incidents/civil emergencies.
- c) that plant operators have a minimum level of training before attending fire service incidents/civil emergencies.
- d) who will be responsible for costs associated with the use of the Shire plant at fire services incidents/civil emergencies.

### **STATUTORY CONTEXT**

*Bush Fires Act 1954* –

- s.39 – special powers of a fire control officer
- s.56 – duties of police officers, bush fire control officers etc.

*Occupational Safety and Health Act 1984*

**CORPORATE CONTEXT**

Delegation Register –

- 5.2 – Fire fighting – Emergency plant hire

**HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

**REFERENCES**

None

## Section 6 - Environmental Health / Food

### 6.1 Sustainability Events Policy

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#### POLICY STATEMENT

The Shire of Cunderdin (the Shire) is committed to ensuring all Shire events, and events held on Shire-managed land or with Shire support (either financially or in-kind) are conducted using sustainable practices.

For these events, this policy seeks to:

- reduce waste;
- improve resource recovery;
- protect land and environments; and,
- promote sustainable transport options.

#### APPLICATION

This policy applies to:

- all events coordinated by the Shire of Cunderdin, or contractors employed by the Shire to produce the event ('Shire events');
- all events produced by a third party but subject to the formal approval of the Shire including externally produced events held on land under the Shire's care and control;
- all events funded by the Shire.

'Event' includes but is not limited to: civic, community or commercial events; large and small scale events; meetings; functions; workshops; markets; festivals; expos; parties; information sessions; conferences; sporting and, recreational events.

'Funded' includes financial (cash) and/or in-kind contributions.

Notwithstanding the above, all events held in the Shire of Cunderdin Local Government Area are encouraged to adhere to this policy.

#### OBJECTIVES

Events produced by the Shire or contractors working employed by the Shire to produce an event; and events held on Shire-managed land or with Shire support, are to:

1. Provide clearly labelled recycling and waste bins at the event.
2. Exclude:
  - a) Provision, sale, distribution or use of balloons and confetti as part of the event.
  - b) Use of Polystyrene and Styrofoam in the sale or distribution of food or drinks at the event.
  - c) Provision, sale or distribution of single-use plastics at the event. This includes: straws, cutlery, cups, coffee cups, bottles (including individual single use water bottles), plates, containers, bags and cling wrap. This does not include bio-plastics made from 100% plant material that are certified as compostable according to Australian Standards.
3. Provide an easily accessible alternative to bottled water which enables patrons to refill empty drink bottles with drinking water for free.
4. Restrict promotional material, decorations and supplies to those which can be re-used, recycled, contain recycled content and/or be certified carbon offset.
5. Minimise the negative impact on environmental values of the land.
6. Promote sustainable transport to and from the event e.g. walking, cycling and ride-share options e.g. community bus, to reduce associated greenhouse gas emissions.

Event organisers are encouraged to promote sustainable practices. The *Information Sheet – Sustainable Events* provides guidance on implementing this policy.

Variations:

Variations to this policy can be made for health and safety reasons or where there is no other practical alternative product or distribution method available. All applications for variations should be made in writing and directed to the Chief Executive Officer.

**STATUTORY CONTEXT**

None

**CORPORATE CONTEXT**

Strategic Community Plan

**HISTORY**

Adopted                    18 June 2020

**REFERENCE**

## Section 7 - Community Services

### 7.1 Shire of Cunderdin Australia Day Awards

---

#### **POLICY STATEMENT**

1. Two awards are offered in the Shire of Cunderdin –
  - a) President's Australia Day Active Citizenship Award (for a person of any age); and
  - b) President's Australia Day Active Citizenship Award (for a community group or event).
2. The principles of the Australia Day Community Citizen of the Year Awards will be followed, and in the event of an inconsistency, the Australia Day Award guidelines will prevail.

#### **APPLICATION**

3. Eligibility –

The eligibility criteria for nominations are as follows:

  - a) Nominees must reside or work principally within the Shire of Cunderdin;
  - b) Nominees must not be sitting members of State, Federal or Local Government;
  - c) Nominees cannot be self-nominated;
  - d) Unsuccessful nominees may be nominated in future years;
  - e) Nominated couples and groups must meet the criteria for a Community Group (as defined in the Definitions section);
  - f) Individuals and groups cannot receive the same award twice, but can be considered for another award;
  - g) Awards may be granted posthumously in recognition of recent achievements.
4. Nomination Requirements –
  - a) The call for nominations opens on 1 September and closes on 31 October.
  - b) Nominations must include the names and contact details of the nominee, nominator and another individual who supports the nomination.
5. Selection Criteria –

Nominations are assessed in accordance with selection criteria, which are as follows –

  - a) Nominee has made a significant contribution to the local community;
  - b) Nominee has demonstrated leadership in addressing a community issue;
  - c) Nominee has initiated positive change in the community; and
  - d) Nominee has demonstrated abilities and/or qualities that could inspire others in the community.
6. Presentation –

The Awards are to be presented at the Australia Day Celebrations in Cunderdin.

#### **OBJECTIVE**

To recognise and honour outstanding achievements by Shire residents and groups, and celebrate excellence in the Shire of Cunderdin community by members of the community.

#### **STATUTORY CONTEXT**

None

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

## REFERENCES

See - <https://www.citizenshipawards.com.au/>

## **7.2 Cunderdin Community Bus**

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### **POLICY STATEMENT**

1. The following Policy Schedule is adopted, and forms part of this Statement –
  - a) Sch. 7.2– Cunderdin Community Bus Conditions of Hire
2. The nominated driver is required to hold the appropriate classification Driver's Licence (minimum LR), and –
  - a) an "F" endorsement on the licence; or
  - b) be a volunteer (no remuneration).

### **APPLICATION**

3. Booking form, payment as required, insurance details etc must be completed before the keys are provided to the hirer.

### **OBJECTIVE**

To outline the requirements for hire of the Community Bus.

### **STATUTORY CONTEXT**

None

### **CORPORATE CONTEXT**

None

### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### **REFERENCES**

## **Schedule 7.2 – Cunderdin Community Bus – Conditions of Hire**

**These conditions form part of the agreement for the hire of the Shire Community Bus.**

### **1. Shire responsibilities –**

- a) Roadworthy including licence and relevant insurance (vehicle only)
- b) Clean and tidy
- c) Fuelled
- d) Relevant safety equipment and first aid kit

### **2. Prior to collection of the Community Bus, the Hirer –**

- a) Complete a Hire Agreement Form, notification of driver and licence details, organisation insurance details,
- b) Payment is required prior to keys being provided, unless –
  - i) It is agreed that hire will be paid on return of the keys to the Shire Office; or
  - ii) agreement for an invoice to be issued is given
- c) Keys are to be collected from the Shire Office during work hours or after hours by negotiation.

### **3. During use of the Community Bus, the Hirer –**

- a) For the general comfort of all passengers, smoking is strictly PROHIBITED on the bus.
- b) The Hirer shall be responsible for the following in regard to the bus:
  - i) Check the oil, water and the tyres at each fuel stop, or overnight.
  - ii) **Maximum seating capacity will not be exceeded.**
  - iii) In the case of a breakdown, the responsibility of the Shire is solely for that of the bus. The transportation of passengers shall be the responsibility of the Hirer.

### **4. On return of the Community Bus, the Hirer –**

- a) **The cost of fuel and oil used is the responsibility of the Hirer.** The bus will be fully fuelled when collected and must be fully fuelled with correct amount of oil when returned. If the bus is not fully fuelled or have sufficient oil when returned, the hirer will be charged the cost of fuel and oil to fill it plus an administration fee.
- b) Keys and Forms must be returned to the Shire Office on the return date of booking unless prior arrangements are made.
- c) The bus must be cleaned to the condition in which it was collected or the Cleaning Bond may not be refunded. Cleaning Bond must be paid prior to the use of the Bus. The Cleaning Bond will be refunded after inspection has been carried out, providing that the Bus was returned in a clean and satisfactory state.
- a) Report to the Shire Office on return of the Bus, any –
  - i) usage of the First Aid Kit;
  - ii) damage to the vehicle;
  - iii) use of fire extinguishers; or
  - iv) mechanical issues etc noted.

### **5. The Driver/s –**

- a) Are to be supplied by Hirer.
- b) Drivers of the Community Bus must be registered with the Shire as an Approved Driver.
- c) **The Driver WILL NOT** consume alcohol or be under the influence of drugs for the duration of their time as driver.
- d) The name of the driver/drivers to be nominated on the Hire Agreement, and the driver's licence to be sighted at the time of completing the Agreement (a copy of both the agreement and Drivers' licence/s will be retained at the Shire Office).
- e) The Driver shall complete the Hirer/Driver Report and return to the Shire Offices along with the keys. (Unless prior arrangements have been made with regards to the drop off of the bus).

**To drive the community bus, it is necessary to hold an “f” endorsement on your driver's licence, except if a volunteer (not remunerated); in which case the driver is to hold an Ir licence or above.**

### **6. The Hirer further agrees to –**

- b) be responsible for all costs associated with malicious and wilful damage by passengers during the period of hire.
- c) be responsible for the payment of the excess applicable to any insurance claim arising from the hire of the vehicle.

- d) ensure that the vehicle is returned at or prior to the designated time unless prior arrangements are made with an authorised person. (Note: An authorised person being; Shire Office staff or Manager Works and Services).
- e) nominate a person or persons as the driver(s) of the bus for the designated hire period and shall not allow any other person to act as bus driver.
- f) be liable for all repair/replacement costs associated with the vehicle in the event of an insurance claim being rejected due to the actions of the bus driver or a member of the hire group.

– End of Schedule

### 7.3 Cunderdin Museum – Donations, loan of items etc

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#### POLICY STATEMENT

1. The Shire of Cunderdin is the owner of the building, all infrastructure and all contents, including donated items, but excluding items on loan for display purposes.
2. The Cunderdin Museum Advisory Group is comprised of interested volunteers who assist the management and activities in the Museum.
3. All donations or loans other than monetary are to be directed to the Cunderdin Museum Manager.
4. All monetary donations and sponsorship are to be received through normal financial processes of the Shire and held in Trust for the Museum.
5. Donations, loans and sponsorship must be in accordance with the aims and objectives of the Cunderdin Museum and not conflict with the core principles of the Shire.
6. All donations, loans and sponsorship arrangements are to be mutually agreed to and formalised in writing.

