



# POLICY MANUAL

April 2023



## INTRODUCTION

Policies are determined by the Council and may be amended or waived according to circumstances. This power is conveyed to the Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

1. to provide Council with a formal written record of all policy decisions;
2. to provide the staff with clear direction to enable them to respond to issues and act in accordance with the Council's general direction;
3. to enable the Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
4. to enable the Council to maintain a continual review of the Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
5. to enable electors to obtain immediate advice on matters of the Council Policy.
6. Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with **management practices** or **operational procedures**, which are determined by the CEO, as a mechanism for good management, and implementation of council policies. The Council will conduct a complete review of all policies annually.

A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors and each work site. The manuals are to remain the property of the Shire.

Changes to the Council Policy shall be made only on:

- (a) The outcome of the Annual Review or
- (b) An agenda item (Council Decision) clearly setting out details of the proposed amendment

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Management Practices provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire's adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

Anthony Middleton  
CHIEF EXECUTIVE OFFICER

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## PART 1 – GOVERNANCE AND ADMINISTRATION

### 1.1 RECORDS MANAGEMENT

<b>Objective:</b>	To control and manage government records within a records management and record keeping framework that complies with legislative, accountability and best practice requirements.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	17 March 2022	<b>Minute No.</b>	029/22
<b>Date of last review:</b>	17 March 2022		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>State Records Act 2000</i> <i>Corruption, Crime &amp; Misconduct Act 2003</i> <i>Criminal Code Act 1913</i> <i>Electronic Transactions Act 2011</i> <i>Evidence Act 1906</i> <i>Financial Management Act 2006</i> <i>Freedom of Information Act 1992</i> <i>Limitation Act 2005</i> <i>Public Sector Management Act 1994</i>		
<b>Internal References:</b>	Record Keeping Plan 2020 Management Practice 1.12 Elected Members Records Management Practice 2.4 Internet and Email Access		

#### POLICY STATEMENT

The Shire of Broomehill-Tambellup is committed to making and keeping full and accurate records of its business transactions and official activities. Records can be, but are not limited to, any record of information in any medium including letters, files, emails, word processed documents, databases, photographs and social media messages.

#### CREATION, CAPTURE AND CONTROL OF RECORDS

Records created and received by Shire personnel, elected members and contractors, irrespective of format, are to be managed in accordance with the Shire's Record Keeping Plan and Records Management Procedure Manual. Records will not be destroyed except by reference to the State Records Office's General Disposal Authority for Local Government Records.

The Shire is responsible for the security and protection of all records created or captured as part of the Shire's day to day operations. All Shire staff and contractors have a responsibility to apply appropriate security and protection measures to all records created or received when carrying out the Shire's business.

It is the responsibility of all staff to ensure that the business, operational and administrative activities of the Shire are appropriately documented and that records are created and maintained in fulfilment of legislative requirements.

#### ACCESS TO RECORDS

Access to Shire records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the *Freedom of Information Act 1992* and the Shire's Freedom of Information Statement.

Access to the Shire's records by elected members will be through the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*.

**APPRAISAL, RETENTION AND DISPOSAL OF RECORDS**

Records will only be destroyed or otherwise disposed of by reference to the *General Disposal Authority for Local Government Records* issued by the State Records Office, and following authorisation from the Section Manager and the CEO. Those records identified as Archive records will be transferred to the Voluntary Regional Organisation of Council archive facility located at the Shire of Broomehill-Tambellup's Broomehill administration office. Records identified as a State Archive should be transferred to the State Records Office in accordance with the requirements of the *General Disposal Authority for Local Government Records*.

All significant records, irrespective of format, are to be registered, classified and captured into the Shire's official record keeping systems. All correspondence should be attached to a corporate file.

Records created or received by elected members of the Shire, in the performance of their functions and roles as specified in the *Local Government Act 1995*, are government records and will be managed in accordance with the Shire's Records Keeping Plan and the *State Records Act 2000*. This policy applies to any record documenting decisions which are made outside normal Shire or Committee meetings.

**LOCAL GOVERNMENT RECORDS FALL INTO ONE OF TWO CATEGORIES****Local government records of continuing value**

Local government records of continuing value are those records created or received containing information of:

- (a) administrative value to the Shire, including records which:
  - provide an interpretation of the Shire's policy or the rationale behind it;
  - document progress and coordination of responses to issues;
  - document formal communications and/or transactions, such as a Minute report or submission between elected members and another party; and
  - document elected members' decisions, directives, reasons and actions.
- (b) legal value to the Shire including records which document compliance with statutory requirements or court orders which stipulate the retention of records;
- (c) evidential value such as information about the legal rights and obligations of the Shire of Broomehill-Tambellup including elected members, ratepayers, organisations and the general community; and
- (d) historical value to the Shire of Broomehill-Tambellup and to the State.

Local government records of continuing value are to be forwarded to the Chief Executive Officer, for incorporation into the Shire's recordkeeping system.

**Records of no continuing value (Ephemeral)**

These records do not need to be incorporated into the Shire's recordkeeping system and can be destroyed when reference to them ceases, but only in accordance with the General Disposal Authority for Local Government Records (GDA LG). Elected members should contact the Administration Officer for advice prior to destroying any records.

**ACTION:** Records of no continuing value can be destroyed when reference to them ceases but only in accordance with the General Disposal Authority for Local Government Records (GDA LG). Elected members should contact the Chief Executive Officer in order to dispose of these records correctly.

**ROLES AND RESPONSIBILITIES****Elected Members**

Elected Members will create and keep records of communications or transactions which convey information relating to the Shire's business or functions. These records will be forwarded to the Governance and Executive Assistant for capture in to the Shire's recordkeeping system.

**Chief Executive Officer**

The CEO will ensure there is a system for the capture and management of records that is compliant with the *State Records Act 2000* and best practice standards.

**Executive and Managers**

Executive and Managers will ensure that all staff (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the Shire of Broomehill-Tambellup's Record Keeping Plan.

**All Staff**

All Staff (including contractors) will create and receive records relating to the business activities they perform and are required to:

- (a) make records to document and support business activities
- (b) ensure that records are captured and registered into the recordkeeping system or appropriate business system
- (c) ensure that records are secure at all times



## 1.2 USE OF SHIRE FACILITIES

<b>Objective:</b>	<b>To ensure that Shire facilities are available for appropriate use by the community.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	091228
<b>Date of amendment:</b>	21 April 2022	<b>Minute No</b>	057/22
<b>Date of last review:</b>	21 April 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>	Local Government Property Local Law 2020		

### POLICY STATEMENT

The Council is committed to ensuring that its community facilities are used to the benefit and advantage of all sections of the community and keeps fees and charges at a level to permit ready access by user groups.

To support this, an administrative procedure exists which provides clear guidelines for users. Fees and charges relevant to Council facility use are reviewed annually at the time of the budget adoption.

The Council recognises that a number of community groups and agencies provide substantial support to the community through their activities, and have limited funds to assist.

The following groups have their hire costs waived for the use of Shire facilities, until such time as the events are no longer held:

- Blue Light Discos – Hall
- Agricultural Society – Hall for the Tambellup Show
- Primary Schools and P & C Associations – Hall for end of year Presentation Night and Fundraising Activities.
- Senior Citizens Christmas Luncheon – Hall
- Broomehill religious organisations – Hire of tables and chairs for Christmas Eve church services.
- Broomehill Heritage Group – Hire of tables and chairs for Carols by Candle Light
- Seniors Soup Luncheon – Hall - Subject to the luncheons being advertised across the Shire
- Host Organisation for ANZAC Day Services Broomehill and Tambellup – Hall hire
- Daffodil Day event – Tambellup Hall hire costs

Should any cleaning or repairs be required as a result of any of the above events, the organiser will be required to undertake or organise appropriate cleaning or repairs, or the Local Government will charge a fee for the cleaning or repairs.

This Policy applies for the purposes of Clause 3.5 of the Shire's *Local Government Property Local Law 2020*.

### 1.3 SHIRE OF BROOMEHILL-TAMBELLUP LOGO

<b>Objective:</b>	To adopt the following design as the new logo for the Shire of Broomehill-Tambellup.		
<b>Date of adoption:</b>	18 November 2010	<b>Minute No.</b>	101105
<b>Date of amendment:</b>	18 June 2015	<b>Minute No.</b>	150612
<b>Date of last review:</b>	19 May 2022		
<b>Legislative References:</b>			
<b>Internal References:</b>	Delegation 1.21 – Use of the Shire Logo		

Council has adopted the following logo for the Shire of Broomehill-Tambellup.



It represents the ‘tree change’ lifestyle many new residents come to the Shire of Broomehill-Tambellup for. Within the embracing shape of the forked tree branches are a number of squares in a variety of green shades, representing the multi-faceted community of the Shire coming together.

The use of the Shire of Broomehill-Tambellup logo:

- (a) shall be in accordance with the guidelines contained in the publication ‘Our Identity’ and
- (b) is not permitted by any other person or organisation without the written approval of the Shire of Broomehill-Tambellup.

Council has delegated to the Chief Executive Officer authority to grant approvals in regard to item (b) above.

## 1.4 TEMPORARY EMPLOYMENT OR APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

<b>Objective:</b>	To determine the process for appointing an Acting or Temporary CEO for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	19 August 2021	<b>Minute No</b>	210807
<b>Date of last review:</b>	19 August 2021		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>s5.39 Contracts for CEO and senior employees</i> <i>s5.39C Policy for temporary employment or appointment of CEO</i> <i>s5.40 Principles affecting employment by Local Governments</i>		
<b>Internal References:</b>			

### POLICY OBJECTIVE

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Broomehill-Tambellup's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

### POLICY SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Broomehill-Tambellup.

### POLICY STATEMENT

#### 1. Definitions:

- (1) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
- (2) **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

#### 2. Acting and Temporary CEO Requirements and Qualification

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the Local Government Act 1995, and other duties as set out in the Act and associated Regulations.
- (2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Manager of Finance and Administration or Manager of Works are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Manager of Finance and Administration or Manager of Works is not included in the determination set out in Clause 3 (2).

#### 3. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- (1) The CEO is authorised to appoint the Manager of Finance and Administration or Manager of Works in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Manager of Finance and Administration or Manager of Works performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 5 working days and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Manager of Finance and Administration or Manager of Works is appointed as Acting CEO.
- (4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
  - a. The Manager of Finance and Administration will be appointed as Acting CEO; or
  - b. If the Manager of Finance and Administration is unable to act, the Manager of Works will be appointed as Acting CEO; or
- (5) The Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

#### **4. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.**

- (1) This clause applies to the following periods of extended leave:
  - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
  - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
  - a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
  - b. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).
- (3) The President will liaise with the CEO, or in their unplanned absence the Manager of Finance and Administration to coordinate the Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to the Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Manager of Finance and Administration.

#### **5. Appoint Temporary CEO – Substantive Vacancy**

- (1) In the event that the substantive CEO's employment with the Shire of Broomehill-Tambellup is ending, the Council when determining to appoint a Temporary CEO may either:
  - a. by resolution, appoint the Manager of Finance and Administration or Manager of Works as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or

- b. by resolution, appoint the Manager of Finance and Administration or Manager of Works as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
  - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (2) The President will liaise with the Manager of Finance and Administration to coordinate the Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
  - (3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with the Councils resolution/s, with administrative assistance from the Manager of Finance and Administration.

#### **6. Remuneration and conditions of Acting or Temporary CEO**

- (1) Unless the Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% to 100% of the cash component only of the substantive CEO's total reward package.
- (2) The Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

## 1.5 **\*\*POLICY REPEALED\*\***

‘Code of Conduct for Council Members, Committee Members and Candidates’ Council Policy  
Repealed June 2022 – Is now a stand-alone document

## 1.6 **LEGAL SERVICES FOR ELECTED MEMBERS**

<b>Objective:</b>	<b>To assist with the cost of legal services for elected members in connection with any matter touching on their conduct, or the performance of their functions.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	19 May 2022	<b>Minute No</b>	072/22
<b>Date of last review:</b>	19 May 2022		
<b>Legislative References:</b>			
<b>Internal References:</b>	Code of Conduct for Council Members, Committee and Candidates Councillors Handbook		

### **PURPOSE**

This Policy is designed to set out:

- the circumstances in which the Shire will, as a general rule, provide financial assistance to elected members who require legal services in the course of or arising out of the performance of their official functions; and
- the procedure for making and dealing with applications.

In each case it will be necessary to determine in the final analysis whether financial assistance is justified for the good government of the district.

### **POLICY**

Members of the Council from time to time may require legal services in connection with any matter touching on their conduct, or the performance of their functions as members.

Questions may arise from time to time as to whether, and the extent to which, the Shire should provide financial assistance to secure legal services, and this Policy is intended to facilitate decision-making on those questions.

As a general rule, financial assistance will only be provided to a member for a matter which arises out of or in the course of their conduct, or the performance of their functions, as members.

It is intended that financial assistance will not be provided to a member who has acted unlawfully, dishonestly, improperly, or otherwise in bad faith.

As a general rule financial assistance may be provided to former, or may continue to be provided for members after they cease their membership, where that can manifestly be seen to be justified by the interest of good government of the district.

The level of financial assistance provided is to be assessed in all cases against an evaluation of the extent to which it is justified in the interest of the good government of the district.

## 1. DEFINITIONS

In this Policy:

**'Act'** means the *Local Government Act 1995*;

**'CEO'** means the Chief Executive Officer of the Shire;

**'department inquiry'** means an inquiry initiated under *section 8.3 of the Act*;

**'district'** means the local government district of the Shire;

**'financial assistance'** means the provision by the Shire of money to pay the whole or part of the cost of legal services, or a guarantee of or indemnity for the payment of such cost or part;

**'improperly'** in this Policy describes conduct which would be appropriate to be reported to the Corruption and Crime Commission as corruption or improper conduct;

**'inquiry'** means a department inquiry or a panel inquiry under *Part 8 of the Act*;

**'legal services'** means the provision of legal advice on any matter, or legal advice and legal representation in connection with court proceedings, or in connection with any other investigation, inquiry, hearing or adjudication, including but without limiting the generality of the foregoing an inquiry under *Part 8 of the Act*;

**'member'** means a member of the Council of the Shire including a Commissioner appointed under *Part 8 of the Act*;

**'panel inquiry'** means an Inquiry initiated under *section 8.16 of the Act*;

**'President'** means the President of the Shire;

**'Shire'** means the Shire of Broomehill-Tambellup.

## 2. ELIGIBLE PERSONS

A person is eligible to make application for financial assistance under this Policy if that person is an elected member.

## 3. PROCEEDINGS IN RESPECT OF WHICH FINANCIAL ASSISTANCE MAY BE PROVIDED

Proceedings in respect of which financial assistance may be provided include:

- 3.1 Proceedings brought by any member to enable them to undertake or continue to undertake the duties and responsibilities associated with their office. An example is where a member seeks a restraining order against a person using threatening behaviour.
- 3.2 Proceedings brought by any member in respect of defamation against them PROVIDED THAT legal advice obtained by the Shire supports such action as being capable of being regarded as appropriate for the good government of the district to ensure members are not deflected from the performance of their duties by unreasonable interference. Such proceedings may involve:
  - (a) seeking an injunction to prevent further defamation of a specific member, the intention being to seek the removal of a distraction or impediment to the performance by the member of their functions as such; or
  - (b) making a claim for damages:
    - (i) additional to an injunction, if it is determined or appears likely that an injunction has failed or will fail to prevent further defamation of the affected member; or
    - (ii) as an alternative to an injunction if damages is the more appropriate remedy or in the event that a Court declines to grant an injunction on grounds that are not directly related to the merits of the proposed action.

- 3.3 Proceedings brought against one or more members in the performance of their functions as such. For example, this could be in relation to a decision of the Council who aggrieves another person (e.g. refusing a development application).
- 3.4 In, or in connection with, an inquiry or other official proceeding or investigation where, in the opinion of the Council, representation of members is appropriate or justified.

#### **4. LEGAL SERVICE PROVIDER**

- 4.1 Legal services provided under this Policy are to be provided by a lawyer or a firm of lawyers nominated by the Chief Executive Officer (CEO).
- 4.2 The CEO or the Council, as the case requires, may entertain an application by a member for financial assistance for legal services provided by a lawyer other than a lawyer nominated by the CEO or the Council, as the case may be, provided that clear justification is given. An example of a justification that may be adequate is where there is a perceived conflict of interest on the part of a nominated lawyer.

#### **5. FORM OF APPLICATION**

An application under this Policy should:

- (a) be in writing;
- (b) provide full details of the nature and extent of the legal services anticipated to be required and when they are required;
- (c) detail how the matter for which the legal services are required arises out of the conduct or performance of functions of the applicant;
- (d) explain how it might be said that the provision of financial assistance would be justified in the interest of the good government of the district;
- (e) provide, in the event that the application is not made in advance, details of the services previously provided and the explanation for there being no application in advance;
- (f) indicate if the applicant considers that the application is urgent and the applicant's reasons for that view;
- (g) contain a declaration by the applicant that:
  - (i) the applicant has read this Policy and accepts its terms (including, without limiting the generality of the foregoing, the terms as to repayment in clause 11); and
  - (ii) the applicant in relation to the matter in respect of which the legal services are required did not act unlawfully, dishonestly, improperly or otherwise in bad faith.

An application when presented to the Council is to be accompanied by a report and recommendation prepared through the office of the CEO in response to the application.

#### **6. WHO DETERMINES AN APPLICATION**

- 6.1 The CEO may determine an application seeking financial assistance not exceeding, or reasonably anticipated as not likely to exceed, \$3,000.00.
- 6.2 Where the provision of legal services must occur as a matter of urgency prior to the earliest opportunity for an application to be considered by the Council, the CEO may authorize financial assistance up to the value of \$5,000.00, even if that is not anticipated to be the full extent of the financial assistance ultimately required. In any such case, the CEO shall present a report to the next available meeting of the Council detailing the application and outlining the circumstances that required the application to be dealt with as a matter of urgency.
- 6.3 Subject to clause 6.2, all applications seeking financial assistance exceeding, or reasonably anticipated as likely to exceed \$3,000.00 in total, are to be determined by the Council.
- 6.4 Notwithstanding the preceding provisions, the CEO may refer any application to the Council for determination.



- 6.5 An application for financial assistance in respect of proceedings referred to in clause 3.2 is not to be dealt with by the CEO on an urgent application - any application for financial assistance in respect of proceedings referred to in clause 3.2 is to be determined by the Council.

## **7. FORMAL AGREEMENT TO BE EXECUTED**

- 7.1 A person to whom financial assistance is to be provided, whether by the decision of the CEO or the Council, shall be required to execute a formal agreement with the Shire, either in a standard form provided by the Shire, or prepared for the occasion by the Shire's lawyers, setting out the terms and conditions upon which the assistance is offered.
- 7.2 In ordinary circumstances the applicant will be required to execute the agreement prior to any financial assistance being provided.
- 7.3 In the case of an application for urgent financial assistance, the CEO may accept a written undertaking by the applicant to execute a formal agreement as contemplated by this Policy, as soon as it is presented for execution.

## **8. PRECONDITIONS TO THE PROVISION OF FINANCIAL ASSISTANCE**

Financial assistance will only be provided:

- 8.1 In proceedings to be brought by any member where the CEO or the Council, as the case may be, forms the opinion that the action proposed to be taken is reasonably necessary to enable the member to continue to perform their functions without unreasonable obstruction, impediment or discouragement.
- 8.2 In the case of any proceedings against a member, where legal action has been taken or is threatened or seems likely to be taken, in relation to conduct or circumstances arising out of or in the course of the performance of the functions of the member.
- 8.3 In the case of an inquiry where:
- (a) prior to the final report on the outcome of the inquiry, an adverse allegation is made against the member, or the inquiry or any officer assisting indicates that an adverse finding against the member is possible;
  - (b) conduct of the member is subject to inquiry and/or report in the terms of reference of the inquiry, or the member receives a summons or subpoena from the inquiry requiring her to give evidence and/or produce documents;
  - (c) conduct of the member in the performance of their functions as such is under consideration; and
  - (d) the legal services are required prior to the conclusion of the inquiry.
- 8.4 In any case, financial assistance will only be provided where no indemnity for legal services is provided for under a policy of insurance taken out by the member, or by the Shire, or to the extent that full cover is not provided under such policy of insurance.

## **9. CEO MAY CONTINUE TO SEEK LEGAL ADVICE**

Nothing in this Policy derogates from the authority of the CEO or other employees to obtain legal services concerning the business and affairs of the Shire from the Shire's lawyers.

## **10. REPAYMENT OF FINANCIAL ASSISTANCE**

- 10.1 It is a condition of the provision of financial assistance under this Policy, and it shall be a condition of the formal agreement referred to in clause 7, that:
- (a) the provision of financial assistance shall be at an end; and
  - (b) any financial assistance already paid by the Shire shall be repaid by the member in the event that:
    - (i) a finding is made in the report of an inquiry or in court proceedings that the member has acted unlawfully, dishonestly, improperly, or otherwise in bad

- faith, in circumstances that are fundamental to the inquiry or the court proceedings in respect of which the financial assistance was sought;
- (ii) the Council determines on legal advice that the member has acted unlawfully, dishonestly, improperly, or otherwise in bad faith in circumstances that are fundamental to the proceedings in respect of which financial assistance was obtained; or
- (iii) where information provided to the CEO or to the Council in the application is materially false or misleading.

10.2 Members are not to personally benefit financially from proceedings to the extent that they are financed by the Shire. Damages or costs awarded to the member in excess of any expenses incurred separately by the member should be dealt with in the following order:

- (a) in reimbursement of any expenses paid or payable personally by the member;
  - (b) in reimbursement of the financial contribution of the Shire which reimbursement may be repaid to the ordinary funds of the Shire; and
  - (c) any excess should be held by the Shire to be used for a charitable purpose within the district.
- The reason for the provisions in this clause is not that the Shire should benefit financially from legal proceedings taken by or against a member, but rather to ensure that financial assistance will only be provided by the Shire in circumstances where it can be demonstrated manifestly that the purpose for the Shire providing financial assistance is to act in the interest of good government of the Shire's district by ensuring that members are not deflected or discouraged from the performance of their official functions by their inability to finance appropriate legal services.

10.3 Where financial assistance is withdrawn, the member who obtained the financial assistance is required to repay any monies already provided.

## 11. RECOVERY

A member applying for financial assistance under this Policy must agree under clause 7 that:

- (a) the Shire may take action to recover any financial assistance required to be repaid under clause 10;
- (b) the moneys to be repaid shall constitute a debt due by the member to the Shire and may be recovered in a court of competent civil jurisdiction; and
- (c) the Shire is entitled additionally to deduct the amount of any outstanding financial assistance from any allowance payable by the Shire to the member.

The agreement to be prepared under clause 7, should make provision for such repayment and recovery.

## 1.7 CUSTOMER SERVICE CHARTER

<b>Objective:</b>	To recognise the Council's commitment to optimum customer service.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	19 May 2022	<b>Minute No</b>	073/22
<b>Date of last review:</b>	19 May 2022		
<b>Legislative References:</b>	Local Government Act 1995		
<b>Internal References:</b>	Disability Access and Inclusion Plan 2020-2025 Customer Service Charter		

### INTRODUCTION

The Council is committed to meeting the needs of its community and visitors by providing leadership and facilitating the provision of services and facilities. The Council acknowledges the rights of both customers and staff to be treated respectfully, for viewpoints to be acknowledged and enquiries addressed through quality customer service.

Our customers are those people who have dealings with the Shire of Broomehill-Tambellup including, but not limited to: residents; ratepayers; business proprietors; community sporting and recreation clubs and associations; visitors to the Shire; employees, contractors and volunteers within the Shire; government departments and non-government agencies and organisations.

The Council's **Customer Service Charter** outlines the customer service standards the Council sets for itself and affirms the Council's commitment to providing quality services.

### POLICY STATEMENT

The Council's Customer Service policy applies to the whole of the organisation.

### CUSTOMER SERVICE CHARTER:

#### The Shire of Broomehill-Tambellup's commitment to you

Our Customer Service Charter reflects our commitment to the quality of service provided to you.

Our Charter is regularly reviewed and adapted to meet the changing needs of our customers.

#### Our Mission

To meet the needs of all community and visitors by providing leadership and facilitating the provision of services and facilities.

#### Our Customers

People who have dealings with the Shire of Broomehill-Tambellup, including:

- Residents, ratepayers, business proprietors, community, sporting and recreation clubs and associations;
- Visitors to the Shire of Broomehill-Tambellup;
- Employees, Contractors and Volunteers of the Shire of Broomehill-Tambellup; and
- Representatives of Government departments and non-government agencies and organisations.

#### We will achieve our commitment to you by:

- Progressively reviewing and improving forms, systems and procedures from a customer's perspective and conducting regular customer service employee training programs;
- Incorporating customer service improvements into all Business Plans;

- Making the development of positive customer service attitudes part of the annual performance review program for all employees;
- Progressively improving access to our services for people with disabilities and people from culturally and linguistically diverse backgrounds;
- Making information available in alternative formats for people with specific requirements;
- Improving access to Council information by utilising a wide range of media including regular newsletters to residents and electronic access to the Shire's website; and
- Ensuring all complaints are dealt with fairly, quickly and equitably and in accordance with procedure.

***You can assist us by:***

- Having a notepad and pen by the phone when you call the Shire;
- Providing accurate and complete details when phoning us with any queries or requests for assistance;
- Phoning to make an appointment if you have a complex enquiry or need to see a specific officer;
- Phoning the officer nominated on correspondence sent to you and quoting the reference number of the letter;
- Being clear and concise with your requests and being prepared with relevant information;
- Participating in community consultation processes;
- Treating employees with the same courtesy and respect given to you, and formally recognising excellent customer service;
- Acknowledging that the Shire may not have the authority to deal with your request/complaint and may need to refer you to another agency/organisation.

**Service Standards (in person)*****We will:***

- Promptly attend to you at all times in a professional, polite and attentive manner;
- Listen attentively in order to understand your needs;
- Aim to attend and complete your request at the time of your visit;
- When enquiries of a technical or specialist nature are made at the Administration offices, ensure that the appropriate employee is called, if available, or that contact is made promptly to arrange an appointment;
- Respect your privacy and keep your information confidential in accordance with relevant legislation;
- Ensure all employees who have face-to-face contact with customers wear a name badge for ease of communication; and
- Always be appropriately dressed.

**Service Standards (on the telephone)*****We will:***

- Promptly answer all telephone calls during working hours;
- Introduce ourselves over the phone by name and provide a direct contact number for future communications, if necessary;
- Reply to telephone enquiries on the same day or the next working day, as appropriate; and
- Take personal responsibility to reduce the transfer of calls and inform you of any delays if you are 'on hold'.

**Service Standards (in writing, including emails)*****We will:***

- Acknowledge your written request in a timely manner;

- Whenever possible provide a completion date when requests require in-depth research which will take longer than 10 working days;
- Write to you in clear, concise language that is easily understood; and
- Send out standard information as soon as possible.

We suggest that, if your enquiry is urgent, you telephone our office on 9825 3555.

**Service Standards (in general)**

We will advise you of the progress of your request on a regular basis until the matter is resolved.

**Abusive Customers/Unacceptable Behaviours**

Unacceptable behaviours include the following:

- Any act or written or verbal abuse including that of a discriminatory nature;
- Threatening behaviour or intimidation;
- Serious or persistent harassment;
- Damage to property; or
- Behaviour that causes anyone to feel upset, threatened, frightened or physically at risk.

Any situation involving the above may result in communication being limited or terminated and Police being contacted. On occasions when communication is limited or ceased, the decision will be communicated in writing to the person.

**Service Requests**

(A Service Request is defined as a person's request for a service or action to be undertaken by the Shire)

**We will:**

- Make safe urgent road and footpath defects within 24 hours of notification and carry out routine minor footpath and road repairs as soon as practicable;
- Acknowledge routine Works Requests or complaints within 2 working days of them being received;
- Respond to Private Works requests within 7 days of them being received and advise when the works will be scheduled to be completed; and
- Give you at least 24 hours' warning notice if we need to carry out repair works in your street which affect your property (other than emergencies).

