



Shire of Woodanilling

Policy Manual

Revised 15/07/2024

POLICY TYPE:	TABLE OF CONTENTS

POLICY No:	ADOPTED
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT): Local Government Act 1995

LEGAL (SUBSIDIARY):

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POLICY TYPE:	DELETED POLICIES
DATE ADOPTED:	

POLICY No:	VARIOUS
DATE LAST REVIEWED:	19 April 2022

LEGAL (PARENT): Local Government Act 1995 S2.7(2)(b)
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LEGAL (SUBSIDIARY):

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11, 63, 83, 87, 90, 92, 93, 94, & 95	DELETED IN 2018 REVIEW	
100	DELETED IN 2023 REVIEW	

NOTES

REFERENCE	EXPLANATION
OPERATIONAL	THESE ARE INSTRUCTIONS TO STAFF USUALLY BASED ON A LEGISLATIVE REQUIREMENT. WILL BE INCLUDED IN "CEO INSTRUCTION MANUAL"
DELEGATION	THESE POLICIES CAN BE BETTER CONTROLLED BY A DELEGATION, AND AS SUCH CAN BE NOTED AS REPORTABLE TO COUNCIL. THESE DELEGATIONS WILL BE THE SUBJECT OF A FURTHER REPORT TO COUNCIL IN FEBRUARY 2014.
REPLACE WITH INDIVIDUAL AGREEMENTS	WILL ENCOURAGE GREATER CONTROL AND INPUT BY COUNCILLORS. LIMITED INCREASE TO COUNCILLOR WORKLOAD AS MANY OF THESE ARE ONE-OFF SITUATIONS.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/02/2014

POLICY NO:	1
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Definitions
OBJECTIVE:	To provide guidance on terminology used within the Policy Manual

POLICY STATEMENT

WHAT IS A POLICY?

A policy is a principle or protocol to guide decisions and achieve rational outcomes. A policy is a statement of intent, and is implemented as a procedure or protocol. Policies are generally adopted by the Council, whereas procedures or protocols would be developed and adopted by the CEO. Policies can assist in both subjective and objective decision making.

Policies to assist in subjective decision making would usually assist staff with decisions that must consider the relative merits of a number of factors before making decisions and as a result are often hard to objectively test e.g. work-life balance policy. In contrast policies to assist in objective decision making are usually operational in nature and can be objectively tested e.g. password policy.

Policy differs from rules or law. While law can compel or prohibit behaviours (e.g. a law requiring the payment of taxes on income), policy merely guides actions toward those that are most likely to achieve a desired outcome.

In summary, a policy is the “what”, a procedure is the “how”.

DEFINITIONS:

Insofar as they are consistent with enabling legislation, the following terms and the definitions noted apply to delegations made by Council and policy adopted by Council:

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

- The local Government Act or other legislation or regulation,
- A delegation made by Council,
- A policy made by Council, or
- A specific decision by Council.

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

Responsible Officer Abbreviations:

- CEO – Chief Executive Officer
- DCEO – Deputy Chief Executive Officer
- BS – Building Surveyor
- EHO – Environmental Health Officer
- WS – Works Supervisor

Shire of Woodanilling

Adopted Standards for CEO Recruitment, Performance and Termination

ADOPTED STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Schedule 2 — Model standards for CEO recruitment, performance and termination [Local Government Act 1995 S5.39A & Local Government (Administration) Regulations 1996 R18FA].

1. Citation

These are the Shire of Woodanilling Standards for CEO Recruitment, Performance and Termination.

2. Terms used

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;

CEO means the local government's Chief Executive Officer; 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 Woodanilling;

selection criteria means the selection criteria for the position of Chief Executive Officer 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 Chief Executive Officer 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 —

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- (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.

– End of Schedule

A copy of these Standards is to be placed on the local government's official website, pursuant to Section 5.39B(6) of the Local Government Act 1995



POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	19/03/2013

POLICY NO:	2
DATE LAST REVIEWED:	18/02/2014 15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995 – S2.7(2)(b)</i>
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LEGAL (SUBSIDIARY):	Planning and Development Act 2005 – S159 Shire of Woodanilling Town Planning Scheme No. 1
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	Access to Private Properties
OBJECTIVE:	To provide a uniform basis for considering application for contribution towards upgrading unmade dedicated roads.

POLICY STATEMENT

Requests for construction/upgrade of roads/streets that are not constructed to a standard consistent with the functional class of the road, the following provisions shall apply:

1. Existing roads/streets– the developer or adjoining landholders shall be responsible for the full cost of the construction/upgrade;
2. Subdivisional Roads/Streets - The developer shall be responsible for the full cost of the construction.
3. Where a Town Planning Scheme contains provisions that are inconsistent with the terms and conditions set out in this Policy, the provisions of the Town Planning Scheme shall prevail.

Extract from Shire of Woodanilling Town Planning Scheme No. 1

5.14 Development on Lots Abutting Unconstructed Roads or with no Gazetted Road Access

Notwithstanding anything else appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the Council shall either:

- I. refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or*
- II. grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or*
- III. require such other arrangements are made for permanent access as shall be to the satisfaction of the Council*

Footnote: Council has the right to reject an application under this policy if it considers the road/street unsuitable for the proposed use.

POLICY TYPE:	COMMUNITY FACILITIES
DATE ADOPTED:	17/03/2015

POLICY NO:	13
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	Caravan Parks and Camping Grounds Act 1995
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LEGAL (SUBSIDIARY):	Caravan Parks and Camping Grounds Regulations 1997
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	Camping of Recreations Vehicles and Overflow- Camping Grounds
OBJECTIVE:	<p>The purpose of this policy is to provide overflow facilities in the Shire that will accommodate additional numbers of camping tourists when permanent caravan parks and camping grounds facilities within the Shire are operating at or near capacity.</p> <ul style="list-style-type: none"> To ensure that the operation of overflow sites/facilities within the Shire of Woodanilling complies with legislative requirements. To ensure that there is a consistency of regulation so that all overflow site/facilities operate and meet the same standard. To ensure that the operation of overflow sites/facilities does not impact on the viability of permanent facilities.

POLICY STATEMENT

Throughout the Shire of Woodanilling Camping is only permitted in accordance with the *Caravan Parks and Camping Ground Act 1995*, or in designated caravan parks, or as specified in this policy.

DEFINITIONS:

Self-Contained Recreational Vehicle: are completely independent of needing power, water, waste services, and have sewerage and sullage points, and normally includes a kitchen, a bathroom, one or more sleeping facilities, and may come in either towable models or can be self-motorized.

Overflow area: has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*

PART A – RECREATIONAL VEHICLES

The Shire has established 2 areas for self-contained Recreational Vehicles:

- a. Woodanilling Recreation Centre: located on the north east side of the grounds behind the Recreation Centre
 - b. Queerearrup Lake- Caravans, Trailers, tents and any other form of camping is also permitted at this site.
1. The maximum stay at the Woodanilling Recreation Centre is 3 consecutive days (72 hours).
 2. The maximum stay at Lake Queerearrup is 7 consecutive days.
 3. Fees for camping at these facilities shall be determined in accordance with Council's Annual Schedule of Fees and Charges.
 4. Dogs are permitted at these camping areas under the control of a responsible person at all times.

PART B OVERFLOW CAMPING GROUND AT THE WOODANILLING RECREATION CENTRE

Where there are no vacancies available at existing Caravan Parks within the Shire of Woodanilling, including approved overflow sites within the licensed Caravan Parks, Council may determine applications for overflow camping, subject to the following:

1. The maximum stay at the Woodanilling Recreation Reserve Overflow Camping facility is to be only for the period when there are no available spaces in caravan parks within the Shire of Woodanilling during that period.
2. Fees for camping at the overflow camping facility shall be determined in accordance with Council's Annual Schedule of Fees and Charges.
3. Dogs are permitted at the overflow camping area under the control of a responsible person at all times.



POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	29.06.2021 (Code of Conduct)

POLICY NO:	15
DATE LAST REVIEWED:	21/06/2022 17/03/2026

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	<i>Local Government (Model Code of Conduct) Regulations 2021</i>
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	Code of Conduct for Council Members, Committee Members and Candidates
OBJECTIVE:	Provision of guidance on decisions, actions and behaviours of Council and Committee members and local government election candidates.

1. Citation

This is the Shire of Woodanilling Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local

government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and

- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
- (4) A complaint must be dealt with under clauses 12 to 15 unless —
 - (a) the complaint is referred to the Inspector in accordance with subclause (5); and
 - (b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

Note for this subclause:

See section 5.105(1) of the Act.

- (5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.
- (6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

[Clause 11 amended: SL 2025/208 r. 43.]

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

Note for this subclause:

See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) 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.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

[Clause 12 amended: SL 2025/208 r. 44.]

13. Dismissal of complaint

- (1) The local government must dismiss a complaint 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 person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

14A. Appointment of monitor

- (1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.
- (2) If the Inspector appoints a monitor —
 - (a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and
 - (b) the local government must comply with the direction.

[Clause 14A inserted: SL 2025/208 r. 45.]

14B. Performance of local government's functions under cl. 12 and 13

- (1) The local government's functions under clauses 12 and 13 must be performed by the council.
- (2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.
- (3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —
 - (a) a member of the council of any local government;
 - (b) a member of the governing body of any regional subsidiary;
 - (c) an employee of any local government or regional subsidiary;
 - (d) an employee of WALGA or the Local Government Professionals Australia (WA);
 - (e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —
 - (i) local governments;
 - (ii) members of councils;
 - (iii) employees of local governments.
- (4) A resolution made under subclause (3) must include the following —
 - (a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;
 - (b) an explanation as to why the council is satisfied as referred to in paragraph (a);
 - (c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.
- (5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

[Clause 14B inserted: SL 2025/208 r. 45.]

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.
- (3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.

Note for this clause:

See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

[Clause 15 amended: SL 2025/208 r. 46.]

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 8A.3(1) of the Act, a council member commits a conduct breach if the council member contravenes a rule of conduct. Section 8A.3(2) of the Act extends this to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A conduct breach is dealt with under Part 8A Division 5 of the Act.

[Notes inserted: SL 2025/208 r. 47.]

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or

- (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
 - closed meeting** —
 - (a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and
 - (b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;
 - confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
 - document** includes a part of a document;
 - non-confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

[Clause 21 amended: SL 2025/208 r. 48.]

22. Disclosure of interests

- (1) In this clause —
 - interest** —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



Document Control/References

Name Of Policy	Council Policy 15 – Code of Conduct – Council Members, Committee Members & Candidates			
Previous Policy	Code of Conduct			
Next Review Date	Annually			
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Policies</u> Nil</p> <p><u>Delegations</u> Nil</p> <p><u>Work Procedures</u> Nil</p>			
Date Of Adoption And Resolution Number	29.06.2021			
Review Dates And Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Code of Conduct	29.06.2021 – ITEM 10.4	Review of Council policy due to Regulations change	Reviewed And Adopted By Council 29 June 2021
2	Council Policy 15 – Council Members, Committee Members and Candidates	21.06.2022 – OCM59/06/22	Revised wording taking out employees within the document and retitled item	Reviewed, amended and adopted by Council 21.06.2022
3	Code of Conduct for Council Members, Committee Members and Candidates	17.03.2026 – OCM 511/03/2026	Addition of wording relating to Local Government inspector	Amended and adopted by Council 17/03/2026

POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	16/04/2013

POLICY NO:	16
DATE LAST REVIEWED:	18/02/2014 15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995 – S6.56</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION No.	
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ADOPTED POLICY	
TITLE:	Recovery of Rates and Service Charges
OBJECTIVE:	To determine action for collection of outstanding rates and services charges.

POLICY STATEMENT

1. Unpaid rates or service charges outstanding less than two (2) years
 - The Shire may recover rates and service charges in a court of competent jurisdiction.

2. Unpaid rates or service charges outstanding two (2) years or more.
 - The Shire may lodge caveats on land where rates and service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.
 - Caveats should only be removed once all rates and charges have been paid in full.

3. Unpaid Rates or service charges outstanding at least three (3) years
 - Staff may seek Council direction regarding the action to be taken for rates and charges that remain outstanding for a period of three (3) years or more.

(Note: property and owner's details Privacy Act prevents these details from being published in a report to council – only can include Assessment Number, and recommended action to be authorised by the Council.)

POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	18/02/2014

POLICY NO:	20
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Contour Banks & Deep Drainage
OBJECTIVE:	To ensure consistency for landholders when undertaking deep drainage works

POLICY STATEMENT

Council may determine any alteration, installation or replacement of culverts on roads or reserves as a result of the installation of contour banks or deep drainage, subject to the following conditions:

1. Where the works do not have a significant benefit to the road or reserve, the owner will be responsible for the cost of the excavation, the pipe and any associated headwalls and Council will be responsible for the cost of the installation and the reinstatement of the road.
2. Where the works to have a significant benefit to the road or reserve, the owner will be responsible for the cost of the excavation, 50% of the cost of the pipe and any associated headwalls, and Council will be responsible for the cost of the installation and the reinstatement of the road.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/02/2014

POLICY NO:	21
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995 – S5.3</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Council Meeting Dates
OBJECTIVE:	To set dates for Ordinary Meetings of Council

POLICY STATEMENT

Council meetings will be held on every third Tuesday of each month and commence at 4:00pm, with the exception of January of each year when there will be no meeting.

POLICY TYPE:	ENVIRONMENT
DATE ADOPTED:	18/02/2014

POLICY NO:	23
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	Various
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Council's Responsibility on Crown Land
OBJECTIVE:	To clarify Council's role on Crown Land.

POLICY STATEMENT

That due to the potential burden and cost placed on the community for the need for Council carrying out statutory functions on Crown Land (from which it receives no rateable income) there is a clear presumptions that Council may not take action in relation to the Health Act, Dog Act, Litter Act, Off Road Vehicles Act or other relevant Acts in relation to activities occurring on land not under the care and control of the Shire of Woodanilling.

POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	18/02/2014

POLICY NO:	25
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Crossovers – Access to Private Property from a Council Road
OBJECTIVE:	To ensure consistency for landholders when looking to provide access to their property from a council road

POLICY STATEMENT

That Council provides one standard gravel crossover to each property free of charge. For the purposes of this policy, “each property” shall mean all the land described on a single rates assessment.

Any additional crossovers required by the landholder shall be at their cost.

Damage:

If the Shire damages a constructed crossover, it shall replace the damaged crossover with like for like construction at no cost to the landholder.

POLICY TYPE:	CUSOMER SERVICE
DATE ADOPTED:	17/03/2015

POLICY NO:	29
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Equal Opportunity Act 1984</i>
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LEGAL (SUBSIDIARY):	Equal Opportunity Regulations 1986
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION No.

ADOPTED POLICY	
TITLE:	Equal Employment Opportunity
OBJECTIVE:	To ensure that all persons employed or engaged by Council understand Council's commitment to equal employment opportunities. To provide guidelines to ensure the principles of equal employment opportunity are adhered to.

POLICY STATEMENT

Council recognises its legal obligations under the Equal Opportunity Act 1984 (as amended) and will actively promote the principles of equity and diversity in the workplace. This means that Council aims to provide a work environment that fosters good working relationships where employees, contractors and volunteers are treated fairly and equally and that unlawful discrimination does not take place.

Council aims to be respected for its commitment to equal opportunity as an employer and as a service provider to the community by adopting the following practices;

1. Appointments, promotion and training:

Access to employment, contracts, promotion, and training is to be fair and equitable. Decisions on matters affecting (prospective and current) employees, contractors and volunteers will be made on merit and are based on relevant experience, skills and ability required for the role. No decisions will be made on the basis of nepotism or patronage.

2. Diversity:

Council recognises, values, and respects social, cultural, and linguistic diversity. Where it can reasonably be achieved, assistance will be provided to employees and volunteers with special needs in order to assist them in undertaking their roles effectively.

3. Discrimination and harassment free environment:

Council promotes an environment where people are able to work effectively without the fear of unlawful discrimination or harassment. Discrimination is treating one person less favourably than another because of a personal attribute which is covered by equal opportunity laws, and includes: gender, marital status, pregnancy, family responsibilities or status, race, religious and/or political conviction, impairment, age, gender history, and sexual orientation.

Discrimination is unlawful. Harassment is also not tolerated. Harassment is defined as any unwelcome, offensive action or remark concerning a person's gender, race, age, impairment or one of the other attributes as covered in the Equal Opportunity legislation.

4. Good working relationships:

Council aims to provide an enjoyable, challenging, and harmonious work environment. Workplace bullying is one activity that detracts from this environment. It can create a risk to health and safety and will not be tolerated.

Workplace bullying is defined as repeated, unreasonable behaviour directed towards a person or a group of persons at a workplace.

5. Responsibilities:

All employees, volunteers and contractors have a shared responsibility to apply and promote

the equal opportunity principles.

6. Grievances:

Grievances in relation to discrimination, harassment, and bullying will be dealt with fairly, quickly, and confidentially by the Equal Opportunity Coordinator in accordance with the following grievance procedure. The Equal Opportunity Coordinator will receive appropriate training to undertake this role.

The Chief Executive Officer is the Equal Opportunity Coordinator for the Shire of Woodanilling.

Council Policy 31 – Fence Line Clearing within Road Reserves

Objective

To provide the community, landowners, residents, and the local government with the means to clear within road reserves within the district and that is aligned with the legislative requirements by law whilst **ensuring consistency for landholders when undertaking clearing for the purposes of new or replacement fence lines.**

Policy

Definitions

Environmental Protection Act

s.3 – definition – **native vegetation** includes dead vegetation. Unless. excluded by regulation.

Sch. 5 – Principles for clearing native vegetation –

Native vegetation not to be cleared if –

cl. 1(b) – whole or part of a significant habitat

Note – includes not just living standing vegetation but also dead vegetation and debris, as this is considered to be habitat and harborage for ground dwelling fauna. So, if pushed trees, cut branches etc are removed within 90 days, no problem, but if left there for a carefully unspecified time, would be considered to have become habitat for ground dwelling fauna.