#### APPLICATION

##### 7. Definitions

**Donation** – A donation (including an unconditional gift, bequest or endowment) is a provision of cash or other items of value with no return benefits expected. The person or organisation providing these may request a modest acknowledgement or that the provision be used for a particular purpose and the recipient should as far as possible, respect those wishes.

**Loan** – Is the temporary physical transfer of an item/s or object/s from individual or organisation to another where there is no transfer of ownership

**Sponsorship** – A commercial arrangement in which a sponsor provides a contribution in money or in kind to support an activity in return for certain specified benefits.

##### 8. Donations

In general, the following types of donations will be accepted – monetary gifts, promotional material, suitable art, office equipment or tourism related items –

- a) Donations (other than monetary gifts) are to be in good / reasonable condition.
- b) Acceptance of donations may be dependent on storage and display capacity at the Cunderdin Museum.
- c) Donations, upon approval are to be delivered to the Cunderdin Museum.
- d) Donations will be acknowledged by with a letter of thanks, publicity through various forms of media as appropriate (in compliance with donor's approval) and through promotion within the Cunderdin Museum.
- e) Ownership of objects rests with the Shire

##### 9. Loans

Items may be accepted on loan for display or use at the Cunderdin Museum under the following conditions –

- a) In general, the items are to be relevant to the Wheatbelt;
- b) Dependent on storage and display capacity at the Cunderdin Museum;
- c) Items to be delivered to the Cunderdin Museum;
- d) Period of loan specified;
- e) The lender is responsible for insurance on loaned items;
- f) Care will be taken by Cunderdin Museum staff with all loaned items however the Cunderdin Museum will not be liable for any damage;
- g) The period of loan to be determined prior to items being accepted;

- h) Loaned items will be acknowledged in association with the display or relevant items.
- i) Loans are in custody of the Shire

#### 10. Sponsorship

Sponsorship is welcomed from businesses, community organisations and individuals who would like to support projects and activities that are conducted in alignment with the aims and objectives of the Cunderdin Museum. Sponsorship agreements will be under the following conditions –

- a) The Project or Activity shall be mutually agreed by the sponsor, the Cunderdin Museum Manager and authorised by CEO ;
- b) The Cunderdin Museum Manager will inform and seek permission from the Sponsor in advance if any changes in the purposes or activities are required;
- c) The period of sponsorship to be determined prior to agreement being signed;
- d) Sponsors will be acknowledged with a letter of thanks, and with their approval, publicity through various forms of media as appropriate, at the sponsored project/activity and through promotion within the Cunderdin Museum.
- e) The terms and conditions of the sponsorship agreement shall not be disclosed to any third parties without the prior written consent of both parties.

#### 11. Disposal of items

- a) Where an item on loan or gifted to the Museum is no longer required for whatever reason, all reasonable efforts to return the item to the donor or donor's representative will be made.
- b) Where the donor or donor's representative cannot be located or advises in writing that the item is not to be returned, the item may be disposed of in accordance with delegated authority to the CEO.

### **OBJECTIVE**

To provide guidelines for donations, loans and sponsorship to the Cunderdin Museum

### **STATUTORY CONTEXT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

### **CORPORATE CONTEXT**

Delegations Register –

- 3.9 – disposing of property, and impounded, confiscated or uncollected goods

### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### **REFERENCES**

As the Museum Committee is a Committee of Council, compliance with the Local Government Act, Regulations and instructions of Council is a statutory requirement, including but not limited to –

- all financial matters (receiving, expending, banking etc);
- publications and promotions;
- commitments and undertakings;
- disposal of property.

## Section 8 - Personnel

### Preamble

Applying to all matters in relation to personnel and employment –

a) *Local Government Act 1995 –*

**s.5.41 Functions of CEO**

The CEO's functions are to –

....

(a) manage the day to day operations of the local government; and

....

(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

....

b) *Local Government (Rules of Conduct) Regulations 2007 –*

**r.10 Relations with local government employees**

(1) A person who is a council member must not –

(a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

....

c) *Policy 1.1 – Code of Conduct*

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	<u>Required</u> . May delegate selection and interview to a Committee. Appointment must be by Council resolution.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Designated staff LG Act s.3.57	<u>Required</u> – to consent to appointment or dismissal. <u>Permitted</u> – Interview & recommendation can be done by CEO alone or with elected member input. <u>Prohibited</u> – management or direction.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	<u>Required</u> to initiate / consent to appointment or dismissal.  <u>Statutory function</u> – to manage and direct.
EHO	<u>If designated senior officer</u> – as above, otherwise – <u>In all cases</u> – qualification must comply with Public Health Act 2016 s.17. - refer also <i>Government Gazette</i> of 24 Jan 2017 – Designation of Health Authorised Officers		
Other staff (non-designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.



## 8.2 Leave – Community Service

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### POLICY STATEMENT

1. An employee who engages in a voluntary emergency management activity during work hours is entitled to be absent from employment for a period (including reasonable travel and rest time) to engage in that activity, in the form of Community Service Leave.

### APPLICATION

#### 2. Definitions

**employee** means paid staff – full time, part time, permanent, casual, or under contract

**voluntary activity** is where an employee engages in a voluntary activity, and the following criteria are met –

- a) the activity is either of –
  - a voluntary community activity, or
  - a voluntary emergency management activity
- b) the employee engages in the activity on a voluntary basis;

**volunteering leave**, in this Policy means refers to leave associated with an employee who is absent from work for purposes of engaging in a voluntary emergency management activity

**voluntary community activity** is where an employee engages in a voluntary emergency management activity if all the following criteria are met –

- a) the employee engages in an activity that involves the community generally or a significant portion of the community;
- b) the employee is a member of, or has a member-like association with, a recognised community organisation.

**voluntary emergency management activity** is where an employee engages in a voluntary emergency management activity if all the following criteria are met –

- a) the employee engages in an activity that involves dealing with an emergency or natural disaster;
- b) the employee engages in the activity on a voluntary basis;
- c) the employee is a member of, or has a member-like association with, a recognised emergency management body; and
- d) either –
  - i) the employee was requested to engage in the activity by or acts on behalf of the body; or
  - ii) no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

#### 3. Introduction

This Policy is intended only to be a summary of the community service leave provisions contained within the Fair Work Act 2009.

The provisions of this Policy allows for employees to access leave for the following circumstances –

- jury service / duty;
- voluntary emergency management activities;
- defence forces reserve activities.

#### 4. Application

This Policy applies to all employees at the Shire, except casual employees unless otherwise stated.

#### 5. Notification

It is the responsibility of the employee to notify the Shire of details of any volunteer commitments and arrangements upon commencement of employment or commencement of volunteer emergency management service.

## 6. Volunteer Emergency Service Leave

Volunteering leave is designed to support the local community in engaging volunteers to support emergency services such as firefighting, defence reservists leave and recognising the commitment of Shire employees to engage in volunteer service.

Volunteer activities should preferably take place within the Shire area. However, consideration will be given for approval for leave of this type for volunteering activities outside of the Shire's area.

Access to Community Service Leave for the purposes of voluntary emergency management activity will be in the form of unpaid leave.

Employees accessing Community Service Leave must notify their supervisor as soon as is practicable of the period, or expected period of absence. Employees must also provide evidence supporting their application for (unpaid) Community Service Leave.

Granting of paid Volunteering Leave to eligible employees is at the discretion of the CEO.

## 7. Jury Service

Employees who are selected for jury duty must advise their supervisor as soon as possible of the dates, and submit the relevant documentation to Payroll.

The employee must produce the relevant claim/reimbursement forms and attendance certificates (including dates of leave) and provide to payroll for processing.

As required under West Australian Law, the Shire will continue to pay the employee their usual wages while the employee attends jury duty.

Application will then be made to the WA Sherriff's Office, for reimbursement of the cost of the employees' wages while on jury duty.

## 8. Applying for Community Service Leave

Eligible employees can apply for Community Service Leave by completing a leave application form and submitting it to their supervisor or manager, as soon as practicable and with sufficient evidence for taking the leave.

Approval after the event will only be considered in the case of emergency response.

### **OBJECTIVE**

To provide guidance for volunteers serving the community in a variety of capacities.

### **STATUTORY CONTEXT**

*Fair Work Act 2009 (Commonwealth)*

*Juries Act 1957*

### **CORPORATE CONTEXT**

None

### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### **REFERENCES**

None

## 8.3 Workplace surveillance

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### POLICY STATEMENT

1. The Shire may deploy electronic surveillance devices to protect assets, equipment and people through the recording of unauthorised, unlawful, inappropriate, or dangerous activities or incidents.
2. The Shire may deploy fixed and mobile cameras (of either the motion / CCTV or still variety) in areas where assets or equipment are stored or commonly used, in vehicles or machinery, or in high risk work areas.
3. Cameras may be placed in unobtrusive positions covering the area to be protected. Cameras must not be placed inside toilets or change rooms, residences, or in such a position as to view inside these premises. The Shire will erect signs to inform employees and community members that cameras are in use.
4. Global Positioning System (GPS) devices may be utilised in vehicles or equipment where the operator is often required to work alone, where there are risks associated with the tasks being carried out by an employee or where the Shire has a need to monitor and protect that vehicle or equipment.

### APPLICATION

#### 5. Introduction

This Policy outlines the deployment of workplace surveillance in the Shire. Surveillance may be deployed within the workplace in order to protect the assets and equipment of the Shire and to improve community and employee safety.

The Shire is committed to providing a safe environment for its employees and the community in which unlawful, antisocial, and inappropriate activity is kept to a minimum while respecting the individual rights to privacy. The Shire will ensure that the use of workplace surveillance complies with the requirements of the relevant legislation including the Surveillance Devices Act 1998 (WA).

#### 6. Application

This Policy applies to all employees who work at the Shire including contractors, volunteers and any person performing work for or with the Shire in any capacity.