**Development Applications:****We will:**

- Register applications upon receipt (providing that they contain all the required information and fees);
- We will process standard building and planning applications that can be dealt with under delegated authority, within statutory timeframes;
- Acknowledge complex planning applications within five (5) working days and keep you informed at each stage as the application progresses; and
- Advise persons who make a submission on a Town Planning Scheme Amendment that their submission has been received, within 5 working days.

**Customer Feedback (*Your views are important*)**

We believe our customers deserve a high quality service, delivering prompt and useful information. We welcome and value your feedback, be it a request for action, constructive complaint or a compliment.

Please discuss your feedback with staff you have been dealing with in the first instance, to enable them to address your concerns.

If you are unhappy with the outcome your feedback has received you may contact or speak with the staff member's manager or the Chief Executive Officer.

The Shire encourages you to express your views on the services provided. By telling us what services have been beneficial and how others could be improved, we can ensure our standard of customer service will meet your expectations.

## 1.8 HONORARY CITIZEN OF THE SHIRE

<b>Objective:</b>	<b>To honour outstanding community members.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No</b>	081008
<b>Date of amendment:</b>	16 July 2015	<b>Minute No</b>	150706
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>			
<b>Internal References:</b>			

### POLICY STATEMENT

The Council believes that there is a need for the Shire, on behalf of the community, to recognise the unique contribution that some members of the community make to the Shire district.

The highest honour the Council may bestow is an 'Honorary Citizen of the Shire' to be awarded for exceptional service that advances the goals of the Shire and the personal contribution given in pursuit of benefits for the community.

The conferring of the title Honorary Citizen of the Shire upon a person does not grant to them any right or privilege other than that of permitting the person to designate himself or herself by the title so conferred.

A suitable inscribed memorial is presented to the conferee.

The Honour may only be bestowed by a resolution of the Council carried by an absolute majority.

A nomination can be made at any time and only by a serving elected member, who is responsible for providing a detailed submission regarding the nominee in order that the Council may make an informed decision. The nomination must be seconded by another member of the Council.

### ELIGIBILITY CRITERIA

Nominees for the conferring of the title 'Honorary Citizen of the Shire' should be residents, or past residents of the Shire, who have given distinguished service to the Shire and/or the community over a long period, preferably in more than one capacity.

### SELECTION CRITERIA

Nominees will be judged on their record of service to the community. The selection criteria are to include:

- (a) Length of service in a field (or fields) of activity;
- (b) Level of commitment to the field (or fields) of activity;
- (c) Personal leadership qualities;
- (d) Benefits to the Shire and/or community resulting from the person's achievements; and
- (e) Special achievements of the nominee.

### Formal conferring of the title

The formal conferring of the title is to be carried out at a reception held by the Shire. The decision on the occasion and format of the reception shall rest with the President, in consultation with the CEO.



## NOMINATION FORM

### FOR THE CONFERRING OF THE TITLE 'HONORARY CITIZEN OF THE SHIRE'

The information contained in this document is strictly confidential

### Nomination for the conferring of the title 'HONORARY CITIZEN OF THE SHIRE'

Dear Sir/Madam

**I hereby nominate**

\_\_\_\_\_  
(Full Name)

\_\_\_\_\_  
(Address)

for the conferring of the title 'Honorary Citizen of the Shire'.

In support of this recommendation I supply the information set out on the following pages.

Yours faithfully

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

TO: The Chief Executive Officer  
Shire of Broomehill-Tambellup  
46-48 Norrish Street  
TAMBELLUP WA 6320

\_\_\_\_\_

**DETAILS OF PERSON SUBMITTING NOMINATION**

The following information about the person submitting this recommendation is needed to enable officers of the Shire of Broomehill-Tambellup to seek further details, if required. In addition to completing the full details below, please indicate, in the box provided, your preferred address for further contact.

NAME (IN FULL): \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

**DETAILS OF PERSON BEING NOMINATED FOR THE TITLE**

Please provide a biographical profile of the person you are nominating by completing the section below and by providing the details requested. If insufficient space is available, please attach a separate statement.

SURNAME: \_\_\_\_\_

GIVEN NAMES: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

AWARDS AND/OR  
DEGREES, ETC: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE AND PLACE  
OF BIRTH: \_\_\_\_\_

Please set out below details of the activities undertaken by the person you are nominating and the reasons why you consider he or she should receive recognition from the Council of the Shire of Broomehill-Tambellup by the conferring of the title 'Honorary Citizen of the Shire'.

The names and addresses of individuals and/or organisations able to support your recommendation should also be provided.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## 1.9 \*\* POLICY REPEALED \*\*

Council Policy 'Dealing with Unreasonable Customers' repealed 17 November 2022

### 1.10 iPad OR TABLET POLICY FOR COUNCILLORS AND STAFF

<b>Objective:</b>	<b>Establishment of an agreement for Councillors and Staff who are provided with an iPad or tablet, which will have regard for usage, ownership and financial implications.</b>		
<b>Date of adoption:</b>	20 December 2012	<b>Minute No</b>	121206
<b>Date of amendment:</b>	15 October 2020	<b>Minute No.</b>	201004
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	<i>Local Government Act 1995</i>		
<b>Internal References:</b>	Code of Conduct for Council Members, Committee Members and Candidates Code of Conduct for Employees		

#### PURPOSE

The purpose of this policy is to establish a usage agreement for all Councillors and Staff of the Shire of Broomehill-Tambellup who are supplied with an iPad or tablet (device).

The aim of the policy is to ensure that all Councillors and Staff understand the terms and conditions associated with the provision of a device for the Council or staff use.

#### POLICY

##### Ownership

The devices will be distributed to all Councillors, Chief Executive Officer and Manager of Finance & Administration, Manager of Works and Strategic Support & Projects Officer. The devices remain the property of the Shire of Broomehill-Tambellup for the duration of a Councillors term or Staff members' employment. The ownership of the device is transferred to

- (a) Councillors as a parting gift upon retirement or resignation from office subject to one full four year term being served;
- (b) Applicable staff members as a parting gift upon resignation or retirement subject to a minimum of four years' service with the Council.

The Council may from time to time agree to amend the timeframe in exceptional circumstances. Should a Councillor or staff member not wish to retain the device, it may be returned to the Council in which case it will be restored to factory settings and any personal information will be removed.

##### Data/Internet Package

Each device will be provided with a Telstra data pack (sim card) which shall at all times remain the property of the Shire of Broomehill-Tambellup. The monthly fee for this service will be paid for by the Council from Members Expenses. Upon retirement or resignation, the sim card for the service shall be returned so it can be used for incoming Councillors or Staff.

**Terms and Conditions**

The following terms and conditions must be adhered to at all times:-

- (a) All applications (Apps) whether for private or Council/work use are to be purchased privately using a personal credit card or iTunes voucher.
- (b) A Telstra data pack will be provided, and paid for, by the Shire of Broomehill-Tambellup.
- (c) When Councillors and Staff are in the Tambellup Administration Building, internet access will be provided by connecting to the Councils wi-fi. Access information will be provided upon request. To ensure the integrity of the Councils computer network, the password for the wi-fi must never be disclosed to another party.
- (d) Devices may be used for private use for both Councillors and Staff in terms of accessing emails, downloading music, utilising the camera features etc.
- (e) Devices must not be used to access any information, applications or videos that are deemed inappropriate.
- (f) If a device is damaged or lost, the Council may determine that the Councillor or staff member is liable for the replacement or repairs.

**Reimbursement**

Any applications (Apps) that are purchased from the App Store by Councillors or Staff members and are deemed imperative for operational use by the Chief Executive Officer may be reimbursed. Approval must be granted by the CEO for the reimbursement of Apps prior to purchase.

**Documents relating to council use**

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the 'Docs on Tap' App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (*Local Government Act 1995 s 5.5(1)*). Councillors will receive an email or SMS on the Friday prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email or SMS that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

## 1.11 ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

<b>Objective:</b>	To enable Elected Members to develop and maintain their skills and knowledge relevant to their role as a representative of the Shire of Broomehill-Tambellup.		
<b>Date of adoption:</b>	21 March 2013	<b>Minute No</b>	131306
<b>Date of amendment:</b>	21 October 2021	<b>Minute No</b>	211009
<b>Date of last review:</b>	21 October 2021		
<b>Legislative References:</b>	Local Government Act 1995 s5.127 Report on training and, s5.128 Policy for continuing professional development		
<b>Internal References:</b>			

### PURPOSE

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire of Broomehill-Tambellup.

### STATEMENT

Elected Members are encouraged to attend appropriate Conferences and Training to enable them to be more informed and better able to fulfil their duties of Office.

The Shire of Broomehill-Tambellup recognise the importance of providing Elected members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

Pursuant to the *Local Government Act 1995*, Elected Members must complete Council Member Essentials which incorporates the following training units:

- (a) Serving on Council;
- (b) Understanding Local Government;
- (c) Conflicts of Interest;
- (d) Understanding Financial Reports and Budgets; and
- (e) Meeting Procedures and Debating.

All units and associated costs will be paid for by the Shire and must be completed in the twelve months immediately following election of the Elected Member. The training is valid for a period of five years.

Additionally, the Shire will publish, on the Shire's website, training undertaken by all Elected Members pursuant to the *Local Government Act 1995*.

### ANNUAL CONFERENCE AND TRAINING EXPENSE ALLOCATION

Funding provision for Conference and Training Expenses shall be made in the Annual Budget. The provision will be sufficient to allow for attendance by all Councillors at the annual Western Australian Local Government Association conference.

In addition to the annual budget allocation Council may include sufficient to cover the attendance by:

- (a) the President at the Annual National Congress;
- (b) two elected members at the National Roads Congress.





**APPROVAL**

Elected Members may attend conferences and training:

- (a) following approval by the Council where such approval is required; or
- (b) by informing the Chief Executive Officer in advance of attendance.

**CONFERENCES AND TRAINING THAT MAY BE ATTENDED**

The Conferences and Training to which this Policy applies shall generally be limited to the following:

- (a) West Australian Local Government Association and Australian Local Government Association conferences.
- (b) Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues.
- (c) Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- (d) West Australian Local Government Association Elected Member Training and Development.
- (e) Training relating to the role of Elected Members.
- (f) Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

**PAYMENT OF CONFERENCE AND TRAINING EXPENSES****Payment from Conference and Training Expense Allocation:**

The Shire will pay Conference or Training expenses where the Elected Member has been authorised to attend and there is sufficient funds remaining within the Elected Member's Annual Conference and Training Expense Allocation.

**Booking Arrangements:**

Registration, travel and accommodation for Elected Members will be arranged through the administration office for travel and accommodation being provided. In general, all costs including airfares, registration fees and accommodation will be paid direct by the Shire. The main exception relates to the payment of daily allowances in lieu of accommodation as considered in 6.8.

**Support Activities:**

The Shire will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

**Accommodation:**

- (a) The Shire will pay reasonable accommodation costs for Elected Members including the night before and/or after the Conference and Training event where this is necessary because of travel and/or the Conference and Training event timetables which make it unreasonable to arrive at or return home in normal working hours.
- (b) Accommodation shall normally be booked at the Conference and Training venue or, where unavailable, at a similar-rated accommodation in the vicinity of the Conference and Training venue.

**Travel:**

- (a) Where travel is involved, the travel is to be undertaken with all due expedition by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members to and from the venue/accommodation will be met by the Shire.
- (b) Where air travel is involved, approval to attend should ideally be sought as soon as practicable to departure to facilitate booking arrangements.
- (c) All air travel within Australia shall be by Economy Class.
- (d) If accommodation is at the Conference or Training venue, or in close proximity, taxis should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for

the conduct of Council business. Costs of taxi fares, vehicle hire and parking, which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the Shire.

- (e) Where, in particular circumstances, Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

**Reimbursement of Expenses:**

- (a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:
- meals and refreshments for the Elected Member (that are not covered by the conference and Training registration costs);
  - dry-cleaning and laundry expenses; and
  - reasonable telephone, internet and facsimile charges.
- (b) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- (c) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
- for the days of the Conference and Training event only; and
  - for the cost of travel to and from the airport to the accommodation to be used for the Conference and Training.
- (d) Where a visit is extended, as discussed in paragraph 6.6(c), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the Conference and Training event's accommodation and the airport. The Elected Member will be required to pay any greater amount.
- (e) Where an Elected Member does not require paid accommodation for a Conference and Training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
- (f) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.

**Elected Member/Delegate Accompanying Person:**

- (a) Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person, including, but not limited to, travel, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/ accompanying person and not by the Shire. The exception to the above being the cost of attending any official Conference and Training organised partner programs and dinner where partners would normally attend.
- (b) The Shire will administer the registration and payment process for the accompanying person if the relevant forms have been completed.
- (c) Where the Shire meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the Elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

**Guidelines for Conference and Training Attendance:**

- (a) Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The Chief Executive Officer or the Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.
- (b) Elected Members will only be registered for conference and training events itemised in this Policy, if there is sufficient funds in the annual budget to meet the costs. Where there are insufficient funds to meet the cost of the Conference and Training, Council approval must be obtained before attendance if the costs are going to be claimed.

**REPORT**

Upon return from any intrastate or interstate Conference and Training event as detailed within this policy, where registration and other associated costs are met by the Shire of Broomehill-Tambellup, the attending Elected Member is required to prepare a report which is to be circulated to all Elected Members within one month.

## 1.12 WORKFORCE PLANNING AND MANAGEMENT

<b>Objective:</b>	To demonstrate that the Shire is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the <i>Local Government Act (1995) Regulation s5.56(2)</i>		
<b>Date of adoption:</b>	21 March 2013	<b>Minute No.</b>	130308
<b>Date of amendment:</b>			
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>s5.56(2) A government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Workforce Plan Shire of Broomehill-Tambellup Corporate Business Plan Shire of Broomehill-Tambellup Strategic Resource Plan Shire of Broomehill-Tambellup Strategic Community Plan		

### POLICY STATEMENT

The Shire of Broomehill-Tambellup considers workforce planning to be an essential management function in its operations. They recognise that the achievement of all goals and objectives are reliant on the appropriate capacity, skills, knowledge of the workforce.

The Council is committed to resourcing workforce requirements through its integrated planning processes. The Council also recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service/activity/ function of their division.

### DEFINITION OF WORKFORCE PLANNING

Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.

### MANDATE

The Shire will ensure the Workforce Plan addresses current and future best practice human resource management practices that include:

- (a) effective and efficient recruitment and retention;
- (b) role and responsibility definition and appropriate performance management;
- (c) support and encouragement for staff to perform;
- (d) staff training and development;
- (e) legislative compliance;
- (f) staff health and wellbeing (OSH) ; and
- (g) flexibility in employment and work practices to meet organisational and employee needs.

**RESPONSIBILITIES**

- (a) Executive, managers and supervisors have the responsibility and accountability for ensuring that all staff are managed appropriately within their own work areas;
- (b) In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles;
- (c) All managers will ensure effective setting of KPIs and performance criteria for their staff that will meet relevant organisational objectives;
- (d) Staff appraisals will incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process;
- (e) The Corporate services team will collect and monitor relevant workforce data and statistics;
- (f) The relevant organisational planning and performance monitoring personnel will research and relevant workforce data, demographics and trends as part of the integrated planning cycle; and
- (g) All Elected Members and officers involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.

**REQUIRED OUTCOME****Monitor and Review**

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.

Workforce planning key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire's Executive and the Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.

### 1.13 ASSET MANAGEMENT

<b>Objective:</b>	To ensure that services provided by the Shire of Broomehill-Tambellup continue to be delivered in a sustainable manner by ensuring that assets used to support the service delivery, continue to function to the level of service determined by the Council. It will also provide clear direction as to how the Council, as custodians of Community assets, will manage those assets within an Asset Management Framework.		
<b>Date of adoption:</b>	21 March 2013	<b>Minute No.</b>	130322
<b>Date of amendment:</b>			
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	Local Government Act 1995		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Asset Management Improvement Strategy Shire of Broomehill-Tambellup Strategic Resource Plan		

#### POLICY

To achieve the policy objective, the Shire of Broomehill-Tambellup is committed to ensuring that Asset Management is recognised as a major corporate function within the Council and that staff are committed to supporting the function in line with this policy.

The Shire is committed to making informed decisions in relation to its assets. To achieve this, the Shire has prepared an Asset Management Improvement Strategy that will guide the implementation of asset management practices across the organisation. The major outcome being the adoption by the Council of an Asset Management Plan for the following classes of assets:-

- (a) Roads;
- (b) Pathways;
- (c) Buildings;
- (d) Storm water;
- (e) Parks and reserves; and
- (f) Other assets (including plant and equipment).

The Asset Management Plan will form part of the Shire's day-to-day business practices. It will define the level of service to be provided and will be used to make informed decisions in relation to considering the need to maintain or renew existing assets, acquire new assets, upgrade existing assets or dispose of assets to support service delivery.

The Asset Management Plan will be prepared in accordance with the IPWEA's International Infrastructure Manual recommended format and will include long term (20 year) financial modelling of the renewal profile of each asset class and will be underpinned by the long term financial plan.

The Shire of Broomehill-Tambellup has limited resources and is the custodian of a large number of assets, many of which have reached or gone beyond their economic life.

In making informed decisions in relation to assets, the Council will consider the following key principles:-

1. Philosophy of renewing assets before acquiring new assets and, where possible, rationalising assets that are no longer used or do not provide the necessary level of service defined for that asset;
2. Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:-
  - (a) Need for the facility (short and long term);
  - (b) Legislative requirements;
  - (c) Opportunities for rationalisation;
  - (d) Future liability including ultimate retention/disposal; and
  - (e) Opportunities for multiple use.
3. All capital works projects will be evaluated in accordance with a capital evaluation model and take into account capital cost, ongoing cost of maintenance, refurbishment, replacement and operating cost ('whole of life' cost assessment). Projects will be assessed against the objectives and priorities within corporate planning documents, including the Strategic Community Plan, Plan for the Future and Asset Management Plan.
4. In respect to road infrastructure, the Council will aim to maximise state and federal grants and recognise the need to allocate sufficient local government funds on road projects in each year to support this aim.

## RESPONSIBILITY AND REPORTING

**Council** – is responsible for approving (including amendments to) the following documents:-

- (a) Asset Management Policy;
- (b) Asset Management Improvement Strategy; and
- (c) Asset Management Plan.

The Council is also responsible for ensuring (upon recommendation from the CEO) that sufficient resources are allocated to achieve the objectives of the above documents.

In adopting asset management plans, the Council is also determining the Level of Service for each asset class.

**Chief Executive Officer (CEO)** – is responsible for ensuring that systems are in place to ensure that the Councils Asset Management Policy, Asset Management Improvement Strategy and Asset Management Plan are prepared and kept up to date, reviewed at least annually and that recommendations are put to the Council in relation to appropriate resource allocation to fulfil the objectives of the above documents. The CEO reports to the Council on all matters relating to asset management.

**Managers** – are responsible for supporting the allocation of staff to the Asset Management Working Group and ensuring that resources under their control are appropriately allocated to achieving the Asset Management Improvement Strategy. All Managers report to the CEO on all matters relating to the implementation of Asset Management Plans under their area of control.

## 1.14 ASSET CAPITALISATION THRESHOLDS

<b>Objective:</b>	To establish a minimum threshold amount for the recognition of non-current assets.		
<b>Date of adoption:</b>	18 April 2013	<b>Minute No.</b>	130404
<b>Date of amendment:</b>	15 October 2020	<b>Minute No.</b>	201004
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
<b>Internal References:</b>			

### POLICY

For reasons of practicality, the following materiality thresholds will be applied for the recognition of non-current assets:-

- (a) Land – all purchases are capitalised, with the exception of land resumed for public works if the resumption cost is less than \$5,000.
- (b) Buildings – expenses totalling less than \$5,000 on any one building in any year need not be capitalised.
- (c) Furniture & Equipment – expenses totalling less than \$5,000 on any one item in any year need not be capitalised.
- (d) Plant & Equipment - expenses totalling less than \$5,000 on any one item in any year need not be capitalised.
- (e) Infrastructure – expenses totalling less than \$5,000 on any one item in the following classes in any year need not be capitalised:-
  - Roads;
  - Bridges;
  - Drainage;
  - Footpaths;
  - Parks and Gardens;
  - Other Infrastructure.
- (f) Works in Progress – amounts shown in the above classes are applicable to all works in progress.

Purchases below the capitalisation threshold will be expensed in the year of purchase.

### DEFINITION

The 'Western Australian Local Government Accounting Manual' states that an 'asset' by definition is:-  
'An Asset is considered to be a resource controlled by the local government as a result of past events and from which future economic benefits are expected to flow to the local government.'

By this definition, an asset does not require the local government to actually own the property, plant or equipment for it to be classified as an asset. The local government only needs to have control of the item and be able to direct its use to achieve its strategic goals and receive future benefits from its use.



## 1.15 COMMUNITY ENGAGEMENT

<b>Objective:</b>	<b>To affirm the Council's commitment to the principals of community engagement and consolidate and enhance its practice.</b>		
<b>Date of adoption:</b>	18 April 2013	<b>Minute No</b>	130407
<b>Date of amendment:</b>	20 August 2015	<b>Minute No</b>	150806
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Strategic Community Plan Policy 1.23 Public Relations – Press Releases Management Practice 1.6 Community Engagement Framework Shire of Broomehill Town Planning Scheme No. 1 Shire of Tambellup Town Planning Scheme No. 2		

### PURPOSE

Effective community engagement allows us to tap into wider perspectives, sources of information and potential solutions to improve decisions and services. It also provides the basis for productive relationships, improved dialogue and deliberation, and ultimately, better democracy.

The Shire of Broomehill-Tambellup commits to using community engagement to:

- (a) Strengthen relationships between the council and the community by allowing for clear and honest communication, improving the understanding of each other's opinions, concerns, restrictions and strengths;
- (b) Help encourage ownership within the community over strategies, projects and decisions. This community ownership can support long-term sustainability of projects and initiatives;
- (c) Helping the council develop an understanding of the make-up, characteristics, needs and priorities of the community; and
- (d) Searching for solutions, information, and opportunities that the council could not develop on its own. There is a wealth of information within the community and engagement allows the council to access this for the development of strategies and policies.

It is important that the community understands that there are many factors that impact on a council decision being made.

Factors such as financial and resource considerations, political directives and environmental and social concerns all play important roles in the decision making process.

The level of engagement that is selected for the process will also impact on how the data is used within the council and the decision-making process.

If a difference occurs between community input and the council's final decision, the reasons will be clearly and unambiguously stated.

## SCOPE

### When will community engagement be used?

Different issues and situations will require different engagement levels and methods. Different levels of decision making requiring different approaches to consultation include:

- (a) **Site specific** – matters about a particular site such as a change in use or sale of a property, excluding matters that need to be decided under the *Planning and Development Act 2005*;
- (b) **Area improvement** – Matters that affect people in a specific area or neighbourhood;
- (c) **Service planning for entire municipality** – To develop or improve a service that would see a significant change in the level of service;
- (d) **Policy development** – To develop or improve policies or the council's position on particular matters. This does not include internal operating matters;
- (e) **Key strategic issues/major development** – A project that, because of its size, could impact on the finances or the future of the whole municipality;
- (f) **Strategic plans for the shire** – Establishing the decision-making framework for the council, for example, the Corporate Plan;
- (g) **Legislative requirements** – this refers to all prescribed activity under the *Local Government Act (1995)* and any other relevant Acts.

### Community engagement methods

The five levels of engagement used within the Shire of Broomehill-Tambellup are based on the IAP2 spectrum for public participation and are detailed below;

#### Inform

*Goal:* To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions;

*Promise:* We will keep you informed;

*Examples:* Fact sheets, websites, open houses, media campaigns, project bulletins.

#### Consult

*Goal:* To obtain public feedback on analysis, alternatives, and/or decisions;

*Promise:* We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision;

*Examples:* Public comment, focus groups, surveys, public meetings, targeted feedback (eg specific stakeholders).

#### Involve

*Goal:* To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered;

*Promise:* We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision;

*Examples:* Workshops, project/strategy planning, steering committees, deliberative polling.

#### Collaborate

*Goal:* To partner with the public in each aspect of the decision including the development of alternatives, and the identification of the preferred solution;

*Promise:* We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible;

*Examples:* Community advisory committees.

#### Empower

*Goal:* Public make recommendations to the Council;

*Promise:* The Council will consider the recommendations;

*Examples:* The Council committees with delegated decision-making authority.

*The IAP2 Spectrum includes ‘empower’ as level of community engagement, whereby final decision making is in the hands of the public. Under the Local Government Act 1995, the only way community members could make decisions would be if Council delegated decision-making authority to a committee in accordance with Section 5.8 of the Act, and this is permissible for matters that relate to Shire property or a Shire event. Therefore the Shire will not use the Empower category in its Community Engagement Matrix.*

## POLICY

The Shire of Broomehill-Tambellup **must** use community engagement methods when:

- (a) It is required by legislation;
- (b) An issue may have potential impacts on the health, safety or well-being of any community member.

The Shire of Broomehill-Tambellup **should** use community engagement methods when:

- (a) Any proposed changes will impact on current users or customers of a council service or facility;
- (b) Any proposed changes will affect the rights or entitlements of community members, including minority groups;
- (c) There is potential impact on surrounding neighbours;
- (d) It wants to identify community issues, needs and priorities;
- (e) It wants to monitor customer satisfaction with the council’s services facilities;
- (f) There is a level of controversy or conflict or sensitivity about a particular issue;

The council is committed to ensuring that all community engagement processes will be delivered in a manner that allows community members to identify the issue and input into the process. The Council aims for the participation of 10% of residents, and a minimum of two documented community engagement mechanisms will be used.

The official consultation period, during which the council will receive submissions on documents, strategies and policies, will be a minimum of three weeks and a maximum of six. This is in addition to the community engagement period that is conducted prior to the development of the document.

The community will receive a minimum of two weeks’ notice for any community engagement methods that requires them to attend or participate in events outside their ordinary routine.

Where appropriate, community engagement methods will be held at various locations throughout the shire.

We commit to the following level of engagement appropriate for each circumstance.

	Strategic plan	Policy development	Site specific	Service planning	Area improvement	Legislative requirements
<b>Inform</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>

<b>Consult</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>3</b>
<b>Involve</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
<b>Collaborate</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>5</b>
<b>Empower</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

1 = every time

2 = in most circumstances

3 = depending on program/issue/timing

4 = on the odd occasion

5 = very rarely

The Shire of Broomehill-Tambellup is also committed to ensuring that data and information gathered via community engagement methods forms a vital component of its decision-making process.

### **Use of information and data**

There are many factors that impact on a council decision being made. Factors such as financial and resource considerations, political directives and environmental and social concerns all play important roles in the decision making process.

The level of engagement that is selected for the process will also impact on how the data is used within the council and the decision-making process. If a difference occurs between community input and the council's final decision, the reasons will be clearly and unambiguously stated.

As part of its commitment to the effectiveness of engagement, the council's associated decision-making process will be evaluated after a final decision has been made.

Community engagement information and data will also be used within the organisation where appropriate. This is of course except for information that is restricted due to privacy considerations.

### **RELATED POLICIES**

Policy 1.23 Public Relations - Press Releases

### **RELATED LEGISLATION**

***Planning and Development Act 2005, Shire of Broomehill Town Planning Scheme No. 1, Shire of Tambellup Town Planning Scheme No. 2***

The Shire of Broomehill-Tambellup has a number of obligations under the above to advertise or 'give notice' of planning applications and amendments to the Town Planning Schemes which are set out under the *Planning and Development Act 2005*.

### **REFERENCES**

Management Practice 1.6 Community Engagement Framework

## 1.16 RISK MANAGEMENT

**Objective:**

To state the Shire of Broomehill-Tambellup's ('Shire's') intention to identify potential risks before they occur, so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

<b>Date of adoption:</b>	15 May 2014	<b>Minute No</b>	140505
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<b>Date of amendment:</b>	16 December 2022	<b>Minute No</b>	166/22
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<b>Date of last review:</b>	16 December 2022
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<b>Legislative References:</b>	Local Government (Audit) Regulations 1996 r17
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<b>Internal References:</b>	Shire of Broomehill-Tambellup Risk Management Procedures WA Local Government Accounting Manual
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### POLICY STATEMENT

It is the Shire's Policy to achieve best practice aligned with AS/NZS ISO 31000:2018 Risk Management – Guidelines, in the management of all risks that may affect the Shire meeting its objectives.