Refer –

s.3A(2) –

environmental harm means direct or indirect –

- (a) harm to the environment involving removal or destruction of, or damage to –
 - I. native vegetation; or
 - II. the habitat of native vegetation or indigenous aquatic or terrestrial animals; or
- (b) alteration of the environment to its detriment or degradation or potential detriment or degradation; or
- (c) alteration of the environment to the detriment or potential of an environmental value; or
- (d) alteration or the environment of a prescribed kind;

Statutory Context

Legislation

Local Government Act 1995

Environmental Protection Act 1986

s.3(1). definition of “native vegetation” includes dead vegetation

s.51A. definitions of “clearing” and “clearing principles”

Sch.5 Principles for clearing native vegetation –

Native vegetation not to be cleared if –

- cl.1(b) whole or part of a significant habitat.
- cl.1(e) a significant remnant in an extensively cleared area.
- cl.1(f) associated with a watercourse.

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

r.5. Prescribed clearing s.51C –

- item 3 – clearing (by burning) for a fire hazard reduction
- item 11- clearing along a fence line – Crown Land (1.5m)
- item 15 – clearing to maintain cleared areas around infrastructure etc
- item 21 – clearing for temporary bypass road
- item 21A - clearing for crossover
- item 22 – clearing for maintenance in existing transport corridors
- item 23 – clearing resulting from infrastructure maintenance activities

Sch.2 Clearing for maintenance in existing transport corridors

- cl.2 – extent of clearing for an area or purpose in relation to a road
- cl.3 – how the clearing is to be carried out

Policy Statement

1. Clearing of a road reserve by any means, including fence lines, for construction of maintenance purposes, must be carried out in accordance with the *Environment Protection Act 1986*, and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
2. It is the responsibility of the landowner to ascertain if a Department of Environment Regulation permit is required for any work proposed on a road reserve; in particular; for protection of any identified rare or endangered species of flora or fauna.
3. Any debris or spoil created by clearing of a fence line or the erection of a fence is to be removed from the road reserve and disposed of by the landowner on their property within 90 days.
4. The landowner is not permitted to alter any existing infrastructure or drainage when undertaking the clearing.
5. If needing advice, landowners are encouraged to consult with the shire prior to any clearing of a road reserve.
6. The clearing is done in such a way as to limit damage to neighbouring native vegetation.
7. All material resulting from the clearing removed from the reserve be placed in the landholder's property provided it is not placed in a heap or windrow on uncleared vegetation.
8. Fences are replaced on any reserve boundary at the cost of the landholder.
9. Landholders are actively encouraged to exclude stock from unused road reserves that contain remnant vegetation, that traverse their properties.

Document Control Box							
Document Responsibilities:							
Owner:	Executive Manager Infrastructure			Owner Business Unit:	Infrastructure		
Reviewer:	Chief Executive Officer / Executive Manager Infrastructure			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Environmental Protection Act 1986						
Industry:	Infrastructure and Environment						
Organisational:	Infrastructure						
Document Management:							
Risk Rating:	Low	Review Frequency:	Annual	Next Due:	2024	Records Ref:	
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1.	18/02/2014			Policy Adopted			
2.	15/05/2018			Policy last reviewed			
3.	18 April 2023 OCM			Review of Council Policy			

POLICY TYPE:	SOCIAL COMMUNITY WELL BEING
DATE ADOPTED:	17/03/2015

POLICY NO:	32
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Community Financial Assistance Grant Program
OBJECTIVE:	To provide financial assistance for organisations and/or projects, which benefit the community. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications. To maintain and build on Woodanilling's vibrant community spirit and welfare by providing financial support for local events which involve people coming together in the celebration and enjoyment of their culture or a common interest.

DEFINITIONS

Community Organisation means any organisation which has as its members, members of the Woodanilling community and which operates on a "not for profit" basis.

Not for Profit means that the proceeds of the organisation are used for the benefit of the organisation and are not available for disbursement to the members of the organisation.

Major Community Grant means any financial assistance grant over \$5,000. Usually provided for the development of a capital works project eg: building construction, major purchase of equipment, ground-works, etc.

Minor Community Grant means any financial assistance up to \$5,000. Usually provided for minor building construction, maintenance or repair, minor projects (excluding events & functions), equipment purchase, relief from Council fees and charges etc. A minimum grant of \$750 applies.

GST means the Federal Government's Goods and Services Tax. Provision of grant funds will be exclusive of GST unless the recipient organisation is registered for GST, in which case the grant amount will be grossed up by 10%.

SCOPE

FUNDING ROUNDS

The Community Financial Assistance Program will be allocated from within Council's budget each year, and once funds have been fully allocated no further funds will be available until the following financial year.

APPLICATIONS

All applications shall be made on the appropriate form. Applicants must address the selection criteria provided within this policy.

MAJOR COMMUNITY GRANTS (OVER \$5,000)

Major Community Grants may be used for any purpose, but are generally provided for purposes such as building purchase or construction, purchase of equipment, groundworks etc. Applications should address the following criteria:

- Type or organisation (eg sport, community, hobby, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Project details/planning/design/timing;
- Demonstrated need or community benefit;
- Financial position of the applicant;
- Financial viability of project;
- Other financial/in kind contributions;
- On-going management;
- Existing services and facilities of a like nature, within Woodanilling;
- Provision of quotes (2) for all items greater than \$1,000 in value; and

- provision of a detailed project budget including GST breakdown.
- Details of applications to other possible funding sources. (eg Dept of Sport and Recreation, Healthways, Lotteries, etc.)
- Licensed clubs, under the Liquor Act, must disclose the amount of income generated from the sale of alcohol.

MINOR COMMUNITY GRANTS (UP TO \$5,000)

Minor Community Grants may be used for any purpose, including minor building construction, maintenance or repair, equipment purchase or hire, events or functions, relief from Council fees and charges etc. A minimum grant of \$750 applies. Applications should address the following criteria:

- Type of organisation (eg sport and recreation, community based, general interest, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Demonstrated need or community benefit;
- Applicant's financial position;
- Purpose of the grant; and
- Provision of a detailed project budget including GST breakdown.
- Details of applications to other possible funding sources. (eg Dept of Sport and Recreation, Healthways, Lotteries, etc.)
- Licensed clubs, under the Liquor Act, must disclose the amount of income generated from the sale of alcohol.

WHAT IS NOT FUNDED

- Ongoing expenditure in the form of operating or administrative costs.
- Applications that are insular or of self-interest.
- Applications that benefit personal business aspirations.
- Purchase of alcohol.
- Projects whose goals or strategies are not included within the Shire of Woodanilling Community Strategic Plan.
- Applications for projects outside the Shire of Woodanilling.

CONDITIONS AND REQUIREMENTS

Groups, individuals, organisations or clubs are not to expect, as of right, any financial assistance from the Council. Requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Financial assistance approvals shall be administered in accordance with the following:

1. Project must commence and be completed in the financial year for which funding has been approved. Funds not expended by the end of the financial year in which they were approved, will be forfeited.
2. Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, eg: Sport and Recreation WA; Lotteries Commission etc, and that funding application is unsuccessful or the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall.
3. Council's contribution is limited to 1/3 of the total project cost and may include the provision of materials, and loans of plant and equipment, calculated at private works rates, so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 1/3 of the total project cost.
4. 50% of the approved grant will be paid on approval of the project and the balance following successful acquittal of the project.
5. Prior approval must be sought for any substantial change of proposal.
6. Acquittal of the grant funds must be submitted to the Shire in a timely manner.
7. Acknowledgement that "This project was made possible through financial assistance from the Shire of Woodanilling" must be made in all publicity associated with the project. Use of the Shire of Woodanilling logo is encouraged.

POLICY TYPE:	ENVIRONMENT
DATE ADOPTED:	18/02/2014

POLICY NO:	40
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Guidelines for Plantation Fire Protection
OBJECTIVE:	To ensure consistency for landholders developing plantations

POLICY STATEMENT

Council adopt the Department of Fire & Emergency Services “Guidelines for Plantation Fire Protection” with the following amendment to the Glossary of Terms:

DEFINITION

Plantation – means any area of planted trees, other than a windbreak, within gazetted town sites exceeding 1ha and elsewhere exceeding 40 hectares.

18POLICY TYPE:	LAW ORDER GOVERNANCE	POLICY NO:	43
DATE ADOPTED:	15/05/2018	DATE LAST REVIEWED:	
LEGAL (PARENT):	<i>Local Government Act 1995</i>	LEGAL (SUBSIDIARY):	
DELEGATION OF AUTHORITY APPLICABLE:	YES	DELEGATION NO.	18

ADOPTED POLICY	
TITLE:	Legal Representation – Costs Indemnification Policy
OBJECTIVE:	This policy is designed to protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Council may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

GENERAL PRINCIPLES

1. Council may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
2. Council may provide such assistance in the following types of legal proceedings:
 - Proceedings brought by members and employees to enable them to carry out their local government functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions)]; and
 - Statutory or other inquiries where representation of members or employees is justified.
3. Council will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, Council may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

Applications for Financial Assistance

1. A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required. The application must include a written statement from the applicant acknowledging the details of this policy and their acceptance of the conditions stated in this policy.
2. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
3. A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
4. Where it is the CEO who is seeking financial support for legal services the Council shall deal with the application.

Repayment of Assistance

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

Council Policy 47 – Work Health and Safety

Objective

The Shire of Woodanilling is committed to providing a safe and healthy work environment for all employees, contractors and visitors.

Definitions

Under the *Work Health and Safety Act 2020*, work relationships are defined as:

“**PCBU**” Person Conducting a Business or Undertaking (For the purpose of this document the Shire of Woodanilling is the (PCBU).

Worker A person who carries out work in any capacity for a PCBU (E.g., An Employee, Contractor, Work Experience person or Volunteer).

Statement

The PCBU is committed to providing a safe and healthy workplace for all workers and visitors. This means that we aim to avoid or eliminate the causes, which lead to;

- Accidents, injury, incidents, or illness including Psychosocial Hazards in the workplace.
- Damage and downtime of plant, equipment, or infrastructure.
- Unsafe or poor-quality products and environmental damage.

In order to fulfil our aim, the PCBU is committed to;

- Leading by example.
- Providing a safe and healthy working environment for all our workers and visitors.
- Implementation of safe systems of work and maintenance of plant and equipment to a safe standard where associated hazards are identified, assessed, and controlled.
- Taking action to eliminate, control or reduce to an acceptable level, hazards to which workers and visitors may be exposed.
- Consulting with workers and other parties to improve decision making on WHS and environmental matters.
- Developing, implementing and review of written safe work procedures.
- Providing information and instruction on matters relating to safety, together with a high standard of supervision.
- Implement ongoing processes to prevent accidents, including performing workplace inspections and hazard/near miss reporting.
- Fostering cooperation and consultation with workers, their representatives (where applicable) through WHS inductions daily prestart safety committee meetings, toolbox meetings and periodic management safety committee meetings.
- Providing or ensuring provision of appropriate personal protective equipment (PPE) to protect all workers and visitors.
- Protecting members of the public, customers and the environment from potential adverse effects that may be associated with our activities or the use of our products.
- Supporting and assisting workers in effective injury management and rehabilitation through the injury Management System.
- Conforming with the requirements of Legislation and Statutory authorities.
- Conducting regular reviews (at least annually) of our WHS Management System and implement agreed outcomes to continually improve current systems of work.

Workers are expected to;

- Take reasonable care for the health and safety of themselves and others at work.
- Report all hazards, incidents, injuries, near misses to their supervisor/manager.
- Undertake relevant prestart inspections of machinery and equipment and report all faults immediately.
- Cooperate with management in the event of an incident investigation and to enable compliance with WHS legal obligations.
- Participate in consultative arrangements including toolbox, prestart meetings, and any site-specific requirements.
- Assist management to meet WHS targets/key performance indicators (where applicable).
- Participate in return to work programs (RTW).
- Comply with all reasonable instructions from supervisors/management in relation to work health and safety issues.

- Comply with workplace specific drug and alcohol requirements, including testing.

Name of policy	Council Policy 47 – Work Health and Safety			
Update	Revision			
Next Review Date	Biennial			
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> Code of Conduct <i>Work Health and Safety Act 2020</i> <i>Work Health and Safety (General) Regulations 2022</i> AS/NZS 4801 Occupational Health and Safety Management Systems</p> <p><u>Plans/Strategies</u> N/A</p> <p><u>Policies</u> Council Policy 91 – Alcohol and Drug Workplace Policy Code of Conduct</p> <p><u>Delegations</u> N/A</p> <p><u>Work Procedures</u> Fitness for Work (Drugs Alcohol & Impairment) Procedure</p>			
Date of Adoption and Resolution Number	<u>October 2023</u>			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Policy 47 – Occupational Safety and Health	18/02/2014	Policy adoption	
2	Policy 47 – Occupational Safety and Health 15/05/2018	Revision		
3	Council Policy 47 – Occupational Safety and Health	17/10/2023	Revision	Work Health and Safety Act 2020

POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	18/02/2014

POLICY NO:	51
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	Yes
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DELEGATION NO.	44
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ADOPTED POLICY	
TITLE:	Private Works
OBJECTIVE:	To provide clarity on the availability of Council equipment for private works.

POLICY STATEMENT

1. Only Shire staff may operate Council equipment when undertaking private works, with the exception of small items such as the whacker packer. In accordance with law, Council staff must not receive gifts for such work.
2. Shire plant does not undertake dam cleaning works.
3. Minimum rate for any private works hire is 1 hour.

POLICY TYPE:	CIVIC LEADERSHIP CUSTOMER SERVICE
DATE ADOPTED:	18/02/2014

POLICY NO:	53
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Public Library and Internet Access
OBJECTIVE:	To ensure there is appropriate use library and public internet by members of the public.

POLICY STATEMENT

Standards of Behaviour

While utilising the library service, including internet access, all users must respect the rights of other users. Parents may not leave children under the age of 12 unattended on the public internet computer in the library.

Policy Guidelines – Public Library and Internet Access

1. The Shire Library has free access during office hours to its Library and public internet computer, however during peak times, bookings may be required. Users may not make any alterations to the public internet computer, this includes making modifications to hardware or software, or downloading inappropriate information.
2. Public library computer users can print information for a fee as per schedule of fees and charges.
3. No more than two persons at a time may use the public internet computer.
4. All users of the internet must abide by the WA Censorship Act 1996, Section 102 which bans the use of the internet to transmit restricted material to a minor or make restricted material available to a minor. Users who disregard this will be reported to the Police.

Disclaimer

The Shire cannot guarantee continuous internet access during times booked. The Shire of Woodanilling has no control over the information accessed through the Internet and cannot be held responsible for its content. The Shire of Woodanilling does not guarantee or accept any liability for the retrieved information's accuracy, authoritativeness, timeliness, or usefulness for a particular purpose. The Shire of Woodanilling shall have no liability for any direct or indirect consequential damages related to the use thereof.

Council Policy 54 – Purchasing Policy

Purchasing

The Shire of Woodanilling (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.

Objective

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 Woodanilling.
- (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.

Ethics & Integrity

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

Value for Money

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

Assessing Value for Money

Value for money assessment will consider:



- (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.

Purchasing Thresholds and Practices

Defining the Purchasing Value

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

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

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

Strategic Purchasing Value Assessments

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

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



Individual Purchasing Value Assessments

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

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

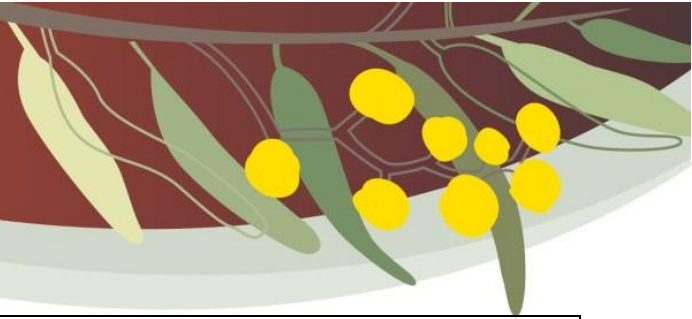
The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

Table of Purchasing Thresholds and Practices

Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1:	<p>Existing Prequalified Supplier Panel or other Contract</p> <p>Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract.</p> <p>If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA is to be used.</p>
Priority 2:	<p>Local Suppliers</p> <p>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.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>
Priority 3:	<p>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)</p> <p>Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ul style="list-style-type: none"> i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>



<p>Priority 4:</p>	<p>Tender Exempt - WA State Government Common Use Arrangement (CUA)</p> <p>Use a relevant CUA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If no relevant CUA is available, then a Tender Exempt [<i>F&G Reg. 11(2)</i>] arrangement may be used.</p>
<p>Priority 5:</p>	<p>Other Tender Exempt arrangement [<i>F&G Reg. 11(2)</i>]</p> <p>Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that is capable of providing the required supply.</p>
<p>Priority 6:</p>	<p><u>Other Suppliers</u></p> <p>Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.</p>

Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with the defining of the purchase value, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

<p>Purchase Value Threshold (<i>ex GST</i>)</p>	<p>Purchasing Practice</p>
<p>Up to \$5,000 (<i>ex GST</i>)</p>	<p>Obtain at least one (1) verbal or written quotation from a suitable supplier in accordance with the Supplier Order of Priority detailed in this policy.</p> <p>The purchasing decision is to be evidenced by using the Written/Verbal Quote Form in accordance with the Shire's Record Keeping Plan.</p>
<p>From \$5,001 and up to \$50,000 (<i>ex GST</i>)</p>	<p>Seek at least two (2) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in this policy.</p> <p>If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price.