#### 7. Staff Management

The intention of the Shire is not to deploy workplace surveillance for the general management of the Shire's employees. However, if any workplace surveillance demonstrates an employee acting in an antisocial, inappropriate, or unlawful manner, the Shire may use this information for disciplinary or other appropriate action.

#### 8. Review and Retention of Images

Images that indicate unauthorised or inappropriate activity, either through a record of that activity or due to interference with the camera, are to be referred to the Chief Executive Officer. The CEO will retain these images and any associated information in a secure, confidential location.

If an activity identified by any workplace surveillance device is suspected to be criminal in nature, the matter will be reported to the Police

#### 9. Confidentiality

Image information or data recorded is to be discussed with the Chief Executive Officer. No information regarding the location of surveillance devices or images recorded is to be released or discussed with any other person, except with the approval of the Chief Executive Officer or if required by law.

#### 10. Consequences of Breaching this Policy

Contractors may be liable to penalties up to and including termination of contract.

The Shire may also be obligated to refer any breach of this Instruction to an external agency where an employee or other person may be held personally liable for their actions.

#### **OBJECTIVE**

To establish the framework for any workplace surveillance undertaken, including GPS tracking of vehicles.

#### **STATUTORY CONTEXT**

Surveillance Devices Act 1998

#### **CORPORATE CONTEXT**

Policy Manual –

- 1.1 – Code of Conduct

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

#### **REFERENCES**

Placement and use of surveillance cameras should also have regard to –

[www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/237/2009\\_05%20Registration%20of%20CCTV%20Systems.pdf](http://www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/237/2009_05%20Registration%20of%20CCTV%20Systems.pdf)

## 8.4 Employees – Recognition of Service (Gratuity)

### POLICY STATEMENT

1. An employee, whose employment is finishing, may be paid a gratuity payment when their employment is ceasing due to –
  - a) Resignation (not as a result of any performance management or investigation being conducted or pending/potential disciplinary action by the Shire);
  - b) Retirement; or
  - c) Redundancy.
2. Long serving employees may be recognised within the parameters set by section 5.50 of the Local Government Act 1995 and the associated Regulations.
3. Gratuity payments should be calculated based on the following prescribed amounts –

Service less than 2 years continuous service	Nil
Continuous service of 2 years but less than 5 years	to the value of \$30 per year of service
Continuous service greater than 5 years	to the value of \$50 per year of service maximum payment of \$1,000

Pro-rata calculation is to be made for casual or part-time employees.

### APPLICATION

#### 4. Application

An employee who has been dismissed by the Shire for any reason other than redundancy, will not be eligible to receive any payment under this policy.

#### 5. Gratuity

The CEO in consultation with the relevant Manager, may –

- a) provide a gratuity to a qualifying employee in the form of a gift card or voucher, preferably from a local business within the Shire,
- b) exercise their discretion to provide money instead of a gift card or voucher.

#### 6. Exceeding prescribed amounts

In some circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy. In which case local public notice is required to be given in relation to the proposed gratuity in accordance with the Local Government Act s.5.50 (2), and is not to exceed the amounts as set in the Local Government Administration Regulations 1996, specifically regulation 19a.

#### 7. Determining Service

For the purpose of this policy, continuous service shall be deemed to include –

- a) any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- b) 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
- c) 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 exclude –

- a) any period of unauthorised absence from duty unless the CEO determines otherwise;
- b) any period of unpaid leave unless the CEO determines otherwise; or

- c) any period of absence from duty on parental leave unless the CEO determines otherwise.

#### 8. Financial Liability for Taxation

The employee has full responsibility for any taxation payable on a gratuity payment.

#### **OBJECTIVE**

To outline the circumstances and value of any gift or recognition given to an employee when leaving Shire employment.

#### **STATUTORY CONTEXT**

*Local Government Act 1995* –

- s.5.50 – Payments or gifts to employees in addition to Award or contract

*Local Government (Administration) Regulations 1996* –

- specifically Regulation 19A

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

#### **REFERENCES**

**Statutory requirements –**

- a) **Prior to becoming effective, adoption or amendment of this Policy –**
  - local public notice must have been given, and
  - any submissions considered by Council.
- b) **Recognition in excess of Policy may be made only if local public notice is given prior to payment being made.**

## 8.5 Employee Superannuation

---

### **POLICY STATEMENT**

1. The Shire will match any additional contribution in excess of the Superannuation Guarantee Contribution to a maximum of 4.0% of salary.

### **APPLICATION**

2. This Policy applies to all employees whether the full-time, part-time or casual.
3. Employees have freedom of choice over the complying fund that their Superannuation Guarantee Contributions (SGC) are paid into.
4. The superannuation default fund shall be the WA Super.
5. Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).
6. Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.
7. The additional contribution and the voluntary contribution can be deposited into the employee's fund of choice.

### **OBJECTIVE**

To establish the level of contributions to superannuation in addition to the SGC.

### **STATUTORY CONTEXT**

*Superannuation Guarantee Contribution (Administration) Act 1992 (Cth)*

### **CORPORATE CONTEXT**

None

### **HISTORY**

Former Policy	_____
Adopted	20 December 2018

### **REFERENCES**

None

## 8.6 Equal Employment Opportunity

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### POLICY STATEMENT

#### 1. Introduction

The Shire is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality and dignity.

This involves the improvement in the skills and competency levels of employees to provide equal access to further employment or career path progression. The Shire acknowledges and celebrates diversity and commits to continuing to actively and flexibly seek to appoint and accommodate the unique needs of many different employees.

#### 2. Application

This policy applies to employees, potential employees, volunteers and contractors/consultants.

#### 3. Environment

The Shire recognises that when conflict, discrimination and harassment occurs in the workplace, job satisfaction, morale and productivity suffers. A healthy and safe work environment free from unnecessary discrimination, harassment and bullying is the a primary objective of the Shire.

#### 4. Diversity

The Shire appreciates the value inherent in a diverse workforce. Diversity may result from a range of factors; origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language or other factors.

#### 5. Awareness

Upon appointment all employees are to be given a full copy of this Policy and ensure this Policy is easily accessible electronically and in other forms as requested.

#### 6. Monitoring

Employment related practices are to be periodically reviewed in accordance with this Statement, with particular consideration of practices and policies.

### APPLICATION

N/A

### OBJECTIVE

To state the policy in accordance with the WA Equal Employment Act.

### STATUTORY CONTEXT

*Local Government Act 1995 –*

- s.5.40 – principles for employment of staff – to be based on merit and equity etc
- s.5.41 – Role of CEO is to employ and manage staff

*WA Equal Opportunity Act 1984*

*Equal Opportunity Act 1986*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

**CORPORATE CONTEXT**

Procedures Manual

**HISTORY**

Former Policy

Adopted

20 December 2018

**REFERENCES**

None

## 8.7 Employee Relocation expenses

---

### POLICY STATEMENT

1. To offer an incentive as part of the overall package to attract quality staff, relocation expenses will be offered to staff who have been appointed on a permanent basis subject to approval by the CEO.

### APPLICATION

2. Conditions for CEO approval –
  - a) The conditions of the financial assistance must be set out in the eligible Staff member's Letter of Offer and as such approved by the CEO;
  - b) Claimable expenses apply only to packing, freight and insurance of household goods when supported by receipts;
  - c) The staff member must obtain a minimum of two quotations for relocation expenses and preferably use the least expensive;
  - d) The Shire will pay up to a maximum of \$5,000.00 removal expenses;
  - e) 50% of the costs are refunded into the staff member's nominated bank account after six (6) months service upon production of a suitable receipt;
  - f) The balance of the removal expenses are to be refunded upon the completion of twelve (12) months satisfactory service to be evaluated by the CEO.; and
  - g) An agreement to repay the relocation expense assistance payment, if the staff member leaves the Shire employment within the first year of employment, must be included in and form a condition of employment as outlined in the staff member's Letter of Offer on the following basis –
    - i) If the staff member voluntarily leaves the Shire:
    - ii) prior to the completion of twelve (12) months service, the staff member shall reimburse 100% of the cost to the Shire.
    - iii) prior to the completion of two years' service, the staff member shall reimburse 50% of the cost to the Shire.

### OBJECTIVE

To attract appropriate staff.

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

None

## 8.8 Staff Housing

---

### POLICY STATEMENT

1. In order to attract qualified personnel to the Shire selected staff may be offered subsidised housing by the Shire.
2. The staff member may salary sacrifice their rental payments.
3. This Policy applies to all Shire staff members.

### APPLICATION

4. Housing is as specified within the contract of employment, and is allocated by the CEO to designated positions within the workforce, and shall be determined –
  - a) on a hierarchical basis;
  - b) or positions that have traditionally been difficult to attract interest.
5. Where appropriate, the CEO may take into account personal requirements of the staff member and/or the significance of the position for the ongoing operations of the organisation.
6. Housing may be made available only if the staff member or their partner do not own a residence in the Shire of Cunderdin.
7. Where a staff member is entitled to a Shire house but has alternate housing arrangements, the Shire will pay an annual Housing Allowance based on 50% of market rent value for the residence occupied.
8. Staff occupying Shire housing shall pay by payroll deduction a fortnightly rental which is equivalent to 50% of the market rental value of which is to be reviewed by the Shire in line with the annual budget preparation.
9. The staff member is responsible for all utility costs unless an alternate arrangement has been made with the CEO.
10. The Shire will subsidise water charges on Shire owned housing by –
  - a) payment of the annual fixed charges; and
  - b) payment of the first 30 kilolitres usage on each 2 monthly invoice.
11. Where a house is not required, the CEO is authorised to rent/lease the house on a month to month basis to a private tenant, provided that –
  - a) no subsidies are provided to the private tenant; and
  - b) the private tenant agrees in writing to vacate the residence when required (subject to the provisions of the Residential Tenancies Act).

### OBJECTIVE

To ensure that eligible staff members are provided with suitable housing of a good standard and that housing is managed appropriately.

### STATUTORY CONTEXT

Residential Tenancies Act

### CORPORATE CONTEXT

None

**HISTORY**

Former Policy

Adopted

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20 December 2018

**REFERENCES**

None

## Section 9 - Occupational Safety & Health

### 9.1 Occupational Safety & Health – Employees, Volunteers, Contractors, Visitors

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#### POLICY STATEMENT

1. The Shire of Cunderdin will provide a safe and healthy work environment, so far as practicable, for –
  - a) the community,
  - b) employees,
  - c) volunteers,
  - d) contractors, and
  - e) visitors.
  