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations, will form part of Strategic, Operational, and Project responsibilities, and be incorporated within the Shire's Integrated Planning and Reporting Framework.

This policy applies to all Council Members, Employees and Contractors involved in any Shire operations.

### POLICY DETAILS

The Council is committed to ensuring that risk management:

- Optimises the achievement of the Shire's values, strategies, goals and objectives.
- Aligns with and assists the implementation of Shire Policies.
- Provides transparent and formal oversight of the risk and control environment, enabling effective decision-making.
- Reflects risk versus return considerations within the Shire's risk appetite.
- Embeds appropriate and effective controls to mitigate risk.
- Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhances organisational resilience.
- Identifies and provides for the continuity of critical operations.

### KEY POLICY DEFINITIONS

Risk: The 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.

## **ROLES AND RESPONSIBILITIES**

The CEO is responsible for:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's risk management framework at least biennially, or in response to a material event or change in circumstances.

The Shire's risk management framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

## **RISK ASSESSMENT AND ACCEPTANCE PROCEDURES**

The Shire has quantified its broad risk appetite through the Shire's 'Risk Assessment and Acceptance Criteria' (below). The Criteria are included within the Risk Management Framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision-making.

Whilst these risk criteria are necessarily broad in their guidance, they offer insight to staff about risk areas or activities where Council has set reasonable boundaries.

For operational requirements such as Projects, Events, Work Health and Safety, or in rare instances in which the Shire's Risk Assessment and Acceptance Criteria are unclear in determining a level of risk, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk appetite, and approval for such use must first be obtained from the CEO.

## **MONITOR AND REVIEW**

The Shire will implement and integrate a monitor and review process to report on the achievement of risk management objectives, the management of individual risks and the ongoing identification of issues and trends.

This Policy will be kept under review by the Shire's Management Team. It will be formally reviewed triennially.

## Shire of Broomehill-Tambellup Risk Assessment and Acceptance Criteria

Shire of Broomehill-Tambellup Measures of Consequence								
Rating (Level)	Compliance	Environment	Financial	Health / People	Property	Reputational	Service Interruption	Projects
<b>Insignificant (1)</b>	No noticeable regulatory or statutory impact	Contained, reversible impact managed by on-site response	Less than \$10,000	Near miss. Minor first aid injuries	Inconsequential damage.	Unsubstantiated, low impact, low profile or 'no news' item	No material service interruption <3 hours	<5% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Minor (2)</b>	Some temporary non-compliances	Contained, reversible impact managed by internal response	\$10,000 - \$50,000	Medical -type injuries	Localised damage rectified by routine internal procedures	Un/Substantiated, low impact, low news item	Short-term temporary interruption – backlog cleared <1 day	5-10% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Moderate (3)</b>	Short term non-compliance but with significant regulatory requirements imposed	Contained, reversible impact managed by internal & external agencies	\$50,001 to \$500,000	Lost-time physical or mental injury <30 days / Multiple staff morale problems	Localised damage requiring internal & external resources to rectify	Un/Substantiated, public embarrassment, moderate impact, moderate news profile	Medium-term temporary interruption – backlog cleared by additional resources <1 week	10-25% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Major (4)</b>	Non-compliance results in termination of services or imposed penalties	Uncontained, reversible impact managed by a coordinated response from external agencies	\$500 000 to \$1,000,000	Lost-time physical or mental injury >30 days / Widespread staff morale problems	Significant and/or widespread damage requiring internal & external resources to rectify	Substantiated, public embarrassment, high impact, high news profile, third party actions	Prolonged interruption of services – additional resources required; performance affected <1 month	25-50% deviation in project outputs (Time, Cost, Scope and Quality) or funding
<b>Catastrophic (5)</b>								

Shire of Broomehill-Tambellup Measures of Likelihood				
Level	Rating	Description	In the past	Control Effectiveness
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 10 years	Controls are very strong and operating as intended. There is no scope for improvement
2	Unlikely	The event could occur at some time (<10% chance)	Once in 10 years	Controls are strong and operating as intended
3	Possible	The event should occur at some time (20% chance)	Once in 3 years	Controls are operating as intended, but there is scope for improvement
4	Likely	The event will probably occur in most circumstances (>50% chance)	Once per year	Controls are operating; however, inadequacies exist
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year	Controls are weak, do not exist, or are not being complied with

## Consequence X Likelihood = Risk Rating

Shire of Broomehill-Tambellup Risk Rating						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)



Shire of Broomehill-Tambellup Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Officer / Team Leader
Moderate	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager / Supervisor
High	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	CEO
Extreme	Unacceptable in most circumstances	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous documented monitoring	CEO & Council

Shire of Broomehill-Tambellup Existing Control Ratings		
Rating	Foreseeable	Description
Effective	There is no scope for improvement with all available resources.	Controls are operating as intended and aligned with policies and procedures. Controls are documented, up to date, understood by users, not forgotten or components missed, does not expose the organisation to theft or fraud and is delivered consistently within statutory or service delivery standards. Controls are subject to ongoing monitoring. Controls are reviewed and tested regularly.
Adequate	There is some scope for improvement.	Controls are generally operating as intended; however, inadequacies exist. Limited monitoring of controls. Controls are reviewed and tested, but not regularly.
Inadequate	There is a need for improvement or action.	Controls are not operating as intended. Controls do not exist, or are not being complied with. Controls have not been reviewed or tested for some time.

## 1.17 CORPORATE CREDIT CARDS

### Objective:

<b>Date of adoption:</b>	18 September 2014	<b>Minute No.</b>	140904
<b>Date of amendment:</b>	20 May 2021	<b>Minute No:</b>	210510
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996 r11(1)(a)</i>		
<b>Internal References:</b>	Management Practice 4.2 – Employee Corporate Credit Cards Policy 3.1 Purchasing Policy		

### POLICY STATEMENT

Corporate credit cards can deliver significant benefits through improved administrative practices and more effective cash management. They can, however, also expose a local government to significant risks if not properly controlled. These risks can be minimised by implementing policies to control their use. Credit cards can be a more efficient purchasing method than that of formal methods in some circumstances. It can reduce administration costs, and the need to carry cash.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies that govern the use of credit cards.

### Advantages of Corporate Credit Cards

When used correctly, a credit card can –

- (a) eliminate or reduce time spent on paper based ordering and payments;
- (b) reduce administrative costs;
- (c) reduce the number of payments made per month;
- (d) provide a useful resource in remote and emergency situations;
- (e) reduce the need to carry cash on the premises; and
- (f) provide an effective audit trail of expenditure.

### LEGISLATION

The use of credit cards is not specifically mentioned in the *Local Government Act 1995*, however the following sections of the Act impact the use and control of corporate credit cards –

- (a) Section 2.72(2) (a) and (b) requires the Council to oversee the allocation of the local governments finances and resources and to determine the policies of the local government.
- (b) Section 6.5(a) requires the CEO to ensure proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

*Local Government (Financial Management) Regulations 1996 r11(1)(a)* requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within the Act which allow an elected member to incur a debt, as would be the case with a credit card.

***Policies and Procedures Governing the Use of Corporate Credit Cards***

Management Practice 4.2 – Employee Corporate Credit Cards provides guidance for the use of corporate credit cards by the CEO, Managers and Governance and Executive Assistant; and authorises the CEO to establish procedures controlling the use of credit cards.

**GENERAL**

Corporate Credit Cards shall only be issued to the Chief Executive Officer, Managers and the Governance and Executive Assistant.

- (a) Each officer shall sign an agreement which sets out the card holders responsibilities and legal obligations when using the credit card –
- (b) a register of all current cardholders shall be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;
- (c) in the event of their employment ceasing, the cardholder is to return the credit card for destruction;
- (d) if a card is lost or misplaced the cardholder shall notify the Chief Executive Officer immediately to enable the loss to be reported and to arrange a replacement card;
- (e) credit cards should never be transferred to other users;
- (f) any reward schemes such as Fly Buys will be to the benefit of the Council and not the employee;
- (g) what action is to be taken in the event that a cardholder fails to comply with this policy.

**PURCHASING**

- (a) corporate credit cards are only to be used for purchasing goods and services on behalf of the local government which have been authorised in the current annual budget;
- (b) card holders should ensure that suppliers record an adequate description of goods or services on the tax invoice to ensure appropriate levels of accountability. Appropriate documentation should be obtained to ensure that the purchase can be verified to the satisfaction of the CEO. Wherever possible, a tax invoice must be obtained;
- (c) cardholders must adhere to 3.1 Purchasing Policy;
- (d) personal expenditure is prohibited;
- (e) under no circumstances shall a Corporate Credit Card be used for cash withdrawals;
- (f) all corporate credit cards issued shall have a maximum limit of \$5,000;
- (g) where a cardholder undertakes purchases by way of facsimile, telephone or over the internet a tax invoice or receipt is required in all circumstances and must contain details of the purchase;
- (h) all invoices/receipts must be provided to the Rates/Finance Officer as soon as practicable after the credit card purchase is made.

**PAYMENTS**

- (a) on receipt of the monthly statement, the Rates/Finance Officer will attach all invoices/receipts to the statement and assign GL/Job number allocations;
- (b) the monthly credit card statement will be distributed to the respective cardholder to certify transactions;
- (c) the monthly balance for each credit card will be recouped by direct debit from the Municipal Fund on the statement due date.

**AUSTRALIAN BUSINESS NUMBER (ABN)**

Cardholders should remember that if a supplier does not have an ABN and Pay As You Go tax has not been withheld on the credit card statement, the local government is still liable to pay the corporate credit card provider the full amount and also the ATO, prevailing ABN Withholding Tax Rate (46.5% as at 1 July 2014) of the purchase price.

**GUIDELINES FOR USE OF CORPORATE CREDIT CARDS**

It is not proposed to list or describe every situation where the corporate credit card can or should be used but rather to provide general guidelines to be followed – officers should be scrupulous in the usage of corporate credit cards and always have appropriate documentation which can verify and justify the expenditure to the CEO.

Expenditure utilising the corporate credit card should, where possible, be kept to a minimum. The preferred method of purchasing goods or services is by using an official council purchase order. On occasion it is recognised that some goods cannot be purchased by order or because of circumstances (ie away from the office) it is more convenient to use the credit card.

Purchase of food, drink or other forms of entertainment should be restricted to officially sanctioned events such as –

- (a) whilst travelling on council business – training, conferences etc;
- (b) providing sustenance for councillors or staff;
- (c) meals following council meetings;
- (d) meals for emergency personnel during an emergency.

## Appendix A – AUTHORITY FOR ISSUE OF CORPORATE CREDIT CARD

Name of Cardholder:	
Position:	
From:	Chief Executive Officer
Date:	

### CORPORATE CREDIT CARD USER AGREEMENT

As the Chief Executive Officer, I have authorised the issue of a Shire of Broomehill-Tambellup Corporate Credit Card in line with your duties as a Council officer.

The following conditions apply –

1. You have been authorised a card limit of \$5,000;
2. All transactions are within allocation budget provision;
3. The card is issued in your name, however it is a corporate credit card and all transactions must be official transactions on behalf of the Shire of Broomehill-Tambellup. Under no circumstances must the card be used for private purposes;
4. At any time, the Chief Executive Officer can call an enquiry into the use of the card, and any findings of transactions that are unauthorised, excessive or unreasonable will result in disciplinary action;
5. The card must be kept in a safe place;
6. Under no circumstances will cash be withdrawn from the card;
7. All tax invoices and receipts must be kept to validate transactions. Note, a credit card statement or EFTPOS receipt is not acceptable (GST cannot be claimed as it does not meet GST requirements to claim a refund). Cardholders must ensure tax invoices and receipts contain the following –
  - i. Suppliers name;
  - ii. Suppliers ABN;
  - iii. Brief description of goods and services supplied;
  - iv. Identifies transactions where GST applies;
  - v. If the transaction relates to entertainment, the cardholder must document how many people they entertained, and the names of the Council officers that attended (for FBT purposes)
8. Cardholders must mark next to all transactions the costing accounts and ensure all tax invoices and receipts are attached to the monthly statement. The cardholder must certify that the transactions on the statement are correct;
9. The Chief Executive Officer is to sign off on all credit card statements;
10. If the card is lost or stolen, you must immediately notify the Chief Executive Officer so the card can be cancelled and a replacement ordered;
11. If your employment is terminated, your card and all tax invoices must be submitted to the Chief Executive Officer in the last week of your employment;

I have read the above Corporate Card User Agreement and agree to abide by the conditions as detailed above.

Credit Card No: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

## 1.18 INTERNAL CONTROL

<b>Objective:</b>	<p>To ensure that appropriate internal controls are implemented in order to:</p> <ol style="list-style-type: none"> <li>1. Fulfil the statutory obligations under the Local Government (Financial Management) Regulations 1996 and Local Government (Audit) Regulations 1996; and</li> <li>2. Ensure that the Shire's assets are safe from loss due to fraud and mismanagement.</li> </ol>
<b>Date of adoption:</b>	20 November 2014 <b>Minute No.</b> 141113
<b>Date of amendment:</b>	
<b>Date of last review:</b>	15 October 2020
<b>Legislative References:</b>	<p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996</p> <p>Local Government (Audit) Regulations 1996 r17</p>
<b>Internal References:</b>	

### POLICY STATEMENT

The Council will, through the CEO, ensure that appropriate and efficient internal controls are in place covering:

- (a) Staffing and segregation of duties;
- (b) Information technology;
- (c) Documented procedures and processes covering the recording, reporting and authorisation of transactions; and
- (d) Monitoring performance and adherence.

## 1.19 LEGISLATIVE COMPLIANCE

<b>Objective:</b>	<b>To ensure that the Shire of Broomehill-Tambellup complies with legislative requirements.</b>		
<b>Date of adoption:</b>	20 November 2014	<b>Minute No</b>	141114
<b>Date of amendment:</b>	15 October 2020	<b>Minute No</b>	211004
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996 r17</i>		
<b>Internal References:</b>	Policy 2.2: Safety and Health in the Workplace		

### BACKGROUND

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire of Broomehill-Tambellup has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government and Communities and relates to key provisions of the *Local Government Act 1995*.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

### POLICY STATEMENT

The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.

These processes and structures will aim to:-

- Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up-to-date with new legislation.
- Establish a mechanism for reporting non-compliance.
- Review accidents, incidents and other situations where there may have been noncompliance.
- Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

### ROLES AND RESPONSIBILITIES

#### Councillors and Committee Members

- Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

#### Senior Management

- Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the

opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

**Employees**

- (a) Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of noncompliance that they become aware of.

**Implementation of Legislation**

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

**LEGISLATIVE COMPLIANCE PROCEDURES****Identifying Current Legislation**

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) Direct access to this site is provided from the Council's networked computers.

**Identifying New or Amended Legislation**

- (a) Western Australian Government Gazette  
The Council can access electronic up to date versions of the Western Australian Government Gazette from the State Law Publisher website <https://www.slp.wa.gov.au/gazette/gazette>  
It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.
- (b) Department of Local Government, Sport and Cultural Industries  
The Council receives regular circulars from the Department of Local Government, Sport and Cultural Industries on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the CEO and relevant Council officers for implementation.
- (c) Department of Planning, Lands and Heritage  
The Council receives Planning Bulletins from the Department of Planning, Lands and Heritage on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the relevant Council officers for implementation.
- (d) Western Australian Local Government Association (WALGA)  
The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

**Obtaining advice on Legislative Provisions**

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, Sport and Cultural Industries, WALGA or the relevant initiating government department for advice.

**Informing Council of Legislative Change**

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation. The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

**Review of Incidents and Complaints of Non-compliance**

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.



**Reporting of Non-compliance**

All instances of non-compliance shall be reported immediately the supervising manager. The supervising manager shall determine the appropriate response and then report the matter the relevant Manager. The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.

## 1.20 COMPLAINTS

<b>Objective:</b>	<b>To recognise the Council’s commitment to a fair complaints and grievance management process in the Shire.</b>		
<b>Date of adoption:</b>	20 August 2015	<b>Minute No.</b>	150805
<b>Date of amendment:</b>			
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>			
<b>Internal References:</b>	Shire of Broomehill-Tambellup Customer Service Charter Policy 1.7 Customer Service Policy 1.26 Unreasonable Complainant Conduct Code of Conduct for Employees		

### POLICY STATEMENT

The Shire of Broomehill-Tambellup is committed to providing quality customer service to all its stakeholders and internal customers; however, recognises that, from time to time, customers may wish to provide feedback including that which constitutes a complaint or grievance associated with the Council's services or facilities.

The Chief Executive Officer is responsible for developing an organisational culture which accepts complaints as an opportunity to improve service to the community. In doing this, the CEO will establish, maintain, monitor and report on, if requested, a complaints or grievance management system which:

- (a) Ensures commitment to efficient and reasonable resolution of complaints.
- (b) Ensures the privacy and fair treatment of all parties.
- (c) Provides a framework for the recording and analysis of complaints to assist with continuous improvement of policies and work practices.
- (d) Responds promptly to all complaints it receives.

A procedure exists for dealing with both internal and external complaints and grievances and is included in the induction process for all employees. The Council's Customer Service Charter advises customers on how to provide feedback to Council on its services and facilities.

### SCOPE

Council's Complaints Policy applies to the whole of the organisation.

## 1.21 \*\* POLICY REPEALED \*\*

Council Policy 'Standing Committees of Council – Terms of Reference' repealed 17 November 2022

## 1.22 MEETING TO SWEAR IN NEWLY ELECTED MEMBERS AND ELECT THE PRESIDENT, DEPUTY PRESIDENT, COMMITTEE MEMBERS AND COUNCIL REPRESENTATIVES

<b>Objective:</b>	To ensure continuity of the governing body's role after ordinary elections.		
<b>Date of adoption:</b>	21 April 2016	<b>Minute No.</b>	160405
<b>Date of amendment:</b>			
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	Local Government Act 1995		
<b>Internal References:</b>	Councillors Handbook		

### POLICY STATEMENT

The Shire of Broomehill-Tambellup is committed to the continuity of its governing body role in the timeframe between ordinary elections and the Council's next ordinary meeting.

The Council will meet to hold a special meeting of the Council within the week immediately following an ordinary election (where an ordinary meeting is not already scheduled within this timeframe). The order of business for the special meeting of the Council will be as follows:

- a. Swearing into office of all newly elected councillors;
- b. Election and swearing into office of the Shire President and Deputy Shire President;
- c. Review of Committee Terms of Reference
- d. Appointment of members of committees;
- e. Appointment of representatives to external organisations.

## 1.23 PUBLIC RELATIONS - PRESS RELEASES

<b>Objective:</b>	To establish the protocols for the issue of press releases on behalf of the Shire and individually.		
<b>Date of adoption:</b>	21 April 2016	<b>Minute No.</b>	160406
<b>Date of amendment:</b>			
<b>Date of last review:</b>	15 October 2020		
<b>Legislative References:</b>	Local Government Act 1995		
<b>Internal References:</b>			

### POLICY STATEMENT

The objective of this policy is to establish the protocols for the issue of press releases on behalf of the Shire of Broomehill-Tambellup.

The *Local Government Act 1995* provides that the role of the Shire President is to speak on behalf of the Shire and accordingly, the Shire President is the official spokesperson for the Council.

If approached by the media for formal comment on any issue, the Councillors and staff are in the first instance, to suggest that the media make direct contact with the Shire President as the Council's official spokesperson.

When the media does not make direct contact with the Shire President and a member of staff is asked to respond/comment to the media, the staff member will direct the enquiry to the CEO who will liaise with the Shire President to determine who will respond/comment and the nature of the response/comment. If the Shire President or person acting in the capacity of Shire President is unable to be contacted, the CEO will determine who is to respond and the nature of the response.

Without express authority from the Shire President, staff and Councillors are not to offer a Council view, attitude, stance, etc on any issue, this clearly being the function of the Shire President.

A Councillor's right to express a personal opinion on any issue of public interest is recognised.

## 1.24 HIRE OF EQUIPMENT – SHIRE HALLS

<b>Objective:</b>	To ensure that equipment provided for use in Council facilities is maintained in appropriate quantities and condition for the purpose of the facilities.		
<b>Date of adoption:</b>	19 May 2016	<b>Minute No.</b>	160516
<b>Date of amendment</b>	15 October 2021	<b>Minute No</b>	210710
<b>Date of last review:</b>	15 October 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>	Policy 1.2 Use of Shire Facilities		

### POLICY STATEMENT

The Council is committed to providing and maintaining facilities of an appropriate standard within Broomehill and Tambellup, for use by members of the community.

To achieve this, the following arrangements will be implemented:

Broomehill and Tambellup Halls:

- (a) The equipment in the Broomehill and Tambellup Halls is available for use as part of the fee for hiring of the facility;
- (b) Hire fees for facilities will be considered annually as part of the Council's budget process;
- (c) Under no circumstances is the equipment available for hire away from the facility;
- (d) The equipment is not to be transferred to other Shire facilities to boost numbers;
- (e) A limited number of older style tables and chairs stored in the cloak room at the Broomehill Hall are available for hire and use away from the premises. Hire costs of this equipment will be determined as part of the annual budget process.

Upon request, up to 20 chairs will be made available at no cost for funerals held in the Broomehill, Tambellup and Pindellup cemeteries. Shire staff may assist with delivery and collection of the chairs if requested.

## 1.25 COUNCILLOR AND CEO ATTENDANCE AT EVENTS & FUNCTIONS

<b>Objective:</b>	To establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and CEO's are invited free of charge, whether as part of their official duties as council or Shire representatives or not.		
<b>Date of adoption:</b>	20 October 2021	<b>Minute No.</b>	211008
<b>Date of amendment:</b>		<b>Minute No.</b>	
<b>Date of last review:</b>	20 October 2021		
<b>Legislative References:</b>	Local Government Act 1995 s5.90a		
<b>Internal References:</b>	Code of Conduct for Council Members, Committee Members and Candidates Policy 2.12 Conferences, Seminars and Training Courses – General Staff Attendance		

### INTRODUCTION

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

### PURPOSE

The Shire pursuant to section 5.90A of the *Local Government Act 1995*, is mandated to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

This policy is required to help manage the disclosure of interests relating to gifts in matters affecting local government decisions – specifically this policy aims to establish a means by which the Shire can determine when a gift related to attendance at an event is an excluded gift and does not require disclosure. Any invitations that are not approved for exclusion under this policy must follow the normal gift declaration and disclosure practices associated with the *Local Government Act*.

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

### LEGISLATION

*Local Government Act 1995*

s5.90a. Policy for attendance at events

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

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

## **POLICY DETAIL**

### **Invitations**

- (a) All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer.
- (b) Any invitation or offer of tickets not addressed to the Chief Executive Officer is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

### **Pre-approved events**

In line with the objectives of this policy, the below events have been pre-approved and attendance at these events will not need to be disclosed if invitations are received. Nothing in this section mandates attendance at any of these events or raises an expectation of free or discounted tickets to these events.

- (a) Any public event which is free
- (b) Invitations to attend events being hosted by other Local Governments, State Government or Federal Government/Ministerial agencies.
- (c) Meetings of clubs or organisations within the Shire of Broomehill Tambellup;
- (d) Australian or West Australian Local Government Association events;
- (e) Events hosted by sporting clubs, schools or not for profit organisations within the Shire of Broomehill Tambellup or the District
- (f) All Shire hosted or sponsored events
- (g) Events run by professional associations of which employees are members or to which membership is encourage by the CEO for the benefit of the Shire.
- (h) Opening or launch of an event or facility within the Shire of Broomehill Tambellup or District.
- (i) Recognition of Service events within the Shire of Broomehill Tambellup or District

Pre-approved events that require payment by the Shire such as the annual WALGA Convention and CEO LG Professional's conference must have a suitable allocation of funding in the annual budget The Shire President may approve events for Councillors and the CEO and the CEO may approve events for employees.

### **Approval of attendance**

In making a decision on attendance at an event that is not pre-approved, the council will consider:

- (a) who is providing the invitation or ticket to the event;
- (b) the location of the event in relation to the local government (within the district or out of the district);
- (c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- (d) whether the event is sponsored by the local government;
- (e) the benefit of local government representation at the event;
- (f) the number of invitations/tickets received; and

- (g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation; and
- (h) budget considerations.

Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy and Policy 2.12 Conferences, Seminars and Training Courses – General Staff Attendance.

**Payments in respect of attendance**

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



## 1.26 UNREASONABLE COMPLAINANT CONDUCT

<b>Objective:</b>	To provide a mechanism to address persistent unreasonable complaints.		
<b>Date of adoption:</b>	18 March 2021	<b>Minute No.</b>	210315
<b>Date of amendment:</b>		<b>Minute No.</b>	
<b>Date of last review:</b>			
<b>Legislative References:</b>	Local Government Act 1995 Freedom of Information Act 1994 Public Interest Disclosure Act 2003 Ombudsman Western Australia Guidelines: <ul style="list-style-type: none"> <li>▪ Dealing with unreasonable complainant conduct</li> <li>▪ Conducting administrative investigations</li> </ul>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Customer Service Charter Policy 1.1 Records Management Policy 1.7 Customer Service Policy 1.20 Complaints Code of Conduct for Employees		

### OBJECTIVE

This policy explains how the Shire of Broomehill-Tambellup will deal with persons who:

- (a) are aggressive complainants;
- (b) are rude, abusive, and harassing complainants;
- (c) cannot be satisfied despite the best efforts of the Shire;
- (d) constantly raise the same issue with different staff; and/or
- (e) make unreasonable demands on the Shire where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers).

### POLICY STATEMENTS

Customer satisfaction is one of Shire of Broomehill-Tambellup's values however, at times, a customer's demands or expectations may exceed the Shire's ability to deliver.

As a general rule, when a person approaches the Shire with a request, application, concern or complaint they first need to be heard, understood and respected.

The Council has an obligation to ensure that all complaints/complainants:

- (a) Are dealt with quickly, fairly and properly;
- (b) Provided with information and/or an explanation;
- (c) Be given an apology if their complaint is determined to be valid; and/or
- (d) Have corrective action implemented.

The Shire shall in all circumstances exhaust all avenues before considering applying any aspect or provision of this policy to any customer.

**SCOPE**

All employees and elected members with potential customer interaction.

**A. Customers who cannot be satisfied:**

Customers who cannot be satisfied include members of the public or groups who do not accept that the Shire is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree any action the Shire has taken in relation to their complaint or concern.

If in the opinion of the Chief Executive Officer a person cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email and/or visit the following actions may be taken:

- (a) The Chief Executive Officer may write to the customer, stating the Shire's position on the matter if necessary, and advising that if the customer continues to contact the Shire regarding the matter, the Shire may:
  - not accept any further phone calls from the customer;
  - not grant any further interviews;
  - require all further communication to be put in writing; and
  - continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
    - the customer provides significant new information relating to their complaint or concern; or
    - the customer raises new issues which in the Chief Executive Officer's opinion warrant fresh action.
- (b) The Chief Executive Officer shall advise Councillors of a person who is deemed to be 'a person who cannot be satisfied', the person's concerns, and any proposed management strategy by Shire Officers.
  - Access, such as restricting or prohibiting entry to Shire owned premises, including those inhabited by employees of the Shire.

**B. Customers who make unreasonable demands:**

Customers who make unreasonable demands include members of the public whose demands on the Shire start to significantly and unreasonably divert Shire resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

If in the opinion of the Chief Executive Officer a customer is making unreasonable demands on staff and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:

The Chief Executive Officer may write to the customer advising them of the Shire's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands, staff may:

- (a) Not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer the correspondence raises specific, substantial and serious issues; or
- (b) Only respond to a certain number of requests in a given period.

If the customer continues to contact staff after being advised of the proposed course of action, the Chief Executive Officer may, after considering representations from the customer, advise the customer that either or both of points listed above will now apply.