Purchase Value Threshold (ex GST)	Purchasing Practice
	<p>The purchasing decision is to be evidenced using the Written/Verbal Quote Form retained in accordance with the Shire's Record Keeping Plan.</p>
<p>From \$50,001 and up to \$250,000 (ex GST)</p>	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in the policy.</p> <p>If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p>
<p>Over \$250,000 (ex GST)</p>	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg. 11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The purchasing decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p>
<p>Emergency Purchases (Within Budget) ** see below</p>	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>If there is no existing Panel or contract, then the Supplier Order of Priority will apply wherever practicable.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to</p>



Purchase Value Threshold (ex GST)	Purchasing Practice
	<p>be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.</p>
<p>Emergency Purchases (No budget allocation available)</p>	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>
<p>LGIS Services Section 9.58(6)(b) <i>Local Government Act 1995</i></p>	<p>The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.</p> <p>Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</p>

** 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.



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].

Expressions of Interest

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

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

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

Unique Nature of Supply (Sole Supplier)

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

- (a) purchasing value is estimated to be over \$5,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- (d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations /tenders cannot be sourced through more than one potential supplier.

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

Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.



Contract Renewals, Extensions and Variations

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

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

- (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.

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.

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) where possible consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- (b) Local Price Preference – for suppliers located within the district:
 - a. 10% - where the contract is for a value of up to and including \$20,000.
 - b. 5% - where the contract is between the values of \$20,000 and \$50,000.
- (c) Regional Price Preference – for suppliers located in the surrounding Shires that may share a common boundary or have a serviceable delivery within 150kms range:
 - a. 5% - where the contract is for a value of up to and including \$20,000.

- b. 2.5% - where the contract is between the values of \$20,000 and \$50,000.
- (d) In addition to points (b) & (c), the Shire shall consider the following as part of any value for money decision, and the benefits of purchasing goods and services from local suppliers:
 - a. More timely delivery with shorter supply lines;
 - b. The opportunity for local product demonstrations and references, with consequentially reduced risk in the decision making process;
 - c. More convenient communications and liaison;
 - d. Better knowledge of local conditions; and
 - e. Benefits to the Shire from local employment and economic spin-offs.
- (e) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (f) 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;
- (g) 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;
- (h) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- (i) 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
- (j) 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.

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.

(1) 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.

(2) 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.

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.

Panels of Pre-qualified Suppliers

Objectives

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

Part of the consideration of establishing a panel includes:

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



Establishing and Managing a Panel

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

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

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

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

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

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

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

Distributing Work amongst Panel Members

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

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

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

- (a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- (b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.
 - i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.
 - ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.



- iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in this Policy.
- iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

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

Purchasing from the Panel

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

Communications with Panel Members

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

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

Record Keeping

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

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

Purchasing Policy Non-Compliance

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

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

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

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

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*.

Document Control Box							
Document Responsibilities:							
Owner:	Chief Executive Officer			Owner Business Unit:	Governance		
Reviewer:	Chief Executive Officer/DCEO			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	s.3.57 of the <i>Local Government Act 1995</i> Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>						
Industry:	Department of Local Government, Sporting and Cultural Industries Guideline No.11 – Use of Corporate Credit Cards						
Organisational:	Shire of Woodanilling Code of Conduct Shire of Woodanilling Record Keeping Operational Procedure – Quotations Operational Procedure – RFQs and RFTs						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Annual	Next Due:	2024	Records Ref:	TBD
Version #	Decision Reference:		Synopsis:				
1.	21 March 2023		Revised Council Policy – 21 March 2023 OCM				
2.							

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/02/2014

POLICY NO:	56
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>State Records Act 2000</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Record Keeping
OBJECTIVE:	To ensure compliance with the requirements of the State Records Act 2000

POLICY STATEMENT

The Shire of Woodanilling is committed to making and keeping full and accurate records of its business transactions and its official activities. Records created and received by Shire personnel and contractors, irrespective of format, are to be managed in accordance with the Shire's Record Keeping Plan and this Records Management Policy and Procedures Manual. Records will not be destroyed except by reference to the General Disposal Authority for Local Government Records.

Records Creation

All Elected Members, staff and contractors will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

Records Capture and Control

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate record keeping and business systems, that are managed in accordance with sound record keeping principles.

Security and Protection of Records

The Shire of Woodanilling 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 the following security and protection measures to all records created or received when carrying out the Shire's business.

Access to Records

Access to the Shire's 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. Access to the Shire's records by Elected Members will be through the Chief Executive Officer in accordance with the Local Government Act 1995.

Local Government Elected members

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

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

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

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 responsible Officer and the Chief Executive Officer. 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.

POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	18/02/2014

POLICY NO:	58
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Road Sealing
OBJECTIVE:	To provide guidelines for the sealing of roads immediately adjacent to residences.

Council may determine applications for the sealing of up to 200 metres length and up to 6.2m width of gravel road immediately adjacent to any occupied residence.

The following conditions will apply to any approval granted:

1. The occupied residence be within 50 metres of the gravel road;
2. The landowner agrees to pay 50% of the cost of the materials and contracts; and
3. Any future reseals will be at the landowner's expense.

POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	18/02/2014

POLICY NO:	59
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Health Act 1911</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Rubbish Collection District
OBJECTIVE:	To provide clarity on the compulsory and voluntary rubbish collection districts

POLICY STATEMENT

Compulsory District:

Council has determined that Pursuant to Section 112A of the Health Act 1911, the compulsory rubbish collection district be all properties containing a residence or commercial building in the "Residential", "Industrial" or "Commercial" zones.

Voluntary District:

Council has determined that Pursuant to Section 112A of the Health Act 1911, the voluntary rubbish collection district be all properties containing a residence or commercial building in the "Local Rural" zone, or approved properties in Beaufort River and fronting onto Robinson Road West between Albany Highway and Great Southern Highway. These properties may opt in or out of the rubbish collection service, however each option is for a minimum of 12 months.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	19/03/2013

POLICY NO:	61
DATE LAST REVIEWED:	18/02/2014 15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995 S5.50</i>
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LEGAL (SUBSIDIARY):	<i>Local Government (Administration) Regulations 1996 – Reg19A</i>
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	Gratuity Gifts and Payments
OBJECTIVE:	To ensure all Local Government staff are familiar with the legislative requirements regarding gratuities for the formal recognition of satisfactory and extended service by Local Government employees

POLICY STATEMENT

GRATUITY GIFTS AND PAYMENTS

Pursuant to the provision of s5.50 of the *Local Government Act 1995*, the following guidelines shall apply with respect to payment of gratuities to staff who are leaving the organisation.

Council will provide a gift to the value stipulated in the table below to all departing permanent employees who have served a continuous period of employment with the organisation.

A gratuity gift will not be provided to an employee who has been dismissed by the local government for any reason other than redundancy. A gratuity gift will not be provided to a casual or other non-permanent employee.

Prescribed Amounts for Gratuity Payments

Number of Years' Service	Value Gratuity
Continuous service less than 2 years	\$50
Continuous service greater than 2 years and up to 5 years	\$200
Continuous service greater than 5 years and up to 10 years	\$300
Continuous service greater than 10 years and up to 15 years	\$40 per year of continuous service up to a maximum of \$600
Continuous service greater than 15 years and up to 20 years	\$50 per year of continuous service up to a maximum of \$1,000
Continuous service greater than 20 years	\$60 per year of continuous service up to a maximum of \$2,000

The Local Government acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by the appropriate award, legislation or industrial instrument and that the Local Government has considered these provisions when setting the prescribed amount.

Forum

The employer will determine an appropriate forum to present these gifts to employees. The cost of any forum shall be borne by the Council.

Unused Personal Leave on Retirement

The Shire seeks reward employees whose attendance record at work is regular and not blemished by excessive use of personal leave provisions.

Staff are responsible for the taxation implications of the incentive payments made pursuant to this policy

This policy only applies in circumstances where a staff member retires or resigns voluntarily from their employment with the Shire and shall not apply to those staff members whose employment is terminated by the Shire for any reason other than redundancy.

The Unused Personal Leave paid out to employees on retirement is payable in accordance with the scales set out in the table below:

Years of Service	Personal Leave Incentive Payable	Conditional On
Less than 5 years continuous service	25% of value of unused entitled personal leave	Termination due to retirement, resignation or redundancy
More than 5 but less than 10 years of continuous service	50% of value of unused entitled personal leave	Termination due to retirement, resignation or redundancy
More than 10 but less than 15 years of continuous service	75% of value of unused entitled personal leave	Termination due to retirement, resignation or redundancy
More than 15 years of continuous service	100% of value of unused entitled personal leave	Termination due to retirement, resignation or redundancy

Unfair Dismissal

Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, the employer may decide to settle to avoid expensive litigation. Matters to be taken into consideration by the employer as to whether it will seek a settlement and if so, the extent of any financial offers may include:

- the strength of the respective cases in any litigation;
- the cost of legal advocacy and support;
- the cost of witnesses;
- the cost of travel and accommodation in running the case;
- the cost of having staff tied up in the preparation and hearing of the case; and
- the disruption to operations.

Note:

As required by s 5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Local Government has not made any payments to employees prior to the giving of the public notification.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —

(a) the value of the person's final annual remuneration, if the person —

(i) accepts voluntary severance by resigning as an employee; and

(ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39; or

(b) in all other cases, \$5 000

POLICY TYPE:	COMMUNITY WELL BEING
DATE ADOPTED:	18/02/2014

POLICY NO:	62
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	<i>Occupational Safety and Health Regulations 1996 Tobacco Products Control Act 2006</i>
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
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TITLE:	Smoking in the Workplace
OBJECTIVE:	To protect the safety and wellbeing of all employees, volunteers, contractors and visitors in the workplace at the Shire of Woodanilling

The Shire of Woodanilling recognises the right of individuals to decide whether they choose to smoke or not. However, the Shire is committed to the safety and wellbeing of its Employees, Volunteers, Contractors and Visitors. It is the Shire’s commitment that non-smokers should not be exposed to the hazards of tobacco smoke.

Non Smoking Areas

1. All buildings, vehicles, plant, machinery owned or classified as under the care and control of the Shire; and
2. Anywhere within a fifteen (15) metre radius of a “no-smoking” sign.

Permitted Smoking Areas

Outdoor Areas and Buildings

Any outdoor workplace or exterior of a building under the care and control of Council that does not have a smoking restriction applied and is more than fifteen (15) metres from any door, window, or air-conditioning intake.

Legislative Requirements

Under regulation 3.44B of the *Occupational Safety and Health Regulations 1996* employers, employees and self-employed persons are prohibited from smoking in enclosed workplaces.

Under the Occupational Safety and Health Act 1984 a ‘workplace’ means: “a place, whether or not in an aircraft, ship, vehicle, building, or other structure, where employees or self-employed people work or are likely to be in the course of their work.”

A workplace is an ‘enclosed workplace’ if it has a ceiling or roof and is greater than 50% enclosed by walls, or other vertical structures or coverings.

The *Tobacco Products Control Act 2006* prohibited smoking in all enclosed public places.

Under the Tobacco Products Control Act 2006 a ‘public place’ means a place or vehicle that:

- a) *the public, or a section of the public is entitled to use; or*
- b) *is open to, or is being used by, the public, or a section of the public whether on payment of money, by virtue of membership of a club or other body, by invitation, or otherwise*

A place is generally defined as an ‘enclosed public place’ if it is covered by a ceiling or roof, or part of a roof, and is greater than 50 percent enclosed by walls, or other vertical structures or coverings (including windows, doors and other closable openings, regardless of whether they are open or closed). This also includes walls, vertical structures or coverings located at or within one metre from the perimeter of a ceiling or roof.

POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	18/02/2014

POLICY NO:	73
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Standpipes
OBJECTIVE:	To control contamination from chemicals at standpipes

POLICY STATEMENT

In order to prevent any chemical contamination, boom sprays are not permitted to be filled at Council standpipes.

POLICY TYPE:	ROADS AND TRANSPORT
DATE ADOPTED:	18/02/2014

POLICY NO:	74
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Stock on Roads
OBJECTIVE:	To provide guidelines for signage and other related matters

POLICY STATEMENT

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

APPLICATION & APPROVAL GUIDELINES

Definitions

Unless otherwise indicated in the text of this Guideline:

- AS** means Australian Standards.
- Local road** means a road under the control of a Local Government.
- Main Roads** means the Main Roads of Western Australia.
- RTC 2000** means The Road Traffic Code 2000.
- State road** means a road under the control of Main Roads
- Traffic signs** mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

BACKGROUND

The purpose of this guideline is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required. (**Main Roads Act 1930, Section 28A (4)**), and
- For roads within a town the permission of the Director General is required. (**RTC 2000 Regulation 277**).

A person driving stock on roads shall;

- not leave stock unattended (**RTC 2000 Regulation 275**), and
- provide reasonable warning and not cause unreasonable delay to approaching traffic (**RTC 2000 Regulations 276**).

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (**Regulations 297 & 276**), and to display an orange flashing warning light on a vehicle (**Regulation 289**).

APPLICATION

Precautions For Taking Stock Onto A Local Road

General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock, and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the **Technical Guideline (Section 3)**.

Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement,
- The stock movement is on a dual carriageway road,
- The crossing is closer than 1 km to a stock underpass servicing the same landowner, or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

Roads With High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

Stock Underpasses Under Local Roads

General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

Costs

There is no fee for Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by Council and the construction shall be undertaken by Council approved consultants/contractors.

Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

APPROVAL - STOCK UNDERPASSES

Applications

A person wishing to install a stock underpass must submit an application to Council.

Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and Council before commencement of any work in the road reserve and shall indicate the extent, if any, of Council contribution of funding the underpass.

TECHNICAL GUIDELINES

GENERAL

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

STOCK CROSSINGS

Stock Crossings - Visibility

A stock crossing where possible should be located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per **Figure 1**. Signs should always be visible for more than 300m before the stock crossing point.

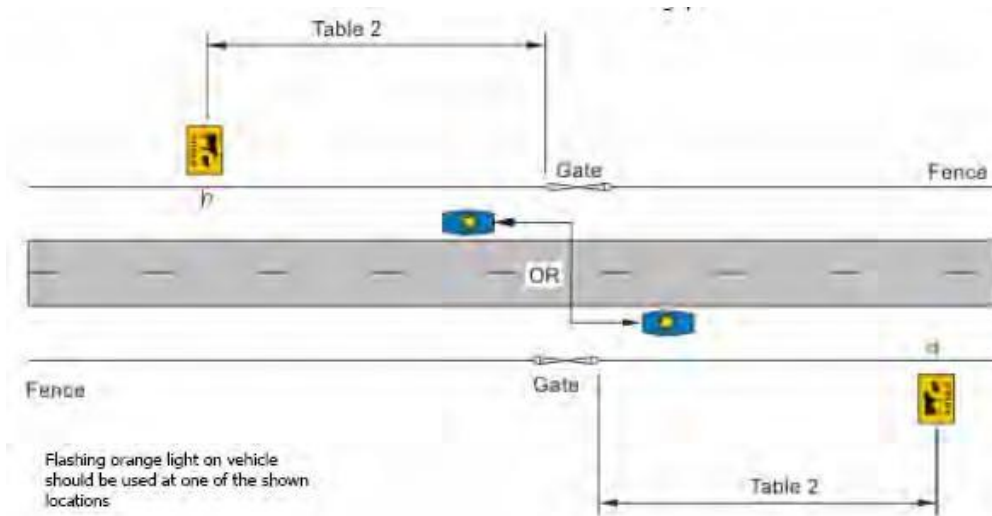


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in **Table 2**.

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110/ STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during night time, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (See also Sections 3.4 and 3.5),
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve, and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to **Figure 1**, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road be placed in front

and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in **Table 2**.

NOTE: On gravel roads no orange flashing light is required.

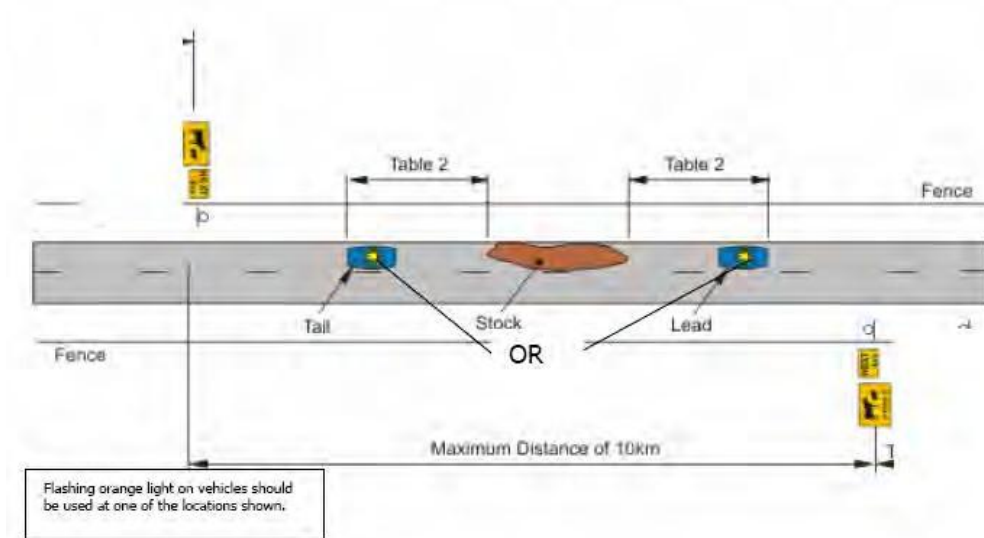


FIGURE 2 - Signing for driving of stock

NOTE: Where stock can be moved along the road reserve without stock or vehicles travelling on the carriageway, it remains necessary to adhere to the signage shown in Figure 2.

SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines,
- Occupational Safety and Health Regulations 1996 Act, and
- Relevant Australian Standards.

Therefore, this guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic, and
- signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per **Section 3.1**.

Signs are a specified treatment in this guideline, and typical signs are listed in **Table 3**.

<p>"STOCK AHEAD"</p> <p>AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>"REDUCE SPEED"</p> <p>AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	

<p>"NEXT ... KM"</p> <p>AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>"ON SIDE ROAD"</p> <p>AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>"STOCK AHEAD PREPARE TO STOP" (With Flashing Yellow)"</p> <p>Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions</p>	

TABLE 3 - List of typical signs for Stock Crossings and Droving of Stock

VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing orange warning light.

STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements,
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass, or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	15/05/2018

POLICY NO:	76
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Conferences
OBJECTIVE:	To determine the nature and extent of Councillors and Officers attendance or representation, travel and accommodation expenses payable at conferences.

POLICY STATEMENT

DEFINITIONS

Conferences means conferences, conventions, congresses, study tours, seminars, forums, workshops, courses, meetings deputations, information and training sessions and events related to local government held within Australia.

Elected Member - Where the term "Elected Member" is mentioned, this is also given to mean a duly appointed member of a Council Committee.

INTERSTATE CONFERENCES

When it is considered relevant that the Shire be represented at an interstate conference, generally up to a maximum of one elected member and one staff member may attend, subject to sufficient funds having been allocated in the annual budget. All costs including airfares, registration fees and accommodation will be paid directly by Council.

INTRASTATE CONFERENCES

Accompanying Person

Where an elected member or staff member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, casual meals, registration and/or participation in any conference programs, may be paid for by the Council.

REPORTS

Following attendance at conferences, the attendees shall submit a report within thirty days of their return, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest and recommendation as to whether attendance at similar conferences is warranted.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/02/2014

POLICY NO:	81
DATE LAST REVIEWED:	16/04/2021

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	YES
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DELEGATION NO.	7 & 30
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ADOPTED POLICY	
TITLE:	Use of Shire of Woodanilling Facilities
OBJECTIVE:	To provide a framework for the hire and use of community facilities (hereby referred to as "facilities") and parks and reserves (hereby referred to as "reserves") across the Shire of Woodanilling.

POLICY STATEMENT

The overall objective of facilities and reserves across the Shire of Woodanilling is to provide spaces and places for a variety of functions, events, and activities for the community. In order to ensure that conditions related to the hire and use of facilities and reserves throughout the Shire are applied consistently, this policy outlines:

- Fees and charges applicable to facilities and reserves across the Shire (including bonds).
- Subsidised use of facilities and reserves.
- Measures for the storage and consumption of alcohol at facilities.
- Conditions of hire.

DEFINITIONS

Chief Executive Officer - Where the Chief Executive Officer is mentioned in this policy it means the Chief Executive Officer of the Shire of Woodanilling.

Casual Hirers - Casual hirers are those users of the Shire's facilities and/or reserves that hire for a one-off specific event or intermittent and/or irregular meetings during any given year to a maximum of 5 sessions per year.

Service Clubs, Charitable Institutions and Emergency Service Organisations - Charitable institutions are those organisations recognised as licensed charities by the Charitable Collections Advisory Committee and officially listed by the Ministry of Fair Trading in their listing of licensed charities in Western Australia. Service Clubs are defined as those organisations where members may volunteer to perform community services and where these activities form a principal part of the organisation's objectives and goals. Funds raised by these groups, to be eligible under this Service Club definition, must be donated to a charitable cause and/or research designed to improve standards and overall quality of life.

Examples of service clubs include Rotary Clubs, Lions Clubs, and Apex Clubs. Specific emergency service organisations included in this definition are the State Emergency Service and volunteer Bushfire Brigades.

Facilities - Facilities are defined, for the purposes of this policy, as multipurpose community and recreation venues supplied by the Shire and available for hire.

Reserves - Reserves are defined as all of those areas under the Shire's control set aside for passive recreation and sporting activities. This definition includes parks, active reserves, sport grounds and other passive reserves.

Commercial User Groups - A commercial user group is one, which is a registered business with the Ministry of Fair Trading and results in private pecuniary gain (i.e. income generation & profit). Those user groups deemed to be of a commercial nature would be charged the commercial fee for all use of the Shire's facilities.

Community User Groups - A community user group is defined as a non-profit organisation and shall include, but is not limited to sporting clubs (that are incorporated under the Associations Incorporations Act), stated not-for-profit community groups, religious groups, education institutions and groups that have a focus on community needs with a social benefit. This definition also applies to private bookings such as weddings, birthday parties, christenings etc. Those groups deemed to be of a community nature would be charged the community fee for all use of the Shire's facilities.

SCOPE OF POLICY

This policy applies to the hire of facilities and reserves throughout the Shire for events, activities or functions that are

operations of the facility or reserve. All other events, activities and functions shall be referred to the Council and may be subject to the provisions of other Shire policies.

This policy DOES NOT APPLY to:

- Administration Centre at 3316 Robinson Rd, Woodanilling.
- Lake Queerearrup
- Any facility throughout the Shire currently under a lease/licence agreement with a specific organisation/s.

Fees and Charges

Fees and charges applicable to all community facilities and reserves defined in this policy will be in accordance with the Schedule of Fees and Charges adopted by Council annually as part of the budget and amended from time to time.

Bonds applicable to facility and reserve hire

A refundable bond will be payable on any and all hire of facilities and reserves.

Subsidised use of Facilities and Reserves

The following groups automatically qualify for a 75% discount on the scheduled hire fee for the use of facilities and reserves:

- Community User Groups;
- Service Clubs;
- Charitable Institutions; and
- Emergency Service organisations

Storage and consumption of alcohol at community facilities and reserves

Consumption of alcohol

Any club/group or individual wishing to hold an event, activity or function at the Shire's facilities or reserves which involve the consumption of alcohol by attendees must apply in writing for approval prior to the activity, event or function.

Sale of Alcohol

Any club/group or individual wishing to hold an event, activity or function at the Shire's facilities or reserves which involve the sale of alcohol to attendees must apply in writing for approval prior to the activity, event or function.

Approval for the sale of alcohol will only be considered for those clubs/groups or individuals, which have been granted either an Occasional, Club or Club Restricted Liquor License from the Office of Racing and Gaming (Liquor Licensing Division).

Storage of Alcohol

- 1) Storage of Alcohol is permitted in Council facilities with the approval of the shire for the day before the booked event until the following day.
- 2) Hirers store the alcohol at the facility at their own risk of loss or damage.

Restricted/Unrestricted Liquor Licenses

Any club/group or individual wishing to have a regular restricted liquor licence at the Shire's facilities or reserves must apply in writing for approval.

Any club/group or individual wishing to have an unrestricted Club Licence at the Shire's facilities or reserves must apply in writing for approval.

CONDITIONS OF HIRE

Conditions of Hire forms as noted in this policy shall be made available to all prospective hirers when booking enquiries are made and signed by the prospective hirer prior to the function, event or activity date.

Conditions of Hire forms outline:

- • Blocking Booking and Booking Usage
- • Bonds
- • Cancellations, refunds and tentative bookings
- • Cleaning
- • Ground Maintenance and Marking
- • Damage

- • Decorations and equipment
- • Events
- • Hired Area
- • Liability
- • Liquor
- • Noise
- • Payments
- • Security
- • Subsidised use

SPECIFIC BOOKINGS TAKING PRIORITY

- Hockey Finals in September and Cricket Finals in February/March are to have booking priority.
- Bookings for fixtures, including finals must be made by individual clubs prior to the commencement of their season, and must be for the current playing season only.
- All other bookings made prior to seasonal fixtures bookings take precedence and the hirer will be granted exclusive use of the facility for the hire period;

OTHER

In all cases, the Shire reserves the right, at its discretion, to refuse entry or subsidised use of a facility or reserve to an individual or group.

POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	16/04/2016

POLICY NO:	82
DATE LAST REVIEWED:	18/02/2014 15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION No.	
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ADOPTED POLICY	
TITLE:	Roadside Memorials
OBJECTIVE:	To respect people's grief and ensure the road environment is safe for all road users.

POLICY STATEMENT

Council adopted the Main Roads WA Roadside Memorial Policy and Guidelines.

POLICY TYPE:	CUSTOMER SERVICE
DATE ADOPTED:	17/12/2013

POLICY NO:	84
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Community Engagement
OBJECTIVE:	To provide guidance to the Council and community on when community engagement activities should be undertaken and the level of engagement to be carried out, other than notification and consultation conducted in accordance with statutory requirements

POLICY STATEMENT

Community Engagement is about involving the community in decisions which affect them, and to be responsive to the needs of the community.

Community is defined in the broadest possible sense to include Shire of Woodanilling residents, ratepayers (owners and occupiers), business proprietors, community groups, and visitors. At times it may also include other tiers of government, neighbouring Councils and other stakeholders with an interest in the Shire of Woodanilling.

In effectively engaging the community, many diverse and different views and opinions may be conveyed to Council. Council may not always be able to reconcile these differences, nor make decisions or take actions that align with everyone's viewpoint.

FRAMEWORK:

Council's approach to community engagement is based on the spectrum of engagement activities as advocated by the International Association for Public Participation. The Five levels of participation are:

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL:				
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/ or solutions	To obtain public feedback on analysis, alternatives and/ or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	We will endeavour to implement what you decide.
ASSURANCE TO THE PUBLIC				
We endeavour to keep you informed	We endeavour to keep you informed, listen to and acknowledge concerns and aspirations.	We endeavour to work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed.	We endeavour to look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will endeavour to implement what you decide.

It should be noted that the 'empower' level on the spectrum has limited application in Local Government as the elected Council are the decision making body.

WHEN ENGAGEMENT IS TO BE UNDERTAKEN

The Shire of Woodanilling endeavours to undertake community engagement when:

1. A decision is likely to have significant impact on a particular individual or group in the community

2. There is, or likely to be , strong community concern or interest in the issue;
3. The proposal before the Council is anticipated to have significant impact on the economy, lifestyle and/or environment of the Shire and/or its residents;
4. Significant changes to the current or future use of land or infrastructure within the Shire is being considered;
5. Information is needed by Councillors and/or staff about community needs, priorities or values to ensure planning is appropriate and responsive;
6. The Council wishes to ensure all groups, including minority or disadvantaged groups have information about an opportunity to contribute to the operations and/or the planning for the Council's services, facilities and programmes.

There are 4 impact levels to measure the need for Community Engagement, where impact relates to the 'effect of an action or change on the Community.' The impact levels are as follows:

LEVEL OF IMPACT	BRIEF DESCRIPTION
Level 1	High level of impact on the whole or a large part of Woodanilling.
Level 2	High level impact of a local nature, eg a local area, specific community or user group.
Level 3	Lower level of impact on the whole or a large part of Woodanilling.
Level 4	Lower level of impact of a nature, eg a local area, specific community or user group.

The level of community engagement undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue, plan or strategy. In some cases it may not be practicable when:

1. The Council is to make a decision quickly in the interest of the Shire (e.g. Public Safety);
2. The advice or decision is to another tier of Government about matters of broad interest (in common) to constituents of the State;
3. The decision concerns day to day administrative matters

ROLES AND RESPONSIBILITIES

COUNCIL

The Council is elected to make decision on behalf of the people of the Shire of Woodanilling. To do so effectively, the Council may have a need to inform themselves of current community attitudes and opinions on the issue(s).

All community engagement is undertaken in a manner that is consistent with our legal obligations under;

- the Commonwealth Disability Discrimination Act 1992 (that is, open and accessible to all members of the community);
- the Information Privacy Act 2000 (regarding the handling of all personal information); and
- Any other relevant legislation which may relate to a particular issue

COMMUNITY

The Community is expected to:

- Inform themselves about Council functions, initiatives, activities and objectives and participate in civic affairs;
- Acknowledge that the Council is made up of duly elected representatives of the community and it is their role to make decisions on behalf of the community;
- Acknowledge that submissions addressing matters that are objective are generally considered more highly than those that demonstrate bias, or are subjective, or hypothetical; and
- Behave in a way consistent with our organisational values.

POLICY TYPE:	LAW & ORDER
DATE ADOPTED:	25/09/2012

POLICY NO:	85
DATE LAST REVIEWED:	18/02/2014 18/08/2015 20/12/2016 15/05/2018

LEGAL (PARENT):	<i>Dog Act 1976</i>
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LEGAL (SUBSIDIARY):	Shire of Woodanilling Dogs Local Law 2008
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DELEGATION OF AUTHORITY APPLICABLE:	YES
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DELEGATION NO.	27
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ADOPTED POLICY	
TITLE:	Keeping of more than two (2) and up to six (6) dogs - exemption under section 26(3) of the Dog Act 1976 – in the town site of Woodanilling.
OBJECTIVE:	To ensure uniform application process, advertising requirements and exemption/refusal conditions.

POLICY STATEMENT

STATUTORY IMPLICATIONS:

Section 26(3) of the Dog Act gives power to a local government to limit the number of dogs that can be kept in or at a premises within the local government's district. It does not, of itself, limit the number of dogs which can be kept at a premises, but instead gives power to a local government to limit the number to between 2 and 6 without the need for a kennel establishment licence.

It should be noted that "Dog Kennels" as defined in the Shire of Woodanilling Town Planning Scheme No. 1 are prohibited within the residential, commercial, industrial and local rural zones within the Shire, therefore the Council cannot issue an exemption for more than 6 dogs within these zones.

APPLICATION PROCESS

Initial applications, and renewals must be submitted to the Shire together with all supporting documentation as specified in the application form, and as outlined below, prior to taking ownership of the 3rd or subsequent dog(s), and accompanied by any fee set by Council during the annual budget process.

Note: It is the number of dogs at the one property, irrespective of the number of residents or owners at that property.

The application or renewal will be determined by the Council and will consider information received from:

1. Property inspection report from the Shire Ranger.
2. Responses received from any advertising that may take place in accordance with Policy 84.
3. The zoning and size of the property.
4. The impact on the local environment, including adjoining properties.

If an exemption to keep more than two dogs is granted, the expiry date will be based on the closest registration expiry period for dogs registered at the property.

Note: If all dogs are registered for three years, then the exemption applies for three years, if all dogs are registered for life then the exemption applies to the life of the dogs. However if one dog is registered for one year and the remaining dogs are registered for life, then the exemption will apply for one year only.

EXEMPTION CONDITIONS:

Council may apply any of the following conditions to any exemption it grants:

1. This exemption applies to the dogs described in the application only – should numbers be reduced for whatever reason including natural attrition and the owner wishes to acquire more dogs then a further exemption is required by Council prior to obtaining any further dogs.
2. Dog registrations must remain current at all times;
3. This exemption is not an approval for a kennel establishment therefore the owners are prohibited from breeding and selling dogs under Council's Town Planning Scheme No.1.
4. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the area by reason of the emission of odour, noise, waste product or otherwise.
5. The exemption may be revoked or varied at any time under the Dog Act 1976 section 26 (3.c)

DANGEROUS DOGS

Exemptions will not be issued to dangerous dog breeds, under any circumstances.

APPEALS PROCESS:

The applicant has the right to appeal in writing to Council within 28 days of the Council decision.

ADVERTISING PROCESS:

Prior to consideration by Council, all initial applications to keep more than two (2) dogs shall be advertised by the Shire by means of local public notice, and by written notification to adjoining and nearby landholders.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/12/2012

POLICY NO:	86
DATE LAST REVIEWED:	18/02/2014 15/09/2015 015/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	Local Government (Administration) Regulations 1996
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	Integrated Workforce Planning
OBJECTIVE:	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 s5.56(2)</i>

POLICY STATEMENT

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.

Principles:

The Shire 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.

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.

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

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

Responsibilities :

- Executive, managers and supervisors have the responsibility and accountability for ensuring that all staff are managed appropriately within their own work areas.
- In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles.
- All managers will ensure effective setting of KPIs and performance criteria for their staff that will meet relevant organisational objectives.
- 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.
- The relevant organisational planning and performance monitoring personnel will research and relevant workforce data, demographics and trends as part of the integrated planning cycle.
- 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.

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 Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	18/02/2014

POLICY NO:	88
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Policies – Process for adopting, amending or repealing
OBJECTIVE:	To establish a process for the introduction, amendment or repealing of a council policy

POLICY STATEMENT

Prior to introducing, amending or repealing a policy of Council, the proposal will go through the following process:

- Comparisons with other Local Authorities.
- Likely effect on the residents - consultation if necessary.
- Cost impact.
- Need to include a sunset clause.
- Legal implications.

All recommendations affecting policy must be made available to Council prior to the relevant Council Meeting and may not be introduced as a late item.

Council Policy 91 – Alcohol and Drug Workplace Policy

Objective

This policy applies to:

- All workers engaged in work for or on behalf of the PCBU
- All visitors to our workplace.
- All workplace-sponsored functions.

Definitions

Under the Work, Health and Safety Act 2020, work relationships are defined as:

“PCBU” Person Conducting a Business or Undertaking (For the purpose of this document the Shire of Woodanilling is the PCBU)

“Worker” A person who carries out work in any capacity for a PCBU (eg, An Employee, Contractor, Work Experience person or Volunteer).

The PCBU is dedicated to ensuring a secure, healthy and efficient workplace for all workers who are engaged in work for or on behalf of the PCBU. The ability to perform work effectively can be negatively impacted by fatigue, stress, injury/illness, alcohol or drugs. These factors can lead to impaired worker performance and contribute to workplace accidents or incidents.

The Shire has a zero-tolerance strategy towards workers attending the workplace or performing work under the influence of, or in possession of, alcohol or drugs.

The objective of this policy is to:

- Establish a safe work environment and system for workers and visitors.
- Minimise the risk of injury to workers or visitors in the workplace.
- Minimise the risk of property damage.
- Minimise the risk of operational disruptions and decreased productivity due to illness, injury, or property damage caused by drug or alcohol consumption.
- Provide a framework for addressing fitness for work.

Statement:

It is mandatory for all workers to be fit for work at all times. If the Shire determines that a worker is unfit for work, they will not be allowed to start or continue work and will be required to leave the workplace immediately. Failure to adhere to the policy will result in appropriate disciplinary action being taken.

The Shire will take reasonable measures to ensure that workers are in a condition to work safely and to minimize risks to themselves and others in the workplace through consultation, information sharing, observation and testing.