2. The Shire is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire will –
  - a) Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
  - b) Strive for continuous improvement in Occupational Safety and Health performance utilising best practice procedures and taking into account evolving knowledge and technology;
  - c) Comply with all applicable legislation and requirements;
  - d) Establish, implement and maintain an Occupational Health and Safety Management System; including measureable objectives and targets aimed at elimination of work related injury and illness,
  - e) Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
  - f) Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
  - g) Ensure that all employees, including contractors and volunteers, 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.
  
3. Copies of this Policy shall be made available to all employees, volunteers, contractors and visitors, and displayed within the workplace.
  
4. This Policy is to be reviewed and authorised annually by the President and CEO.

#### APPLICATION

N/A

#### OBJECTIVE

To state the policy in accordance with the Occupational Safety and Health Act.

#### STATUTORY CONTEXT

Occupational Safety and Health Act 1984

#### CORPORATE CONTEXT

Policy Manual –

- 1.1 – Code of Conduct
- 9.2 – Drugs and Alcohol

Procedures Manual –

- Discrimination, Harasment and Bullying
- Grievance

**HISTORY**

Former Policy

Adopted

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20 December 2018

**REFERENCES**

None

## 9.2 Drugs and Alcohol

---

### POLICY STATEMENT

1. The Shire of Cunderdin and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired. 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 Cunderdin in any capacity.

### APPLICATION

2. The Individual's Responsibility
  - a) Under the *Occupational Safety and Health Act 1984* (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace.
  - b) The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions.
  - c) Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.
3. Reporting Requirements  
Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.
4. Drug Use on the Premises
  - a) Employees who buy, take, or sell drugs on Shire of Cunderdin premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.
  - b) Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their manager or Human Resources and disclose any side effects that these medication/drugs may cause.
5. Consumption of Alcohol on the Premises  
Except in situations where the Shire of Cunderdin holds a function on the premises and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace.
6. Drug/Alcohol Treatment Programs
  - a) Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire of Cunderdin will provide assistance to the employee.
  - b) The Shire of Cunderdin will allow an employee to access any accrued personal or annual leave they are undergoing treatment. and;
  - c) The Shire of Cunderdin will take steps to return an employee is to their employment position after completion of the treatment program, if practicable in the circumstances.
  - d) Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line 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 from employment if the employee is unable to safely carry out the requirements of their role.

## 7. Managers' Responsibilities - Consumption of Alcohol at Work Sponsored Functions

Team managers shall –

- a) encourage their people to make alternative arrangements for transport to and from work prior to the function;
- b) ensure that the following is made available: - Low alcohol beer, soft drinks and water - Beverages: Tea, Coffee and Food;
- c) if the manager believes a person may be over the BAC 0.05 limit, assist the person with safe transport home (including contacting a family member); and
- d) if the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

## 8. Pre-Employment Medical Tests

As part of the recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing.

## 9. Identification of Impairment & Testing

- a) If the Shire of Cunderdin has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.
- b) Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.
- c) If the Shire of Cunderdin suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions –
  - i) direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
  - ii) require that an employee undergo drug and alcohol testing administered by a representative of the Shire of Cunderdin.
  - iii) direct an employee to go home.
- d) A medical assessment may 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.
- e) In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire of Cunderdin may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire of Cunderdin may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.
- f) If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.
- g) The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs -
  - i) The employee tested and the supervisor (or respective employer) will be informed of the result;
  - ii) A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Cunderdin.
- h) An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including the termination of employment.

## 10. Education, Training & Awareness

- a) Employees who recognise that they have a drink or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help.

- b) The Shire of Cunderdin engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling.

#### 11. Consequences of Breaching this Policy

- a) An employee engaged by the Shire of Cunderdin who breaches the provisions of this policy may face disciplinary action including possible termination of employment.
- b) Where appropriate, actions may be referred to Police or other external agency.

#### 12. 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.

### **OBJECTIVE**

To establish foundational requirements for commencing and continuing employment with the Shire in relation to drugs and alcohol.

### **STATUTORY CONTEXT**

Occupational Safety and Health Act 1984

### **CORPORATE CONTEXT**

Policy Manual –

- 9.1 – Occupational Safety and Health – Employees, Volunteers, Contractors, Visitors

Procedures Manual –

- Drugs and Alcohol
- Greivances

### **HISTORY**

Former Policy

Adopted 20 December 2018

### **REFERENCES**

None

## 9.3 Employee Safety Bonus Scheme

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### POLICY STATEMENT

1. To support a culture of safety and health, the Shire will commit to providing a Safety Bonus Scheme with a monthly bonus payment of \$50.00 per staff member.

### APPLICATION

2. The Safety Bonus Scheme is payable to any member of the Outdoor Works and Services Team.
3. In ensuring a safe and healthy working environment all staff members will work closely together with the Shire in minimising any risk that might jeopardise the health and safety of all Shire staff members. The Shire prohibits any form of unacceptable behaviour in the workplace.
4. Any breach of the Occupational Safety and Health Policy, or any breach of the *Occupational Safety & Health Act (1984)* will be considered a serious matter that will be investigated and may result in disciplinary action including termination of employment.

### OBJECTIVE

To promote OHS in a high risk environment.

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

None

## 9.4 Smoking – Council Buildings and Vehicles

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### **POLICY STATEMENT**

To ensure a Consistent Non-Smoking Environment in all Council owned Buildings, Lease Properties and Vehicles.

### **APPLICATION**

Smoking/Smoking Implements are not permitted within any internal or enclosed Shire of Cunderdin work areas in accordance with the Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996 including all offices and buildings and Shire vehicles.

Smoking/Smoking Implements are also strictly prohibited:

- In those areas or workplaces which are signposted with prohibitive signs;
- Where there is a high fire risk; and
- Within 5 meter from an entrance to any Shire building.
- All Organisation vehicles and plant.

### **OBJECTIVE**

To comply with appropriate legislation and provide a safe and healthy workplace.

### **STATUTORY CONTEXT**

*Occupational Safety and Health Act 1984.*

*Occupational Safety and Health Regulations 1996.*

### **CORPORATE CONTEXT**

None

### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

19<sup>th</sup> December 2020

### **REFERENCES**

None

## Section 10 - Building / Development

No Council Policies applicable to this area of operations.

## Section 11 - Public Facilities

### 11.1 Cunderdin Airfield East Area 1

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#### **POLICY STATEMENT**

1. An application for Council's consent is required to be submitted prior to siting a hangar within the Cunderdin Airfield.
2. Development approval is required for all works, as the whole of Cunderdin Airfield is listed in the State Heritage Register.

#### **APPLICATION**

3. The following shall be submitted for Council's consent referred to above –
  - a) A letter providing the applicants details, proposed hangar dimensions and agreement to enter into a lease for the proposed site.
  - b) A scaled site plan clearly depicting the location of the proposed hangar detailing the following:-
    - i) Dimensions (confirming 24m x 9m x no higher than 4 metres for aircraft other than gliders);
    - ii) Distances to boundaries of buildings/structures, existing and proposed;
    - iii) Existing vegetation and vegetation to be removed;
    - iv) Details of any fencing; and
    - v) Details of accessways and watercourses.
4. Applications for the erection of a hangar are to be approved prior to the issue of a Building Permit.
5. A Building Permit is required prior to the placement of the hangar on site.
6. All hangars for storage of a gliders are to –
  - a) be 24 metres in length & 12 metres wide and no higher than 4.6 metres;
  - b) have a side clearance between hangars of 4.5 metres each side of the hangar;
  - c) hangar doors must be single and open to the NW side of each hangar; and
  - d) future hangars are to be sited in accordance with Schedule 11.1 (Drawing 260908).

#### **OBJECTIVE**

To establish consistency of appearance, standard and arrangements.