**C. Customers who constantly raise the same issue with different staff:**

If in the opinion of the Chief Executive Officer a customer is constantly raising the same issues with different staff or elected members the Chief Executive Officer may notify the customer that:

- (a) only a nominated staff member will deal with them in the future;
- (b) they must make an appointment with that person if they wish to discuss a matter; or
- (c) all future contact with Shire must be in writing; and
- (d) access, such as restricting or prohibiting entry to Shire owned premises, including those inhabited by employees of the Shire.

The customer may wish to make a formal complaint in accordance with the Customer Service Commitment and Complaints Resolution policy.

**D. Customers who are rude, abusive or aggressive:**

The Shire will not tolerate or condone intimidating or offensive behaviour toward staff members by members of the public under any circumstances. Any staff member who is the victim of such behaviour may, at their own discretion, report the matter to Police for further action.

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.

If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or in person, the staff member may:

- (a) warn the customer that if the behaviour continues the conversation, meeting or interview will be terminated;
- (b) terminate the conversation, meeting or interview if the rude, abusive or aggressive behaviour continues after a warning has been given;
- (c) access, such as restricting or prohibiting entry to Shire owned premises, including those inhabited by employees of the Shire.

Where a conversation, meeting or interview is terminated, the staff member shall notify the Chief Executive Officer of the details as soon as possible.

If in the opinion of the Chief Executive Officer any correspondence to the Shire contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

Violence, damage to property or threatening behaviour may be reported to police, depending on the severity of the actions.

**E. Documentation and reporting:**

In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate file.

If an elected member feels that a customer is being difficult in a manner specified in this policy, they may notify the Chief Executive Officer who will consider taking action as per avenues described above.

In all circumstances where the Chief Executive Officer determines to utilise any aspect or power of this policy in any of the ways specified in this policy, the Chief Executive Officer will notify Elected Members as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Local Government and the Western Australian Ombudsman for information.

## 1.27 CODE OF CONDUCT - BEHAVIOUR COMPLAINTS MANAGEMENT

<b>Objective:</b>	To establish, in accordance with Clause 15(2) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> and Shire of Broomehill-Tambellup Code of Conduct for Council Members, Committee Members and Candidates, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Broomehill-Tambellup Code of Conduct for Council Members, Committee Members and Candidates.		
	To give effect to the Shire of Broomehill-Tambellup's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.		
<b>Date of adoption</b>	20 May 2021	<b>Minute No.</b>	210513
<b>Date of amendment:</b>			
<b>Date of last review:</b>			
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>		
<b>Internal References:</b>	Delegation 1.22- Appointment of Authorised Persons and Approval of Complaint Of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates) Behaviour Complaint Form		

### POLICY SCOPE

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Broomehill-Tambellup Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

### DEFINITIONS

**Act** means the *Local Government Act 1995*.

**Behaviour Complaints Officer** means a person authorised in writing *[by Council resolution or by the CEO exercising delegated authority]* under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

**Breach** means a breach of Division 3 of the Shire of Broomehill-Tambellup Code of Conduct for Council Members, Committee Members and Candidates.

**Candidate** means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

**Candidate Complaint** means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

**Code of Conduct** means the Shire of Broomehill-Tambellup Code of Conduct for Council Members, Committee Members and Candidates.

**Committee** means a committee of the Council, established in accordance with s.5.8 of the Act.

**Committee Member** means a Council Member, employee of the Shire of Broomehill-Tambellup or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

**Complaint** means a complaint submitted under Clause 11 of the Code of Conduct.

**Complainant** means a person who has submitted a Complaint in accordance with this Policy.

**Complaint Assessor** means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

**Complaint Documents** means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

**Complaint Form** means the form approved under clause 11(2)(a) of the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

**Council** means the Council of the Shire of Broomehill-Tambellup.

**Council or Committee Meeting** means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

**Council Member** means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

**Finding** means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

**Plan** means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

**Response Documents** means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

## **POLICY STATEMENT**

### **1. Principles**

#### **1.1 Procedural fairness**

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- (a) the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- (b) the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- (c) any findings made will be based on proper and genuine consideration of the evidence.

#### **1.2 Consistency**

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

### **1.3 Confidentiality**

The Shire of Broomehill-Tambellup will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

### **1.4 Accessibility**

The Shire of Broomehill-Tambellup will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Broomehill-Tambellup's Administration Building and on the Shire of Broomehill-Tambellup's website. The Shire of Broomehill-Tambellup will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

## **2. Roles**

### **2.1 Behaviour Complaints Officer**

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of the Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

### **2.2 Complaint Assessor**

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

## **3. Procedure**

### **3.1 Making a complaint**

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [*clause 11(2)(c) of the Code of Conduct*].

### **3.2 Candidate Complaints**

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- (a) To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- (b) To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date. If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [*clause 15(1) of the Code of Conduct*].

### **3.3 Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [*clause 14 of the Code of Conduct*].

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

### **3.4 Notice to Complainant**

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- (a) confirms receipt of the Complaint;
- (b) outlines the process that will be followed and possible outcomes;
- (c) explains the application of confidentiality to the complaint;
- (d) includes a copy of this Policy; and
- (e) if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

### **3.5 Notice to Respondent**

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:



- (a) advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- (b) includes a copy of the Complaint Documents;
- (c) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- (d) includes a copy of this Policy; and
- (e) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

### **3.6 Alternative Dispute Resolution**

The Shire of Broomehill-Tambellup recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

Options for Alternative Dispute Resolution include:

- (a) negotiation with the assistance of the Behaviour Complaints Officer or other appropriate person as intermediary;
- (b) facilitation with a contracted service provider.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

### **3.7 Order of Complaints**

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

### **3.8 Appointment of Complaints Assessor**

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Broomehill-Tambellup's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

### **3.9 Search of Local Government Records**

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Broomehill-Tambellup's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- (a) the behaviour occurred at a Council or Committee Meeting,
- (b) the behaviour was dealt with by the person presiding at the meeting, and/or
- (c) the Respondent has taken remedial action in accordance with the Shire of Broomehill-Tambellup Local Government Council Meetings Local Law 2020.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

### **3.10 Assessment of the Complaint**

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

### **3.11 Complaint Report**

The Complaint Assessor will prepare a Complaint Report that will:

- (a) outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- (b) include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- (c) include recommendations on each decision that may be made by the Complaints Committee; and
- (d) include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Council. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

### **3.12 Complaints Committee Meeting**

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Council will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Council will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Council dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Council will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Council finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Council finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Council decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Council decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Council will consider any submissions made by the Respondent before preparing and implementing a Plan.

### **3.13 Compliance with Plan Requirement**

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan. Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct. The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

## **4. Decision Making**

### **4.1 Objective and Principles**

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

### **4.2 Dismissal**

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the Respondent has taken remedial action in accordance with the Shire of Broomehill-Tambellup Local Government Council Meetings Local Law 2020.

### **4.3 Finding**

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

#### **4.4 Action**

In deciding whether to take no further action, or prepare and implement a Plan, the Council may consider:

- (a) the nature and seriousness of the breach(es);
- (b) the Respondent's submission in relation to the contravention;
- (c) whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- (d) whether the Respondent has breached the Code of Conduct on previous occasions;
- (e) likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- (f) personal circumstances at the time of conduct;
- (g) need to protect the public through general deterrence and maintain public confidence in Local Government; and
- (h) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

#### **4.5 Plan Requirements**

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- (a) engage in mediation;
- (b) undertake counselling;
- (c) undertake training;
- (d) take other action the Council considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- (a) the actions to be taken to address the behaviour(s);
- (b) who is responsible for the actions;
- (c) any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- (d) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

## 1.28 CEO RECRUITMENT, PERFORMANCE AND TERMINATION STANDARDS

<b>Objective:</b>	To establish Standards surrounding CEO recruitment, performance and termination to ensure the Councils compliance with the <i>Local Government Act 1995</i> and <i>Local Government (Administration) Regulations 1996</i> .		
<b>Date of adoption:</b>	20 May 2021	<b>Minute No.</b>	<b>210515</b>
<b>Date of amendment:</b>			
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>		
<b>Internal References:</b>			

### POLICY PURPOSE:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

### Division 1 — Preliminary provisions

#### 1. Citation

These are the *Shire of Broomehill-Tambellup* Standards for CEO Recruitment, Performance and Termination.

#### 2. Terms used

##### (1) In these standards —

**Act** means the *Local Government Act 1995*;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**contract of employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);

**local government** means the Shire of Broomehill-Tambellup;

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

##### (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

#### 4. Application of Division

##### (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

- (2) This Division does not apply —
- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

**5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
- (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

**6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

**7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

**8. Establishment of selection panel for employment of CEO**

- (1) In this clause —

***independent person*** means a person other than any of the following —

- (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
- (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

**9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

**10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

**11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

## **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

## **13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
*commencement day* means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;and
  - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

## **14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

## **Division 3 — Standards for review of performance of CEOs**

### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —



- (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

**17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

**Division 4 — Standards for termination of employment of CEOs****20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

**21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

**22. Additional principles applying to termination for performance related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

## 1.29 USE OF COMMON SEAL

<b>Objective:</b>	<b>To provide guidelines on the affixing of the Common Seal of the Shire of Broomehill-Tambellup to certain documentation.</b>		
<i>Date of adoption:</i>	21 October 2021	<b>Minute No.</b>	<b>211010</b>
<i>Date of amendment:</i>		<b>Minute No.</b>	
<i>Date of last review:</i>			
<i>Legislative References:</i>	<i>Local Government (Council Meetings) Local Law 2020</i>		
<i>Internal Reference:</i>			

### POLICY STATEMENT

The attachment of the Common Seal requires the accompanying signatures of both the President, or in their absence the Deputy President, and the Chief Executive Officer or the person acting in that position. In the absence of the requirement to affix a Common Seal, the Chief Executive Officer is empowered under the *Local Government Act 1995* to authenticate a document. The requirement for the Common Seal to be affixed is therefore a question of balancing good governance with operational efficiencies.

A list of documents that have had the Common Seal affixed should be presented to the next available Council meeting.

### GUIDELINES

The following documents will require the Common Seal of the Shire of Broomehill-Tambellup to be affixed:-

- (a) Local Laws;
- (b) Land transactions, including but not limited to sale, leases, assignments, subleases, surrenders, transfers, lodgement and withdrawals of caveats and amalgamations as decided by Council;
- (c) Town Planning Schemes and Scheme Amendments;
- (d) Documents of a ceremonial nature (where the affixing of the Common Seal is for posterity rather than as a legal requirement); and
- (e) Any document stating that the Common Seal of the Shire of Broomehill-Tambellup is to be affixed.

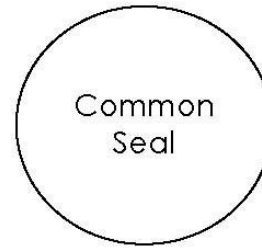
Additionally, the following procedures for the secure use of the Common Seal should be adopted:-

- (a) The Chief Executive Officer is to have charge of the Common Seal and is responsible for the safe custody and proper use of it.
- (b) The Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the Seal is affixed must be signed by the President or in their absence the Deputy President, and the Chief Executive Officer or a senior employee authorised by him or her.
- (a) The Administration is to record in a register each date on which the Common Seal was affixed to a document, the purpose of the document, and the number of copies sealed. A report listing the documents to which the Common Seal has been affixed is to be presented to the next Ordinary Meeting of Council.

- (b) The wording to accompany the application of the Common Seal should be as follows:-

*Dated this (date) day of (month) (year)*

*The Common Seal of the  
Shire of Broomehill-Tambellup  
was hereunto affixed in the  
presence of:*



.....  
(Insert name of President)

.....  
(Insert name of Chief Executive Officer)

## Common Law

Under Common law principles originally, the Common Seal of a body corporate was the only legally recognised expression of an act of that body corporate and the affixing of the Seal was sufficient to be legally binding. However these days, generally, this requirement is no longer in operation.

## Agency Law

A body corporate has the legal capacity of a natural person and may act or express its intentions and enter into legal relations through authorised human agents. As such, a body corporate may enter into a contract regardless of whether or not the Common Seal is used to execute a document.

## Corporations Law

Sections 126 and 127 of the *Corporations Act 2001* address the use of a Common Seal. These provisions do not apply to local governments which whilst a body corporate, falls within the definition of 'exempt public authority' in section 9 of that Act.

## Local Government Act 1995

Section 2.5(2) of the *Local Government Act 1995* stipulates that a local government is ‘a body corporate with perpetual succession and a Common Seal’. Whilst it is clear that a local government, as a body corporate, has a Common Seal, there is no stipulated requirement for the use of the Common Seal in particular circumstances.

Section 9.49 stipulates that a document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its Common Seal if signed by the Chief Executive Officer or an employee of the local government who purports to be authorised by the Chief Executive Officer to so sign.

**DEFINITIONS:**

Definitions are taken as those detailed in the *Local Government Act 1995* and associated legislation.

## 1.30 CEO PERFORMANCE REVIEW

<b>Objective:</b>	<b>A consistent, transparent and accountable performance review process.</b>	
<b>Date of Adoption</b>	18 November 2021	<b>Minute No.</b> 211106
<b>Date of amendment:</b>		<b>Minute No.</b>
<b>Date of last review:</b>		
<b>Legislative References:</b>	<i>As per Part 5, Division 4, Section 5.39(3)(b), Local Government Act 1995).</i>	
<b>Internal References:</b>	Policy 1.28 Standards for CEO Recruitment, Performance and Termination	

### SCOPE

As per Part 5, Division 4, Section 5.39(3) (b), Local Government Act 1995 this policy position applies to the conduct of the annual CEO performance review process.

### POLICY STATEMENTS

#### Rationale

This process is documented and adopted by the Council to ensure a consistent approach to the Shire of Broomehill-Tambellup's annual CEO performance review.

The review process must be a collaborative, constructive process that is designed to enhance performance and provide guidance for the ensuring twelve months, using the Shire's agreed Strategic Community Plan and Corporate Business Plan.

Councillors must be prepared to take a corporate view of the process. The performance review process should be regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes, which will improve the performance, and the profile of the Shire.

Councillors participating in the review must:

- (a) Show an ability to be fair and objective;
- (b) Use good communications skills;
- (c) Possess preparation and evaluation skills;
- (d) Avoid bias;
- (e) Be able to concentrate on outcomes;
- (f) Provide negotiations skills;

#### Briefing Session

It is essential to gain input from Councillors into the review and appraisal process.

A briefing session will be organised to cover the performance appraisal, the procedures followed, keeping in mind current progress of the Strategic Community Plan and the skills required of the panel members; and independent person with relevant skills will be brought in to facilitate the session, which can also be conducted via Zoom facilities as required.

#### Contract

The CEO contract must contain the Shire's dispute resolution policy for both parties (Clause 11 Dispute Resolution as per Contract).

The Shire agrees CEO review procedure shall be contained within the CEO contract (as per Part 5, Division 4, Section 5.39(3)(b), Local Government Act 1995).

The review procedure contained within the CEO contract can be varied by agreement between the Council and the CEO under an amendment clause between reviews.

The contract should be reviewed by a recognised practitioner to ensure legislative requirements are satisfied.

**Review Periods**

It is a statutory requirement that the CEO's performance be reviewed annually (Part 5, Division 4, Section 38, Local Government Act 1995) and the probation period performance assessment undertaken within a month after the probation period has concluded.

The review period is to be aligned to the Shire's Strategic planning processes, which is across each financial year (July to June).

For planning purposes, the entire review process should be completed by the end of July each year.

It is recommended planning for the annual CEO Performance Plan including key result areas (KRA's) and key performance indicators (KPI's) commences in March of each year.

In the event that the Council has concerns about the performance of the CEO, the Shire President will, at the request of the Council, request the CEO Performance Review Panel undertake an interim performance review.

The Shire President must write to the CEO if the Council has requested for an interim performance review, outlining the areas of concern to allow the CEO the opportunity to prepare.

The Shire President must allow the CEO a minimum of one week's notice prior to the commencement of an interim performance review.

**Composition of the Review Panel**

The CEO performance review panel will consist of:

- (a) The Shire President; and
- (b) Three (3) Councillors nominated by resolution of Council OR
- (c) As determined by Council from time to time.

The Panel is to be facilitated by an independent, external person appointed by a resolution of the Council.

All Councillors seeking appointment to the CEO review panel must undertake the relevant CEO performance review training course provided by appropriate industry body within six months of appointment to the panel; it is important for those actually involved in the appraisal interview to feel comfortable with their skill level and role.

**Interview Process**

The interview process undertaken during the formal performance meeting must be conducted in good faith for all parties.

**CEO Key Performance Indicators (KPI's), Key Result Areas (KRA's) and Measurements**

The CEO KRA's, KPI's and Measurements:

- (a) Must contain a balance of both tactical and strategic KPI's;
- (b) Must refer to the Strategic Community Plan and Corporate Business Plan;
- (c) Must be within the CEO's control or remit; specific, clear and unambiguous; resourced appropriately; include realistic milestones and reporting requirements;
- (d) Must mirror the expectations of the Council and the Community;
- (e) Must acknowledge leadership;
- (f) Be reviewed annually and then agreed between CEO and the Council after each review period;

- (g) Once agreed upon, the KPI's shall be not be changed. However, KPI's may be amended during a review period by mutual agreement in the event of unforeseen or extenuating circumstances rendering a KPI no longer relevant or unachievable.

Key Performance Indicators are to be based around the areas of:

- (a) Leadership & Strategy;
- (b) Organisational Capability and Performance;
- (c) Financial and Risk Management;
- (d) Stakeholders' engagement and satisfaction;
- (e) Innovation, Accountability and Sustainability;
- (f) Growth and Prosperity;
- (g) Professional Development.

Key result areas are to be negotiated with CEO performance review panel and the CEO, in line with Position Description that can be amended from time to time, and then signed off by full Council.

#### **Procedure for the Review of the CEO Performance**

Once established, the CEO performance review panel will set the review procedure and timeline requirements for each year. The review procedure must contain the following elements as a minimum:

- (a) Review panel to assign an independent external facilitator to assist the panel and ensure the process meets governance requirements as well as facilitate the implementation of the CEO's professional development plan;
- (b) Timely notification of all parties by the review panel of the review procedure, timeline requirements and any other relevant information such as the independent, external facilitator;
- (c) CEO must provide a self-assessment to all elected members. The CEO must provide the self-assessment in written report format as a minimum but may also provide it in other formats of their choice;
- (d) Review panel must assess performance inclusive of feedback from all Councillors.
- (e) Review panel will agree on key focus areas and conduct an appraisal interview with the CEO;
- (f) CEO must be provided with procedural fairness throughout the process including sufficient time to prepare responses and an opportunity to respond to the interview findings;
- (g) The review panel will share the performance review finding with full the Council in a briefing session;
- (h) Review panel to manage follow up including remuneration, KPI's, contract variations, review outcomes and analysis of interview feedback;
- (i) Full report must be distributed to all Elected Members and the CEO.

#### **Completion of Review**

The Shire President, as head of the review panel, must provide the Shire Councillors and the CEO with a formal report that summarises the finding of the review including recommendations of the review panel to Council.

The CEO is to be invited to provide comment.

Council is to consider each review of the performance of the CEO carried out under Part 5, Division 4, Section 38, Local Government Act 1995 and is to accept the review, with or without modification, or to reject the view.

The KPI's for the following review period must be completed and signed off within 28 days of the CEO review process having been completed.

**Completion of Process**

The performance review panel must deliver a report to Council that outlines:

- (a) What worked in the process;
- (b) The new KPI's for the next 12 months;
- (c) Recommended changes, if necessary, to this process over the next 12 months.

**Record Keeping**

The Shire President is to oversee the record keeping of the performance review, by ensuring the documents are held by the Shire's Human Resource department or officer responsible for Human Resource matters as confidential documents.

All documents relating to the review process must be registered on the Shire's records management system

**Legislative and Strategic Context**

Relevant Federal or State legislation, directives, guidelines, Acts or Regulations and/or the strategic context (Strategic Community Plan and Corporate Business Plan) that provide the broad framework within which the policy operates and/or with which it needs to comply.

- (a) Local Government Act 1995;
- (b) Local Government (Administration) Regulations, 1996, Part 4, Regulations 18D.

**Review of Policy**

This policy is to be reviewed annually by Council.

**Remuneration Review**

CEO remuneration review in line with contract **clause 6.10** (outlined below) and is to be undertaken as per the CEO Remuneration Review policy as this does not form part of the CEO Performance Review policy.

**6.10 Annual review**

6.10.1 The Total Remuneration Package shall be reviewed annually by the Council.

6.10.2 Reviews of remuneration shall be in accordance with the Determinations of the Salaries and Allowances Tribunal issued annually in June or as per the Shire CEO Remuneration Review policy.

6.10.3 In a review under sub-clause 6.10.1 there is no obligation on the Council to increase the salary or amount of the Total Remuneration Package and the Shire shall not reduce the salary or the Total Remuneration Package.'

**Associated Documents**

Related strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference materials for users of this policy are as follows:

- (a) The CEO Employment Contract;
- (b) Position Description;
- (c) The Council plans that are mentioned in the Strategic Community Plan and Corporate Business Plan;
- (d) Any plans that have been endorsed by the Council during the CEO Performance review period that are not mentioned in the Strategic Community Plan and Corporate Business Plan.



## PART 2 – HUMAN RESOURCES

### 2.1 EQUAL OPPORTUNITY

<b>Objective:</b>	<b>To maintain a workforce where all employees are treated equally and ensure the workplace is free of discrimination and harassment.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	120209
<b>Date of amendment:</b>	17 March 2022	<b>Minute No.</b>	030/22
<b>Date of last review:</b>	17 March 2022		
<b>Legislative References:</b>	<i>Equal Opportunity Act 1984 WA</i> <i>Racial Discrimination Act (Cth) 1975</i> <i>Sex Discrimination Act (Cth) 1984</i> <i>Australian Human Rights Commission Act (Cth) 1986 and Regulations 1989</i> <i>Disability Discrimination Act (Cth) 1992</i> <i>Age Discrimination Act (Cth) 2004</i> <i>Fair Work Act 2009</i> <i>Spent Conviction Act 1988</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Equal Employment Opportunity Management Plan Code of Conduct for Employees		

#### POLICY STATEMENT

The Council is dedicated to providing a harmonious and safe working environment and encourages good working relationships between all employees. All recruitment, selection and employment decisions will be based on the individual merit of applicants and employees.

#### POLICY

This Shire recognises its legal obligations under the:

- (a) *Equal Opportunity Act 1984*
- (b) *Racial Discrimination Act (Cth) 1975*
- (c) *Sex Discrimination Act (Cth) 1984*
- (d) *Australian Human Rights Commission Act (Cth) 1986 and Regulations 1989*
- (e) *Disability Discrimination Act (Cth) 1992*
- (f) *Age Discrimination Act (Cth) 2004*
- (g) *Fair Work Act 2009*
- (h) *Spent Conviction Act 1988*

and will actively promote equal employment opportunity and diversity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, and religious or political convictions. This policy applies to all elected members, employees and contractors to the Shire.

All employment training with the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with this Shire will be directed towards providing equal opportunity to prospective employees and engaging a diverse workforce provided their relevant experience, skills and ability meet the minimum requirements for engagement.

This Shire will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal employment opportunity and diversity goals of this Shire are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability. Ideally, our objective is for our workforce to reflect a diverse demographic that includes a broad range of age groups, abilities and cultural backgrounds while meeting the skill requirements of the organisation. The Shire recognises the value of differences in staff profiles as well as similarities; strives to adopt an inclusive approach and appreciates that a diverse workforce may adapt more readily to the changing expectations and needs of the community.

The CEO is responsible for developing and implementing procedures, practices or guidelines to deal with harassment, perceived harassment or discrimination.

## 2.2 SAFETY AND HEALTH IN THE WORKPLACE

<b>Objective:</b>	<b>To provide a safe and healthy work environment for all employees, contractors, visitors and volunteers.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Work Health and Safety Act 2020</i>		
	<i>Work Health and Safety (General) Regulations 2022</i>		
<b>Internal References:</b>	Code of Conduct for Employees		
	Policy 2.6: Fitness for Work Policy		
	Policy 2.8: Harassment, Bullying and Discrimination Policy		
	Shire of Broomehill-Tambellup Employee Handbook		
	Shire of Broomehill-Tambellup Employee Induction Manual		
	Worksafe Guidelines		
	Safety Data Sheets (SDS)		

### POLICY STATEMENT:

Council is committed to providing a safe and healthy work environment for all employees, contractors, visitors and volunteers.

The Shire encourages a consultative process to improve safety within the workplace and will provide the time and resources required to prevent or minimise the risk of illness, injury, harm or damage to the Shire's employees and property and to continuously improve work, health and safety standards within the workplace.

Safety is considered a shared responsibility and the Shire will strive to ensure the compliance and integrity of this policy is maintained.

The employer acknowledges a duty of care to:

- (a) Provide and maintain a safe working environment;
- (b) Provide adequate training, instruction and supervision to enable employees to perform their work safely and effectively;
- (c) Investigate all actual and potentially injurious occurrences in order to identify and control the cause to reduce the level of risk in the workplace;
- (d) Comply with AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems audit requirements;
- (e) Comply with the *Work Health and Safety Act 2020*, and the *Work Health and Safety (general Regulations 2022)*, relevant Australian Standards including AS/NZS ISO 31000, 2018 Risk Management and relevant Approved Codes of Practice; and
- (f) Engage and consult stakeholders and representatives in matters regarding work, health and safety in the workplace.

Employees have a duty of care to:

- (a) Work with care for their own safety and that of other employees, contractors, visitors and volunteers who may be affected by their acts or omissions;
- (b) Report hazards, accidents, incidents and near misses to their Line Manager;
- (c) Co-operate positively in the fulfillment of the obligations placed on their employer; and
- (d) Assist in the reporting and investigation of any accidents with the objective of introducing and reviewing controls to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed by working together to reach this outcome.

## **SAFETY AND HEALTH COMMITTEE TERMS OF REFERENCE**

### **PURPOSE:**

This document defines the structure, function, limits of authority and responsibilities of the Shire of Broomehill-Tambellup Safety & Health Committee.

### **SCOPE:**

#### **Title of Committee**

The Committee shall be known as the 'Safety & Health Committee'.

#### **Aims and Objectives of the Safety & Health Committee**

- Communication and consultation opportunities for each department to have access to each other.
- To develop, assess and review Job Safety Analyses and Safe Work Method Statements.
- Review hazard, injury, damage and near miss, environmental incident reports, high risk incidents, and identify and discuss any potential trends and corrective actions.
- Review outstanding corrective actions for incident reports and workplace inspections.
- To assess and review critical incidents (WorkSafe and Local Government specific)
- To review and assess safety and health benchmarks, strategies and key performance indicators (KPIs) for the industry as a self-insured group.

#### **Safety & Health Committee Structure and Format**

The Committee shall consist of six (6) members of Occupational Safety and Health Representatives and management, as follows:

- One (1) Administration Office representative
- Three (3) Works Staff representatives (ideally one each from Construction, Maintenance & Parks & Gardens)
- Two (2) Management representatives (inclusive of the CEO)

The CEO shall Chair each Committee Meeting. Where the CEO is not able to attend, the meeting shall elect the Chair for that meeting.

#### **Election of Safety and Health Representatives**

An elected Safety and Health Representative is appointed to the position for a two year term, commencing 1 July. Terms shall be staggered so that half of the Committee's term expires on odd years and half on even years.

At the end of a representative's term, nominations shall be called and elections held if there is more than one nomination received for a work area. If a safety & health representative is re-elected, they may attend a refresher course, however, this is not mandatory.

**Resignations**

Committee members wishing to resign must do so in writing to the Chief Executive Officer.

**Frequency of Meetings**

Meetings should be held on a regular basis (2 monthly), and shall be held at least once every 3 months. Any Committee member may request that the Chairperson call an extraordinary meeting in order to resolve an issue requiring urgent attention. If any meeting is cancelled or rescheduled, the details and reasons must be noted in the minutes of the next meeting.

**Quorum**

The quorum for a meeting to be held shall be 50% (3 members) present with not more than 50% of members being from management. The Committee cannot vote or form a consensus without a quorum.

**Proxies**

If an elected or appointed committee member is unable to attend a scheduled or extraordinary meeting, a proxy may be sought from their area of representation to assist in maintaining the Committee's quorum. The proxy will have authority to vote on their behalf at that particular meeting.