Instances in which the Shire may reasonably conclude that a worker is unfit for work include, but are not limited to:

1. Displaying a physical, mental, or emotional state that potentially compromises a safe work environment.
2. Reporting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system that exceeds the cut-off concentrations for drugs as defined by AS/NZS 4308 and AS/NZS 4760, or exceeds the legal alcohol limit for driving.

This policy is supported by the Fitness for Work (Drugs Alcohol and Impairment Procedure)

Name Of Policy	Council Policy 91 – Alcohol and Drug Workplace Policy			
Previous Policy	Revision			
Next Review Date	Biennial			
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> Code of Conduct <i>Work Health and Safety Act 2020</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Policies</u> Nil</p> <p><u>Delegations</u> Nil</p> <p><u>Work Procedures</u> Fitness for Work (Drugs Alcohol and Impairment) Procedure</p>			
Date Of Adoption And Resolution Number	October 2023			
Review Dates And Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Council Policy 91 – Alcohol and Drug Workplace Policy	15/05/2018	Policy Adopted	
2	Council Policy 91 – Alcohol and Drug Workplace Policy	17/10/2023	Revision	<i>Work Health and Safety Act</i>

Council Policy 96 – Elected Members Fees and Entitlements

Objective

The Elected Member Fees and Entitlements Policy outlines the allowances, fees and reimbursement of expenses that may be paid to Elected Members.

This policy is in accordance with relevant legislation and determinations, being the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the determination of the Salaries and Allowances Tribunal (SAT) for the Local Government Chief Executive Officers and Elected Members in accordance with the *Salaries and Allowances Act 1975*.

All fees and allowances are to be set by Council resolution annually following the Salaries and Allowances.

Policy Statement

President's Allowance

[Local Government Act 1995 s.5.98(5) and Local Government (Administration) Regulations 1996 Reg. 33(5) and 33(1)(b)]

The President shall be paid an annual allowance equivalent to 30% of the maximum amount permitted to be paid to the President as determined by the Salaries and Allowances Tribunal (SAT) and determined when adopting the budget.

Deputy President's Allowance

[Local Government Act 1995 s.5.98A and Local Government (Administration) Regulations 1996 Reg.33A]

The Deputy President shall be entitled to an annual local government allowance equivalent to 25% of the President's Allowance within the determined range of the SAT and determined when adopting the budget.

Meeting Attendance Allowance

[Local Government Act 1995 s.5.98(1)(b) and Local Government (Administration) Regulations 1996 Reg.33(3) and 34(1)(b) and 34.(2)(b)]

In lieu of paying Elected Members a meeting attendance fee for Council or Committee meetings, Elected Members shall be paid an annual amount for meeting attendance allowance equal to the minimum amount permitted to be paid as determined by Council when adopting the budget, and within prescribed range as set by the Salaries and Allowances Tribunal.

Telecommunications Allowance

[Local Government Act 1995 s.5.99A and Local Government (Administration) Regulations 1996 Reg.34A]

Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance equal to 30% of the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of

expense for which Elected Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the *Local Government (Administration) Regulations 1996*.

This allowance is designed to meet all Elected Members related communication costs and any other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet and consumables for computer equipment (ie internet dongle, printing cartridges, paper, storage devices).

Note: All allowances referred to in this policy will be paid in arrears with Elected Members able to elect to receive payment monthly, or biannually.

Reimbursable Expenses

Local Government Act 1995 s.5.98(2), (3) and (4) and Local Government (Administration) Regulations 1996 Regs 31 and 32

Ipad/Tablet

Immediately following an Elected Member's inaugural election to office, and once every two years after that, Elected Members are entitled to claim the cost of the purchase of an iPad or tablet, to a maximum value of \$1,000 and upon supply of proof of purchase. The purpose of this clause is to enable Elected Members to have ready access to agendas, minutes and other Shire documentation on a system of their own choosing.

All maintenance and ongoing costs are the responsibility of the Elected Member Councillor, as such costs are considered part of the telecommunications allowance.

Travelling Expenses

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their term of office.

Claims being related to travel in your personal vehicle to a destination from their normal place of residence or work and return in respect to the following:

- Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the President or the Chief Executive Officer.
- Committees to which the Elected Member is appointed a delegate or deputy by Council.
- Any other occasion in the performance of an act under the express authority of Council.

All claims for reimbursement should be lodged with the Shire, on the appropriate claim form by no later than 60 days from the end of the month to which the claim relates. In submitting claims for reimbursement, Elected Members shall detail the:

- Date of the claim;
- Particulars of travel (Destination);
- Nature of business;
- Distance travelled;
- Vehicle displacement; and
- Total kilometres travelled.

Elected Members are required to certify the accuracy of the information they provide with their claim forms and all claims must be accompanied by supporting documentation such as invitations or approvals where applicable.

The rate of reimbursement being as prescribed from time to time by the Australian Taxation Office.

Elected Members who incur travel costs while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) because of the Elected Member's attendance at a Council Meeting or a meeting of a committee of which he or she is also a member are to be reimbursed at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Award 2021*.

Elected Members who incur travel costs incurred for intrastate or interstate travel for circumstances referred to in regulation 32(1) of the *Local Government (Administration) Regulations 1996*, is at the same rate applicable under the *Public Service Award 1992*.

Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in "Travelling Expenses" of this policy shall be reimbursed upon lodgement of receipts accompanying the associated travel claim form and associated with the official duties and functions of Elected Member.

The cost of "valet" parking, however, will not be reimbursed.

Child Care Costs

[*Local Government Act 1995 s.5.98(2) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1), (2) and (3) and 32*]

Elected Members shall be entitled to reimbursement of the lesser amount of actual child care costs or the amount prescribed by the Salaries and Allowances Tribunal for care of children, of which they are parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which he or she is a member.

Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.

Equipment

The Shire may provide the Shire President with a suitably equipped device ie laptop or tablet for the use during their term of office and to be returned on their term expiring.

The electronic equipment is to be used for Council related business only and the Shire President is responsible for the safe guarding and protection of the device from misuse.

Other Support / Supplies

Elected Members are entitled to be supplied with the following items to be used only in fulfilling the role of the office of Elected Member:

- Annual Diary - will be supplied to each Elected Member at the commencement of each calendar year.



(**Note:** Elected Member should note that any diary used by an Elected Member to record the scheduling or occurrence of activities related to the fulfilment of the office of Elected Member are subject to the *State Records Act 2000 and the Freedom of Information Act 1992*.)

- Name badges.
- The Shire will, within reason, replace on request any name badge which is lost or irreparably damaged.

Protection

The Shire's Scheme protections extend to Elected Members for:

- Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses that are covered by Medicare, workers compensation, transport accident legislation, motor vehicle registration personal injury cover or private health insurance.
- Elected Members Officers Liability for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the Shire or otherwise in bad faith.
- Public liability while undertaking official duties of their office but subject to any limitations set out in the protection wording.
- Motor vehicle at the particular time owned or driven by the Elected Member or driven by another person on behalf of the Elected Member whilst the Elected Member is proceeding as a member to and from:
 - Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the President or the Chief Executive Officer;
 - Committees to which the Elected Member is appointed by Council;
 - Any other occasion while performing the functions of an Elected Member or as a result of an act under the express authority of Council;
 - The maximum LGIS will pay under Section 1 – Cover for loss or damage to Council's councillors, directors or employees vehicles, is the market value of the vehicle or up to a maximum value of \$75,000 for any one loss, any one event, or the declared value specified in the schedule in respect of such vehicles whichever is greater; and
 - As far as allowed by law, this Additional Cover will only provide cover in excess of any amount for which Elected Members, Directors, Employees vehicles are otherwise insured.
- Elected Members must determine whether the LGIS above insurance cover is adequate.
- Elected Members may wish to obtain their own insurance cover, at their own cost, to ensure the benefits and endorsements are adequate for their individual needs.
- LGIS Scheme protections are subject to the protection wordings, benefits, conditions, endorsements, excesses and exclusions.



Document Control/References

Name Of Policy	Council Policy 96 – Elected Members Fees and Entitlements
Previous Policy	Councillor Allowances, expenses and reimbursements
Next Review Date	Annually
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995: sections 5.98, 5.98A, 5.99 and 5.99A, 5.100A, 5.101A</i> <i>Local Government (Administration) Regulations 1996: regulations 34, 34AC and 34AD</i> <i>Salaries and Allowances Act 1975: section 7B</i> <i>Local Government Officers' (WA) Interim Award 2021: section 30.6</i> <i>Public Service Award 1992 Schedule F</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Policies</u> Nil</p> <p><u>Delegations</u> Nil</p> <p><u>Work Procedures</u> Elected Members Expenses Claim Form Schedule of Expenses and Allowances as per annual adopted budget</p>
Date Of Adoption And Resolution Number	15/09/2015

Review Dates And Resolution Numbers

History:

Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Councillor allowances, expenses and reimbursements	15.09.2015	Adoption	Adopted By Council 15 September 2015
2	Councillor allowances, expenses and reimbursements	15.05.2018	Review of Policy	Reviewed, amended and adopted by Council 15.05.2018
3	Council Policy 96 – Elected Members Fees and Entitlements	21.06.2022 OCM56/06/22	Full review of policy and amended with changes to align to legislation	Review and adopted by Council 21.06.22

POLICY TYPE:	BUILDING
DATE ADOPTED:	16/08/2016

POLICY NO:	97
DATE LAST REVIEWED:	15/05/2018

LEGAL (PARENT):	<i>Caravan Parks & Camping Grounds Regulations 1999 S 11(2)(c)</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Temporary Accommodation
OBJECTIVE:	To provide guidelines on the prerequisite conditions for approval of temporary accommodation for occupation during the completion of a permanent dwelling.

POLICY STATEMENT

Council will determine applications for temporary accommodation subject to the following conditions:

1. Applications must be submitted in writing and accompanied by a town planning application fee.
2. Applications will only be considered to reside in a caravan inside an already approved and constructed shed, on a temporary basis whilst constructing a permanent dwelling on the same property; and
 - Will only be granted to those persons who are to occupy the house when completed.
 - For a maximum period of 12 months.
 - Land being zoned "Local Rural" or "Regional Rural"
 - Applicants submitting a bond of \$5,000 cash, to be refunded upon temporary accommodation being vacated to the satisfaction of the Environmental Health Officer/Building Surveyor.
 - Toilet, hand wash basin in close proximity, bath and/or shower and laundry trough may be provided in the shed (and connected to an approved onsite effluent disposal system and hot and cold potable water supply). The laundry trough is permitted to be used as the hand wash basin. Cooking facilities must be provided for in the caravan.
 - The shed being supplied with a supply of potable water, and where no scheme water is available then it must be in the form of a water tank with a minimum capacity of 92,000L.
 - Installation of a smoke alarm to the temporary accommodation.
3. Prior to submitting an application for temporary accommodation the proponents must already have obtained an approved building licence for the construction of a permanent dwelling.
4. Temporary accommodation must be inspected and approved by the Environmental Health Officer/ Building Surveyor prior to occupation.
5. In accordance with the provisions of the Caravan Parks and Camping Grounds Regulations 1997, for occupation of temporary accommodation greater than 12 months, applications must be made to the Minister, Department of Local Government and Regional Development. Applications will only be supported where significant progress has been made on the construction of the permanent dwelling.
6. Council reserves the right to revoke temporary accommodation permission at any time if it is dissatisfied with the state of progress towards the construction of a permanent dwelling or any general terms of the temporary accommodation permission have not been met.

POLICY TYPE:	ROADS & TRANSPORT
DATE ADOPTED:	15/05/2018

POLICY NO:	98
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Road Making Materials
OBJECTIVE:	To provide guidance for the provision of sand/gravel supplies for road works.

POLICY STATEMENT

IDENTIFYING GRAVEL/SAND

Areas of suitable materials shall be clearly identified and recorded in a register containing title details, landholder details, approximate quantities and life of the pit, details of when the material was accessed including quantities, details of any compensation (see below), and a map of the location.

NEGOTIATING WITH LANDHOLDER

Negotiations with the landholder shall be carried out with both the interests of the landholder and Council in mind. Attempts shall be made to satisfy the concerns of the landholder in order to obtain materials, but it should be noted that Council may invoke the powers of the Land Administration Act 1997 to take land where negotiations have failed.

ACCESSING

Access to pits shall be on an unrestricted basis, and it will be agreed with the landowner the access route to and from the pit.

COMPENSATION

Compensation shall be paid to the landholder to the equivalent of \$1.10 per cubic metre incl. GST. Payment shall be made to the landholder when the material is quarried and heaped.

REHABILITATION

Council will rehabilitate the pit and access tracks once the gravel supply is exhausted at no charge to the landholder. Any additional requirements of the landholder must be approved by Council prior to any works being carried out.

For the purposes of this policy "rehabilitate" means levelling of the quarry floor and the replacement of the topsoil.

EFFECT OF THIS POLICY

Council agrees to maintain the pit in a reasonable condition, and any associated fencing and gates in the same condition as when first accessed. Any damage to fences, gates or property will be remedied by the Shire.

Council Policy 99 – Corporate Credit Card Use Policy

Objective

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

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

Scope

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

Policy

Definitions

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

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

Management Oversight and Reporting

Legislation

- (1) Section 6.5(a) of the *Local Government Act 1995* prescribes the Chief Executive Officer's (CEO) duty to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations.
- (2) The *Local Government (Financial Management) Regulations 1996* prescribe:
 - a. Regulation 5, the Chief Executive Officer's duties to ensure efficient systems and procedures are established for the proper authorisation of incurring of liabilities and the making of payments.
 - b. Regulation 11(1)(a) and (2) of the requires Local Government to develop procedures that ensure effective security for the authorisation and payment of accounts and for the authorised use of payment methods, including credit cards.



Determining When Transaction Card Facilities are Appropriate

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

Management Oversight

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

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

Reporting

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

Misuse, Misconduct and Fraudulent Use

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

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

Principles for Transaction Card Usage

Allowable Transactions

- (1) Transaction Card facilities may only be used where:
 - a. The expenditure is directly arising from a Shire of Woodanilling operational business activity for which there is an Annual Budget provision;
 - b. The expenditure is in accordance with legislation, the Shire of Woodanilling Purchasing Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder.



- c. The procurement of the required goods or services is impractical or inefficient if undertaken via a purchase order or is not able to be obtained other than by a Transaction Card;
 - d. Supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e. by purchase order) is more onerous, not cost effective or there is no alternative mode of supply.
 - e. Hospitality expenditure may only occur when it is in accordance with the Shire of Woodanilling's Hospitality Policy or is undertaken with the express written permission of the CEO.
 - f. Official travel, accommodation and related expenses may only occur in accordance with Shire of Woodanilling policies and procedures;
 - g. Accounts payable payments are made under the direction of the Manager Finance;
 - h. A sufficient record of each transaction is obtained and retained in the local government record.
- (2) Allowable transaction modes include:
- a. In-person and over the counter retail purchases;
 - b. Telephone or facsimile purchasing;
 - c. Mail order purchasing and subscriptions;
 - d. Internet purchasing.

Prohibited Transactions

- (1) The Shire of Woodanilling prohibits the use of Transaction Card facilities for:
- a. Cash advances;
 - b. Incurring expenses which are personal or private (i.e. any expenditure which is not an approved Local Government activity);
 - c. Making deposits onto the Card, whether to offset misuse or otherwise;
 - d. Incurring Capital expenditure;
 - e. Incurring expenditure for goods or services which are subject to a current supplier contract;
 - f. Incurring expenses which are not in accordance with legislation, the Shire of Woodanilling Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual Cardholder;
 - g. Expenses for which another Transaction Card is the approved facility (i.e. the Corporate Credit Card is not to be used for purchasing fuel or oil, as the Fuel Card is the approved facility for that purpose);
 - h. Splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
 - i. Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).
- (2) For clarity, Elected Members are prohibited from using Shire of Woodanilling Transaction Cards as the *Local Government Act 1995* does not provide authority for an Elected Member to incur liabilities on behalf of the Local Government. The Act limits Local Governments to only paying Elected Member allowances and reimbursing Elected Member expenses.

Cardholder duty of care and responsible use obligations

- (1) A Cardholder is required to:
- a. Keep the Transaction Card and access information in a safe manner; protected from improper use or loss.
 - b. Only use the Transaction Card for allowable purposes and not for prohibited purposes.
 - c. Obtain, create and retain Local Government records that evidence transactions.
 - d. Acquit the reconciliation of Transaction Card usage



transaction to avoid any potential perception that a transaction may be of a personal nature.

- e. Return the Transaction Card to the Shire of Woodanilling before termination of employment, inclusive of reconciliation records.
 - f. Reimburse the Shire of Woodanilling the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.
- (2) Benefits obtained through use of a Transaction Card (i.e. membership or loyalty rewards) are the property of the Shire of Woodanilling and may only be used for Shire of Woodanilling business purposes. Such benefits must be relinquished by the Cardholder to the Shire of Woodanilling. Under no circumstances may such benefits be retained as a personal benefit.

Transaction evidence

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

Document Control Box							
Document Responsibilities:							
Owner:	Chief Executive Officer			Owner Business Unit:	Corporate		
Reviewer:	Chief Executive Officer			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Section 6.5(a) of the <i>Local Government Act 1995</i> Regs 5 & 11(1)(a) & (2) of the <i>Local Government (Financial Management) Regulations 1996</i> <i>Public Sector Management Act 1994</i> <i>Corruption, Crime and Misconduct Act 2003</i> <i>Oaths, Affidavits and Statutory Declarations Act 2005</i>						
Industry:	Department of Local Government, Sporting and Cultural Industries Guideline No.11 – Use of Corporate Credit Cards						
Organisational:	Shire of Woodanilling Purchasing Policy Shire of Woodanilling Attendance at Events Elected Members Policy Shire of Woodanilling Code of Conduct Shire of Woodanilling Operational Procedure – Transaction Card Administration Shire of Woodanilling Operational Procedure – Transaction Card User						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Triennial	Next Due:	2026	Records Ref:	
Version #	Decision Reference:			Synopsis:			
1.	21 Mar 2023 OCM			Revised new Credit Card Policy replacing existing CP99			
2.							