#### **STATUTORY CONTEXT**

Local Government Property Local Law 2016

#### **CORPORATE CONTEXT**

None

#### **HISTORY**

Former Policy

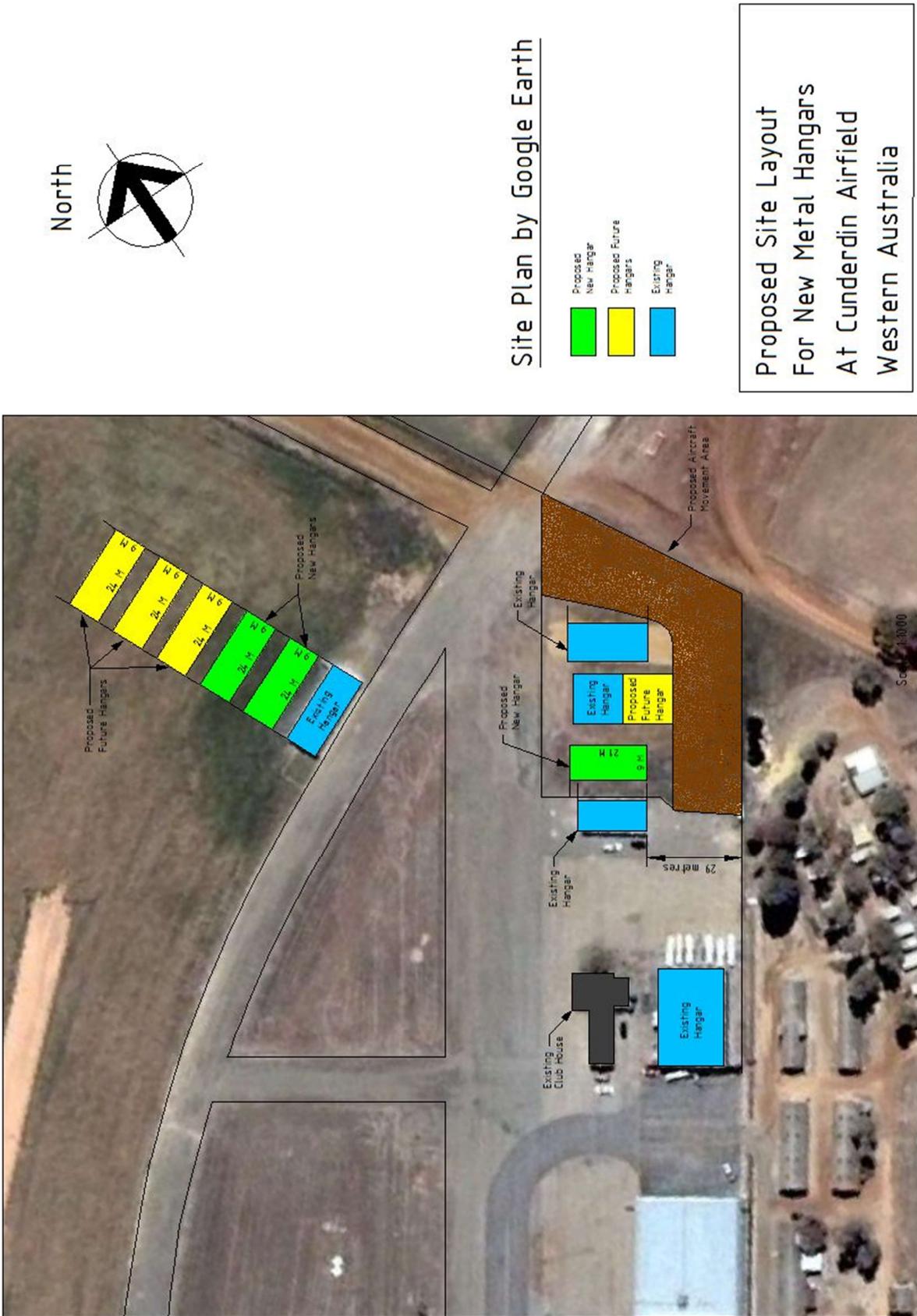
Adopted 21 February 2019

#### **REFERENCES**

Heritage Council of WA, Inherit –

<http://inherit.stateheritage.wa.gov.au/Public/Inventory/Details/56e1b8c1-57f4-49c9-a236-64f9447052a0>

**Schedule 11.1 – Cunderdin Airfield East Area 1 - Diagram**



– End of Schedule

## 11.2 Cunderdin Swimming Pool

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### POLICY STATEMENT

1. For the purposes of a family pass to attend the Shire Swimming Pool –
  - a) two adults;
  - b) two dependent children;
  - c) any child not yet of an age to attend Year 1, and
  - d) any dependent child holding a concessional/student pass.
2. Persons–
  - a) with a disability being and being observer only – free entry;
  - b) with a disability or swimming for the purposes of physiotherapy – 50% discount on production of a medical certificate, and approved by the CEO
3. No child under 10 years of age is allowed into the Swimming Pool unless accompanied by a person aged 18 years or older.
4. School age children are not permitted use of the swimming pool during school hours, except –
  - a) for a school based or organized event; or
  - b) on medical advice.
5. Alcohol is not to be consumed in any form within the Swimming Pool during the hours it is open to the public.
6. A person may be refused admission or required to leave the swimming pool for the safety or wellbeing of others for sufficient reason, including the following –
  - a) uncleanliness of persons;
  - b) unclean clothes;
  - c) being under the influence of alcohol and/or drugs;
  - d) babies in nappies not wearing aqua nappies;
  - e) persons suffering from communicable diseases;
  - f) permitting a dog and/or animal in the aquatic facility;
  - g) persons running within the centre;
  - h) persons damaging the aquatic facility;
  - i) persons causing violence or bullying to another person(s);
  - j) conduct of an abusive nature towards the Pool Manager or patrons;
  - k) indecent exposure; and
  - l) persons stealing within the facility.
7. A person may be refused admission –
  - a) for an appropriate period as determined by the CEO or swimming pool staff,
  - b) the period may be up to and including the remainder of the season, taking into account the current and any previous matters;
  - c) if longer than 48 hours, the person is to be advised in writing (or person responsible in the case of children).
8. Depending on the severity or impact of the reason for non-admission or removal,
9. Where a person is required to leave the swimming pool, the CEO is to be advised forthwith, and the CEO will determine if a Police report is also to be made.

### APPLICATION

10. The CEO has authority to vary the opening times –
- a) at the start or end of season dependent on prevailing weather conditions, with the season generally being 1 November to 31 March;
  - b) when weather is hot and subject to staff availability, to –
    - i) open on a day usually closed,
    - ii) extend the pool open hours on any day
  - c) when weather is cool or potentially dangerous conditions (storm, dust etc);
  - d) when the facility is booked for an event;
  - e) for maintenance; or
  - f) emergency.
11. The swimming pool is available for hire for private functions, subject to staff availability.

**OBJECTIVE**

To ensure appropriate management and operation of the swimming pool.

**STATUTORY CONTEXT**

*Health (Aquatic Facilities) Regulations 2007*

*Local Government Property Local Law 2015*

**CORPORATE CONTEXT**

None

**HISTORY**

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

**REFERENCES**

None

## Section 12 - Tourism

No Council Policies applicable to this area of operations.

## Section 13 - Works & Services

### 13.1 Road Reserves – Crossovers

---

#### POLICY STATEMENT

1. The Shire will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to –
  - a) prior approval of proposal and estimated cost of construction of a crossover,
  - b) written agreement of the landowner/occupier prior to commencement of works,
  - c) by payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier.
  - d) any variation to a standard crossover is to be at full cost to the land owner.

#### APPLICATION

2. A standard urban crossover specification is –
  - a) one crossover per property,
  - b) where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials –
    - reinforced concrete – up to 3.0 metres wide, 125 mm thick,
    - pavers – up to 3.0 metres wide, minimum 60mm thick on 150mm compacted gravel base course
    - bitumen seal – up to 3.0 metres wide, 2 coat seal on 150mm compacted gravel base course
    - asphalt – up to 3.0 metres wide, minimum 60mm thick on 150mm compacted gravel base course
    - if gravel / natural surface – up to 4.0 metres wide, 150mm compacted gravel
  - c) where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.88m wide,
  - d) drainage under the crossover at Shire cost if required.
3. A standard rural crossover specification is –
  - a) one crossover per lot or location adjoining a road.
  - b) from the trafficable surface of the road to the property boundary,
  - c) compacted gravel, minimum 7.32 metres wide,
  - d) appropriate longitudinal drainage if required.
4. Local government costs –
  - a) any reinstatement of kerbing,
  - b) impact on longitudinal drainage in place, up to 3 standard lengths of reinforced concrete pipe under the crossover cost if required, or
  - c) if crossover affected when carrying out works on the adjoining road.
5. Applicant's costs –
  - a) kerbing not at the edge of the thoroughfare,
  - b) costs in excess of a standard crossover construction,
  - c) costs for crossovers in addition to standard number.