**Order of Meetings**

Discussion at the Safety & Health Committee meetings shall be controlled through an agenda. Any individual wishing a specific item to be included in the agenda should advise the Secretary prior to the meeting date, otherwise the item may be discussed under "new business".

**Recording of Minutes**

Accurate and concise minutes shall be recorded at each meeting and all agreed actions shall include the responsible person's name and an action by date. The minutes shall be distributed to each member prior to the next meeting then accepted as a true and accurate record at the meeting. If there are no discrepancies it is to be noted that "the minutes are accepted as a true and accurate record". A copy of the minutes shall be made available to all employees and displayed where appropriate eg on noticeboards in main workplaces or electronically.

**Decision Making**

The Committee shall, wherever possible, reach any decision by consensus. Where this is not possible the chair shall call for a vote - a minimum of a simple majority (that is, one more than half of the people present providing there is a quorum) shall be required to carry any motion. Reasons for dissent shall be recorded in the minutes.

**RESPONSIBILITIES:****Chairperson**

- Approve meeting time and venue
- Direct and guide discussion at meetings
- Ensure all agenda items are discussed and end with definite outcomes
- Review and sign minutes
- Ensure all members have an opportunity to contribute

**Committee Members**

- Attend meetings
- Prepare and present reports as requested by the Committee

- Report on workplace inspections and accident investigations undertaken
- Develop strategies to improve safety and health
- Raise issues on behalf of other staff relating to safety & health

**Committee Secretary**

- Record meeting minutes
- Ensure minutes are distributed
- Table any correspondence
- Report on status recommendations and ongoing action items
- Distribution of technical reports
- Shall nominate person to act as Secretary in their absence

**Annual Evaluation of Committee's Effectiveness**

The Committee shall in May each year undertake a review to evaluate its effectiveness and, as a guide, the following should be determined:

- Are the Safety Committee's aims and objectives being met?
- Should the aims and objectives be amended?
- Is the Safety Committee's effectiveness improving or deteriorating?
- Are Safety Committee members regularly attending meetings?
- Review the Terms of Reference

**TRAINING:**

Committee members shall receive adequate and appropriate training within work hours to enable them to fulfil their role.

**REFERENCE DOCUMENTS:**

- Workplace Health and Safety Act 2020
- Workplace Health and Safety (General) Regulations 2022

## 2.3 CORPORATE UNIFORM AND APPROPRIATE DRESS

<b>Objective:</b>	To establish a professional dress standard for its staff that is in keeping with customer and corporate expectations, and legislative requirements.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Work, Health and Safety Act 2020</i> <i>Work, Health and Safety (General) Regulations 2022</i>		
<b>Internal References:</b>	Code of Conduct for Employees Employee Handbook Employee Induction Manual		

### POLICY STATEMENT:

Council recognises the importance of corporate identity and dress appropriate to the work and conditions, and legislative requirements of the *Occupational Safety and Health Act 1984*, and encourages Shire employees to wear the local government industry uniform.

### Administration Staff

To support a corporate dress standard, the cost of the approved uniform will be subsidised to a maximum as determined as part of the annual budget process.

New employees, after successfully completing their three month probationary period, are entitled to purchase uniforms from Councils preferred supplier within the provision determined in the Annual Budget.

### Works Staff

Personal protective clothing as described below will be purchased by Council from its preferred supplier as determined annually following adoption of the budget.

In accordance with *Part 3.2, Division 5 s44 Work, health and Safety (General) Regulations 2022*, new works employees will be provided with a high visibility vest, a wide brim hat, one pair of safety sunglasses and one pair of boots with protective caps on commencement of duties with the Shire.

Following completion of the compulsory three month probationary period, new employees will be entitled to receive 5 high visibility shirts, 2 high visibility jumpers and 3 pairs of trousers.

The annual top up allocation to works employees will consist of 3 pairs of trousers, 3 high visibility jumpers, 3 high visibility shirts and a pair of boots with protective caps.

High visibility jackets and vests may be available at the discretion of the Chief Executive Officer and subject to budget allocation.

## 2.4 GRATUITY AND REDUNDANCY PAYMENTS

<b>Objective:</b>	To recognise an employee's length of service and contribution by payment on retirement or voluntary redundancy of an amount over and above the employee's legal entitlement.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	October 2022		
<b>Legislative References:</b>	<i>Local Government Act 1995 s5.50</i> <i>Local Government (Administration) Regulations (regulation 19A)</i>		
<b>Internal References:</b>	Code of Conduct for Employees		

### PURPOSE

To describe the circumstances in which gratuity and redundancy payments may be made to staff.

### POLICY

#### Gratuities

The CEO will consider the payment of a gratuity to any employee of ten years or more standing who is leaving the service of the Shire for retirement purposes.

In considering this matter, the CEO will give particular regard to:

- (a) the employee's history and length of employment with the Shire;
- (b) the employee's sick leave record;
- (c) performance review reports from the previous three years; and
- (d) the employee's personal contribution to the progress of the Shire's objectives and community wellbeing.

The CEO, after taking into account the above criteria, may agree to the awarding of the following gratuity:

- (a) a payment up to the maximum permitted by the *Local Government Act 1995* section 5.50, and *Local Government (Administration) Regulations* (regulation 19A).

Employees leaving to take up another position elsewhere will not be eligible for a gratuity payment but may, at the discretion of the CEO, be eligible for a gift up to the value of \$100 for every year of service.

#### Voluntary Redundancies

In the event of the CEO seeking applications for voluntary redundancy from specific staff or classes of staff, the CEO will have regard to the following when determining a redundancy package:

- (a) the employee's history and length of employment with the Shire;
- (b) the employee's sick leave record;
- (c) performance review reports from the previous three years; and
- (d) the employee's personal contribution to the progress of the Shire's objectives and community wellbeing.

Council, after taking into account the above criteria, may agree to the awarding of the following redundancy payment, in addition to the employment Award or Agreement conditions:

- (a) a payment up to the maximum permitted by the *Local Government Act 1995* section 5.50, and *Local Government (Administration) Regulations* (regulation 19A).



## 2.5 STAFF HOUSING

<b>Objective:</b>	<b>To provide for consistency of employment conditions for all staff.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	16 March 2023	<b>Minute No.</b>	26/23
<b>Date of last review:</b>			
<b>Legislative References:</b>			
<b>Internal References:</b>	Housing and Land Strategy Policy 2.11: Employee Superannuation Code of Conduct for Employees		

### POLICY STATEMENT

The Council recognises that to attract employees the Shire must have employment conditions which are fair and provide incentive and opportunity. To achieve this, Council will:

#### Housing

The Shire will endeavour to provide the following housing for staff:

##### a) Senior Management Team

It is the policy of the Shire of Broomehill-Tambellup to offer Council owned housing to its Senior Management Team as follows:

- Chief Executive Officer 21 Lathom Street, Broomehill;
- Manager of Finance & Administration 17 Taylor Street, Tambellup;
- Manager of Works 18 Henry Street, Tambellup; and
- Strategic Support & Projects Officer 63 Taylor Street, Tambellup.

The rental charged on these properties will be negotiated as part of the salary package and any subsidy given (less than market value) will be valued in the employee's Contract of Employment.

##### b) Other Staff:

To attract and retain supervisor level staff in professional, technical and specialised positions, it is also policy to offer any available staff housing as determined from time to time by the Chief Executive Officer, as follows:

Position	Any Property From This List If Available
Works Supervisor Executive Assistant Senior Ranger Team Leader – Construction Team Leader – Maintenance Team Leader – Parks & Gardens Community Emergency Services Manager	5 Leven Street, Broomehill 18 Ivy Street, Broomehill

The CEO may negotiate weekly rental for 'Other Staff' in accordance with annual performance reviews.

c) **Private Rentals**

In the event that any Council provided accommodation is, at any time, not required for entitled employees identified above, then the CEO is delegated authority to rent the accommodation to other persons, including other Shire employees, provided the tenancy arrangement is on a fixed basis and includes a clause that the property will be vacated if required for the persons listed above. Market value rental will be applicable in these circumstances.

Reference should be made to the Council's Housing and Land Strategy for the design and standard of new housing construction.

**No-Smoking**

Smoking is strictly prohibited within all Shire owned houses and buildings at all times.

**Bond**

Each tenant will be required to lodge a sum equivalent to four weeks' rent, as per Council's Fees and Charges, as a bond towards any damage sustained by the tenant during the tenancy. All tenancies will have a written residential tenancy agreement.

A pet bond equivalent of 1 weeks rent, as per Council's Fees and Charges, will be payable in addition to the bond listed above if the CEO has given written approval for a pet to be on the premises.

## 2.6 FITNESS FOR WORK POLICY

<b>Objective:</b>	<b>To provide a safe working environment and duty of care for employees under the <i>Work, Health and Safety Act 2020</i>.</b>		
<b>Date of adoption:</b>	22 June 2010	<b>Minute No.</b>	100616
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Work, Health and Safety Act 2020</i> <i>ISO 31000 Risk Management – Principals and Guidelines</i>		
<b>Internal References:</b>	Code of Conduct for Employees		

### POLICY STATEMENT:

The Shire is committed to safety as the major priority for all of its operations.

The goal is to perform work in such a manner that the potential for injury is reduced.

It is the intention to create an environment where employees and contractors recognise the health and safety risks of misusing alcohol and other drugs and thus provide an opportunity for them to obtain assistance to avoid such misuse.

The purpose of this policy is to ensure that all staff are fit for work by:

- (a) Implementing a fair and proactive alcohol and other drugs screening program;
- (b) Ensuring staff understand that they are responsible for reporting any instances where they believe that they are unfit for work to prevent incidents.

This will contribute to the safety and health of all employees and contractors of the Shire of Broomehill Tambellup.

### The Shire of Broomehill-Tambellup's Commitment

The Shire of Broomehill-Tambellup is committed to providing the safest possible workplace for its employees and to achieve the highest standards of safety and health, all employees are encouraged and expected to be free of alcohol and/or other drugs in excess of specified standards whilst at work. The underlying principles of the Shire of Broomehill-Tambellup are fairness and transparency and providing a safe workplace that promotes and protects the well-being of all employees within the Shire of Broomehill-Tambellup.

The Shire of Broomehill-Tambellup 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 a health and safety 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 Broomehill-Tambellup in any capacity.

### The Individual's Responsibility

Under the *Work Health and Safety Act 2020*, workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable (the hazard extends to being adversely effected, possibly as a result of the night before in addition to consumption at work), except in relation to any authorised and responsible use of alcohol at workplace social functions.

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.

All employees are expected to comply with the Shire of Broomehill-Tambellup's Code of Conduct at all times. They should carry out their duties in a professional, responsible and conscientious manner and refrain from any conduct (including alcohol abuse or substance misuse) which could adversely affect their personal work performance or the safety and well-being of others.

### **Reporting Requirements**

Under the *Work, Health and Safety Act 2020*, Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs, as this presents a hazard in the workplace.

### **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.

### **Prescribed and Over the Counter Medications**

The Employee must follow the instructions in respect of prescribed or over the counter medications. If the medication affects their ability to perform a task they must advise their supervisor or manager. Employees taking prescribed or over the counter medication must not commence duties if their doctor or pharmacist indicates that it would not be safe to do so.

It is expected when being prescribed medication that workers indicate to the medical professional what the nature of their work is so the medical practitioner may have opportunity to prescribe the most appropriate medication to reduce impact on safety performance.

The categories of drugs and substances prohibited by the Shire of Broomehill Tambellup are outlined as per the Australian Standard AS 4308 for drugs of abuse.

### **Permitted Blood Concentrations**

Alcohol: BAC (Blood Alcohol Content) for any person engaged in work must be 0.0mg/L

Drugs: as per the Australian Standard for illicit drugs AS4308.

### **Drug Use on the Premises**

Employees who buy, take, or sell drugs on Shire of Broomehill-Tambellup premises may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal and may be referred to the relevant authorities.

### **Consumption of Alcohol on the Premises**

Except in situations where the Shire of Broomehill-Tambellup holds a function on the premises and alcohol is provided, employees must not bring in and/or consume/or sell alcohol in the workplace.

Routine Shire endorsed activities are, but not limited to, council meeting attendance, Christmas parties, leaving and work anniversary parties, project conclusions, and routine social club functions/meetings.

### **Drug/Alcohol Treatment Programs**

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Local Government will provide assistance to the employee.

- (a) The Shire of Broomehill-Tambellup will allow an employee to access any accrued personal or annual leave while they are undergoing treatment and;
- (b) The Shire of Broomehill-Tambellup will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the 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.

### **Responsibilities**

The Shire of Broomehill-Tambellup considers that the use of alcohol or other drugs is primarily a health issue for individual employees, however, where an employee's performance or conduct affects his/her health and safety, and/or others in the workplace, the Shire of Broomehill-Tambellup is committed to appropriately managing the issue.

A likely outcome of any breach of this policy will be disciplinary action (up to and including termination of employment), however the Shire of Broomehill-Tambellup may also manage the issue by:

- (a) Providing appropriate education and training to employees;
- (b) Providing professional counselling and support where needed.

### **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 or arranging a taxi); and
- (d) If the manager has to leave the function early, appoint a delegate to oversee the rest of the function;
- (e) Ensure cessation of all physical and computer based work;
- (f) Ensure cessation of all use of equipment and machinery (including plant and mobile plant);
- (g) Ensure cessation of dealing with enquiries and advisory functions to the members of the public.

### **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.

### **Identification of Impairment & Testing**

If the Shire of Broomehill-Tambellup has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

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.

Testing may be carried out as a result of all incidents (including, but not limited to near miss, injury, property damage, and personal altercations). Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery of selection through coloured marbles in a bag drawn by each employee. All staff on site must participate in the random selection. If the Shire of Broomehill-Tambellup suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- (a) 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;
- (b) Direct an employee undergo drug and alcohol testing administered by a representative of the Shire of Broomehill Tambellup. (The Shire of Broomehill Tambellup person conducting the testing must be appropriately trained/qualified); A non-negative oral drug test result, administered by a trained Shire Representative may result in a referral to an independent NATA (National Association of Testing Authorities) accredited laboratory nominated by the Shire for a urine test confirmation;

- (c) Require that an employee undergo drug and alcohol testing administered by a representative of the Shire of Broomehill-Tambellup; and
- (d) Direct an employee to go home.

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. Other testing may be used if urine samples are unattainable.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire of Broomehill-Tambellup 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 Broomehill-Tambellup may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

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.

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:

- (a) The employee tested and the supervisor (or respective employer) will be informed of the result;
- (b) A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Broomehill-Tambellup.

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.

### **Education, Training & Awareness**

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.

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

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

An employee engaged by the Shire of Broomehill-Tambellup who breaches the provisions of this policy may face disciplinary action including possible termination of employment.

### **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.

## 2.7 E-MAIL POLICY

<b>Objective:</b>	<b>To provide consistency for all staff in keeping of electronic mail records.</b>		
<b>Date of adoption:</b>	22 June 2010	<b>Minute No.</b>	100616
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Work, Health and Safety Act 2020</i>		
<b>Internal References:</b>	Policy 2.8: Harassment, Bullying and Discrimination Policy Code of Conduct for Employees Management Practice 2.4: Internet and Email Access		

### INTRODUCTION

Electronic mail (e-mail) has become an important means of communication around the world. It offers an effective form of transmission that combines the informal, instantaneous and direct person to person contact of a conversation or telephone call with the permanence and non-intrusive nature of a letter or minute. E-mail can travel the world in seconds and a message can be distributed to individuals or larger groups with equal ease. It has the advantage that it is easy to use and is more economical than both paper and telecommunications.

E-mail is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record. Email should not be a substitute for other communication methods such as telephone, facsimile, or face to face meetings that would be more effective. E-mail should be viewed as merely another means of communication. Classified or in-confidence information should only be transmitted by e-mail where the entire network, from sender to receiver, has the necessary security classification. Messages to external addressees which would be sent via the Internet or other unsecured networks should be UNCLASSIFIED only.

E-mail should not be used for sending messages that are abusive, obscene, libellous and insulting or in bad taste. It is inappropriate for e-mail to be used for personal messages or for the creation and/or the distribution of jokes, cartoons, discriminatory or other inappropriate material including pornography and will be addressed according to the Council's Harassment, Bullying and Discrimination policy.

Staff must be individually responsible for e-mails that they create and/or receive and will be held accountable for messages issued in their name. All Managers should ensure that e-mail facilities and services in their work areas are used suitably and in accordance with this policy.

The Chief Executive Officer and Manager Finance and Administration are responsible for policy associated with e-mail, inherent to the Shire of Broomehill-Tambellup local area network. Responsibilities include:

- (a) the usefulness and maintenance of e-mail within the Council and with satellite centres and external addressees;
- (b) ensuring that any new e-mail system is compatible with local government standards; and
- (c) providing any necessary training and support for all email users.

## 2.8 HARASSMENT, BULLYING AND DISCRIMINATION

<b>Objective:</b>	To provide a best practice approach to prevent harassment, bullying and discrimination in the workplace.		
<b>Date of adoption:</b>	22 June 2010	<b>Minute No.</b>	100616
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Work, Health and Safety Act 2020</i> <i>State Equal Opportunity Act (1984)</i> <i>Equal Employment Opportunity (Commonwealth Authorities) Act 1987</i> <i>Workers Compensation and Injury Management Act 1981</i> <i>Equal Opportunity Act 1984</i> <i>Racial Discrimination Act (Cth) 1975</i> <i>Australian Human Rights Commission Act (Cth) 1986 and Regulations 1989</i> <i>Disability Discrimination Act (Cth) 1992</i>		
<b>Internal References:</b>	Policy 2.1 Equal Opportunity Code of Conduct for Employees		

### INTRODUCTION

The Shire of Broomehill-Tambellup recognises that everybody has the right to be treated with respect and dignity at work. The purpose of this Policy is to:

- Eliminate harassment (including bullying, sexual, racial vilification and victimisation) and discrimination;
- Ensure all staff, clients and visitors are aware of their roles and responsibilities to ensure the Shire provides a safe and inclusive workplace;
- Encourage prompt resolution of complaints confidentially and effectively; and
- Ensure that the Shire complies with its legal responsibilities in accordance with legislation.

### SCOPE

This Policy applies to all staff, clients and visitors to the Shire of Broomehill-Tambellup.

### PROCESS

The Shire is required under legislation to develop and implement programs designed to remove harassment, bullying and discrimination from the workplace.

### POLICY

The Shire of Broomehill-Tambellup considers workplace harassment, bullying and discrimination as unacceptable; it will not be tolerated under any circumstances.

Any reports of this matter are to be treated seriously and investigated promptly, confidentially and impartially. The Shire encourages Staff to report incidents early to prevent an escalation of the situation and to facilitate a positive resolution.

Managers and supervisors must ensure that employees or witnesses, who make complaints, are not victimised.

Where a person is found to have harassed or bullied another person, following a formal complaint, they may face disciplinary steps under the grievance procedures.



**DEFINITIONS****Bullying**

Is unwelcome and offensive behaviour that intimidates, humiliates and/or undermines a person or group. Bullying, which is a form of workplace harassment, generally involves a persistent pattern of behaviour over a period of time and may include verbal abuse, physical assault, unjustified criticism, sarcasm, insults, spreading false or malicious rumours about someone, isolating or ignoring a person, putting people under unnecessary pressure with overwork or impossible deadlines, and sabotaging someone's work or their ability to do their job by not providing them with vital information and resources.

**Confidentiality**

Refers to information kept in trust and only those people directly involved in the concern or who are involved in resolving a complaint will be provided with information about a complaint. There may be a need to disclose confidential information in circumstances where a matter is considered to involve a criminal action or a breach of the Shire's duty of care and in such cases the information will be divulged only to those who need to know.

**Discrimination**

Is treating someone unfairly or unequally simply because they belong to a group or category of people. Equal opportunity legislation prohibits discrimination on the grounds of sex, marital status, pregnancy, family responsibility, family status, race, religious or political convictions, gender history, impairment, age or sexual orientation. Victimisation is also treated as an unlawful act.

**Duty of Care**

The Shire has a legal obligation to provide staff, clients and visitors with a safe workplace, which is free from harassment and discrimination. Complaints may, therefore, need to be referred, in cases involving staff, to the CEO.

**Harassment**

Unacceptable conduct that consists of unwelcome and uninvited comments or actions that intimidate, offend, humiliate or embarrass a person or a group of persons. Equal opportunity legislation prohibits harassment on the grounds of sex, race and/or disability.

**Natural Justice**

Refers to a process that is fair to all parties and free of bias. The principles include the right for an affected person to be heard before any decision which has the potential to affect them is made, the right to be informed of allegations made, the right of response, the right to representation and consistency regarding the Shire's approach to such issues.

**Racial Harassment**

Occurs when a person is threatened, abused, insulted or taunted in relation to their race or by association, descent or nationality, colour, language or ethnic origin, or a racial characteristic. It may include derogatory remarks about people from particular countries or races, disparaging remarks about someone's accent or manner of speaking, mockery of skin colour or appearance, or displays of material prejudicial to a particular race and racial jokes.

**Racial Vilification**

Involves the incitement of racial hatred or harassment by statements or public acts.

**Sexual Harassment**

Is any verbal or physical sexual conduct that is unwelcome and uninvited that humiliates, intimidates or offends and that, in the circumstances, a reasonable person would have anticipated the conduct would have such an effect. It may include kissing, embracing, patting, pinching, touching, leering or gestures, questions about a person's private or sexual life, requests for sexual favours, smutty jokes, phone calls, emails, facsimiles or messages, offensive noises or displays of sexually graphic or suggestive material.

**Victimisation**

Includes any unfavourable treatment of a person as a result of their involvement in a complaint. Unfavourable treatment could include: adverse changes to the work environment, denial of access to resources, work opportunities or training, refusing to provide information, ignoring the person, dismissal or refusing to renew a contract of employment.

**Principles**

- (a) Harassment, bullying, discrimination and victimisation should not be confused with legitimate comment and advice regarding standards of work, workplace behaviour or feedback on work or performance given appropriately by managers or supervisors;
- (b) In dealing with complaints, the rights of all individuals should be respected and confidentiality maintained;
- (c) Both the person making the complaint and the person against whom the complaint is made will receive information, support and assistance in accordance with the principles of natural justice;
- (d) Victimisation is unacceptable and will not be tolerated. No person making a complaint, or assisting in the investigation of a complaint, is to be victimised. Victimisation of people making complaints will be treated as seriously as the original behaviour giving rise to the complaint;
- (e) All staff, clients and visitors are expected to participate in the complaint resolution process in good faith; and
- (f) All complainants have the right to have their complaint heard in an external forum.

**Peer Support**

Advice and support to complainants, respondents, managers and supervisors on conciliation of complaints; may include internal investigations.

**SUPPORT AND ADVICE**

The Shire of Broomehill-Tambellup recognises that the experiences of being harassed, bullied or being accused of bullying are highly stressful and emotional. We are committed to ensuring that our staff have access to free, confidential counselling with LGIS.

Staff wishing to access this counselling should contact LGIS directly on 9483 8888. LGIS is located at Level 3, 170 Railway Parade, West Leederville.

**RELATIONSHIP TO LEGISLATION AND OTHER POLICIES:**

Under the *Work, Health and Safety Act 2020*, the Shire has a responsibility to ensure the safety and health of all employees.

Under the *Equal Opportunity Act (1984)* an employer is required to ensure that people are not discriminated against on a range of grounds. The employer is also responsible to ensure that the workplace is free of sexual harassment. The *Workers Compensation and Injury Management Act 1981* provides for employees injured at work.

## 2.9 EMERGENCY SERVICE LEAVE

<b>Objective:</b>	<b>To provide employees who participate in volunteer emergency service organisations access to leave for the purpose of active service or training with the emergency service organisation.</b>		
<b>Date of adoption:</b>	15 September 2011	<b>Minute No.</b>	110909
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>			

### POLICY STATEMENT

The Council recognises that the participation of employees in volunteer emergency service organisations is a positive and vital role in the community.

To support employees who are members of an approved volunteer emergency organisation (such as St John Ambulance, State Emergency Service, Volunteer Bush Fire Brigade or Volunteer Fire and Emergency Service), paid leave of up to 38 hours per calendar year will be granted for the purpose of participating in training or active service of the volunteer emergency organisation, at the discretion of the Chief Executive Officer.

This leave will be in addition to annual leave entitlements.

Service or training in excess of 38 hours per calendar year is subject to the approval of the Chief Executive Officer and is conditional upon the likely disruption to the employee's work.

Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements. Unpaid leave will be treated as leave without pay.

Employees requiring access to Emergency Service Leave are to provide reasonable notification where possible, and have the leave approved by the Chief Executive Officer or Manager of Works. Employees granted leave under this Policy will be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends or public holidays.

Employees seeking leave under this Policy must provide certification that they have become members of a recognised volunteer emergency service organisation.

## 2.10 \*\* POLICY REPEALED\*\*

Council Policy 'Code of Conduct for Employees' repealed 17 November 2022

## 2.11 EMPLOYEE SUPERANNUATION

<b>Objective:</b>	<b>To provide an employee benefit through additional contributions to superannuation.</b>		
<b>Date of adoption:</b>	17 March 2016	<b>Minute No.</b>	160307
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>	<i>Superannuation Industry (Supervision) Act 1993</i>		
<b>Internal References:</b>	Policy 2.5: Staff Benefits Code of Conduct for Employees		

### OBJECTIVE

The Council is committed to recruiting and retaining appropriately skilled and qualified employees in order to deliver the full range of services required of the local government.

Employee benefits, including additional superannuation contributions, can assist in both recruitment and retention of staff.

### POLICY

The Council will contribute up to 5% of an employee's fortnightly wage to a complying superannuation fund (in accordance with the *Superannuation Industry (Supervision) Act 1993*) of the employee's choice. This is conditional on:

- (a) a matching contribution being made by the employee; or
- (b) an individual employment agreement that may state otherwise.

All employees will receive the compulsory superannuation contribution as per Superannuation Guarantee legislation.

## 2.12 CONFERENCES, SEMINARS AND TRAINING COURSES – GENERAL STAFF ATTENDANCE

<b>Objective:</b>	<b>To provide guidelines surrounding employees attendance at conferences, seminars and training courses.</b>		
<b>Date of adoption:</b>	18 April 2019	<b>Minute No.</b>	190409
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	21 April 2022	<b>Minute No.</b>	056/22
<b>Legislative References:</b>			
<b>Internal References:</b>	<b>Code of Conduct for Employees</b>		

### OBJECTIVE

The Chief Executive Officer has authority to approve staff attendance at conferences, seminars and training courses based on advice from the relevant Manager.

All approvals and funding of expenses shall be as per the following guidelines –

- (a) To achieve uniform practice throughout the organisation;
- (b) To reduce matters placed on agendas for the Council's consideration;
- (c) To maximise training opportunities and therefore productivity and efficiency of staff;
- (d) Minimising delay in accepting training opportunities.

Standards associated with the attendance of staff at conferences/seminars/courses –

- (a) Accommodation in the hotel or venue at which the conference/seminar/course is held, or other nearby venue;
- (b) Economy class airfare if necessary;
- (c) Reasonable meal costs and out of pocket expenses.

### BACKGROUND

Attendance at conferences, seminars and training courses is considered to be a component of the ongoing education and training of staff, which results in a more efficient service to the Council and the community. Such forums provide a means by which information and knowledge can be obtained from other organisations and bodies.

In some cases there is a mutual benefit to both the employer and employee in attending conferences and training courses and as such the conditions of attendance may be negotiated between the employee and the CEO.

#### Attendance at Conferences, Seminars and Training Courses

During the budget preparation process, the Chief Executive Officer shall determine an allocation of funds sought for conferences, seminars and training courses in the ensuing year.

Consideration will be given to –

- (a) The cost of each known conference, seminar and training course plus a contingency allowance for unforeseen events;
- (b) The duration of the event and expected period of absence;
- (c) The benefit expected to be derived from attendance at such an event.

Approval to attend is only to be granted if the relevant budget provides sufficient funds and the conference, seminar or training course is of particular relevance to the Council's operations.