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	29/06/2021

POLICY NO:	102
DATE LAST REVIEWED:	29/06/2021

LEGAL (PARENT):	<i>Local Government Act 1995, S5.38</i>
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LEGAL (SUBSIDIARY):	Local Government (Administration) Regulations 1996 – R18D
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DELEGATION OF AUTHORITY APPLICABLE:
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DELEGATION NO.

ADOPTED POLICY	
TITLE:	CEO Performance Review
OBJECTIVE:	To provide a consistent, transparent and accountable process through the use of clear guidelines regarding the annual review of the CEO's performance in accordance with the Local Government Act, the Regulations and the CEO's Contract

POLICY STATEMENT

Council will conduct the performance of the CEO at least once in relation to every year of employment. The performance review is a confidential process and will be conducted according to the process set out in this policy.

RATIONALE

The principles applied regarding the conducting of the Shire of Woodanilling CEO performance review include:

Collaborative Process

The performance review process must be a collaborative and constructive process between the Council and the CEO that is designed to enhance performance and provide guidance for the ensuing twelve months, using the Shire's Community Strategic Plan.

Councillors

Councillors must be prepared to take a corporate view of this 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 of Woodanilling.

Councillors participating in the review process need to have the following skill set:

- An ability to be fair and objective;
- Good communication skills;
- Preparation and evaluation skills;
- Avoid bias;
- Able to concentrate on outcomes;
- Negotiation skills.

Council

It is Council that establishes and conducts the performance review procedures.

CEO

The CEO has a statutory responsibility to advise Council that the performance review is required.

The CEO is to have equal input regarding the performance review process. This includes involving the CEO in:

- The setting of the performance review date(s);
- The development and setting of the Key Result Areas;
- Providing feedback on performance through answering the performance review questionnaire (performance review form) or through providing separate notes;
- Whether a facilitator will be used or not to assist with the performance review process;
- Providing a copy of the compiled Feedback Report to the CEO;
- The performance review interview; and

- Any matters post the performance review interview including remuneration and contractual matters and whether the performance review process can be improved.

External Facilitator

The external facilitator, if used, is required to facilitate the performance review process regarding their responsibilities under this policy.

The Review Panel

The Review Panel is required to undertake its responsibilities under this policy and use the Checklist in Attachment One to assist it with the performance review process.

Contract

The CEO's contract contains the procedure regarding the format of the performance review:

CLAUSE	CONTRACT
4.4	4.4 Procedure
	Any performance review conducted shall take the format of the following procedure: 4.4.1 Agreed Key Result Areas shall be developed bi-annually and structured from Council's adopted Strategic Community Plan. 4.4.2 If performance in any of the Key Result Areas is considered unsatisfactory by either party, specific examples illustrating the performance gap must be identified. 4.4.3 Key Result Areas should not be developed to cover all aspects of the position, only those which are most clearly linked to the achievement of the Council's strategic objectives. It is important that these goals are tangible and measureable, and within the Chief Executive Officer's area of control and authority. 4.4.4 A report should be prepared describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.

Note:

1. This procedure can only be varied by agreement between the Council and the CEO.
2. Developed under 4.4.1 means the status of the Key Result Areas (KRAs) i.e. how have the KRAs progressed and whether changes to the KRAs are required.

STEPS OF THE PERFORMANCE REVIEW PROCESS

In order to meet the requirements of the procedure set out in the CEO's contract, the following steps shall be conducted:

1. Initial Key Result Areas (KPIs):
 - (a) Council to confirm the CEO's contract contains Key Result Areas (KRAs) and a review process. This has regard to the initial KRAs agreed by both Council and the CEO. The KRAs are then reviewed at the CEO's first performance review, and subsequent reviews.
2. Establish Review Procedures:
 - (a) Council, in conjunction with the CEO, to set the date for the performance review.
 - (b) Council to confirm that the Review Panel (The Panel) is to consist of the Shire President and Deputy Shire President. The Shire President is the chair of the Panel.
 - (c) Council to determine if an external facilitator is used to provide assistance as per the responsibilities outlines in this policy. If so, then the CEO must be consulted on whether they agree to the proposed external facilitator.
 - (d) The external facilitator is to develop the review questionnaire (topics of discussion that make up the performance review form) and the rating method used and agreed by Council.
3. Performance of the CEO:
 - (a) All councillors must be provided with an opportunity for feedback using the questionnaire.
 - (b) The CEO is to provide a self-assessment report based on the questionnaire and/or provide additional information through the report.
 - (c) A "Feedback Report" compiling the responses from the councillors and the CEO must be prepared for the Panel's and CEO's

Feedback Report also forms part of the report on the outcomes of the review for Council's consideration.

4. Prepare for Performance Review.
 - (a) The performance review interview to be scheduled and all parties advised by the external facilitator.
 - (b) The performance review venue to be set up by the chair of the Review Panel.
5. Conduct Performance Review.
 - (a) The performance review interview conducted as follows:
 - i. Questionnaires distributed by the external facilitator to all councillors and the CEO:
 - Councillors complete questionnaire.
 - CEO completes questionnaire and/or provides further report.
 - ii. Responses are collated and a "Feedback Report" prepared by the external facilitator prior to the day of the performance review. The Feedback Report is then provided to the CEO and the Panel;
 - iii. Facilitator meets with CEO and conducts briefing on the process for the performance review interview.
 - iv. Facilitator meetings with Review Panel and briefs the members on the process for the performance review interview.
 - v. Performance review interview is conducted, facilitated by the external facilitator.
 - vi. The Key Result Areas (performance measures) for the next 12 months are discussed and agreed.
 - vii. If an external facilitator is not used, then the Shire President performs the functions allocated to the external facilitator.
 - (b) A report must be prepared by the Review Panel to Council on the performance review outcomes. This can also include the matters outlined in 5c and 5d.
 - (c) Subsequent remuneration and/or contractual matters are then scheduled for consideration by the Review Panel.
 - (d) The performance review process is to be reviewed by the Review Panel and improvements incorporated for subsequent reviews.

SCOPE

This policy applies to the conduct of CEO performance appraisals.

DEFINITIONS

CEO means the CEO of the Shire of Woodanilling.

Key Result Areas also known as Key Performance Indicators (KPIs). These are both strategic (relate to more than one year) and tactical (generic or more immediate e.g. leadership and management capability) in nature and must refer to the Strategic Community Plan.

Local Government in this context means the Council at the Shire of Woodanilling, as it is the only body which can make a decision regarding the CEO's employment and performance.

LEGISLATIVE AND STRATEGIC CONTEXT

Local Government Act 1995:

S5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

S5.39(1), (2) and (3). Contracts for CEOs and Senior Employees

These sub-sections of the Act mandate that the CEO must have their employment governed by a contract and performance criteria set for the purpose of reviewing the CEO's performance.

Local Government (Administration) Regulations 1996:

R18D. Performance review of CEO, local government's duties as to

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review

ASSOCIATED DOCUMENTS

- CEO's Contract of Employment regarding performance review matters.
- Policy 54 – Purchasing Policy regarding appointment of an external facilitator.

ATTACHMENT

A checklist to assist with the CEO Performance Review Process is provided in Attachment One

REVIEW HISTORY

ATTACHMENT ONE – CEO PERFORMANCE REVIEW CHECKLIST

ACTION	RESPONSIBILITY (Where Appointed)				Done (✓ or ✗)
	Council	CEO	Panel	Facilitator	
Does the CEO's contract contain performance measures and an appraisal process?	✓				
Has the commencement of the appraisal process been put in the diary?	✓	✓			
Council has determined who will conduct the appraisal process: Appointed Committee; or, all Elected Members	✓				
Will an external facilitator be used?	✓				
Does the CEO agree to the external facilitator?	✓	✓			
The appraisal questionnaire been prepared. A rating method has been agreed.	✓			✓	
Have all Elected Members been provided with opportunity to provide feedback?	✓		✓	✓	
Has the CEO provided a Self-Assessment report?		✓			
A working report/feedback report has been prepared	✓		✓	✓	
The appraisal interview has been scheduled and all parties have been advised.	✓		✓	✓	
The appraisal interview venue has been set up.	✓		✓	✓	
The appraisal interview has taken place	✓	✓	✓	✓	
Performance measures for the next 12 months have been discussed and agreed.	✓	✓	✓	✓	

ACTION	RESPONSIBILITY (Where Appointed)				Done (✓ or ✗)
	Council	CEO	Panel	Facilitator	
Subsequent remuneration and / or contractual matters have been scheduled for consideration	✓		✓	✓	
A report to Council on the appraisal outcome has been prepared	✓		✓	✓	
The appraisal process has been reviewed and improvements incorporated for subsequent appraisals.	✓	✓	✓	✓	

(Source: WALGA CEO Performance Appraisals – Elected Member Training 2016)

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	29/06/2021

POLICY NO:	103
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	Section 5.90A
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Attendance at Events Elected Members and CEO
OBJECTIVE:	<ul style="list-style-type: none"> • For Council to actively consider the purpose of and benefits to the community from Elected Members and the CEO attending events; • To provide a framework for the acceptance of invitations to such events; • To clarify who pays for tickets to events; and • To provide transparency to the community on the acceptance of tickets to events.

1. POLICY STATEMENT

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

2. SCOPE

This policy applies to Elected Members and the CEO of The Shire of Woodanilling. It must be read in conjunction with Policy "Attendance by Elected Members at Conferences".

This policy does not apply to Shire of Woodanilling employees other than the CEO.

3. DEFINITIONS

In accordance with section 5.90A of the Local Government Act 1995, event includes:

- a concert;
- a conference;
- a function;
- a sporting event; and
- an occasion prescribed for the purposes of this definition by the *Local Government (Administration) Regulations 1996*.

This is not an exhaustive list. This policy also applies to agricultural shows, cultural events and festivals etc.

4. POLICY

Council acknowledges that it is an important function for Elected Members and the CEO to represent their local government and fulfil their leadership role in the community.

Council's accountability to the community requires it to ensure that tangible benefits from spending ratepayers' money can be identified and that there is no perception of bias from accepting complimentary tickets when matters affecting the donor come before Council. It is important that Elected Members and the CEO make decisions – and are seen to be making decisions – free from influence and in the best interest of the community.

Attendance at an event, whether as a representative of Shire of Woodanilling or otherwise as an Elected Member or CEO, where the Elected Member or CEO has not paid for the ticket or hospitality, is a gift and must be disclosed if the gift is valued over \$300 (either one gift or cumulative over 12 months from the same donor).

However attendance at an event in accordance with clause 1.3 of this policy will exclude the recipient of complimentary tickets from the requirement to disclose an interest if the ticket is over \$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.

4.1. PROVISION OF TICKETS TO EVENTS

- 4.1.1 All invitations for an Elected Member or CEO to attend an event must be addressed in writing to Shire of Woodanilling
- 4.1.2 Invitations addressed to Elected Members or the CEO, but not submitted in writing to the Shire, are not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 4.1.3 Events for Elected Members and the CEO authorised in advance of the event by this policy are:
 - a. Shire hosted or sponsored ceremonies, functions, events and art exhibitions;
 - b. Meetings and events hosted by clubs and not-for-profit organisations in the shire;
 - c. Any free events held in the shire;
 - d. Cultural events or festivals in the shire;
 - e. Events run by schools within the shire;
 - f. Events for which representation by the Shire President or the CEO has been requested; and
 - g. Events run by other local governments, WALGA and Local Government Professionals Australia.

5. APPROVAL OF ATTENDANCE

- 5.1 In making a decision on attendance at an event, Council will consider:
 - (a) who is providing the ticket to the event;
 - (b) the location of the event ie whether in the district or out of the district;
 - (c) the role of the Elected Member or CEO when attending the event, i.e. participant, observer, presenter and the value of their contribution;
 - (d) whether the event is sponsored by the Shire;
 - (e) the benefit of Shire representation at the event;
 - (f) the number of invitations or tickets received;
 - (g) the cost to attend the event, including the cost of the ticket and any other expenses such as travel and accommodation.
- 5.2 Decisions to attend events in accordance with this policy will be made by simple majority and may be delegated.

6. PAYMENTS IN RESPECT OF ATTENDANCE

- 6.1 Where an invitation or ticket to an event outside the Shire is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, if Council determines attendance to be of public value.
- 6.2 Unless listed at clause 1.3, for any events where generally members of the public are required to pay, Council will determine whether it is in the best interests of the Shire for an Elected Member or the CEO to attend on behalf of Council.
- 6.3 If Council determines that an Elected Member or CEO should attend a paid event, the Shire will pay the cost of attendance and appropriate expenses, such as travel and accommodation, for events outside the Shire and the cost of attendance for events within the Shire.
- 6.4 Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative.

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	29/06/2021

POLICY NO:	104
DATE LAST REVIEWED:	

LEGAL (PARENT):	Local Government Act 1995
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LEGAL (SUBSIDIARY):	Section 5.126
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Elected Members Continuing Professional Development
OBJECTIVE:	This policy describes the Shire of Woodanilling's approach to enable council members to meet their statutory obligations for training and gives effect to the requirement to adopt a continuing professional development policy. This policy also provides guidance on training and professional development for elected members that is not of a statutory nature.

POLICY STATEMENT

1. Policy Statement

Councillors have a unique and challenging role performing their functions under the Act. The Shire recognises the value of training and continuing professional development to build and supplement council member skills and experience.

1.1 Compulsory Elected Member Training

The Local Government (Administration) Regulations 1996, requires elected members to complete a Council Members Essentials course consisting of five modules. Certain exemptions, specified in the Regulations apply. In accordance with the Regulations, training must be completed by all elected members following their election within 12 months of taking office and is valid for five years. The Regulations specify three training providers.

Elected members have a responsibility to complete the training in accordance with the legislation. Following each ordinary election, elected members will be provided with the relevant information on training options. Training that an elected member is required to complete under Section 5.126 of the Act will be paid for by the Shire from the elected member training account. E-Learning is the preferred method of training as it is the most cost efficient form of delivery, however it is acknowledged that some elected members may prefer to receive training face to face. Elected members are therefore, able to select a training option to meet their learning style and availability from one of the approved providers.

1.2 Continuing Professional Development

The Shire is committed to supporting the continuing professional development of council members to the benefit of Council, the Shire and the community.

Continuing professional development can include training and attendance at conferences in accordance with this policy.

Elected members who wish to attend training courses, appropriate conferences or seminars may make application to the Shire President in writing. A decision on attendance will be made jointly between the Shire President and the CEO based on the need, the benefit to the Shire of the person attending, identified skills gaps of elected members both individually and as a collective, and budgeted funds being available.

Professional development events and training for the Shire President must be approved by the Deputy Shire President in conjunction with the CEO.

Where an elected member's request for training is declined under this Policy, the member can request the matter be referred to Council.

Claims for reimbursement of expenses must be submitted within 14 days of the conference or training and may include:

- Registration and training costs for the elected member;
- Actual receipted

- accommodation for the duration of the conference or training
- taxi fares associated with the conference or workshop
- parking at the venue or accommodation
- food and drink costs (excluding alcohol)
- mileage costs in accordance with SAT determination.

Training that exceeds to allocated budget amount, must be approved by resolution of Council.

Elected members should note that all training undertaken, including conferences, are required to be published on the Shire's website.

1.3 Review Position and Date

Council to review following October 2021 Elections.

1.4 Associated Documents

Policy 96 – Councillor allowances, expenses and reimbursements.

2. SCOPE

This policy applies to all elected members of the Shire of Woodanilling.

Training can take several forms including formal qualifications, short courses, seminars and conferences.

3. DEFINITIONS

There are no definitions relevant to this policy.

4. LEGISLATIVE AND STRATEGIC CONTEXT

The Local Government Act 1995, Section 5.126, requires all elected members to undertake compulsory training within 12 months of being elected. The Shire of Woodanilling is required, under the Local Government Act 1995 Sections 5.127 and 5.128, to adopt a policy and report on compulsory training and continuing professional development for elected members.

Part 10 of the Local Government (Administration) Regulations 1996 provides the legal frameworks for elected member statutory training.

Outcome 4.1 – Representation by skilled councillors to achieve the best outcomes for the Shire.

POLICY TYPE:	FINANCIAL
DATE ADOPTED:	15/02/2022

POLICY NO:	105
DATE LAST REVIEWED:	

LEGAL (PARENT):	Local Government Act 1995 Local Government (COVID-19) Response Order 2020
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LEGAL (SUBSIDIARY):	Local Government (Financial Management) Regulations 1996
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	COVID-19 Financial Hardship Policy
OBJECTIVE:	<p>To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Woodanilling recognises that these challenges will result in financial hardship for our ratepayers.</p> <p>This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.</p> <p>This policy applies to:</p> <ol style="list-style-type: none"> 1. Outstanding rates and service charges as at the date of adoption of this policy; and 2. Rates and service charges levied for the 2020/21 financial year. <p>It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> will apply.</p>

POLICY STATEMENT

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

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Woodanilling recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc

ANTICIPATED FINANCIAL HARDSHIP DUE TO COVID-19

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

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

FINANCIAL HARDSHIP CRITERIA

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

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income

- Unanticipated circumstances such as caring for and supporting extended family

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

PAYMENT ARRANGEMENTS

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

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

INTEREST CHARGES

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

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

DEFEREMENT OF RATES

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

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

DEBT RECOVERY

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

REVIEW

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

COMMUNICATION AND CONFIDENTIALITY

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

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

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

POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	19/07/2022

POLICY NO:	106
DATE LAST REVIEWED:	

LEGAL (PARENT):	Local Government Act 1995
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	Nil
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DELEGATION NO.	Nil
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ADOPTED POLICY	
TITLE:	Special Series Number Plate and Associated Community Sponsorship Fund
OBJECTIVE:	To provide guidance in the consideration of the use of funds that are paid via the purchase of the Shire of Woodanilling Special Series Number Plates.