#### OBJECTIVE

To define standard crossovers in accordance with the Local Government Act

#### STATUTORY CONTEXT

*Local Government Act 1995* –

- Sch 9.1(7) – crossing from public thoroughfare to private land or thoroughfare

*Uniform Local Provisions Regulations 1996 –*

- r.12 – application and approval for crossing
- r.13 – requirement to repair

*Activities on Thoroughfares and Public Places and Trading Local Law 2006*

**CORPORATE CONTEXT**

None

**HISTORY**

Former Policy

Adopted

\_\_\_\_\_

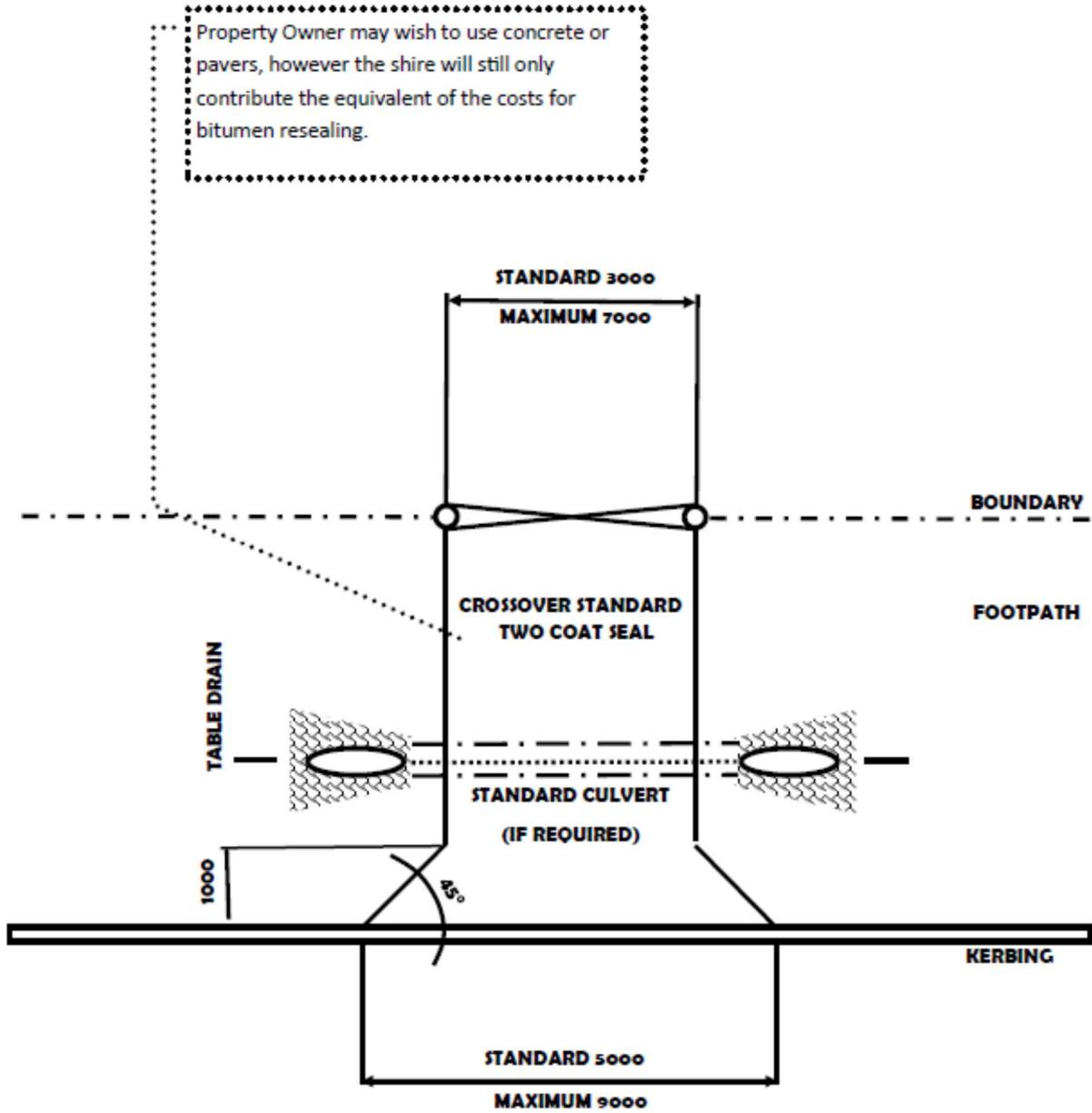
20 December 2018

**REFERENCES**

None

**Schedule 13.1(a) – Crossover 1 – Residential**

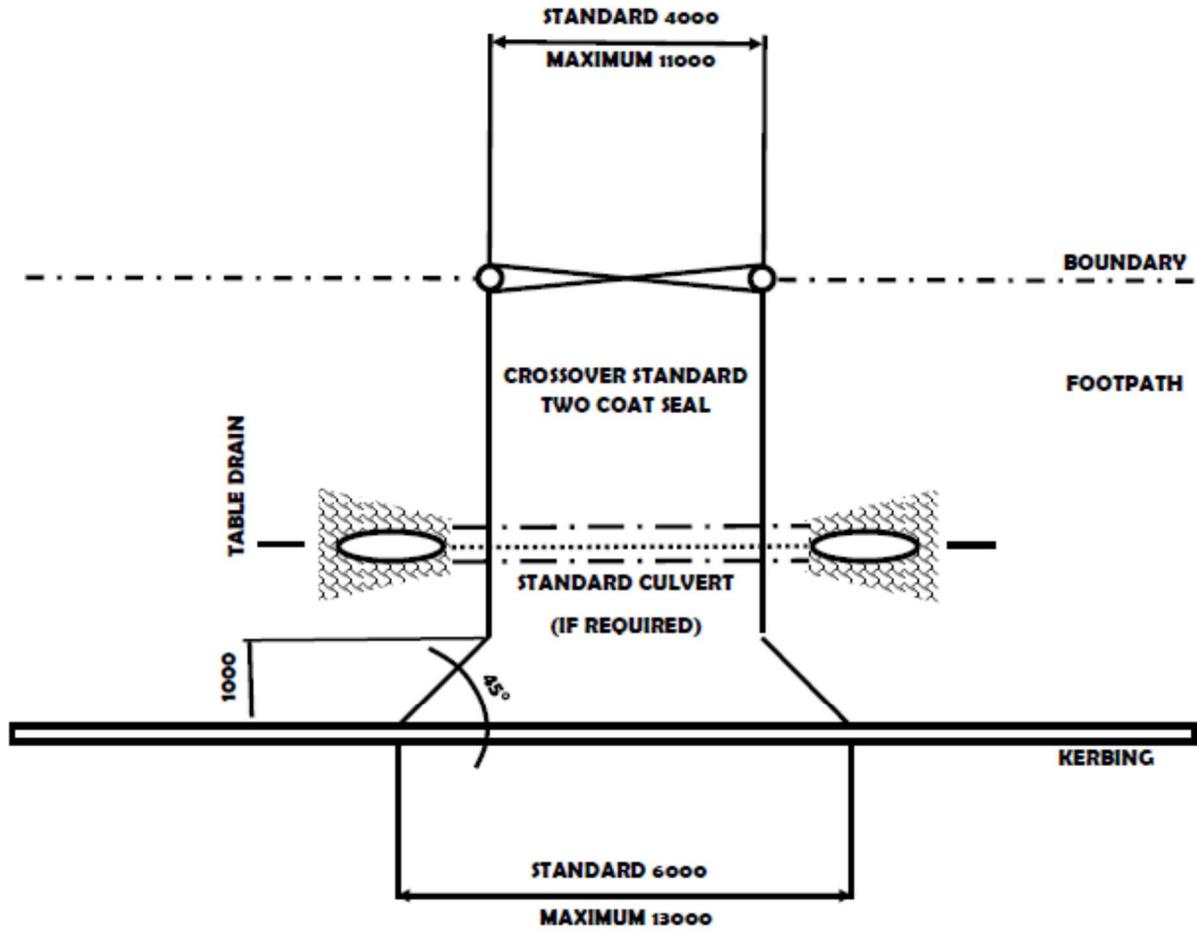
Developed – December 2018



– End of Schedule

**Schedule 13.1(b) – Crossover 2 – Industrial and commercial**

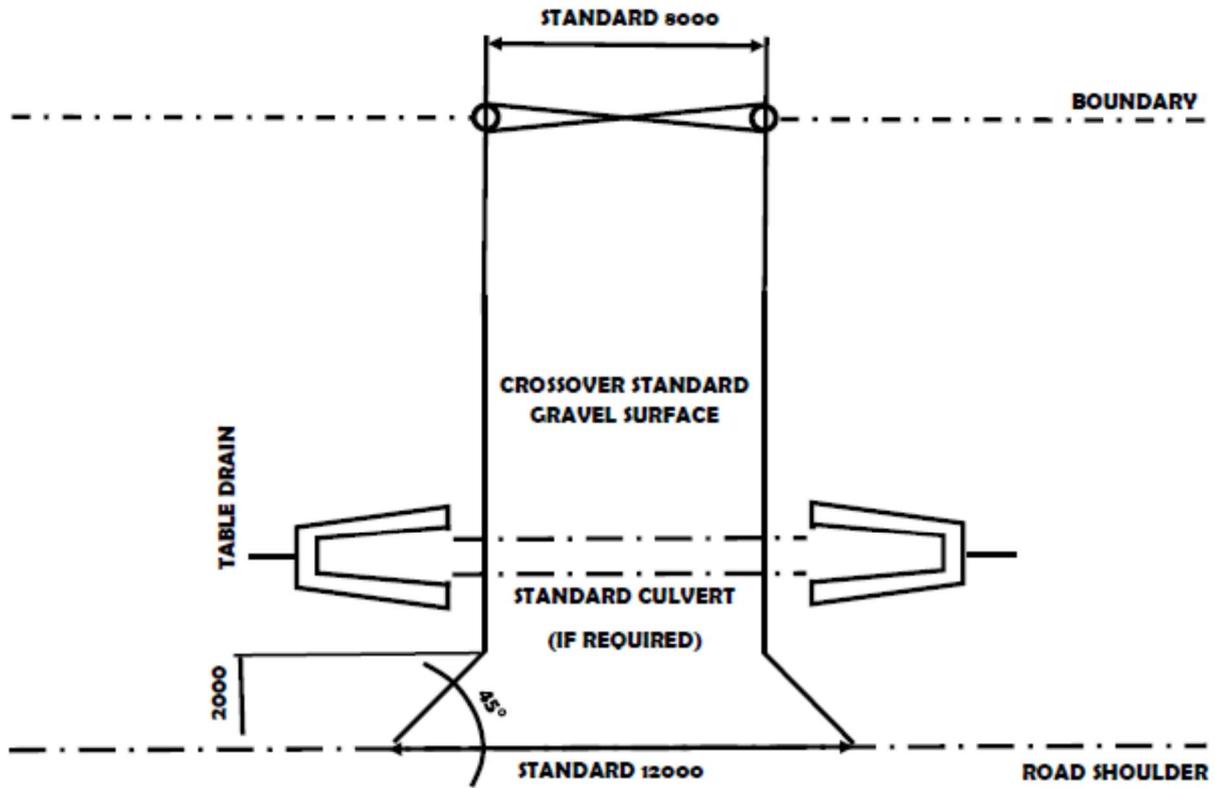
Developed – December 2018



– End of Schedule

**Schedule 13.1(c) – Crossover 3 - Rural**

Developed – December 2018



– End of Schedule

## 13.2 Road Reserves – Stormwater discharge in townsites

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### POLICY STATEMENT

1. An owner/occupier is permitted to discharge storm and seepage water to the street gutter via pipe drains or a sealed crossover.

### APPLICATION

2. All connections are to be submitted in writing and approved by the CEO, who shall have regard to any guidelines or standards of Main Roads WA.
3. Open drains are not permitted across constructed footpaths or natural surfaces regularly used by pedestrians.
4. Small connections may be approved by the CEO, and are to be of galvanised steel or UV stabilised high density PVC as approved by the CEO having regard any relevant guidelines, and –
  - a) materials to be approved by pipe with an internal diameter of 100mm, or
  - b) RHS (box section) with internal measurements 75mm and 100mm wide and between 75mm and 100mm high.
5. Connection greater than cumulative 200mm –
  - a) will require Shire approval,
  - b) are to be of a suitable material or construction as approved by the CEO, and
  - c) where an adjacent underground stormwater drainage system in the road reserve has been constructed, are to be connected to the system having regards to any relevant standards.
6. Works can be constructed by –
  - a) subject to operational requirements, the Shire at private works rates, or
  - b) by an appropriate contractor, holding public liability insurance of not less than \$10 million.
7. Local government costs –
  - a) If drainage affected when carrying out works on the adjoining road.
8. Applicant's costs –
  - a) any piping from property boundary to discharge point,
  - b) costs of any reinstatement of footpath, road verge, kerbing required,
  - c) any connection to the underground stormwater drainage system,
  - d) inspection fees.
9. Any works which have been carried out without approval of the CEO or have not been constructed as approved, may be removed or altered, and costs recovered from the owners.

### OBJECTIVE

To control discharge of storm water on streets.

### STATUTORY CONTEXT

*Local Government Act 1995*

*Activities on Thoroughfares and Public Places and Trading Local Law 2006*

### CORPORATE CONTEXT

Delegation Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land

**HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

**REFERENCES**

Clause 4 and 5(c) – “relevant standards” – refer to Institute of Public Works Engineering Australia or Main Roads WA for guidance.