When special funding is required, which is not included in the adopted budget for the financial year, the application must be submitted to the Council with a report prepared by the Chief Executive Officer on the application.

In respect of employees attending approved conferences, seminars and training courses at the Council's discretion, the following expenses will be met by the Council:

- (a) Registration fees;
- (b) Accommodation and reasonable meal costs, excluding alcohol;
- (c) Minor expenses such as taxi's, parking, telephone calls and laundry etc.;
- (d) Travelling expenses.

#### **Accommodation**

- (a) Should an employee require accommodation, then this will be available at a specified venue at the Council's expense. Extras such as mini-bars, in house movies and telephone calls will be the employee's responsibility except if calls are work related. A register of these calls must be kept to claim reimbursement.
- (b) If an employee chooses to stay with relatives or friends, there shall be no payment for accommodation.
- (c) Officers may request upgraded accommodation to cater for personal taste or other family members. The Council will only be responsible for reimbursement of the cost of standard accommodation. Additional charges will be the Officer's responsibility.

#### **Meals**

- (a) Breakfast – maximum up to \$20 per day on production of receipts.
- (b) Lunch is normally provided by the course, however if not provided, the Council will pay up to a maximum of \$20 per day on production of receipts.
- (c) Evening meal – maximum up to \$40 per day, excluding alcohol, on production of receipts.

#### **Travelling**

- (a) The Council will allow employees to travel to the course in work hours ie: if the course is to be held in Perth the employee can depart the Broomehill or Tambellup office at 2pm on the day prior to the course in order to arrive at the employee's approximate normal finishing time. The same principal would apply for any other destinations.
- (b) In acknowledging the dual benefit of attending a conference or training, in most cases it is expected that travelling home from a course will be in the employee's own time and no overtime will be paid.
- (c) The Council will provide a vehicle for travel, however the vehicle must be returned to the Tambellup Depot on the same day, unless prior arrangements are made with the Chief Executive Officer.
- (d) If any employee wishes to use their own vehicle in preference to a Council vehicle, then fuel only for the vehicle for travel to and from the course will be reimbursed. No vehicle allowance or kilometre rate will be paid.

An informative written report on the attendance at each conference/seminar shall be prepared and submitted to the Chief Executive Officer or appropriate Manager if requested.

## 2.13 MOTOR VEHICLES

<b>Objective:</b>	<b>To establish parameters for provision of motor vehicles to senior employees, general guidelines for use of Shire vehicles and facilitation for private use of vehicles, where applicable.</b>		
<b>Date of adoption:</b>	17 October 2019	<b>Minute No.</b>	191007
<b>Date of amendment:</b>	11 February 2021	<b>Minute No.</b>	210208
<b>Date of last review:</b>	11 February 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>	Code of Conduct for Employees		

### POLICY STATEMENT

To provide guidance for allocation of motor vehicles to employees, used in a manner comparable to Shires with similar sized operations and responsibilities.

### POLICY

It is the policy of the Shire of Broomehill-Tambellup to provide motor vehicles to employees appointed to the following positions –

- (a) Chief Executive Officer;
- (b) Manager Finance and Administration; and
- (c) Manager of Works.

The type of vehicle supplied will be determined by the Chief Executive Officer, and within the provisions of the Annual Budget and Plant Replacement Program. The private use of vehicles for the above-mentioned positions will apply as part of their individual salary package or contract.

### Other Employees

Private use of any vehicle by all other employees must be approved by the Chief Executive Officer or Manager of Works, prior to any use. Continued requests must be referred to the Chief Executive Officer.

### General Conditions of Use

- (a) Smoking is strictly prohibited within Shire vehicles at all times;
- (b) Motor vehicles may also be provided for permanent, acting or temporary officers when specific terms and conditions may be offered and agreed;
- (c) Spouses or partners are permitted to drive these motor vehicles provided that this does not disrupt the Shires business for which that vehicle is allocated, in any way;
- (d) Other dependents or persons are not expected to be driving these vehicles unless there is a specific need related to Shire business or in an emergency situation or where the CEO has granted specific approval;
- (e) Staff and elected members are to meet the costs of any parking or traffic infringements incurred whilst driving Shire vehicles;
- (f) All vehicles are regarded as pool vehicles for general use by Shire employees for work related purposes during office hours; and
- (g) Shire provided motor vehicles shall not be used for approved secondary employment or in the conduct of private commercial business unless express written approval of the CEO is given.

### Novated Leases

Salary packaging a vehicle using a novated lease is an arrangement where the employer allows an employee to include the purchase cost of a vehicle (via a novated lease) and its running costs within the employee's salary.

Employees who are allocated a Shire vehicle as part of their remuneration package, may choose to 'cash out' the vehicle component of their package and receive a vehicle allowance in lieu of a car benefit. The option to do this is only available when the employee seeks to enter into a Novated Lease arrangement.

When a Novated Lease is taken by an employee, their employment contract shall contain the following clause –

*A vehicle allowance of \$\_\_\_\_\_ per annum (taxable) is provided in lieu of the provision of a motor vehicle. Allowances may be utilised to purchase a vehicle through a novated lease in accordance with the following –*

- (a) The vehicle must be utilised by the employee for work purposes and that employee is not able to utilise 'pool' vehicles for work or private purposes;*
- (b) The vehicle may be hired by the employer for other employee or Councillor work requirements at the discretion of the owner of the vehicle and, if so hired, may be charged at the prevailing rate provided for in the Local Government Industry Award 2010;*
- (c) In the event of damage incurred by the hirer in part 2 (above), the Shire will meet the cost of any damage or insurance excess to a maximum of \$500.*

Any arrangement under this policy is to be included in the employee's Contract of Employment.

#### **Other Employees**

Employees who are not allocated a Shire vehicle as part of their remuneration package can enter into a Novated Lease arrangement at the discretion of the CEO, provided there is no cost to the Shire of Broomehill-Tambellup. These employees are not entitled to receive a vehicle allowance.



## 2.14 REMOVAL EXPENSES - SENIOR STAFF

<b>Objective:</b>	To attract senior staff to the Shire of Broomehill-Tambellup and to provide guidance regarding the maximum amount that the Council will contribute towards relocation expenses upon the recruitment of senior staff and the circumstances under which reimbursement of those expenses will be sought		
<b>Date of adoption:</b>	17 March 2022	<b>Minute No.</b>	035/22
<b>Date of amendment:</b>			
<b>Date of last review:</b>	17 March 2022		
<b>Legislative References:</b>			
<b>Internal References:</b>			

### POLICY STATEMENT

The Council will, when contributing to the relocation costs of new senior staff:

Pay the total relocation costs to a maximum of \$7,000 subject to three quotes for the relocation being obtained and the most satisfactory being endorsed by the CEO, subject to the following:

- (a) Should the new officer leave the employ of the Council for any reason within three months of employment, the officer shall reimburse to the Council 100% of the relocation costs.
- (b) Should the new officer leave the employ of the Council for any reason between three months and six months of employment, the officer shall reimburse to the council 50% of the relocation costs.
- (c) Should the new officer leave the employ of the Council for any reason between six months and twelve months of employment, the officer shall reimburse to the council 25% of the relocation costs.
- (d) Should the new officer leave the employ of the Council for any reason after twelve months of employment, the officer shall not be required to reimburse to the council any portion of the relocation costs.

Further, in the event that relocation expenses are required to be reimbursed in accordance with this policy, those funds shall be deducted from the officer's final pay and if required invoiced to the officer for any shortfall following termination of employment.

When this policy applies to a new employee, an acknowledgement of the terms of this policy shall be signed by the employee prior to employment being finalised.

## PART 3 - FINANCE

### 3.1 PURCHASING

<b>Objective:</b>	To deliver a best practice approach and procedures to internal purchasing for the Shire.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	15 September 2022	<b>Minute No.</b>	210508
<b>Date of last review:</b>	15 September 2022		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>State Records Act 2000</i> <i>Public Sector Management Act 1994</i> <i>Corruption, Crime and Misconduct Act 2003</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Recordkeeping Plan Code of Conduct for Employees Code of Conduct for Council Members, Committee Members and Candidates Delegation 2.9 Signing and Issuing of Purchase Orders		

#### POLICY

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's strategic and operational objectives.

#### OBJECTIVES

The Shire's purchasing activities will:

- (a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factors;
- (b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;**
- (c) 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;
- (d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- (e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- (f) 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;
- (g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Broomehill-Tambellup;
- (h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework;
- (i) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan;
- (j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

## 1. 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:

- (a) 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;
- (b) 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.
- (c) 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;
- (d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- (e) 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;
- (f) 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 Policy including Local Economic Benefit; and
- (g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

## 2. PURCHASING THRESHOLDS AND PRACTICES

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

Amount of Purchase	Policy	Authorised Officers
<b>\$0 to \$100</b>	<b>No formal process</b> Small incidental purchases made from local suppliers with a running monthly account to the value of \$100 do not require quotations or purchase orders e.g. Milk from the Deli. All care and responsibility must still be taken as is expected when spending public money.	Shire Employees
<b>\$101 - \$5,000</b>	<b>Direct purchase from suppliers requiring only one verbal quotation.</b> Where the value of procurement of goods or services does not exceed \$5,000 purchase on the basis of at least one verbal quotation, is permitted. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk. A purchase order is required for all purchases.	CEO, Managers & delegated Purchasing Officers

<p><b>\$5,001 - \$20,000</b></p>	<p><b>Obtain at least two verbal or written quotations.</b></p> <p>Where possible, at least two verbal or written quotations (or a combination of both) are required. A “Record of Quotes” form must still be completed where no written quote is available, i.e.; for verbal quotations or when obtaining multiple quotes is not practical (e.g.; when due to limited suppliers, it must be noted by completing a Record of Quotes form).</p> <p>The general principles for obtaining verbal quotations are:</p> <ol style="list-style-type: none"> <li>1. Ensure that the requirement/specification is clearly understood by the employee seeking the verbal quotations;</li> <li>2. Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;</li> <li>3. Read back the details to the Supplier contact person to confirm their accuracy; and</li> <li>4. Written notes detailing each verbal quotation must be recorded.</li> </ol> <p>Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>A purchase order is required for all purchases.</p>	<p>CEO, Managers &amp; delegated Purchasing Officers</p>
<p><b>\$20,001 - \$50,000</b></p>	<p><b>Where possible, obtain at least three written quotations</b></p> <p>The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>It is required to obtain at least three written quotes; should three quotes not be possible, a “Record of Quotes” form is to be completed and attached to the purchase order.</p> <p><b>NOTE:</b> The general principles relating to written quotations are:</p> <ul style="list-style-type: none"> <li>• An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;</li> <li>• The request for written quotation should include as a minimum:             <ol style="list-style-type: none"> <li>1. Written Specification;</li> <li>2. Selection Criteria to be applied;</li> <li>3. Price Schedule;</li> <li>4. Conditions of responding;</li> <li>5. Validity period of offer;</li> <li>6. Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond;</li> <li>7. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements;</li> <li>8. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and</li> <li>9. Respondents should be advised in writing as soon as possible after the final determination is made and approved.</li> </ol> </li> </ul> <p>A purchase order is required for all purchases.</p>	<p>CEO</p>
<p><b>\$50,001 - less than \$250,000</b></p>	<p><b>Obtain at least three written quotations containing price and specification of goods and services.</b></p> <p>For the procurement of goods or services where the value exceeds \$50,000 but is less than \$250,000, it is required that procurements be requested in writing and at least three written quotations obtained</p>	<p>CEO</p>

	<p>that contain price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>For this procurement range, the selection should not be based on price alone, and the CEO shall consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, local supplier, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.</p> <p>A purchase order is required for all purchases.</p>	
<b>Above \$250,000</b>	<p><b>TENDER</b></p> <p>Conduct a public tender process (See also clause 3 – Regulatory Compliance).</p>	Full Council

Other purchasing threshold points to note:

- a. The requirement for quotations and purchase orders contained above do not apply to the following purchase types:
  - i. Fuels and Oils
  - ii. Postage and Freight
  - iii. Annual Subscription and Membership Renewals
  - iv. Telephone and Utilities
  - v. Audits
- b. Where the Shire has already conducted a similar quotation process within the previous two years or is currently using a regular supplier, an existing supplier may be used with the approval of the CEO. This only applies to purchases below the tender threshold and where it would be financially and/or operationally beneficial to do so.
- c. When assessing quotes please refer to section 3. d. Regional Price Preference.
- d. The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.

### 3. REGULATORY COMPLIANCE

#### a. Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- i. An emergency situation as defined by the *Local Government Act 1995*, providing that the goods and services are required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates;
  - ii. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
  - iii. The purchase is under auction which has been authorised in advance by the Council;
  - iv. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and
  - v. Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.
- b. Sole Source of Supply (Monopoly Suppliers)

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

sources must be made. Written confirmation of this must be kept on file for later audit and must be approved in writing by the CEO.

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

c. Anti-Avoidance

Authorised Officers shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000, thereby avoiding the need to publicly tender.

d. Regional Price Preference

Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.

Preference may be given to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:

- i. 5% for goods or services for a supplier from within the Shire; and
- ii. 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association)

if price then demonstrates best value outcome for the Shire.

#### 4. EMERGENCY PURCHASES

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

- (a) 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
- (b) 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
- (c) 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.

#### 5. 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, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance; value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures [F&G Reg.13].

## **6. ANTI-AVOIDANCE**

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of 'splitting' the purchase value or the contract value, 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.

## **7. 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

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) 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.

## **8. 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 apply 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).

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

### **8.1 Local Economic Benefit**

The Shire promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region.

As much as practicable, the Shire will:

- (a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- (b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (c) ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;
- (d) 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;
- (e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;

- (f) consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
- (g) provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests 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.

## 8.2 Socially Sustainable Procurement

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

## 8.3 Aboriginal Businesses

*Functions and General Regulation 11(2)(h)* provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg.11(2)(h)*) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

## 8.4 Australian Disability Enterprises

*Functions and General Regulation 11(2)(i)* provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

## 8.5 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:

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

## **9. 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.

## **10. 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 Manager of Finance and Administration.

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:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) 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*.

## 3.2 SELF SUPPORTING LOANS TO COMMUNITY AND SPORTING BODIES

<b>Objective:</b>	<b>To assist community organisations within the Shire of Broomehill-Tambellup by providing funds through self-supporting loans.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	17 March 2016	<b>Minute No.</b>	160308
<b>Date of last review:</b>	17 March 2016		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>		
<b>Internal References:</b>			

### POLICY STATEMENT

The Council will support community organisations within the Shire of Broomehill-Tambellup to undertake projects through providing self-supporting loans.

All applications for self-supporting loans shall provide the following detail:

- (a) The works and undertakings and purpose of the loan;
- (b) Plans and specifications and statutory approvals together with detailed costings;
- (c) Audited financial statements for 3 years to demonstrate the ability to repay the loan, or such lesser financial documentation acceptable to Shire;
- (d) Statements demonstrating the need for the loan together with reasons of inability to obtain alternative funds;
- (e) Certificate of incorporation;
- (f) A signed copy of the Minutes of the Association which resolves to seek the self-supporting loan;
- (g) Provide any other information requested by Shire to assist with consideration of the application; and
- (h) An 'Acknowledgement of Debt' to be signed and sealed between applicant and the Shire.

### 3.3 INVESTMENTS

<b>Objective:</b>	To document and provide guidance to delegated officers for the investment of funds.		
<b>Date of adoption:</b>	15 October 2015	<b>Minute No.</b>	151009
<b>Date of amendment:</b>			
<b>Date of last review:</b>			
<b>Legislative References:</b>	<i>Local Government Act 1995 – Section 6.14</i> <i>Local Government (Financial Management) Regulations 1996 – Regulation 19, 28 &amp; 49</i> <i>Australian Accounting Standards.</i> <i>The Trustees Act 1962 – Part III Investments, as amended by the Trustees Amendment Act 1997;</i> <i>Banking Act 1959 (Commonwealth) Section 5;</i> <i>Western Australian Treasury Corporation Act 1986</i>		
<b>Internal References:</b>	Delegation 2.2		

#### OBJECTIVE

The Shire of Broomehill-Tambellup's (the Shire's) investment objectives will be met through the application of the Policy, which provides guidelines with respect to the investment of surplus funds by defining levels of risk considered prudent for public monies.

Surplus funds are monies held in the Municipal Fund of a local government that are not, for the time being, required by the local government for any other purpose.

To provide guidance for the investment of Shire funds, with due consideration of legislative requirements and risk at the most favourable rate of return available to the Shire at the time for the particular investment type, while ensuring that the Shire's liquidity requirements are being met.

#### POLICY

Investments from the Municipal, Trust, Loan and Reserve accounts are to be recorded, and kept, separate and distinct. Funds may be invested for terms ranging from one to six months based on predicted cash flow requirements.

#### Authorised Institutions

Investments will only be made with an authorised institution. An 'authorised institution' is defined as:

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

#### Authorised Investments

Without approval from the Council, investments shall be limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper; and
- Bank negotiable Certificate of Deposits.

**Prohibited Investments**

This policy prohibits any investment carried out for speculative purposes, including:

- (a) Derivative based instruments;
- (b) Principal only investments or securities that provide potentially or negative cash flow; and
- (c) Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

The policy also prohibits the use of leveraging (borrowing to invest) of an investment.

**Risk**

Whilst the investments made in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and *Part III* of the *Trustees Act 1962* are inherently low risk, when exercising the power of investment, the following principles are also to be given due consideration:

- (a) The purpose of the investment and its needs together with the circumstances;
- (b) The nature of and the risk associated with the different investments;
- (c) The need to maintain the real value of capital and income;
- (d) The risk of capital loss or income loss;
- (e) The likely return and the timing of that return;
- (f) The liquidity and the marketability of the proposed investment during, and at the determination of the term of, the proposed investment;
- (g) The aggregate value of the investment;
- (h) The likelihood of inflation affecting the value of the proposed investment;
- (i) The costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- (j) The ethicality and reputation risk of the investment.

**Prudent Person Standard**

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

**Reporting**

A report on the investments is to be included in the Monthly Financial Statement presented to the Council. This will include the following details:

- (a) Name of institution where investments are lodged;
- (b) Amount of funds invested;
- (c) Interest rate on each investment; and
- (d) Date of maturity of each investment.

Documentary evidence will be held for each investment and details thereof maintained in the Investment Register.

### 3.4 RELATED PARTY DISCLOSURES

<b>Objective:</b>	To outline the required procedures and mechanisms to ensure financial reporting disclosure requirements of Australian Accounting Standards Board (AASB) Standard AASB 124 are met.		
<b>Date of adoption:</b>	20 July 2017	<b>Minute No.</b>	170706
<b>Date of amendment:</b>			
<b>Date of last review:</b>			
<b>Legislative References:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 AASB 124 Related Party Disclosures		
<b>Internal References:</b>	Related Party Disclosures – Declaration Form Annual Financial Report Code of Conduct for Council Members, Committee Members and Candidates		

#### OBJECTIVE

The purpose of this Policy is to meet the disclosure requirements of AASB 124.

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

The objective of the Standard 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.

#### BACKGROUND

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

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

#### Identification of Related Parties

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

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

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

For the purposes of determining the application of the Standard, the Shire of Broomehill-Tambellup has identified the following persons as meeting the definition of *Related Party*:

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

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

### **Identification of Related Party Transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire of Broomehill-Tambellup and the related party, regardless of whether a price is charged.

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

- (a) Paying rates, fines and penalties;
- (b) Paying Department of Transport registrations and licensing payments;
- (c) Paying application fees for licenses, approvals and permits;
- (d) Use of Shire of Broomehill-Tambellup owned and operated facilities such as civic centres, recreation centres, libraries, parks, ovals, public open space, transfer stations and landfill sites (whether a fee is charged or not);
- (e) Attending Shire functions that are open to the public;
- (f) Employee compensation whether it is for KMP or close family members of KMP;
- (g) Lease agreements for housing rental (whether for Shire of Broomehill-Tambellup owned property or property sub-leased by the Shire of Broomehill-Tambellup through a Real Estate Agent);
- (h) Monetary and non-monetary transactions between the Shire of Broomehill-Tambellup 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 of Broomehill-Tambellup (trading arrangement);
- (i) Sale or purchase of any property owned by the Shire of Broomehill-Tambellup to a person identified above;
- (j) Sale or purchase of any property owned by a person identified above to the Shire of Broomehill-Tambellup;
- (k) Loan arrangements;
- (l) Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Council and are referred to as an Ordinary Citizen Transaction (OCT).

Where the Shire of Broomehill-Tambellup can determine that an OCT was provided at arms 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.

**Disclosure Requirements**

For the purposes of determining relevant transactions in point 2 above, elected Council members and key management personnel as identified above, will be required to complete a *Related Party Disclosures – Declaration* form for submission to financial services.

**Ordinary Citizen Transactions**

Management will put forward a draft resolution to the Council annually, declaring that in its opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Councils financial statements make. As such no disclosure in the *Related Party Disclosures – Declaration* form will be required.

- (a) Paying rates, fines and penalties;
- (b) Paying Department of Transport registrations and licensing payments;
- (c) Paying application fees for licenses, approvals and permits;
- (d) Use of Shire of Broomehill-Tambellup owned and operated facilities such as civic centres, recreation centres, libraries, parks, ovals, public open space, transfer stations and landfill sites (whether a fee is charged or not);
- (e) Attending Shire functions that are open to the public.

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

**All Other Transactions**

For all other transactions listed in point 2 above, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures – Declaration* form.

**Frequency of Disclosures**

Elected Council members and KMP will be required to complete a *Related Party Disclosures – Declaration* form annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of a KMP.

**Confidentiality**

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

**Materiality**

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

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

**Application**

This procedure applies to all Elected Members of Council, Chief Executive Officer and Managers of the Shire.

## Appendix 1 – Explanatory Notes – Related Party Disclosures

### Close Family Members

Close family members include:

- (a) a child, spouse or domestic partner;
- (b) children of your spouse or domestic partner;
- (c) dependents of you or your spouse or domestic partner;
- (d) any other close family member;

who may be expected to influence, or be influenced by, your dealings with the Shire.

The following table may assist you in identifying your close family members:

Definitely a close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council

There may be relationships that a council has which are not identified in this appendix but still meet the definition of a related party.

#### **Example: Cousin of Councillor**

A Councillor for the Shire has lived in the Shire her whole life. In fact her family has been in the area for generations.

The Councillor's cousin owns and operates the local newsagent through a company ABC Pty Ltd, in which she owns 100% of the shares. The Councillor and her cousin have always been close and regularly socialise together.

From these facts it would appear that the Councillor's cousin is a close family member of the Councillor because she would be expected to influence, or be influenced by, that person in her dealings with the Shire. Both the cousin and the company she controls, ABC Pty Ltd would therefore be related parties of the Shire.

Any transactions that the Shire makes with the newsagent would need to be separately identified and may need to be disclosed.



## Control in Entities

### What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

You control an entity if you have:

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some cases it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Chief Executive Officer or Manager Finance and Assets for a confidential discussion.

#### Example: Clubs or other Incorporated Bodies

A Shire Councillor is the President of the local football club. The club is overseen by a Committee which comprises the President and four other Committee members. Each member has a single vote when making decisions at meetings. The Committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the Committee members at the club's annual general meeting.

From these facts it would appear that the Councillor does not control or jointly control the football club so it will not be a related party of Council just because the Councillor is the president of the club.

## Other Examples

#### Example 1: Audit Committee Member

The Shire Audit Committee comprises two Councillors and a local retired accountant, Fred. Fred has no other connection with the Council.

The Audit Committee attends to the functions as required under the *Audit Regulations*. It does not make any decisions on behalf of the Council but simply provides reports, with recommendations, for the President and Councillors to consider.

Based on the facts outlined, Fred would not be a KMP of the Council.

#### Example 2: Son of CFO employed by the Council

The Shire has recently employed Paul's son (George) in the Council's parks and gardens area. Paul is the Council's Deputy CEO but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of the Council, which makes him a related party.

George will also be a related party of the Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

**Example 3: Cousin of President (related party commonly known but omitted from declaration)**

Shelley, the Shire President, forgets to include her cousin Mavis, and Mavis's company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with the Council and vice versa.

Mavis and her company are related parties of the Council, even though Shelley omitted them from her declaration.

**Example 4: Example of Control**

Fred is the President of the Shire of Nowhere and owns 100% of the ordinary shares in Nowhere Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

**Example 5: Example of Joint Control**

Fred is the President of the Shire of Nowhere and owns 50% of the ordinary shares in the Nowhere Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

### 3.5 FINANCIAL HARDSHIP - RATES

<b>Objective:</b>	To ensure that the Shire of Broomehill-Tambellup offers fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at what is a difficult time.		
<b>Date of adoption:</b>	18 June 2020	<b>Minute No.</b>	200608
<b>Date of amendment:</b>		<b>Minute No.</b>	
<b>Date of last review:</b>			
<b>Legislative References:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
<b>Internal References:</b>	Application for Financial Hardship form		

#### PURPOSE

To provide consistent methodology and outline the principles applied for determining financial hardship.

The Shire will advise ratepayers and community groups at the time their account falls into arrears, of the terms of this policy and encourage eligible persons to apply for hardship consideration.

#### POLICY SCOPE

This Policy is intended to apply to all ratepayers and community groups experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, lessee etc. and is applicable to all rates and charges levied.

#### PRINCIPLES

##### Overarching Principle

Overdue rates must be paid nonetheless fair, reasonable and flexible approaches to payment are beneficial. All ratepayers have a responsibility to pay overdue rates. This policy in no way overrides, detracts from or diminishes the responsibility of ratepayers to pay overdue rates, consistent with the *Local Government Act 1995*.

Research demonstrates that a fair, reasonable and flexible approach leads to better repayment outcomes and fewer resources expended in the collection of payments. Greater efficiency and predictability in the collection of rates thereby assists the Shire to plan and fund service delivery priorities. Furthermore, addressing overdue rate through an early intervention approach without resorting to court recovery processes minimises legal and court costs to individual ratepayers.

#### FINANCIAL HARDSHIP CRITERIA

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

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

Ratepayers and community groups will be encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment arrangement.

**APPLICATION PROCESS**

Each person wishing to make application under this Policy will be required to complete the application form that forms an appendix to this Policy.

The Shires Chief Executive Officer and Manager Finance and Administration will assess each application on a case by case basis. All circumstances will be considered and the principles of fairness, integrity and confidentiality will be applied in all instances, whilst complying our statutory responsibilities.

**PAYMENT ARRANGEMENTS**

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* are of an agreed frequency and amount. These arrangements will consider the following:

- (a) If a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- (b) If the payment arrangement will establish a known end date that is realistic and achievable.

Ratepayers and community groups will be responsible for informing the Shire of any change in circumstance that may jeopardise the agreed payment schedule.

**DEFERMENT OF RATES**

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

- (a) remains as a debt on the property until paid;
- (b) 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;
- (c) may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- (d) does not incur penalty interest charges.

**DEBT RECOVERY**

The Shire will suspend its debt recovery processes whilst negotiating a suitable payment arrangement with a debtor, and whilst the agreed payment arrangement is adhered to.

Where ratepayers or community groups are unable to make payments in accordance with the agreed payment arrangement, an alternative payment arrangement will be considered and if agreed upon, the Shire will continue to suspend all debt recovery processes.

Where ratepayers or community groups do not reasonably adhere to the agreed payment arrangement, the Shire will offer one further opportunity to enter into a payment arrangement that will clear the debt by the end of the financial year that the debt is relevant to.

Rates and service charge debts that remain outstanding at the beginning of the following financial year will be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

If no contact is made by the ratepayer or community group in relation to the outstanding debt then normal debt recovery procedures will apply.

**COMMUNICATION AND CONFIDENTIALITY**

The Shire will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at the ratepayers request.

The Shire will advise ratepayers and community groups of this policy and its application, when communicating with a ratepayer or community group that has an outstanding rates or service charge debt.

**PROCEDURE ASSOCIATED WITH THIS POLICY**

Application for Financial Hardship form.

## **ROLES AND RESPONSIBILITIES**

Chief Executive Officer

- (a) Consider applications for financial hardship in accordance with this policy.

Manager Finance and Administration

- (a) Consider applications for financial hardship in accordance with this policy.