SCOPE

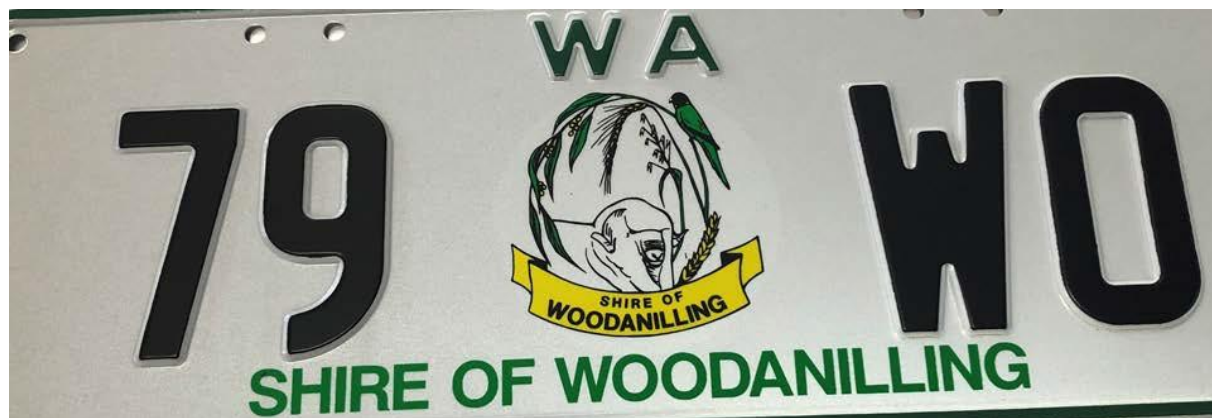
This policy applies to any persons wanting to purchase the Shire of Woodanilling Special Series Number Plates and to define the allocation of funds through a decision of Council.

POLICY STATEMENT

Those persons wishing to purchase the Shire of Woodanilling Special Services Number Plates are paying for the donation amount of \$75.00 per plate that is then decided by Council on the distribution of these funds at any given time.

Special Series Number Plates

The Shire of Woodanilling has been involved with the Department of Transport Special Series Number Plates since the early 1990's. The Plates display the Shire of Woodanilling Logo and is detailed below:



Payment of Special Series Number Plates

The payment of \$200.00 is to be paid direct to the Department of Transport for the make of the number plate. The additional \$75.00 is to be made payable to the Shire for the purpose of using this money to support Community Sports and Recreation associated with the Woodanilling Sports Committee.

Additional Costs associated with sale of plates

The additional payment of \$75.00 is made payable to the Shire's Trust Account for the purpose of the a donation/s that are to be requested from the Woodanilling Sports Committee and/or an individual who is associated with selection of state, national or international representation. The individual or groups reside in the Shire of Woodanilling.

The policy applies where the following criteria are satisfied:

- Written applications for funding assistance may be submitted at any time.
- The applications to be represented to Council for approval.
- Funding can only be sourced from the amount held within the Shire's trust account.
- The Shire will accommodate within the annual budget and will carry forward funds in financial year.

Applications can be evaluated against the following criteria:

- All individual applicants must reside within the Shire.
- In a group/team application, the majority of group/team members must reside in the Shire.
- Applications must be received prior to the event, as funding cannot be retrospective.

Legislative and Strategic Context

Nil.

Review

This policy is required to be reviewed as required.

Associated Documents

Nil.

Division		Community			
Policy Number		New – Policy 106 – Special Local Authority Vehicle Number Plates			
Related Legislation		Nil			
Related Shire Documents		FORM – Special Series Number Plate Application Form			
Risk Rating	Low	Review Frequency	As required	Next Review	When required
Date Adopted			DATE		

Amendments		
Date	Details of Amendment	Reference
Previous Policies		

Council Policy 107 – Significant Accounting Policies

Objective

The purpose of this policy is to summarise the significant accounting policies that form part of the notes that accompany the Shire of Woodanilling's statutory budgets and financial statements, describing the key policies being followed by the financial and asset management services.

The Policy summary is mandated by the application accounting framework (such as AASB and/or LG Act). These frameworks require an entity to disclose its most important or significant accounting policies, the appropriateness of those policies, and how they impact the reported financial position of the entity.

Scope

This policy applies to the Shire's accounting practices.

Definitions

Australian Accounting Standards Board (AASB)	Australian Accounting Standards
General Accepted Accounting Principles (GAAP)	Is the framework of Accounting Standards, Rules and Procedures defined by the Professional Accounting Industry.
International Financial Reporting Standards	Are a set of International Accounting Standards stating how particular types of transactions and other events should be reported in financial statements.
Asset	A resource controlled by a local government as a result of past events and from which future economic benefits are expected to flow to the local government.
Non-Current Assets	Land, buildings, plant and equipment, and furniture and equipment purchased over the capitalisation threshold values.
Infrastructure Assets	Roads, Footpaths, drainage, crossovers, car parks, street lights, parks and ovals purchased over the capitalisation threshold.
Capitalisation Threshold	The minimum threshold amount for the recognition of a non-current asset and infrastructure asset to be taken up onto the asset register.
Asset Register	A record of asset information considered worthy of separate identification.

Policy Statement

Current and Non-Current Classification

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Shire's intentions to release for sale.

Trade and Other Payables

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

Prepaid Rates

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire recognises revenue for the prepaid rates that have not been refunded.

Inventories

General

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

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

Superannuation

The Shire of Woodanilling contributes to a number of superannuation funds on behalf of employees.

All funds to which the Shire of Woodanilling contributes are defined contribution plans.

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Goods and Services Tax (GST)

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

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

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

Trade and Other Receivables

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

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are held with the objective to collect the contractual cash flows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable are separated from other trade receivables due to the difference in payment terms and security for rates receivable.

Provisions

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

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

Employee Benefits

Short-term employee benefits

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

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

Contract Liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants acquire or construct recognisable non-financial assets to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

Cash and Cash Equivalents

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

Bank overdrafts are shown as short term borrowings in current liabilities in Note 3 - Net Current Assets.

Financial Assets at Amortised Cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Recognition of Assets

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Financial Management Regulation 17A (5). These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Gains and Losses on Disposal

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

Depreciation

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

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

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

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

Buildings	30 to 50 years
Furniture and equipment	4 to 10 years
Plant and equipment	5 to 15 years
Infrastructure - roads	20 to 80 years
Infrastructure - footpaths	20 years
Infrastructure - drainage	80 years
Infrastructure - parks and ovals	30 to 75 Years

Amortisation

The depreciable amount of all intangible assets with a finite useful life, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held for use.

The assets residual value of intangible assets is considered to be zero and useful life and amortisation method are reviewed at the end of each financial year.

Amortisation is included within Depreciation on non-current assets in the Statement of Comprehensive Income.

Borrowing Costs

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

Document Control/References

Name Of Policy	Council Policy 107 - Significant Accounting Policies
Previous Policy	Significant Accounting Policies
Next Review Date	Annually
Related Documents	<p><u>Acts/Regulations</u> <i>Australian Accounting Standards</i> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Policies</u> Nil</p> <p><u>Delegations</u> Nil</p> <p><u>Work Procedures</u> Nil</p>
Date Of Adoption And Resolution Number	29.06.2021

Review Dates And Resolution Numbers

History:

Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Significant Accounting Policies	29.06.2021 – OCM ITEM 10.7	Added in 10% variance	Reviewed And Adopted By Council 29 June 2021
2	Council Policy 107 – Significant Accounting Policies	30.08.2022 – SCM07/08/2022	Full review of policy with major updates	Reviewed, amended and adopted by Council 30.08.2022

Council Policy 108 – Consumption of Alcohol in or on Shire Owned Facilities

Objective

This policy outlines the following objectives:

- Encourage the responsible consumption of alcohol on/in Shire owned facilities.
- Outline the conditions for the provision of a Permit to Consume Alcohol in/on a Shire owned or managed facilities within the townsite.
- Outline the requirements to gain approval to sell alcohol in/on a Shire owned facility within the townsite.

Scope

The Scope of this Policy is to ensure responsible consumption of alcohol in/on all Shire owned and managed facilities within the townsite.

This policy does not apply to the assessment of liquor license applications relating to non-Shire owned and/or managed facilities within the townsite.

This policy does not apply to the assessment of Development Applications for outlets providing access to liquor under the relevant legislation.

The Department of Local Government, Sport and Culture Industries – Racing, Gaming and Liquor is responsible for the provision of a liquor license. It is the responsibility of the person hiring a Shire facility to ascertain whether they require a liquor license. A Shire Permit to Consume Alcohol does not replace the requirement to obtain a liquor license where that requirement exists.

Policy

Introduction

The Shire encourages responsible and safe consumption of alcohol. The Shire also recognises that alcohol consumption is legally acceptable for consenting adults when consumed responsibly, and may play a role in hosting celebrations, activities and events.

As these are activities Shire facilities within the townsite are usually hired for, the Shire will consider requests to consume alcohol in/on Shire owned and managed facilities within the townsite for such purposes.

However, such approval does not negate an individual's or organisations legal responsibility in the provision or consumption of alcohol.



Permit to Consume Alcohol

In order to supply and/or consume alcohol in/on a Shire owned or managed facility within the townsite, an application to consume alcohol must be made to the Shire, including the payment of the required fee (as per annual Fees and Charges Schedule). A Permit to Consume Alcohol must then be issued by the Shire.

Conditions

A Permit to Consume Alcohol on Shire owned or managed facilities within the townsite may be issued by the Shire subject to the following conditions:

- a. The Chief Executive Officer must be satisfied that any application or request to consume alcohol will not cause undue disruption or harm to members of the community, or does not demonstrate potentially significant risk that would result in damage to a Shire owned or managed facility within the townsite.
- b. Applications for a Permit to Consume Alcohol will only be considered for facilities within the townsite, the following time restrictions:

Sunday, Monday, Tuesday, Wednesday, and Thursday from 11:00am until midnight.

Friday and Saturday from 10:00am until midnight.
- c. Compliance with Shire of Woodanilling terms and conditions of hire (including private events or functions).
- d. A community or corporate event held in a Shire owned or managed facility, within the townsite where a Liquor License has been successfully obtained from the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor.

Sale of Liquor on Council Properties

Any proposal to sell alcohol in/on a Shire owned or managed facility within the townsite, will require the applicant to apply to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor for a Liquor License, and also to the Shire of Woodanilling for a permit to Consume Alcohol.

The following conditions apply to the sale of liquor on Shire premises:

- a. The Shire may provide comment to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor regarding an application submitted for an occasional Liquor License.
The Department may be advised of the time restrictions on permission to consume alcohol on Shire premises as per times outlined in the Permit to Consume Alcohol as per 2.2(b).



- b. A Liquor License from the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor must be in place and a copy supplied to the Shire, prior to the event date. A Permit to Consume Alcohol will only be issued after receipt of the Liquor Licence.
- c. The Chief Executive Officer must be satisfied that any application or request to sell alcohol will not cause undue disruption or harm to members of the community.

It is an offence for juveniles and drunk persons to consume, be in possession of, or be supplied alcohol at functions in public venues, as regulated by the *Liquor Control Act 1988*. Should the Shire become aware of breaches to the *Liquor Control Act 1988*, these will be reported to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor. The Shire may refuse to provide a Permit to Consume Liquor for future hire of Shire owned or managed facilities and reserves.

Document Control/References

Name Of Policy	Council Policy 108 – Consumption of Alcohol in or on Shire Owned Facilities			
Previous Policy	Nil			
Next Review Date	Annually			
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Liquor Control Act 1988</i> <i>Liquor Licensing Act 1988</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Policies</u> Policy 81 - Use of Shire of Woodanilling Facilities</p> <p><u>Delegations</u> Appointment no. 17 – Liquor Control Act 1988 – Issue Certificates, removal of Licences, Application for Extending Trading Permits.</p> <p><u>Work Procedures</u> Forms – Permit to Consume Alcohol Application</p>			
Date Of Adoption And Resolution Number	18 October 2022			
Review Dates And Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Consumption of Alcohol in or on Shire Owned Facilities	18.10.2022 – 122/10/2022 OCM ITEM	New Policy	Adopted By Council 18 October 2022

Council Policy 109 – Shire Vehicles – Use Arrangements

Objective

This policy outlines the following objectives:

- To ensure equity in the private use of Shire of Woodanilling Vehicles;
- To ensure that drivers are approved and insured;
- To clarify the conditions in which Shire vehicles can be used for private purposes;
- To provide the guidelines for the use of Shire Vehicles; and
- To provide guidelines for the equitable and reasonable private use of Shire Vehicles for inclusion into contracts or terms of employment.

Scope

The Scope of this Policy is to for Elected Members, Chief Executive Officer, Deputy Chief Executive Officer, Executive Manger Infrastructure, Community Emergency Services Manager and all other employees.

Policy

Principles

- Smoking is prohibited in all Shire Vehicles;
- The laws of Western Australia are to be observed at all times;
- Fuels and oils purchase during private use are at the cost of the individual and not the Shire;
- Only approved drivers are to drive the vehicles;
- Any motor vehicle accident or damage to the vehicle must be reported immediately (or as soon as practicable) to the Chief Executive Officer;
- Any traffic infringements incurred, including parking fines, are to be paid by the driver;
- All vehicles shall be appropriately housed and secured at the residence of the employee;
- Vehicles are to be kept clean;
- No confidential material or valuables are to be left in vehicles. Any personal items left in Council vehicles are solely the responsibility of the owner of the personal items;
- Any persons shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled; and
- Conditions of vehicle use are to be included in contracts or provided to employees in writing, clearly articulating the principles relevant to the role.

Specific Use Designations

Elected Members

- A pool car may be available to Elected Members for use to travel to Shire related meetings and events.



Chief Executive Officer

- Unlimited private use entitles the CEO and a driver designated by the CEO to use the motor vehicle for both business and private purposes in Western Australia and for business and private travel within the state of Western Australia in accordance with Council Policy;
- The CEO paying the cost of fuel purchased outside the Shire during periods of private use (and providing tax invoices therefor for reimbursement by the Shire if not purchased on the Shire fuel card);
- All private use privileges extend to the spouse/defacto/partner of the Chief Executive Officer outside to normal business hours; and
- Use of vehicle forms part of the Chief Executive Officer Contract of Employment.

Senior Officers

- Full private use of a Shire Vehicle is permitted within 500kms from Woodanilling postcode;
- The approval of the Chief Executive Officer is required for any use outside of this range;
- All private use privileges extends to partner of Senior Employee outside normal office hours however whilst driving with the Senior Employee; and
- Use of vehicle forms part of the Senior Employee Contract of Employment.

Commuter Use Only

- CEO and/or EMI to assign certain positions with commuter use only for certain positions held within the organisation.
- Use of a Shire vehicle is limited to home and work (commuter use only);
- Use of the vehicle extends to spouse/defacto/partner of position for the Shire related transit journey only;
- When the position is on leave the vehicle must remain at the Shire Depot for staff to use; and
- No private use privileges apply without prior approval from the Chief Executive Officer or Executive Manager Infrastructure.

Community Emergency Services Manager (CESM)

Use of the vehicle allocated to the CESM will be in accordance with the Memorandum of Understanding (MOU) between the Department of Fire and Emergency Services (DFES) and the Shire of Katanning, Broomehill-Tambellup and Woodanilling.

All other employees

- A pool car is available for use for employees to travel to Shire related meetings, training and events;
- Use of the vehicle may extend to others travelling with the employee for a Shire related transit journey, with permission of the Chief Executive Officer; and
- All persons must hold a full and current driver's licence.

Important Notice

- An approved driver must be a Shire of Woodanilling employee or Elected Member holding a Western Australia Driver's licence. A driver on P or E plates must be approved by the Chief Executive Officer;



- Where an employee is under Shire supervised driving instruction, L Plates must be used (for example the attainment of a truck licence);
- All drivers other than Shire employees must be full licence holders. Another driver cannot be approved to use s Shire Vehicle if on L, E or P plates; and
- Fuel, gas and chemicals are only transported in the Shire’s commercial vehicles.

Roles and Responsibilities

Elected Members

- Utilise Shire provided vehicles where possible.

Chief Executive Officer

- Follow the guidelines in this procedure; and
- Assess and approve applications to drive Shire vehicles as required.

All Employees

- Follow the guidelines in this procedure;
- Keep vehicles clean and tidy;
- Refuel vehicles; and
- Arrange for the service of vehicles where they are responsible officer.

Document Control/References

Name Of Policy	Council Policy 109 – Shire Vehicles – Use Arrangements			
Previous Policy	Nil			
Next Review Date	Annually			
Related Documents	<u>Acts/Regulations</u> <i>Local Government Act 1995, s3.18 3c</i> <u>Plans/Strategies</u> Nil <u>Policies</u> Nil <u>Delegations</u> Nil <u>Work Procedures</u> Nil			
Date Of Adoption And Resolution Number	20 December 2022			
Review Dates And Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Council Policy 109 – Shire Vehicles – Use Arrangements	OCM 148/12/2022 - 20 December 2022	New Policy	New policy created for vehicle use

Council Policy 110 – Use of Information Technology

Objective

This policy provides guidelines for the proper use of all information technology facilities, including electronic data exchange, via internal and external data networks. It includes: internet access, internet email, internal email (exchange), facsimile and other electronic data transfer using the Shire of Woodanilling information technology facilities.

Scope

This Policy sets the conditions of use for the Shire of Woodanilling information technology facilities, including the use of the internet and electronic email (Outlook) for all employees, volunteers, contractors and Elected Members.

For the purpose of this Policy “employee” denotes employees, volunteers, contractors and if applicable Elected Members.

Policy

Purpose

This policy applies to;

- All employees of the Shire of Woodanilling, whether they are permanent, temporary or contracted;
- All contractors and volunteers; and
- Elected Members using Council equipment.

It is important therefore that all persons understand and acknowledge their obligations in this area.

Shire of Woodanilling employees are accountable for the use their Shire’s Information Technology (IT) facilities are improperly used, persons found misusing Shire facilities may be subject to formal disciplinary actions and potentially, criminal prosecutions.