### **13.3 Road Reserves – Drainage and interceptor banks**

---

#### **POLICY STATEMENT**

1. In limited circumstances, the Shire will permit drainage and interceptor banks to discharge onto a road reserve.

#### **APPLICATION**

2. Landholders proposing alterations to existing water courses or flows that impact on road reserves or other Shire controlled lands must obtain approval –
  - under the Environmental Protection Act, and
  - from the Shire of Cunderdin.
3. Where contour banks are constructed and water problems are created on roadways, the owner of the contour bank be required to fund the correction action required.
4. Prior to any approval being given for discharge onto or through a road reserve, or construction of any drainage works, the following is required –
  - a) a legally enforceable indemnity is required of the land owner for any damage to the road reserve, trafficable surface or endangered flora
  - b) an approved plan for any drainage infrastructure to be constructed that may be required, including but not limited to –
    - structures,
    - pipes,
    - signage,
    - road drainage
    - rehabilitation etc.
  - c) agreement by the landowner to cover the full cost of any construction works
  - d) a deed providing for the future maintenance and replacement of any construction works to be at the landowners cost
  - e) details of the indemnity and deed are to be registered on the Certificate of Title of the property as a caveat in favour of the Shire

#### **OBJECTIVE**

To control the impact of private drainage etc. on roads

#### **STATUTORY CONTEXT**

*Local Government Act 1995 –*

- Sch.9.1(8) – private works on, over or under public places

*Uniform Local Provisions Regulations 1996 –*

- r.6 – Obstruction of public thoroughfare by things placed or left
- r.7 – Encroaching on public thoroughfare
- r.11 – Dangerous excavation in or near public thoroughfare
- r.17 – Private works on, over, or under public places
- r.18 – Protection of watercourses, drains, tunnels and bridges
- r.19 – Protection of thoroughfares from water damage

*Activities on Thoroughfares and Public Places and Trading Local Law 2006*

#### **CORPORATE CONTEXT**

Delegations Register –

- 13.1 – Reserves Under the Control of the Shire
- 13.7 – Private works/infrastructure on, over or under public land

**HISTORY**

Former Policy

Adopted

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20 December 2018

**REFERENCES**

None

## 13.4 Private Works

---

### POLICY STATEMENT

1. Subject to work commitments and the capacity to carry out the requested works, the CEO or Manager Works and Services may authorise the carrying out of private works, upon such terms and conditions as is considered appropriate.

### APPLICATION

2. All private works require a written agreement, unless a Purchase Order is supplied e.g. Western Power, Telstra etc.
3. Private works having the potential to affect normal Shire work programs –
  - a) are to be referred to Council prior to acceptance,
  - b) may have progress payments or other arrangements as determined by Council.
4. Private works not interfering with Shire works programs may be carried out at the discretion of the CEO.
5. Private works charges as per fees and charges schedule adopted in the Budget, are to include –
  - a) operational and depreciation cost (depot to depot) of all plant, vehicles and equipment used for the works
  - b) labour not otherwise included in the plant operation cost – travel, stand-down, waiting, supervision etc
  - c) public works overheads cost.
  - d) administration costs

### OBJECTIVE

To determine appropriate circumstances and requirements for private works

### STATUTORY CONTEXT

Local Government Act 1995

### CORPORATE CONTEXT

Delegation Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 13.2 – Things to be done on land not local government property

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

There is a presumption against private works being undertaken by the Shire, as the preference is that local contractors be engaged to carry out the work.

## 13.5 Unsealed Roads – Classification and Standards

---

### POLICY

1. Shire roads, as depicted on the Road Classification Listings (refer Schedules 13.6(a) and (b)) are categorised into “A”, “B” & “C” class roads as listed.

### APPLICATION

2. The following work criteria will be applied to the listed classes –

#### “A” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth

Long term development: *bitumen surface*

#### “B” Class

- Formation to be 10m width
- Carriageway to be 7m width with 200mm gravel sheet
- Shoulders to be 2 x 1.5m
- Crossfall to be 4%
- Floodways to be equipped with a minimum of 2 x 237mm culverts and headwalls
- Backslopes to be cleared annually of all regrowth
- One additional grading before harvest, if necessary

Long term development: *to remain as gravel surface*

#### “C” Class

- Formation to be 8m width
- Carriageway to be 6m width with 150mm gravel sheet
- Shoulders to be 2 x 1m

Long term development: *Low volume farm access roads*

### OBJECTIVE

To identify priority roads, and classify for future works planning

### STATUTORY CONTEXT

None

### CORPORATE CONTEXT

None

### HISTORY

Former Policy \_\_\_\_\_  
Adopted 20 December 2018

### REFERENCES

Unsealed Roads Manual produced by the *Australian Road Research Board*.

**Schedule 13.5(a) – Road listing**

To be developed

**Schedule 13.5(b) – Map**

To be developed

**Schedule 13.5(c) – Profile 1 – Unsealed roads A and B Classification**

To be developed

**Schedule 13.5(d) – Profile 2 – Unsealed roads C Classification**

To be developed

## 13.6 Road Making Materials – Non-Shire Controlled Land

---

### POLICY STATEMENT

1. Where the required quantity, quality or type of material is not available from Shire controlled areas and the material may be sourced from private property.

### APPLICATION

2. The following is to be normal procedure –
  - a) Request permission to search for materials from the owner. Entry powers are to be used only as a last resort.
  - b) Calculate the approximate requirement for the project or yearly requirement of material from the proposed pit, and the expected life of the pit.
  - c) If suitable material is located, a written agreement is to be reached with the owner regarding compensation for materials to be removed.
  - d) Priority must be given at all times to reasonable negotiation to reach an amicable written agreement mutually acceptable to the Shire and the owner.
  - e) Should agreement for the removal of materials not be reached with the owner, procedures to resume an area sufficient for immediate and future needs may be instituted by specific decision of Council.
3. Compensation shall be agreed in writing prior to excavation, by payment of a royalty as determined by Council as per fees and charges Schedule.
4. Works to rehabilitate the pit once materials have been removed shall take place and will be such works as agreed in writing with the landowner before excavation commences. These works may include –
  - a) tree planting,
  - b) deep ripping,
  - c) levelling,
  - d) stockpiling of original topsoil and spreading after extraction is completed.
5. All matters are to be agreed in writing, prior to removal of any materials.

### OBJECTIVE

To establish the processes for negotiation of obtaining road making materials

### STATUTORY CONTEXT

Local Government Act 1995

### CORPORATE CONTEXT

Delegation Register –

- 13.2 – Things to be done on land not local government property

### HISTORY

Former Policy

Adopted

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20 December 2018

### REFERENCES

None

## **13.7 Street Trees and Vegetation**

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### **POLICY STATEMENT**

1. The following guidelines to be used –
  - a) The position of trees or shrubs to be 3.5 metres from property lines and approximately 10 metres apart.
  - b) No trees, shrubs or other vegetation is to be planted near a street corner property so that sight lines and distance are compromised.
  - c) The CEO in consultation with Council shall decide the species or varieties of trees and/or shrubs to be planted in road reserves controlled by the Shire.
  - d) No new trees are to be planted under or within 3 metres of power lines.

### **APPLICATION**

None

### **OBJECTIVE**

For consistency of tree and vegetation planting in the Shire and to enhance the visual aspect of streetscapes.

### **STATUTORY CONTEXT**

Thoroughfares and Public Places Local Law 2015

### **CORPORATE CONTEXT**

Delegation Register –

- 11.3 – Thoroughfares and Public Places Local Law 2015

### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### **REFERENCES**

## Section 14 - Plant / Equipment

### 14.1 Private Use of Depot, Plant, Vehicles, Equipment and Tools

---

#### **POLICY STATEMENT**

1. Private use of the depot facilities is not permitted.
2. Private use of equipment and tools is not permitted.
  - Eg: chainsaws, lawn mowers, brush cutters, generators, cement mixers, ladders etc

#### **APPLICATION**

3. Assistance for Sporting or Community Groups –
  - a) The use of Shire plant by staff outside of normal hours may be permitted to assist sporting or community groups serving the residents of the Shire providing the normal plant / equipment hire rate is paid by that body, unless otherwise allowed by the CEO.
  - b) If approved, the plant is to be operated only by a competent employee approved by the CEO – a non-qualified employee or non-employees are not permitted.

#### **OBJECTIVE**

To determine private use by employees of Shire facilities and equipment

#### **STATUTORY CONTEXT**

Local Government Act 1995

#### **CORPORATE CONTEXT**

Delegation Register –

- 3.11 – Donations – Financial and In Kind Works / Services

Policy Manual –

- 3.4 – Requests for Financial and Other Assistance
- 9.1 – Occupational Safety and Health

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

#### **REFERENCES**

## 14.2 Plant and Vehicle Procurement and Disposal

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### POLICY STATEMENT

1. The following Policy Schedule is adopted, and forms part of this Statement –
  - Sch.14.2 – Plant and Vehicle – Acquisition and Replacement Criteria

### APPLICATION

2. Vehicles and plant may be purchased, operated and disposed of ensuring best value for the Shire as an overarching outcome, however compliance with specifications, contemporary standards and safety requirements are also important.
3. Selection criteria include:
  - a) Safety – for passenger vehicles, 5 star ANCAP rating or highest safety rating available;
  - b) Functional needs;
  - c) Life cycle cost over 3 years or 80-90,000km (depending on industry trends);
  - d) Valuation and availability.
4. Vehicle accessories (bull bar, spot lights, tow hooks etc) are not included in the base value cost and should be task specific.

### OBJECTIVE

To guide the purchase, disposal and sustainable management of the Shire's fleet vehicles and plant.

### STATUTORY CONTEXT

*Local Government (Functions and General) Regulations 1996 –*

- r.11A – purchasing policy required, and matters to be addressed

### CORPORATE CONTEXT

Delegations Register –

- 3.9 - Disposing of property, and impounded, confiscated or uncollected goods – sale

Policy Manual –

- 3.1 – Purchasing Framework
- 3.2 – Regional Price preference

### HISTORY

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

### REFERENCES

### **Schedule 14.2 – Plant and Vehicle – Acquisition and Replacement Criteria**

The following plant replacement schedule has been created using information from various sources which include the current resale values, past trade trends, whole of life costs, maintenance costs and dealer information. This information has been collated to provide an optimal replacement timeframe for plant and fleet vehicles to give the best economic turnover result while satisfying operational requirements.