## APPLICATION FOR FINANCIAL HARDSHIP ASSESSMENT

The Shire of Broomehill-Tambellup recognises that some members of our community will experience financial hardship from time to time. The Council has adopted a financial hardship policy which means that for those who are experiencing difficulties, the Council has agreed on some measures to assist in the payment of rates and service charges.

**Please complete this application in full.**

**Shire of Broomehill-Tambellup Policy 3.5 – Financial Hardship is applicable to this assessment.**

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### Applicants Details

Full Name/s: \_\_\_\_\_

Applicants mailing address: \_\_\_\_\_

Applicants phone number: \_\_\_\_\_

Applicants email address: \_\_\_\_\_

Is this application being lodged on behalf of a Corporate / Community Organisation / Group / Club / Business?

YES / NO

If yes, what is the name of the Corporate / Community Organisation / Group / Club / Business?

\_\_\_\_\_

### Financial Hardship Details

Property addresses this application applies to:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

I am seeking financial hardship assistance for the following:

- ☐ Property Rates
- ☐ Property Lease
- ☐ Rent of Council premises
- ☐ Community Association Loan
- ☐ Other

If you have chosen 'Other' please provide specific information on what assistance is being sought:

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Which of the following are you in relation to the properties in this application?

(please note if you rent a property from a private owner, please contact them directly)

- ☐ I am the property owner
- ☐ I am the lessee of a Shire of Broomehill-Tambellup property
- ☐ Other (please specify) \_\_\_\_\_

Please confirm under which capacity you are seeking financial hardship assistance:

- ☐ Recent unemployment or under employment
- ☐ Sickness or recovery from sickness associated with Covid-19 or other declared public health emergency or pandemic
- ☐ Other sickness or recovery from other sickness
- ☐ Low income or loss of income
- ☐ Unanticipated circumstances (ie caring for a family member)
- ☐ Other circumstances

Please provide additional information to substantiate your claim. Attach separate evidence if applicable.

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Please either email, post or hand deliver this completed application form together with evidence to substantiate your claim to:

[mail@shirebt.wa.gov.au](mailto:mail@shirebt.wa.gov.au)

or

Shire of Broomehill-Tambellup  
46-48 Norrish Street  
TAMBELLUP WA 6320

**Acknowledgement**

I declare that the information I have provided in this application is correct and I am the authorised person by all owners or lessees of the organisation/body/group/club/business to lodge this application. I understand that should these statements and answers be untrue that the Shire of Broomehill-Tambellup reserves the right to retrospectively revoke all waivers, discounts and assistance provided.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**Privacy**

All personal information collected on this form will only be used by the Shire of Broomehill-Tambellup for the sole purpose of providing requested and related services. Information will be stored securely by the Shire and will not be disclosed to any third parties without your express written consent.



## PART 4 – WORKS

### 4.1 ROAD CONSTRUCTION AND MINIMUM STANDARDS

<b>Objective:</b>	To assist in achieving a uniformity of road conditions and serve as a guideline to staff when developing works programmes.		
<b>Date of adoption:</b>	13th October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	20 May 2021	<b>Minute No.</b>	210509
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	<i>Local Government Act 1995</i> <i>Environmental Protection Act 1986</i> <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Functional Road Hierarchy Management Practice 5.1 – Laying water pipes under roads Management Practice 5.2 – Culverts crossings and entrances Management Practice 5.4 – Footpath construction width Management Practice 5.7 - Requests to deepen, upgrade or install culverts		

#### ROAD CONSTRUCTION

The primary objectives are to:

- Provide a safe, efficient and effective road system for the Shire;
- Facilitate the upgrading of existing roads to standardised widths, alignments and standards of construction;
- Provide sufficient road reserve width to accommodate all required public utilities required now and into the future as part of a Road Construction; and
- Provide a rational and consistent basis for the construction of roads and any financial contributions required for such construction.

The Shire of Broomehill-Tambellup Functional Road Hierarchy consists of 5 category types,

- Local Distributor of Regional Significance.
- Local Distributor
- Access 1
- Access 2
- Town Streets

#### Local Distributer of Regional Significance

Minimum 10 metre gravel formation with a minimum 7.0 metre wide sealed running surface and 1.5 m shoulders within a minimum 20 metre wide road reserve.

#### Local Distributer

Minimum 10 metre gravel formation with a minimum 7.0 metre wide running surface and 1.5 m shoulders within a minimum 20 metre wide road reserve.

#### Access 1

Minimum 8 metre gravel formation with a minimum 7.0 metre wide paved running surface and 0.5 m shoulders within a minimum 20 metre wide road reserve.

**Access 2**

Minimum 6 metre formed road within a 20 metre wide road reserve.

**Town Streets**

These are defined in the Liveable Neighbourhoods Guide as Access Streets and Laneway/Service Lane.

**Town Access Streets**

Pavements shall be sealed with a minimum width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve. The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres. ('T' turning heads are not acceptable) Concrete/asphalt footpath on at least one side of the road shall connect to existing footpaths.

**Industrial, Commercial and Thoroughfares**

Pavements shall be subject to a minimum seal width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve. Unsealed gravel footpath on sides of the road to connect to existing footpaths where possible.

**Rural Residential**

Pavements shall be subject to a minimum width of 7.2 metres within a minimum 20 metre wide road reserve. Unsealed gravel footpath to one side of the road to connect to existing footpaths where possible.

The Shire of Broomehill-Tambellup recognizes the Main Roads Standards 501 Pavements Specifications for road construction.

**OTHER DESIGN STANDARDS****Pavement Thickness**Gravel Road

- (a) The standard subgrade thickness shall be a minimum of 150mm (compacted).
- (b) The standard gravel pavement thickness shall be a minimum of 150mm (compacted).
- a. Sealed Road
- (c) The standard subgrade thickness shall be a minimum of 150mm (compacted).
- (d) The standard gravel pavement thickness shall be a minimum of 200mm (compacted).

**Working Layer – Minimum thickness**

The thickness of any working layer shall be no less than 150mm (compacted).

**Crossfall**

Sufficient crossfall should be provided to allow easy run-off of water from the surface to prevent potholes from developing. If too great a crossfall is applied, the surface material will be prone to scouring and erosion. For dual carriageway, two way crossfalls should meet with a crown. This will assist in preventing the development of potholes in the road centre. For single lane carriageways, it may be best to have single crossfall for ease of grading during regular maintenance.

Generally,

- (a) for unsealed roads, a crossfall of 4 - 5% shall apply,
- (b) for sealed roads, a crossfall of 3-4% shall apply,
- (c) for shoulders on straights, the crossfall of road shoulders may be up to 2% steeper than the crossfall of the traffic lane it flanks, and
- (d) for shoulders on curves with superelevated pavements, both shoulders can be superelevated to crossfalls not less than the pavement crossfalls.

**Widths - Unsealed Shoulders on Sealed Roads**

The purpose of shoulders is to:

- give lateral support to the pavement,
- carry surface water away from the pavement,
- give extra width for traffic to stop or stand for emergency use,
- allow overtaking or passing movements, particularly on single lane pavements, and
- create a sense of open space, and therefore increase the effective use of traffic lanes.

Shoulder widths on future sealed roads should ideally be 1.5m on each side, although this can be reduced to 1.0m on dual lane minor roads. This recommended standard will be applied to existing roads as part of a future upgrade/reconstruction to that road.

**DRAINAGE WORKS****Table Drains**

Table drains should be a minimum of 300m below the gravel pavement layer.

Drains should be free of all vegetation and obstructions, to allow for free drainage and improved sight distances.

**Culverts**

Culvert bedding should comprise of cement stabilised gravel or sand (40kg of cement per cubic metre of loose gravel) in a minimum thickness of 150mm (compacted).

Culvert backfill should comprise of cement stabilised gravel in a maximum working thickness of 150mm (compacted).

For sealed roads, the cement stabilised gravel should be constructed up to the finished level and the seal coat applied.

For unsealed roads, the cement stabilised backfill should be constructed to 150mm below the finished road level.

**Box Culvert Cases**

All new and/or replaced box culverts are to have a continuous concrete slab base.

**Headwalls**

All culverts, headwalls shall be constructed of concrete or grouted stone pitched headwalls comprising of wingwalls, aprons and cut off walls.

For culverts greater than 750mm diameter or height, the headwalls shall be steel reinforced.

**Batters**

In shallow cuttings - up to 3m depth, cut batters are usually flattened for improved appearance beyond that required for stability purposes.

Batters should be no steeper than 3 to 1.

**Slope Benches**

On high batters, exceeding 10m vertical height, or where batters are constructed of unstable material, consideration should be given to the provision of benches.

Benches are beneficial for:

- eliminating the need to flatten the batter slope in the interests of stability,
- reducing scour on the batter face,
- minimising the possibility of rock falling onto the pavement,
- improving the appearance of the cutting,

**Road Upgrading**

The Shire may request contributions from developers to upgrade existing roads as a condition of approval of adjoining applications.

**ROAD CONSTRUCTION SPECIFICATION**

If the proposed subdivision or development is located on an unsealed road, the Council may determine that the developer shall contribute towards road construction or upgrade to connect the development to the nearest sealed road the upgrade may include services and drainage.

**PROVISION OF SUBDIVISIONAL ROADS AND ASSOCIATED CIVIL WORKS****1. Preliminary**

- 1.1. It is the responsibility of subdividers who have received conditional approval which includes the provision of roads and associated civil works to deliver to the Council's Chief Executive Officer (CEO) full drawings designs and information which would enable the CEO to make a decision on approving this work.
- 1.2. A Consulting Engineer or qualified practicing Civil Engineer or person with relevant experience or qualification approved by the CEO, must be engaged to prepare detailed design drawings and specifications sufficient to show exact details of materials, locations (both horizontal and vertical) and construction methods of all physical features such as, but not limited to, roads, drainage, sewage, earthworks, landscaping, signage (regulatory and directional), guideposts and all necessary works.
- 1.3. Plans need to be submitted to the CEO for approval following amendment and revision (if required).
- 1.4. If the subdivider does not accept the Council's requirements the subdivider may appeal to the Minister for Planning and Infrastructure within 30 days. The State Administrative Appeals Tribunal is the sole arbiter on the matter as per the Local Government Miscellaneous Provisions Act, Clause 2.95.
- 1.5. When an approved plan is available the subdivider may call tenders or engage a contractor of their choice.
- 1.6. A bond to the value of 7.5% of the total cost of the work shall be paid to the Council to cover any defects which may arise in the first 12 months after clearance of the relevant Planning Commission condition(s) relating to roads and/or drainage, landscaping or any other details included within the Council or CEO approved plans or specifications. The bond may take the form of a payment to the Council or alternatively an irrevocable Bank Guarantee. Unused portions of the bond are refundable.
- 1.7. It is the subdividers responsibility to ensure that the contractor engaged has the capacity to fully complete the work in accordance with the approved plans and to the applied standards.
- 1.8. If day to day site supervision is to be provided by the Consulting Engineer or Site Supervisor, the subdivider must pay to the Council an amount of 1½% of the total cost of construction as estimated by the Council, to cover the costs incurred by the Council through activities such as officer attendance at site meetings/inspections etc. If day to day site supervision is not provided by the Consulting engineer or Site Supervisor then the amount required is 3%.
- 1.9. Public access to all or part of the roads as applicable within the subdivision will not be allowed until a certificate of completion from the Consulting Engineer is given and accepted by the CEO.
- 1.10. Clearance of the subdivision by the CEO shall be granted at such time as the subdivisional civil works are fully completed, all other relevant conditions set by the Planning Commission are satisfied, supervision fee (1.5% or 3%) paid, and the 7.5% retention bond is in place as per clause (e) above.

Clearance may also be granted to an uncompleted subdivision whereby bonds will be negotiated to cover the cost of the incomplete works or relevant conditions. This will be decided, at the discretion of the CEO, on a case by case basis however generally bonds will only be permitted where the

majority of the work or the majority of the relevant conditions set by the Planning Commission have been satisfied.

Bonds will be held until such time as the outstanding issues are completed to the satisfaction of the CEO. The amount of the bond will be determined based on the value of the work subject to the bond plus 20%.

## **2. CONTRIBUTIONS TO UPGRADING ADJOINING AND FEEDER ROADS**

- 2.1. Subdivisions which increase the volume of traffic on the Councils controlled roads may attract a contribution from the subdivider for the upgrading of the Council road.
- 2.2. In instances where a subdivision attracts a road upgrading condition, the CEO shall specify and justify the work in the response to the Planning Commission. Depending upon the size and scale of the proposed subdivision the CEO is to either stipulate the specific road upgrading requirements (eg; upgrade 'x' road to 6m seal from intersection with 'y' road to entrance of proposed internal access road of subdivision) or a financial contribution towards the future upgrading of the subject road. In some instances the size of the subdivision will generate such a significant increase in traffic volume on an existing road that a total (100%) contribution towards the upgrading of the road will be required. This is to allow appeal by the subdivider through the normal appeal process.
- 2.3. All financial contributions received from subdividers not expended in the same year as receipt are to be placed in reserve and quarantined for use on the nominated road

## **3. OUTLINE SPECIFICATION FOR BITUMEN CONSTRUCTION**

### **3.1. General**

All work should be carried out to the complete satisfaction of the Shire of Broomehill-Tambellup and in accordance with best accepted engineering practice. As a guide, developers should refer to the text 'Local Government Guidelines for Subdivisional Development' published by the Institute of Public Works Engineering Australia (WA Division), ISBN 0-646-36284-4.

### **3.2. Design**

A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person as approved by the CEO. The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the CEO to make a decision on approving the work. It is important that subdividers establish road standards with the Shire before commencing design.

### **3.3. Design Drawings**

Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text 'Local Government Guidelines for Subdivisional Development'. However, as a minimum design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible.

### **3.4. Cross sections shall be included for all roads.**

The design shall be forwarded to the CEO for approval in two hard copies containing minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

All geometric design will be based on a minimum Design Speed of 80km/h unless ground conditions make this impossible. Where this occurs the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

**3.5. Drainage**

Drainage detail should be specific and include constructional detail of all structures being utilised.

Storm water should be discharged as soon as possible onto the land surface or to a natural water course. Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the CEO. All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 1997 and the relevant Austroads Guides.

Flow widths along kerb lines are not to exceed 2.0m from the face of kerb and water velocity is not to exceed the scour velocity of the road and kerb surface.

All drainage discharge points shall be protected against erosion approved by the CEO.

All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipe such as PVC or polypropylene) for the proposed installation situation. Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc., shall be connected with cement mortar or as specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

**3.6. Earthworks & Formation****Subgrade**

Roads shall be formed and compacted true to location, level and graded as shown on the design drawings.

All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose.

All material used in fills must be capable of compaction as per Main Roads Western Australia specifications.

The CEO reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

**3.7. Pavement Design**

Road base material shall be laterite gravel (or other approved material) taken from a pit approved by the CEO.

Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications.

Details submitted in the design shall include the materials and the pavement structure being proposed. Road base depth shall be not less than 200mm compacted unless approved by the Shire or justified by laboratory test results on the sub-grade and base material.

**3.8. Surface Treatment**

The Consulting Engineer shall submit a seal design to the CEO giving full details of the proposed seal treatment(s).

Seals shall conform to Main Roads Western Australia specifications.

No seal shall be applied prior to the seal design being approved by the CEO. The approval process will include an inspection of the base course.

#### **4. OUTLINE SPECIFICATION FOR UNSEALED (GRAVEL) CONSTRUCTION**

##### **4.1. General**

All work should be carried out to the complete satisfaction of the Shire of Broomehill-Tambellup and in accordance with best accepted engineering practice. As a guide, developers should refer to the texts 'Local Government Guidelines for Subdivisional Development' published by the Institute of Public Works Engineering Australia (WA Division), ISBN 0-646-36284-4 and ARRB's 'Unsealed Road Manual – Guidelines for Good Practice'.

##### **4.2. Design**

A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person as approved by the CEO. The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the CEO to make a decision on approving the work.

It is important that subdividers establish road standards with the Shire before commencing design.

##### **4.3. Design Drawings**

Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text 'Local Government Guidelines for Subdivisional Development'. However, as a minimum design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible. The design shall be forwarded to the CEO for approval in two hard copies minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

All geometric design is to be based on a minimum Design Speed of 80km/h unless ground conditions make this impossible. Where this occurs the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

##### **4.4. Drainage**

Generally drainage on gravel roads will consist of open drains with culverts with headwall structures installed transversely beneath the road surface.

Drainage detail should be specific and include constructional detail of all structures being utilised.

Storm water should be discharged as soon as possible onto the land surface or to a natural water course.

Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the CEO. All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 2019 and the relevant Austroads Guides.

All drainage discharge points shall be protected against erosion in a manner approved by the CEO. All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipe such as PVC or polypropylene) for the proposed installation situation.

Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc., shall be connected with cement mortar or as specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

##### **4.5. Earthworks & Formation**

Subgrade Roads shall be formed and compacted true to location, level and grade as shown on the design drawings.

All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose.

All material used in fills must be capable of compaction as per Main Roads Western Australia specifications. The CEO reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

#### **4.6. Pavement Design**

Road base material shall be laterite gravel (or other Shire approved material) taken from a pit approved by the Shire. Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications.

Details submitted in the design shall include the materials and the pavement structure being proposed.

Crossfalls shall not be less than 4%. Road base depth shall be not less than 200mm compacted unless approved by the Shire or justified by laboratory test results on the sub-grade and base material.

#### **4.7. Surface Treatment**

The surface shall be water bound, compacted and shaped as per the design to give a smooth and solid running course with a minimum of loose material.

### **5. SUBDIVISIONAL ROAD REQUIREMENTS**

#### **5.1. Internal Roads (Access Roads)**

The full cost of all internal roads will be at the cost of the developer. The standard of road will conform to the Council's Road Standards, and the level of construction will be as dictated by the number of lots serviced, terrain, number of spur roads, and potential traffic generated.

#### **5.2. Servicing by Existing Roads**

When subdivisional lots are permitted to be serviced by existing roads a contribution will be required to upgrade the road to an acceptable standard dictated by the number of lots and the volume of potential additional traffic.

#### **5.3. Feeder Road Upgrading (District Distributor B Roads)**

Where subdivisional roads connect to an existing Shire feeder road which is of a standard inadequate for the potential traffic after the subdivision is fully developed, a contribution sufficient to raise that standard to an acceptable level will be required after taking into consideration future contributions from other adjacent subdividable land. NOTE: A feeder road standard not less than that required for the internal road provided for the subdivision will be required.

#### **5.4. Major Feeder Road Connection (Primary Distributor, District Distributor A or Regional Distributor Roads)**

Where subdivisional roads connect to an existing major feeder road (eg. highway or secondary road) already adequate in standard, a contribution will be required for any traffic controlling treatments, containing drainage, entry treatments, and dealing with specific safety problems such as visibility, signage etc. Where the feeder road is a highway or secondary road under the control of Main Roads Western Australia approval from Main Roads Western Australia is required prior to submission of design drawings to the Shire.

#### **5.5. Connecting Road Presently Not Existing**

Where a subdivision is created which will require connection to a feeder road or highway and no formed road exists then the full cost of this connecting road to a standard dictated by the number of created lots and potential volume of traffic generated will be required.



**5.6. Additional or Connecting Roads**

Where contributions have been assessed in accordance with this Policy, the Council reserves the right to fully utilise the contribution on the section of adjoining or connecting road with the greatest priority.

**5.7. Road Standards**

**5.7.1.** Minimum Gravel Track - Farm gate situation servicing 1 - 4 rural properties. A formed road sheeted with suitable pavement material where required - minimum width 6.0 metres.

**5.7.2.** Standard Gravel Road - Typical rural road servicing 5 - 10 rural properties. Formed road with a gravel pavement minimum width 8.0 metres.

**5.7.3.** Bitumen - 6 metre - Acceptable for short internal spur road only when servicing maximum 5 lots.

**5.7.4.** Bitumen - 6 metre without Kerbs - Minimum main internal road for Special Rural subdivision. Kerbing required for drainage, traffic control and entry only.

**5.7.5.** Bitumen - 6 metre with Kerbs - Minimum Residential standard. Minimum standard for Special Residential.

**5.7.6.** Bitumen - 7.4 metre without Kerbs - Main internal Special Rural/Residential road if planned to be extended as a feeder road. Kerbing required for drainage, traffic control and entry only.

**5.7.7.** Bitumen - 7.4 metre with Kerbs - Main internal distributor in a large Special Rural/Residential subdivision. Residential distributor road.

**6. CROSSOVERS**

6.1. Under Schedule 9.1, Clause 7 (3) of the Local Government Act 1995, regulations may authorise a local government to require a person to make or repair a crossing from public thoroughfare to: a) private land that the person owns or occupies, or b) a private thoroughfare servicing private land that the person owns or occupies, and if the person fails to do so, to do so itself and recover 50% of the cost as a debt due from the person.

6.2. The Council wishes to encourage land owners to install vehicle crossovers in a timely manner. To encourage the installation of crossings by landowners, the Council will offer a subsidy towards the cost. Payment of up to half of the cost for a standard 4.0 metres urban and 6 metres wide rural crossing from the road surface to the front boundary of the property. Council's contribution shall not exceed the maximum of \$1,000 reimbursement.

6.3. The Manager of Works will inspect and prepare a standard specification which shall be the basis for calculation of a subsidy payment. The Manager of Works shall approve the specification for the different circumstances within the shire and each crossing must be constructed in accordance with Shire's specifications, the remaining cost shall be payable by the property owner.

6.4. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of that property owner.

**7. FOOTPATHS**

The Council recognises the importance of footpaths and dual use paths. There is greater demand than funds available to meet all proposals for footpath and dual use path provision. This policy is to establish how priority will be allocated and standards established.

- Footpaths and dual use paths will be constructed in accordance with the priorities established in the Shire of Broomehill Tambellup footpath plan.
- Paths are to be constructed to the Austroads Standards Part 6A: Pedestrian and Cyclist Paths

## **8. VERGE CLEARING**

### **8.1. Relevant Legislation**

The Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 govern the activities that will impact on native vegetation. This legislation is relevant to the Shire, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

### **8.2. Designated Maintenance Corridor**

The Environmental Protection legislation, in particular Regulation 5, Item 22 Clearing for maintenance in existing transport corridors (Environmental Protection [Clearing of Native Vegetation] Regulations 2004) provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated maintenance corridor.

### **8.3. Road Construction Operations**

Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Environment Regulation (DER) prior to undertaking any road construction. Conditions of the permit will be complied with including special considerations for declared rare flora and/or fauna if any has been identified as present in the maintenance corridor.

Rural road widening is to be carried out according to the requirements of the Council but will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

Clearing vegetation in narrow road reserves during times of road construction or road improvements, the shire may seek approval from the land holder to remove an existing fence to clear all vegetation from within the road reserve and erect a new fence to an agreed standard by both parties.

Any tree remaining within the road reserve but outside the limits of clearing which upon assessment is considered unsafe and likely to fall upon the roadway may be cleared and disposed of.

### **8.4. Road Maintenance Operations**

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting.

Road maintenance activities will be contained within the Maintenance Corridor, which comprises the running surface, shoulder, table drain and batter to the tip of the back slop.

When major weed control works are to be undertaken, including areas outside the Maintenance Corridor, consultation may occur with the Department of Parks and Wildlife, DER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation will be removed and disposed of prior to operation.

Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible this will be minimised.

Drains can be mechanically cleared and maintained with a grader, or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage the use of excavation equipment may be used.

Requests received from members of the public relating to exclusion of a road reserve/section of road reserve adjacent to their property from the spraying program, should be forwarded in writing to the Chief Executive Officer for consideration to be placed on the 'Do Not Spray' register.

**8.5. Removal of Dangerous Vegetation**

Occasionally it is necessary to remove a dangerous tree/vegetation that pose/s an imminent threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fenceline or a roadway.

Following inspection by a Shire Officer, any tree removal will be in accordance with Environmental Protection (Clearing of Native Vegetation) Regulations.

**8.6. Services and Utilities**

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible.

Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Broomehill-Tambellup regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas.

All materials are to be removed from the road verge, by the utility providers, on the completion of works. The trenches, if relevant, are to be backfilled, adequately compacted and trimmed.

**Water Pipes under Roads**

Applications from landowners to lay water pipes under roads that are in the control of the Shire of Broomehill-Tambellup shall be in writing and include a location sketch.

The Chief Executive Officer has delegated authority to grant approval. The approval is to be confirmed in writing and will include the following conditions:-

- (a) Installation of pipes under the road will be done by the Councils Works staff with costs to be met by the landowner
- (b) If the pipe is to go through a culvert it must include provisions for the pipe to be moved from time to time to allow for the Councils maintenance of the road and culvert
- (c) The pipe to be maintained in good order by the landowner to prevent any adverse impact on the road.
- (d) Markers to be placed adjacent to each side of the roadway stating 'Water Pipe Line'. These signs to be permanently maintained by landowner
- (e) Native Vegetation Act will require landowners to enquire to the Council whether placement of pipe will be in a significant site zone.

**8.7. Unauthorised Clearing and/or Activities Within Rural Road Reserves**

Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited.

Penalties may also apply in accordance with the Environmental Protection legislation. No works shall be undertaken in rural road reserves without written approval from the Shire of Broomehill-Tambellup. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

No material (eg firewood) is to be removed from road reserves other than by the Shire as part of its works program.

**8.8. Maintenance Area**

If approved, landowners may only work on the areas of road verge which fall outside the Maintenance Corridor. This is the portion of the verge from the tip of the back slope to the property boundary/fenceline. The Council will take all care not to damage any portion of the rural road reserve from the back slope to the fenceline, however, landowners will also acknowledge that

the Council does not accept any responsibility for any loss or damage to vegetation or areas of the road reserve that may occur due to road maintenance or construction activities.

**8.9. Fenceline Clearing or removal of trees over fencelines/boundaries**

Landowners wishing to remove vegetation from road verges that has impacted on their property or boundary fenceline, or seeking permission to clear an area of the road verge for a boundary fenceline, should apply in writing to the Shire for permission to do so.

## 4.2 ADVERTISING AND PORTABLE DIRECTIONAL SIGNS

<b>Objective:</b>	To provide guidelines for persons applying to install signs under Part 3 of the Shire's Activities on Thoroughfares and Public Places and Trading Local Law 2020		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	20 May 2021	<b>Minute No.</b>	210509
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	Shire of Broomehill-Tambellup Activities on Thoroughfares and Public Places and Trading Local Law 2020		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2022		

### POLICY STATEMENT

This policy supports the Shire's Activities on Thoroughfares and Public Places and Trading Local Law 2020 and if a conflicts exists between this Policy and the Local Law, the Local Law prevails.

#### General

- This policy provides information to the public on Shires requirements for the provision of directional signs on the Shire controlled road verges for private businesses, public facilities such as sports grounds plus Government offices and institutions.
- The policy attempts to balance the need to keep to a minimum unnecessary signs which create aesthetic problems particularly in townsites, while still allowing for the necessary directions to be given to the travelling public.
- It is acknowledged that a number of directional signs can greatly increase the viability of local businesses. It must also be recognised that large numbers of signs at many townsite and rural intersections can reduce road safety, clutter up the landscape and greatly reduce the high quality aesthetic, natural beauty of this region.

### Road Sign Standards

General – All signs to be installed on road reserves are to be on a metal plate mounted on a 50mm galvanised iron pipe section. All sign posts are to be securely concreted into the ground and positioned in the road reserve for maximum visibility but this positioning shall not interfere with machine maintenance of road site drains.

#### Size of Letters

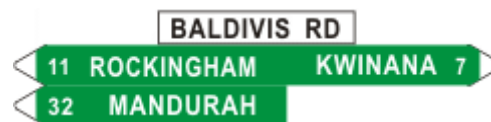
Minimum sizes for road names, townsite directions, Shire facilities etc. to be 100mm on a 150mm metal plate size. Signs on highways showing the same information to be 150mm letters on a 200mm high metal plate. Sizes of lettering for commercial sign posting to be decided by the Shire for each individual case.

#### Colours

- All directional signs will be fully reflectorised with white letters or numbers.
- For road or street names and townsite directions the background plate colour would be white.
- Commercial and business signs will have a blue background while historical and tourist signs will have a brown background. Recreation facilities plus Shire controlled park land will be on a green background.
- The galvanised pipe up –stand to be left unpainted, in the original steel colour or powder coated in a colour determined by the Shire from time to time.

Height / Installation / Length

- (a) The lowest point on any installed sign shall not be lower than 2.5m above ground level, in townsite areas.
- (b) All signs on State road intersections shall be in 150mm letter signing.
- (c) On rural roads, signs may be installed 2 metres above ground level where there is no chance of pedestrians normally walking under the sign and the sign is 1.0m from the area of road use or road drainage maintenance.
- (d) All signs will be 1.0m long, to allow for possible future connection of several signs on one installation as a vertical stack of signs.
- (e) Directional signs will only be allowed at road or street intersections, not 'mid block.'

*Example of Directional Signage*Symbolic Signs

- (a) Signs featuring symbols as silhouettes eg. Caravans, petrol pump, crossed knife and fork etc. are allowed as directional signs.
- (b) No more than 4 such symbolic signs will be allowed in any one site, and each symbolic board will be 250mm maximum (square) on minor roads and 400mm maximum (square) on major roads, as assessed by the Shire.

Vertical 'Banks' Of Directional Signs

- (a) Where a number of directional signs, pointing in the same direction, are to be erected at the one intersection, then these signs, up to a maximum of 4, will be installed as a vertical stack with the street or road name sign on top.
- (b) The sign lengths for such a stack will be 1.0 metres. The signs will be attached, at each end, to a 50mm O.D. galvanised iron pipe.

Number of Signs Allowed Per Business

- (a) A total amount (maximum) of 3 signs will be allowed for a single business on Shire controlled road verges. Signs on State roads controlled road verges will be included in this number. Extra signs will be at the discretion of the CEO.
- (b) All other signs would be installed on Tourist Information. Maximum use should also be made by businesses of Tourist Bureaus and similar outlets for advertising and giving directions.
- (c) No 'Advance Warning' signs will be allowed apart from those required for safety requirements.
- (d) For this policy, single businesses shall be those having separate and different ownerships or lessees serving different business functions.

### 4.3 GRAVEL SUPPLIES AND REHABILITATION

<b>Objective:</b>	<b>To ensure that there is adequate supply of road building materials available for the council road works and that an effective rehabilitation program is in place.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	17 May 2012	<b>Minute No.</b>	120524
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	<i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>		
<b>Internal References:</b>			

#### Access to Gravel

The Council recognises that in order to access gravel it needs to pay a fair price and abide by its own policies and local laws. To this end, Council will undertake the following:

- (a) approach the landowner at least four weeks prior to the time that the works are due to commence, to advise the landowner of the Shire's intention, negotiate compensation and enable the landowner to make any domestic arrangements in relation to stock, etc.
- (b) All gravel pits opened on private property will be reclaimed before the plant shifts to the next programmed job, unless firm arrangements are made with the landowner for not reclaiming.
- (c) If the area is required for dam catchments, all top soil shall be stock piled, or removed if suitable for road building.
- (d) If required by land holder, gravel areas shall be fenced and suitable gates fitted to fenced area, at Shires expense.
- (e) All care is to be taken to cause the least amount of inconvenience to the landowner as is possible.
- (f) All Gravel Pits are to be rehabilitated in accordance with this Policy.
- (g) The Council's preference for payment of gravel is to pay \$2.20 inc GST per cubic metre for compacted gravel that is removed from private property. The cost will be charged against the particular job or jobs concerned.
- (h) All transactions to be in accordance with relevant legislation and include a written agreement setting out all relevant details, including rehabilitation of the quarry/pit.

#### Gravel Pit Rehabilitation

The Shire recognises and accepts that gravel pit rehabilitation is necessary to avoid soil compaction, decrease surface drainage, avoid erosion and minimise visual pollution.

- (a) In general, prior to opening a gravel pit, a plan for the management of the site will be prepared which will include a plan for rehabilitation and monitoring.
- (b) Private operators are required to submit and abide to a gravel pit management plan, which includes a plan for rehabilitation and monitoring, before establishing a gravel pit.
- (c) Wherever possible, new gravel pits will be established on cleared land, not existing bushland and will not be located on a road verge.
- (d) Where necessary, the visual impacts of an operating gravel pit will be minimised through the establishment of buffers between the pit and visual vantage point/s.
- (e) Where necessary, the dust and noise impacts of an operating gravel pit will be minimised through the establishment of buffers between the pit and neighbours.
- (f) Throughout the life of the pit, topsoil, overburden and vegetation will be stockpiled separately ready for respraying in the rehabilitation process.

- (g) If weeds have developed on the topsoil mounds these should be removed prior to resspreading the topsoil.
- (h) If necessary, drainage structures will be established within the pit, to ameliorate any ponding and surface erosion.
- (i) Rehabilitation will be done progressively throughout the life of the gravel pit.
- (j) The site will be monitored every year and for three years after closure of the pit. If rehabilitation is inadequate, appropriate measures will be taken to ensure success.

### **Bush Sites**

Where a proposed gravel pit is located within bushland, the following will apply:

- (a) Refer to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and obtain the necessary clearing permits.
- (b) Prior to opening a gravel pit, seed from local endemic species will be collected from the site and stored for use in the revegetation phase of rehabilitation.
- (c) The general process of rehabilitation will be to first rip the floor of the pit at 1 metre intervals across the contour. Following ripping the pit needs to be shaped so that the surfaces are as smooth as possible, and the edges are battered down to blend in with the landscape. The batter slopes should be no steeper than 4H:1V. Next, the overburden, and then the topsoil should be returned to the pit. The site should then be cross-ripped at 1m intervals on the contour to encourage plant growth. Finally, the vegetation and debris should be returned to the pit.
- (d) Seeds collected prior to pit establishment should be scattered on the site at the time of year suited for germination (varies with location) if establishment from resspreading vegetation has been inadequate. If a store of seeds is not available, seed from local endemic species should be collected from surrounding areas.
- (e) If the gravel pit is located on farm land, it will be fenced to exclude stock to help ensure adequate regeneration.

### **Pastured Sites**

- (a) Prior to establishment of the site, the landowner will be asked how they want the site rehabilitated.
- (b) For sites to be rehabilitated back to pasture the general process of rehabilitation will be as follows. Firstly the floor of the pit will be ripped to a depth of at least 50cm along the contour. Following ripping the pit needs to be shaped so that the surfaces are as smooth as possible, and the edges are battered down to blend in with the landscape. Next, the overburden and then topsoil should be returned to the pit. Pasture seed will be spread.

### **Abandoned Gravel Pits**

- (a) An amount to be determined by the Council as part of the annual budget process will be budgeted each financial year for rehabilitating abandoned gravel pits until all pits are rehabilitated to a satisfactory level.
- (b) The method for rehabilitation will not change from that mentioned in the section on current gravel pits.
- (c) If fill is no longer available, spoil from roadworks etc. will be used. Topsoil, if no longer on site, will be carted to the area to ensure regeneration will be satisfactory.
- (d) The site will be monitored every year for three years after rehabilitation works. If rehabilitation is inadequate, appropriate measures will be taken to ensure success.



## 4.4 CLEARING OF VEGETATION FOR ROAD CONSTRUCTION

<b>Objective:</b>	To consult with landowners before clearing of verges.		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>			
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	<i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>		
<b>Internal References:</b>	Management Practice 5.5 – Removal of material including firewood from road reserves		

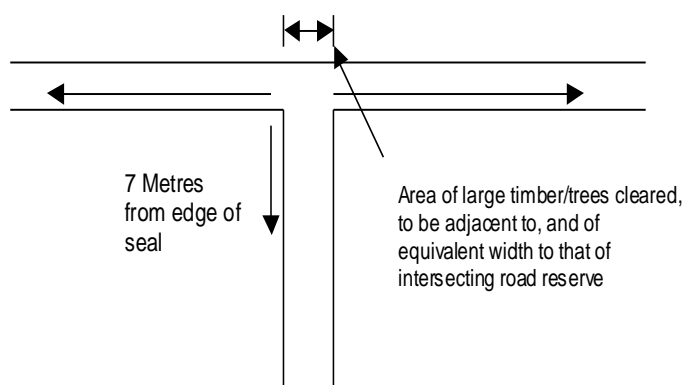
### POLICY STATEMENT

In general, the Council prefers to preserve as much standing timber as possible, but also recognises the need to provide safe and unobstructed access on the roads. Council is committed to giving adjoining land owners an opportunity for input into any clearing of vegetation during road construction.

To achieve this, prior to the commencement of any clearing on public roads, adjoining owners shall be advised of the proposed clearing and endeavour to reach agreement to the extent of the proposed clearing prior to work commencing.

Clearing at Intersections:

- Vegetation interfering with vision at road intersections shall be cleared to allow for sight distance for 210 metres from a predetermined point
- The predetermined point is a distance of 7 metres from the edge of the seal/running surface on the through road, down the intersecting road.
- At 'T' junctions, all trees to be removed on the through road in the area immediately adjacent to and of equivalent width to the intersecting road.
- Low scrub and other small plants to remain.



## 4.5 STREET VERGES - DEVELOPMENT

<b>Objective:</b>	<b>To enhance the visual amenity of townsites within the Shire.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	17 May 2012	<b>Minute No</b>	120524
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>			
	Shire of Broomehill-Tambellup Activities on Thoroughfares and Public Places and Trading Local Law 2020		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2022		
	Management Practice 5.3 – Provision of street trees		

### POLICY STATEMENT

It is the policy of the Council to assist landowners within townsites in the development of street lawns and gardens by clearing, levelling, filling and providing top soil in the street verge. The work may be carried out while Shire's plant is in the vicinity, without reference to the Shire and without charge to the landowner.

This Policy is subject to the Shire's Activities on Thoroughfares and Public Places and Trading Local law 2020:

- (a) Any owner or occupier of land within a townsite may plant lawn on the street verge adjoining the property, without obtaining approval from the Shire.
- (b) Street lawns are to be maintained by the owner or occupier of the adjoining property. Where a street lawn has been neglected and in the opinion of the CEO, is in need of mowing to preserve the amenity of the area, the CEO is authorised to arrange for Shire employees to mow the lawn.
- (c) Where land adjoining a street lawn is occupied by people who are aged or disabled, the CEO may approve employees mowing the street lawn on a case by case basis.
- (d) Any person wishing to install reticulation within a street verge for watering a street lawn or for any other purpose is required to apply in writing to the CEO. The CEO is authorised to approve such applications subject to conditions as he/she sees fit.
- (e) Any approval to install reticulation in a street verge is to contain a condition that the Shire will not under any circumstances be responsible for any damage caused to the reticulation whether that damage is caused by the Shire, another public authority or any other agent or individual. A further condition of approval is that the reticulation is to be located so that it will not create a hazard for pedestrians.
- (f) Any person wishing to develop a street verge with anything other than lawn e.g. brick paving, bitumen, native plants etc., is required to make application, in writing, to the CEO who may make a determination on the matter or refer the matter to council for decision.
- (g) It is recommended that a minimum depth of 200mm be set for the installation of reticulation in street verges.

## 4.6 REPLACEMENT OF PLANT AND VEHICLES

<b>Objective:</b>	<b>To maintain a modern, efficient and safe plant and vehicle fleet and ensure that Shire plant and fleet vehicles are replaced at the most cost effective intervals.</b>		
<b>Date of adoption:</b>	17 July 2014	<b>Minute No.</b>	140717
<b>Date of amendment:</b>	20 May 2021	<b>Minute No.</b>	210509
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>	Ten Year Plant Replacement Program		

The Council is committed to ensuring that it maintains a modern, efficient and safe plant and vehicle fleet that it replaces at the most cost effective intervals.

### POLICY

- The Council shall be presented by the end of March each year, with an updated 10 year Plant Replacement draft program for Council consideration and adoption;
- The first year of the Plant Replacement Program shall constitute the draft programme for consideration in that year's draft budget;
- The annual consideration of plant and vehicle replacement shall be taken into account alongside the Shire's budgeted programmes for all assets. This shall involve consideration of new technology, processes and materials as well as ownership versus hire of machinery and programme requirements;
- Shire officers shall make all efforts to rationalise and minimise the funding requirements for plant and vehicle replacement while still aiming to provide the best quality, most effective fleets at the lowest whole of life cost;
- Shire officers shall maximise utilisation of fleet and vehicles through relocation, reallocation and consider disposal of underutilised fleet and vehicles;
- As a general guide the Plant Replacement Program provides for the following changeover

Graders	8 Years
Loader - Heavy	8 years
Backhoe/Loader	8 years
Skid Steer	8 years
Trucks - Heavy	8 years
Trucks – Heavy Tipper	10 years
Trucks Light	5 years
Trucks - Light Tipper	3-5 years
Roller – Multi Tyred	10 Years
Roller Vibrating	10years
Plant Trailer	years
Jetpatcher	20 years

- For plant items that are to be procured through the tender process or WALGA Preferred Supplier Program, and a change in size of style of vehicle is being proposed, Shire officers are to present draft specifications to Council for consideration prior to advertising or seeking quotes;
- Disposal of items of plant or vehicles shall be by trade-in, outright sale or auction.

## 4.7 USE OF SHIRE PLANT AND EQUIPMENT BY STAFF & COMMUNITY GROUPS

<b>Objective:</b>	<b>To establish criteria and conditions for the after-hours use of Shire Plant and Equipment.</b>		
<b>Date of adoption:</b>	21 April 2016	<b>Minute No.</b>	160409
<b>Date of amendment:</b>	19 July 2018		
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>			

### PURPOSE

To provide a framework for the use of Shire plant and equipment to ensure that plant and equipment is not damaged, insurance is not voided and Shire community groups (with Shire staff in control of plant and equipment) can utilise plant and equipment. This policy will provide clear parameters for the use of the Councils plant and equipment.

### SCOPE

This policy applies to all employees of the Shire of Broomehill-Tambellup. All staff shall comply with this policy.

### POLICY STATEMENT

The Chief Executive Officer is authorised to permit the use of Shire of Broomehill-Tambellup plant and equipment at no cost provided the use complies with the following criteria:

- (a) Consent of the Chief Executive Officer must be obtained in writing prior to use;
- (b) Personal use of any plant and equipment by Shire Staff is strictly prohibited;
- (c) No plant and equipment shall be used for any contract work or for any profit;
- (d) The use of Shire of Broomehill-Tambellup plant and equipment is not a right, and no implication is made that plant and equipment will be borrowed or loaned;
- (e) No plant and equipment shall be used for any purpose not directly related to a community purpose that benefits a non-profit community organisation;
- (f) Shire plant and equipment shall only be used for the private purposes of a staff member or for a local community or sporting body purpose for a public purpose;
- (g) Shire plant and equipment shall only be used on land owned or occupied by the applicant, or on land owned or controlled by a community or sporting group or on the Councils owned or controlled land;
- (h) The plant or equipment shall only be operated, driven or controlled by a competent Shire of Broomehill-Tambellup employee. Employees may arrange for a competent employee to operate, drive or control the plant or equipment if they are not competent;
- (i) If the plant or equipment requires fuel then it shall be returned full of fuel;
- (j) All plant and equipment shall be returned in the condition it was borrowed;
- (k) If any plant or equipment is damaged, the damage will be assessed by the CEO, Manager of Works and Manager of Finance and Administration, and a decision will be made on who pays for the damage or replacement;
- (l) If any insurance claim is required to be made for damage or repairs, the borrower will be responsible for any costs for the excess;
- (m) No plant or equipment shall be used outside of the Shire of Broomehill-Tambellup without the express permission of the Shire Chief Executive Officer; and
- (n) All plant and equipment must remain available for normal Shire operations.

## 4.8 PRIVATE WORKS

<b>Objective:</b>	To establish the conditions under which private works will be undertaken.		
<b>Date of adoption:</b>	21st April 2016	<b>Minute No.</b>	160410
<b>Date of amendment:</b>			
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>			
<b>Internal References:</b>			

### POLICY STATEMENT

The following procedures shall apply to private works performed by the Shire –

- a) All customers are to pay for kilometres travelled both ways from the Shire's operating base at the time;
- b) All plant hired is to be operated only by a Shire employee who is an accredited operator;
- c) The Chief Executive Officer may submit quotes and compete for 'Commercial' type works in the Shire, that is, works other than those of a small or residential nature. Works are not to be quoted for or competed for unless the Shires plant is in the area undertaking other programmed works, or will shortly be relocated to the area to perform programmed works, unless the work is sufficiently large enough to warrant relocating the plant to the area.
- d) Major private works quoted over \$20,000 are to be brought to the Councils attention.

## 4.9 SHIRE OWNED EQUIPMENT AT A WILDFIRE

<b>Objective:</b>	To assist in control of wildfires by making the Councils equipment available.		
<b>Date of adoption:</b>	19 May 2016	<b>Minute No.</b>	160515
<b>Date of amendment:</b>			
<b>Date of last review:</b>	20 May 2021		
<b>Legislative References:</b>	Bush Fires Act 1954 s.28		
<b>Internal References:</b>	Policy 4.8: Private Works Management Practice 7.1: Shire Owned Equipment at a Wildfire		

### POLICY STATEMENT

The Council is committed to ensuring the safety of the community, particularly in regard to fire prevention and response. It is acknowledged that on occasions, the use of the Council's heavy machinery may be required to assist in containing and controlling a fire.

Subject to approval being granted by the Chief Executive Officer the Shire will endeavour to make its equipment available for this purpose.

Assistance provided in 'mopping up' activities where requested by landowners will be charged to the landowner at current private works rates.

## PART 5 – BUILDING, HEALTH AND PLANNING

No policies.

## PART 6 - OTHER

### 6.1 TOURISM AND AREA PROMOTION

<b>Objective:</b>	<b>To maximise the potential of the Shire as a tourist destination by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.</b>		
<b>Date of adoption:</b>	13 October 2008	<b>Minute No.</b>	081008
<b>Date of amendment:</b>	17 March 2022	<b>Minute No.</b>	031/22
<b>Date of Last Review</b>	17 March 2022		
<b>Legislative References:</b>			
<b>Internal References:</b>	Shire of Broomehill-Tambellup Strategic Community Plan		

The Council, in setting its long-term objectives, will develop its role as a catalyst for co-ordinating marketing efforts for the development of tourism in the Shire.

It is the policy of the Council that it will:

- (a) ensure that, in promoting the area as a tourist destination, the natural beauty and tranquillity of the Shire is not destroyed;
- (b) work with the relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed;
- (c) encourage tourist orientated commercial development, particularly development of a 'country style' nature; to rationalise the placement of such facilities and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment;
- (d) promote residents' pride in the area by such means as town beautification and encouragement of residents to know and understand their district attractions and assets etc;
- (e) ensure that tourism funding is spent to the best advantage, avoiding duplication;
- (f) carry out direct promotion of tourist facilities and events where appropriate;
- (g) apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives;
- (h) foster and create a community awareness of the benefits of tourism within the Shire;
- (i) provide the basic facilities and infrastructure sufficient to encourage development; and
- (j) ensure that facilities within the area are adequate to cater for visitors and residents.

To achieve this, the Council will:

- (a) Provide an adequate budget allocation for tourism expenditure;
- (b) Assist (financially and by other means) tourism organizations or events which have the potential to develop tourism in the Shire;
- (c) Encourage representation on Regional Tourism Associations and seek representation on local tourism organizations;

- (d) The formulation of its planning regulations will have regard to the requirements of tourist development;
- (e) Review planning instruments, for example, Strategic Plans and Town Plans, to take into consideration policies on tourism and other leisure related issues;
- (f) When preparing local laws will have regard to their impact on tourism and the balanced development of the Shire;
- (g) Encourage tourism product development and investment throughout the Shire and facilitate the development application process;
- (h) Ensure the welfare of the whole community when supporting tourism development and the provision of facilities;
- (i) Assessment of tourism developments will consider the social, cultural, economic and environment impact of the proposal within the area;
- (j) Initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries;
- (k) Encourage the landscaping of residential and commercial centres within the Shire;
- (l) Where practical, support the enhancement of specific natural features, conservation area, areas of outstanding beauty, and recognise items of heritage significance;
- (m) Support the development of appropriate scenic routes and lookouts;
- (n) Where a need for a tourism facility has been identified, the Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities; and
- (o) Support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.



## 6.2 BUSHFIRE CONTROL OFFICERS AND VOLUNTEERS

<b>Objective:</b>	1. To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer.		
	2. To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer		
	3. To define minimum training requirements for all volunteers		
<b>Date of adoption:</b>	19 December 2013	<b>Minute No.</b>	<b>131213</b>
<b>Date of amendment:</b>	20 April 2023	<b>Minute No.</b>	<b>33/23</b>
<b>Date of last review:</b>			
<b>Legislative References:</b>	<i>Bush Fires Act 1954 Section 38</i>		
	<i>Work Health and Safety Act 2020</i>		
<b>Internal References:</b>	Bush Fire Brigade Standard Operating Procedures		

### INTRODUCTION

Within the Bushfire Brigades, officers are appointed by the Council to undertake various roles and responsibilities. The persons occupying these positions, although volunteers, are nonetheless officers of the Council and are appointed by the Council (under section 38 of the *Bush Fires Act 1954*) upon their nomination by the Brigade and endorsement by the Bush Fire Advisory Committee and the Council.

In accordance with Work Health and Safety legislation, the Council has a duty of care to all its brigade volunteers to provide a safe working environment. This extends to ensuring Fire Control Officers are appropriately skilled to manage a fire incident, and the volunteers assisting have received the appropriate training.

Establishing the rules for the appointment of Bush Fire Control Officers and setting minimum requirements for training of volunteers will assist in meeting the Council's obligations for duty of care.

This policy provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer, and defines the minimum training requirements for firefighting volunteers.

### POLICY STATEMENT

#### Volunteer Firefighters:

- (a) All active fire-fighting members of a Shire Brigade must undertake the following training:
  - i. Broomehill East, Broomehill West, Tambellup East and Tambellup West Brigades - the Rural Fire Awareness Course; and
  - ii. Broomehill Central Brigade - the Bushfire Safety Awareness and Firefighting Skills courses
- (b) Recognised Prior Learning (RPL)
 

A sub-committee consisting of the Chief Bushfire Control Officer and the two (2) Deputy Chief Bushfire Control Officers, be authorised to assess volunteer fire fighters competency with regards to the Rural Fire Awareness, Bushfire Safety Awareness and Firefighting Skills and, if satisfied, to recommend to the Shire's CEO that their previous experience be accepted as RPL. All Bush Fire Control Officer's should be encouraged to complete the training.
- (c) Effective from 1 October 2023:
  - i. only volunteer fire fighters that have successfully completed or have been RPL assessed for and passed the DFES approved Bushfire Safety Awareness and Firefighting Skills courses are permitted to drive or operate Shire Fire Trucks; and
  - ii. only volunteer firefighters that have recognised RPL for, or passed the DFES approved Rural Fire Awareness course, either in person or online, are eligible to be registered as an active

operational (in the field) Shire Volunteer Firefighter.

**Bush Fire Control Officers:**

- (d) To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program not more than five years prior to appointment and must be fully vaccinated pursuant to the Booster Vaccination (Restrictions on Access) Directions, as amended from time to time.
- (e) Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training Program within six months of appointment.
- (f) For a person to continue as a Bush Fire Control Officer they must complete the Bush Fire Control Officers Course or a Refresher Course at intervals of no more than every ten years.
- (g) Nominations of Bush Fire Control Officers from Brigades should be endorsed by the Bush Fire Advisory Committee for recommendation to the Council by 1 May each year.

**Other:**

- (h) A Bush Fire Control Officer, other than the Chief or Deputy Chief Bush Fire Control Officer, shall not issue a Permit to Burn for land within another Shire of Broomehill-Tambellup Bush Fire Brigade district unless mutual agreement exists between the Bush Fire Control Officers concerned.

### 6.3 INDEPENDENT LIVING SENIORS ACCOMMODATION – HOUSING ALLOCATION

<b>Objective:</b>	To ensure fair and transparent allocation of Independent Living Seniors Accommodation (ILSA) housing.		
<b>Date of adoption:</b>	18 September 2014 Effective from 3 October 2014	<b>Minute No.</b>	140905
<b>Date of amendment:</b>	23 July 2020	<b>Minute No.</b>	200713
<b>Date of last review:</b>	19 May 2022		
<b>Legislative References:</b>			
<b>Internal References:</b>	Shire of Broomehill-Tambellup ILSA Housing Management Manual		

#### INTRODUCTION

Within the Council's Housing Management Manual, reference is made to ILSA Management Practice 1 wherein applications for tenancy of the Council's ILSA units may be considered from non-local applicants.

#### POLICY STATEMENT

Preference will be given to Tambellup and Broomehill residents; however if ILSA unit vacancies exist for more than three months, applications for tenancy of ILSA housing will be considered from people outside the Tambellup and Broomehill catchment area providing they meet the other housing allocation criteria requirements.

## 6.4 ROADSIDE BURNING

<b>Objective:</b>	<b>To protect flora and fauna and to ensure that roadsides are not denigrated through over burning.</b>		
<b>Date of adoption:</b>	16th June 2016	<b>Minute No.</b>	160609
<b>Date of amendment:</b>	17 March 2022	<b>Minute No.</b>	033/22
<b>Date of last review:</b>	01 March 2022		
<b>Legislative References:</b>	<i>Bush Fires Act 1954</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2020 Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022		

### POLICY STATEMENT:

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Broomehill-Tambellup must be authorised by the Council (under delegation to the Chief Executive Officer) in accordance with the *Activities in Thoroughfares and Public Places and Trading Local Law 2020*.

Authorisation will be conditional upon the following:

- (a) Roadside burning only being carried out if no other practical options for fire hazard management are available;
- (b) Roadside burning only being permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Broomehill-Tambellup authorised Fire Control Officer);
- (c) The applicant complying with all requirements of the *Bush Fires Act 1954*;
- (d) The site(s) being inspected by a Shire of Broomehill-Tambellup Bush Fire Brigade Fire Control Officer (FCO) and any requirements detailed by the FCO (recorded on the application form) being adhered to;
- (e) The applicant ensuring the protection of standing timber and the preservation of natural vegetation wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation by the Council;
- (f) The burning of the roadside not causing any direct or indirect damage to declared rare flora or fauna;
- (g) No damage being caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
- (h) The road verge burning only occurring adjacent to the resident/land owner's property the subject of the permit;
- (i) A maximum 2km strip being burnt per applicant per year;
- (j) The applicant installing the appropriate traffic warning devices;
- (k) No obstructing of roadways or drainage channels by fallen trees or other debris;
- (l) Consideration being given to the potential for smoke pollution; and
- (m) The fire being attended at all times until the burn is completely safe and the fire is out.

## 6.5 CEMETERY - EXHUMATION

<b>Objective:</b>	To establish the works that will be undertaken by the Shire if an exhumation is requested at a cemetery within the Shire.		
<b>Date of adoption:</b>	16th June 2016	<b>Minute No.</b>	160608
<b>Date of amendment:</b>	17 March 2022	<b>Minute No.</b>	034/22
<b>Date of last review:</b>	1 March 2022		
<b>Legislative References:</b>	<i>Cemeteries Act 1986 Section 58 and 59</i>		
<b>Internal References:</b>	Shire of Broomehill-Tambellup Schedule of Fees and Charges Shire of Broomehill-Tambellup Cemeteries Local Law 2020 Shire of Broomehill-Tambellup Cemeteries Amendment Local Law 2022		

### POLICY STATEMENT

Under Sections 58 and 59 of the *Cemeteries Act 1986*, the Council may be requested to carry out an exhumation at a cemetery within the Shire.

Acknowledging that the Council staff are not trained in this task, the extent of works that will be completed are as follows:

- (a) The Shire will open the grave and dig down to the coffin lid;
- (b) The Shire will fill the grave once the coffin is removed;
- (c) The charge for these works will be as adopted in the Shire's Schedule of Fees and Charges, as amended from time to time.

The person making the application for the exhumation must arrange for a suitably qualified person to bring the coffin to the top of the ground.

The applicant is responsible for all associated costs in relation to bringing the coffin to the top of the ground.