Exceptions to this schedule may occur on a case by case basis under the following circumstances –

- a) changes to operational requirements;
- b) excessive wear/exceptional circumstances and favourable marketing conditions;
- c) plant location;
- d) budget requirements;
- e) condition of auxiliary systems on truck mounted units, etc;
- f) certain items of plant with low utilisation rates (when compared to accepted industry standards) required in areas for daily operational use. (e.g. Backhoe required for water supply repairs in small town). In these cases such items of plant, which may be scheduled for replacement, may be transferred to those locations that leave the oldest items of plant in the lower utilisation areas whilst always keeping the newest item of plant in higher utilisation areas.

All such exceptions shall be investigated and assessed by the Manager Corporate Services and Finance and the Works and Services Manager, then approved by the CEO prior to budget preparation to ensure optimum fleet utilisation and best value for money and where necessary reported to the Council.

In general, replacement times for plant, equipment and vehicles should be –

<b>Plant / Vehicle Type</b>	<b>Replacement Criteria</b>
Petrol/Diesel Passenger sedans, wagons and SUV Type vehicles	Up to 80,000 km / 3 years
Diesel 2WD Utilities and Dual Cabs	Up to 90,000 km / 4 years
Diesel 4WD Utilities and Dual Cabs	Up to 90,000 km / 4 years
Backhoes	8,000 hrs / 8 years
Dozers	10,000 hrs / 12 years
Excavators	(<15 tonne) 10,000 hrs / 10 years
Excavators	(>15 tonne) 8,000 hrs / 8 years
Graders	10,000 hrs / 10 years
Loaders	10,000 hrs / 10 years
Skid Steer Loaders	8,000 hrs / 10 years
Landfill Compactors	10,000 hrs / 15 years
Miscellaneous Plant (site/lunch vans, other trailers, crushing plants, motorbikes / ATV's, small ride-on mowers, etc.	Assessed & investigated on an organisational needs basis
Mowers – Large Ride-On	3,000 hrs / 4 years
Quarry Trucks – Dump	15,000 hrs / 10 years
Rollers	8,000 hrs / 8 years
Rubber Tyres Rollers	10,000 hrs / 10 years
Tractors	8,000 hrs / 8 years
Trailers – Semi	20 – 30 years
Dog Trailers (trucks)	10 years
Trucks – Light	8 years

Plant / Vehicle Type	Replacement Criteria
Trucks – Medium	8 years
Trucks – Heavy	8 years
Trucks – Prime Movers	10 years

To maintain a reliable plant/vehicle fleet, it is necessary that a programmed replacement policy be adhered to.

A ten (10) year replacement program is to be maintained for all Shire plant and reviewed on an annual basis along with plant hire rates to ensure an appropriate annual revenue return. These reviews are the responsibility of the Manager Works and Services and the Manager Corporate Services and Finance.

When determining the most economical time to replace plant/vehicles, consideration is given to the type of machine/vehicle, hours/kilometres, repairs (past and required) and current value.

When determining the most suitable replacement item of plant/vehicles, consideration shall be given to the resale value, suitability for purpose, performance/profitability, backup parts and service, maintenance and operator preference.

#### Criteria for Vehicles provided by the Shire

The type, standard and value of vehicles to be provided by Council for various administrative functions and approved personal use to applicable staff members guided by the following –

Officer	Vehicle Type and Standard	Example of Vehicle (Incl GST & LCT)
Chief Executive Officer	Large luxury passenger vehicle / SUV	Hyundai Genesis Toyota Prado
Manager Corporate Services and Finance	Large passenger vehicle / SUV	Mazda CX MAXX Kia Sorrento
Manager Works and Services	Non-luxury dual cab 4WD utility	Nissan Navarra XL

The CEO has the discretion to select the type/style of vehicle.

GST = Goods & Services Tax LCT = Luxury Car Tax

– End of Schedule

## Section 15 - Natural Resource Management

No Council Policies applicable to this area of operations.

## Section 16 - Unclassified

### 16.1 Restricted Access Vehicles

---

#### **POLICY STATEMENT**

1. The following general conditions apply to Restricted Vehicle Access applications –
  - a) In wet conditions, movement is to cease on unsealed roads immediately.
  - b) Vehicle speed limited to 80km per hour, or as otherwise determined
  - c) Permits are to be issued to companies or individuals by Main Roads WA.
  - d) The conditions also apply to the route(s) taken by empty trucks.
  - e) Requests of a contentious nature are to be referred to Council for consideration.
  - f) Shire office to be contacted for advice on road conditions during periods of wet weather.
  - g) Compliance with all conditions set by the Shire for roads under its control.
  - h) The Shire retains the right to withdraw approval for any route at any time.

#### **APPLICATION**

N/A

#### **OBJECTIVE**

To set conditions for Main Roads WA to attach to Extra Mass Permits issued for vehicle movements within the Shire of Cunderdin.

#### **STATUTORY CONTEXT**

Thoroughfares and Public Places Local Law 2015

#### **CORPORATE CONTEXT**

Delegation Register –

- 11.3 – Thoroughfares and Public Places Local Law 2015
- 13.9 – Temporary Road Closures

#### **HISTORY**

Former Policy

Adopted

\_\_\_\_\_

20 December 2018

#### **REFERENCES**

## History Summary

Item	Meeting	Purpose	Applies	Affected
1		Revocation		All previous policies
2		Adoption		All policies presented, except – - 1.4 – Elected members - Recognition of service

## Appendix

### Definitions

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The LG Act 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 not defined anywhere in the LG Act, however, Departmental guidelines refer to Council “acting through” the administration to fulfil requirements and obligations.

The following terms used in this document apply insofar as they are consistent with enabling legislation –

**authority** means the permission or requirement for Council, a Committee or a person to act in accordance with –

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a Council Policy,
- a specific decision of Council, or
- an Instruction.

**Council** means the elected members in session,

**Council Policy** is a standing instruction resolved by Council as to how a particular matter is to be implemented:

**delegation** means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of Council under the provisions of the relevant legislation.

**employee** means –

- a) a person employed directly by the Shire receiving a salary or wage,
- b) a person employed directly by the Shire on a fixed term contract,
- c) a person appointed for the purposes of exercising a delegation who –
  - i) is engaged under a contract for services either directly or with a firm,
  - ii) is the specific person named in the contract, and
  - iii) is authorised to issue notices on behalf of the Shire,

**Standard Procedure** means the requirement for a staff member to act in accordance with a direction given by the CEO.

**Planning Policy** is a standing instruction resolved by Council as to how a particular matter is to be implemented. They are made by authority of the Local Planning Scheme, within a different legal and procedural framework, having specified process in order to be enforceable, and are generally advised to the WA Planning Commission .

**Shire** means the organisation or the district as the context requires,

### Statutory and Corporate Context

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The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers, and to stipulate conditions, standards or methods of control and management.

This Council Policy Manual has been prepared to complement a range of obligations imposed by legislation including local laws, and various documents adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. Local Planning Scheme,
3. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,

4. a specific resolution of Council,
5. Delegations Register – being specific authorisations resolved by Council, and having a Statutory Context under the Local Government Act, they are the standing authorisations of Council to particular persons, almost exclusively the CEO,
6. Council Policy – being instructions resolved by Council they are the standing instructions of Council on how particular matters are to be dealt with,
7. Instruction – standing instructions or procedures issued by the CEO,
8. administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGRD Guidelines
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that the instruction is to be included in the Policy Manual, it is considered that it is for a specific matter, and is not a general or on-going instruction.

There are some policies that have specific legislative provision, and these are noted in the individual policy.

### **IMPORTANT – Consequences of breaching Council Policy**

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Where there is a breach of Council Policy –

- a) it may result in disciplinary action up to and including termination of employment,
- b) the Shire may also be obligated to refer a breach to an external agency where an employee may be held personally liable for their actions;
- c) the employee in breach may also be personally liable for their actions, such costs charged to the Shire or to repair as a result of the private/personal or unauthorised use.

### **Compliance – is by staff, not by community**

---

Policy cannot be used to directly control or manage the general community, except in particular circumstances – it is essentially an instruction to staff that in particular circumstances, a specific action or process is to be followed, for instance –

- Hire of facilities – if there is damage, then staff are to invoice the hirer or cancel their booking etc
- Caravan Park Rules – if a patron does not comply with these, staff are to take action
- HR / Personnel policies – outlines the circumstances in which actions are to be taken
- Crossovers – staff may approve if an application complies with requirements, or take action if a crossover does not comply.

A Policy cannot be applied directly to the community as they may not be aware of its adoption. The community has to have had the opportunity to be aware of the requirements imposed on them.

However, policy may require staff to apply specific conditions to a licence, permit etc, and to provide a written copy of the conditions being applied. These conditions applied are then enforceable.

Advertising of a local law constitutes community wide notification, whether the person is aware of it or not. Accordingly, many policies expand on how a Local Law is to be interpreted or acted upon by staff.

### **Guidelines No.17 – Delegations (Department of Local Government)**

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The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

*... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.*

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Council Policy describes how that action or some other action is to be carried out.

## **Making, amending and revoking Council Policy**

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Council Policy is administrative in nature, requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

Council may impose limitations on Policy or the functions delegated as they see fit.

The following sections are reserved to Council to amend –

- Policy Statement
- Application
- Objective

The CEO is expected to update the following sections as legislation changes or new information comes to hand, and to advise Councillors when doing so –

- Statutory Context
- Corporate Context
- References

## **Review of Council Policy**

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There is no required timetable for the review of policy, however, it is suggested that it should be done regularly to ensure that policies are relevant, current and understood.

To maintain the Policy Manual up to date, an administrative review should be reviewed at least once a year, and a report made to Council on matters needing amendment or inclusion.

It is suggested that detailed consideration of all policies be undertaken by Council at least once every two years.