The Shire’s IT network and its connections to other networks are to be used only in a manner that is consistent with the Shire’s business purposes and within the principles and guidelines of this policy and associated procedures.

This document sets out the Shire of Woodanilling’s position the proper use of its IT facilities. The principles sustaining the proper use of the Shire of Woodanilling IT facilities are:

- The use of IT Facilities should be consistent with the Shire of Woodanilling business operations.



- Limited personal use is permitted but must not interfere with the Shire of Woodanilling business operations.
- The Shire of Woodanilling will not be responsible for the loss of any personal information and/or data stored on any Shire owned device, including computers, iPads and mobile telephones.
- Improper use of the Shire of Woodanilling IT facilities will be addressed in accordance with this policy and may lead to disciplinary action, criminal prosecution, or both.

The purpose of these guidelines is to safeguard the Shire of Woodanilling as well as the individual from the misuse of the Shire's IT Facilities.

Security

Viruses

- All necessary precautions will be taken by all staff to ensure viruses are not introduced to the Shire of Woodanilling computer systems.
- All CD's, thumb drives and any other data storage devices format from external resources must be checked prior to opening or loading any of the data or programs that it contains.
- Employees should check to ensure the media is virus free by:
 - Right click with the mouse and
 - Select "scan for viruses"

Log in Protocols

- All users must be issued with a unique user identification and a password.
- Employees must not give out their user details or password of the computer system to other Elected Members, employees, volunteers and non-employees.
- Employees must provide a copy of their password for any Shire owned iPads or mobile telephone to the IT Company to be placed on a Register. If the employee updates/changes the password they must inform the IT Company of the change.

Improper Use of IT Facilities

The improper use of IT Facilities may compromise the Shire of Woodanilling's business objectives, expose the Shire to unfavourable publicity and breach of the right of other employees, and therefore have an ethical and legal obligation not to use the IT facilities improperly.

Without limiting its definition, the improper use of IT facilities may entail one or more of the following:

- Use, which is inconsistent with the Shire of Woodanilling's business purposes.
- Excessive access of the internet during work time.
- Use which is outside the scope of an employee's authority or contrary to guidelines and legislation applying to the Shire's IT facilities.



- Use which is contrary to broader requirements of the Shire of Woodanilling employees such as conditions of employment, anti-discrimination legislation, Shire of Woodanilling's policies, etc.

Penalties for Improper Use

Any user violating this policy, applicable state the federal laws or Shire of Woodanilling's policies and procedures are subject to Shire of Woodanilling disciplinary options.

In addition, any unauthorised access or attempted access to the Local Government computer system or attempted access to state or Federal Government computing and/or network system is a violation of Australian law and is subject to criminal prosecution.

Should an employee received an email which breaches the Shire's policy pertaining to emails, they should:

- Reply to the email requesting that the sender refrain from sending any such emails in the future;
- Delete the email and any attachments;
- Under no circumstances forward the email; and
- Report the matter to the CEO.

If the employee becomes aware that there are breaches of the Shire's Policy pertaining to the use of the internet occurring the matter should be reported immediately to the CEO.

Examples of Unethical and Unacceptable Use

Use of the Internet for unethical or unacceptable purposes/activities is not permitted. This includes but is not limited to any of the following activities:

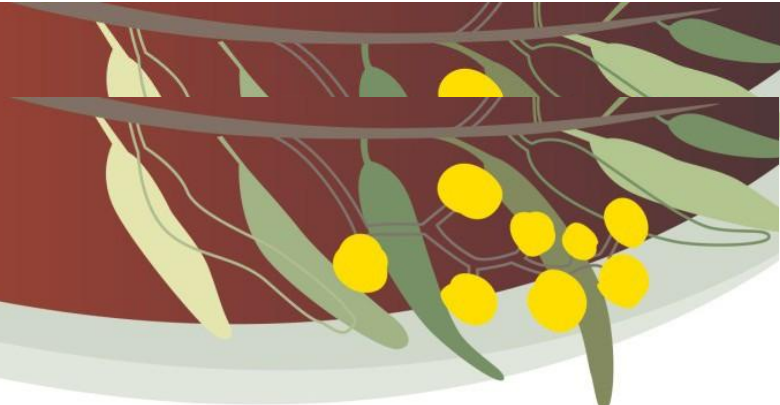
- Violating federal or state laws, in particular Division 6 of the 1995 Censorship Act.
- Violating institutional or third party copyright, licence agreements and other contracts.
- Transmitting, or causing to be transmitted, any communications that may be construed as harassment or disparagement of others based on the criteria of anti-discrimination legislation and the Shire of Woodanilling's relevant policies.

Publishing from a work PC on or over the internet any information which violates or infringes upon the rights of any other person or any information of an abusive, profane nature or material likely to be sexually offensive.

Information published on chat sites, such as Facebook from employee's/volunteer's personal computer.

Copyright/Defamation

Copyright is a set of



“shareware” (owner may all software to be copied and distributed free of charge provided users pay a certain fee), a commercial application or developed by a Government Agency (normally purchased as stand-alone or as multiple copy site licenses) will come with the definition of a “computer program” in the Copyright Act 1968 and will thus qualify as the “literary work” under the Act.

Breaches of copyright legislation can attract severe penalties. All outgoing mail will include a disclaimer.

Records Management Procedures

All electronic documents are subject to the same record keeping requirements as hard copy documents, ie incoming and outward work-related emails will be registered in the Synergy Records System.

Elected Members should forward all electronic documents relation to the business of Council to the CEO.

Document Control/References

Name Of Policy	Council Policy 110 – Use of Information Technology			
Previous Policy	Nil			
Next Review Date	Annually			
Related Documents	<u>Acts/Regulations</u> <i>Local Government Act 1995, s3.18 3c</i> <u>Plans/Strategies</u> Nil <u>Policies</u> Nil <u>Delegations</u> Nil <u>Work Procedures</u> Acceptable Internet Use			
Date Of Adoption And Resolution Number	20 December 2022			
Review Dates And Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Council Policy 110 – Use of Information Technology	OCM148/12/2022-20 December 2022	New Policy	New policy created for use of IT

Council Policy 111 – Caretaker Period Policy

Objective

The Shire of Woodanilling (the Shire) is committed to ensuring that Local Government Elections are undertaken in the manner that is transparent, open and supports a high standard of integrity.

The Caretaker Period Policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Local Government Election, through the use of public resources or decisions made by the Council or administration on behalf of the Shire of Woodanilling during the period immediately prior to an election.

Scope

This policy applies to Council Members and Employees during a “Caretaker Period” relevant to:

- a. Decisions made by the Council.
- b. Decisions made under delegated authority.
- c. Decisions made administratively.
- d. Promotional materials published by the Shire of Woodanilling.
- e. Discretionary community consultation.
- f. Events and functions, held by the Shire of Woodanilling or other organisations.
- g. Use of the Shire of Woodanilling’s resources.
- h. Access to information held by the Shire of Woodanilling.

While local government election candidates, that are not sitting Elected Members, cannot be compelled to comply with this policy, such candidates will be made aware of it and encouraged to cooperate with its implementation.

Definitions

- ‘Caretaker Period’** means the period of time prior to an Election Day, specifically being the period from the close of nominations (37 days prior to the Election Day in accordance with s.4.49(a) of the *Local Government Act 1995*) until 6.00pm on Election Day.
- ‘Election Day’** means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election. For the purposes of this Policy, “Election Day” meaning generally excludes an Extraordinary Election Day unless otherwise specified in this Policy.
- ‘Electoral Material’** includes any advertisement, handbill, pamphlet, notice, letter, email, social media post or article that is intended or calculated to affect an Election Day result, but does not include:
- (a) An advertisement in a newspaper announcing the holding of a meeting (s.4.87(3) of the *Local Government Act 1995*); or
 - (b) Any materials produced by the Shire of Woodanilling relating to the election process by way of information, education or publicity materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

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‘Events and Functions’ Including a circumstance that requires the Council to make or announce a Significant Local Government Decision during the Caretaker Period because, in the CEO’s opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) Incur or increase legal, financial and/or reputational risk; or
- (b) Cause detriment to the strategic objectives of the Shire of Woodanilling.

‘Significant Local Government Decision’ includes any decision:

- (a) Relating to the employment, remuneration or termination of the CEO or any other designated Senior Employee (s5.3.7), other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their Contract of Employment), pending the Election Day result.
- (b) Relating to the Shire of Woodanilling entering into a sponsorship arrangement with a total Shire of Woodanilling contribution that would constitute Significant Expenditure, unless the Council resolved “in principle” support for the sponsorship prior to the Caretaker Period taking effect and sufficient funds are allocated in the Annual Budget.
- (c) Relating to the Shire of Woodanilling entering into a commercial enterprise as defined by s.3.59 of the *Local Government Act 1995*.
- (d) That would commit the Shire of Woodanilling to Significant Expenditure or actions that, in the CEO’s opinion, are significant to the Local Government operations, strategic objectives and/or will have significant impact on the community.
- (e) To prepare a report, initiated by the Administration, a Council Member, candidate, or member of the public that, in the CEO’s opinion, may be perceived as or is actually an election campaign issue.
- (f) Initiated through a Notice of Motion by a Council Member, where the effect of the motion will change the status quo or, in the CEO’s opinion, may be relevant to the circumstances described in sub-clauses (a) to (e) above.
- (g) That adopt a new, or significantly changes an existing policy, service or service level that incurs Significant Expenditure, unless the decision is necessary to comply with legislation.
- (h) That initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy, unless in the Chief Executive Officer’s opinion, is required for the orderly and proper land use planning within the district.

Significant Local Government Decision does NOT include any decision necessary in response to an Emergency, either declared by the State or Federal Government or by the Shire President in accordance with s.6.8(1)(c) of the *Local Government Act 1995*.



‘Caretaker Policy’ means the practices or procedures prescribed in this Policy.

‘Public Consultation’ includes a process which involves an invitation to individuals, groups, organisations or the wider community to provide comment on a matter, proposed action or proposed policy which may be perceived as or is actually an electoral/campaign issue, but does not include statutory consultation/submission periods prescribed in a written law.

‘Significant Expenditure’ means expenditure that exceeds \$250,000 (excluding GST) and that has not been budgeted for in the Shire’s Annual Budget.

Statement

The Caretaker Period for local government elections takes effect at the period of time from close of nominations being 37 days prior to the Election Day in accordance with section 4.49(a) of the Local Government Act 1995 until 6pm on Election Day. Noting that the prohibition on misuse of Local Government Resources for electoral purposes applies at all times and is not only applicable to a Caretaker Period.

The purpose of this policy is to avoid Council making major decisions prior to a local government election which would bind an incoming Council; prevent the use of public resources in ways seen to be advantageous to or promoting. Elected Members who are seeking re-election or new candidates; and to ensure the Shire and employees act impartially in relation to local government election candidates.

This policy is to be applied in conjunction with all other relevant legislation, local laws, delegations, policies, procedures, and processes of the Shire and provides guidance to ensure the continuation of ordinary business for the Shire in a responsible and transparent manner that ensures local government elections are conducted in an ethical, fair and equitable manner and are publicly perceived as such.

Candidates are provided with a copy of this Policy at the time of their nomination for election.

Decision Making

The CEO will ensure that:

- (a) At least 30-days prior to a Caretaker Period, the CEO will advise Council Members and employees in writing of the dates that the Caretaker Period commences and concludes.
- (b) Candidates are provided with a copy of this Policy at the time of their nomination for election, to ensure their awareness of the protocols and equitable access requirements.

Scheduling Significant Local Government Decisions

1. During a Caretaker Period, unless Extraordinary Circumstances apply, the CEO will reasonably ensure that:
 - (a) Council or Committee Agenda, do not include reports and/or recommendations that constitute Significant Local Government Decisions; and

(b) Council Forums, Workshops or Briefings, do not list for discussion matters that relate to Significant Local Government Decisions.

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2. The CEO shall reasonably ensure that, unless Extraordinary Circumstances apply, Significant Local Government Decisions are either:
 - (a) Considered by the Council prior to the Caretaker Period; or
 - (b) Scheduled for determination by the incoming Council.
3. The CEO shall reasonably ensure that, unless Extraordinary Circumstances apply, Delegated Authority from the Council to the CEO or a Committee is not exercised where the exercise of that delegated authority relates to a Significant Local Government Decision or an election campaign issue.

Extraordinary Circumstances

1. Where, during a Caretaker Period, the CEO determines that Extraordinary Circumstances apply, the CEO may submit a report on a Significant Local Government Decision for Council's consideration.
2. Where, during a Caretaker Period, the CEO determines that Extraordinary Circumstances apply, the CEO may include matters relating to a Significant Local Government Decision for Council Member discussion at Elected Member Forums, workshops or Briefings.

Chief Executive Officer Employment

This Policy prohibits Significant Local Government Decisions relating to the employment, remuneration or termination of the CEO during a Caretaker Period.

The Council is however required to fulfil its obligations as the CEO's employer regardless of a Caretaker Period. Therefore, during a Caretaker Period may consider and determine:

- (a) CEO's leave applications.
- (b) appoint an Acting CEO, where necessary.
- (c) suspend the current CEO, where appropriate and in accordance with the terms of their contract.

The Council may not initiate a new CEO recruitment process or initiate or undertake a CEO performance review process, during a Caretaker Period.

Shire of Woodanilling Code of Conduct

Elected Members and Candidates must comply with the Shire of Woodanilling Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

General Principles

The Code of Conduct requires Elected Members and Candidates to adhere to, promote and support the General Principles that relate to Personal Integrity and Relationship with Others.

Personal Integrity outlines specific personal integrity principles, including the need to:

- (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflicts of interest; and
 - (e) avoid damage to the reputation of the local government.
- Relationship with Others outlines principles including the need to treat others with



Behaviours

Elected Members and Candidates must also demonstrate the expected behaviours as set out within the Code of Conduct relating to Personal Integrity, Relationships with Others and Attendance at Committee or Council Meetings.

Personal Integrity behaviors ensure that social media and other forms of community comply with the Code of Conduct and must only publish material that is factually correct.

Relationship with Others behaviour's include the requirement to:

- (a) must not bully or harass another person in any way; and
- (b) must deal with media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection to the performance of their official duties.

Caretaker Periods Protocols – Candidates

Candidates, including Council Members who have nominated for re-election, relevant to an Election Day or Extraordinary Election Day, shall be provided with equitable access to the Shire of Woodanilling's public information in accordance with s.5.94 of the *Local Government Act 1995*.

The CEO shall ensure that assistance and advice provided to candidates as part of the conduct of the election is provided equally to all candidates.

Council Members nominating for re-election, may access information and assistance regarding the Shire's operations and Council matters during a Caretaker Period, but only to the extent necessary to perform their role as a Councillor and limited to matters currently relevant to the Shire of Woodanilling (refer s.5.92 of *the Local Government Act 1995*).

All election process enquiries from Candidates, including Council Members who have nominated for re-election, will be directed to the Returning Officer, or where the matter is outside the responsibility of the Returning Officer, to the CEO.

Candidate Requests on behalf of Electors, Residents or Ratepayers

Where a Candidate, including Council Members who have nominated for re-election, requires the assistance of the Administration to respond to a request made by an Elector, Resident or Ratepayer, then the Administration will provide the response directly to the requesting Elector, Resident or Ratepayer and will also advise the candidate of the outcome.

Candidate Campaign Electoral Materials

Candidates, including Council Members who have nominated for re-election, should note that the Shire's official crest or logo may not be used in campaign Electoral Materials without the express permission of the Shire of Woodanilling.

Candidate attendance at Meetings

To ensure equitable access to information about Council's decision making during a

Caretaker Period, the CEO shall ensure that Candidates, who are not sitting Council Members, are advised of Ordinary and Special Council Meetings (if open to the public) called and convened during a Caretaker Period; providing each Candidate with a copy of the

meeting agenda at the time it is distributed to Council Members.

For the purposes of transparency and the benefit of the public gallery, Candidates are requested to identify themselves as an election candidate prior to asking a question or making a statement at a Council or Committee meeting.

Council Member Caretaker Period Protocols

Access to Information and Advice

During a Caretaker Period all Council Members will scrupulously avoid using or accessing Shire information, resources or employee resources and expertise for the purpose of gaining electoral advantage or disadvantage relevant to their own candidacy or any other person's candidacy (*refer s.5.93 of the Local Government Act 1995*).

During a Caretaker Period, all Council Member requests for information and advice from the Shire will be reviewed by the CEO and where the subject of the information or advice is considered as relating to an election campaign issue, the CEO will either make a determination, or refer the request for Council's determination, as to if the information or advice is/is not to be provided, including if information is provided to one candidate, or if that information is also to be provided to all candidates (i.e. including candidates who are not current Council Members).

Media and Publicity

During a Caretaker Period, all Council Member requests for media advice or assistance, including Council Members who have nominated for re-election, will be referred to the CEO for review.

The CEO will only authorise Council Member access to media advice or assistance where, in the CEO's opinion, the subject matter is relevant to the Shire's objectives or operations and is not related to an election campaign purpose or issue or to the Council Member's candidacy or the candidacy of another person.

Council Member Business Cards, Shire of Woodanilling Printed Materials

Council Members must ensure that Shire of Woodanilling business cards and Local Government printed materials are only used for purposes associated with their role as a Councillor, in accordance with section 2.10 of the *Local Government Act 1995*.

Council Members are prohibited from using Shire of Woodanilling business cards or printed materials at any time, including times outside a Caretaker Period, for any election campaign purpose, either in support of their own candidacy or the candidacy of another person.

Council Member Participation in Events and Functions

During a Caretaker Period Council Members may continue to fulfil their role through attendance at events and functions hosted by external bodies.

Council Member Delegates to External Organisations

At any time, including times outside of a Caretaker Period, Council Members who are the Council's appointed delegate to an external organisation, must not use their attendance at an external organisation's meeting, event or function for any purpose associated with an

election campaign purpose, including recruiting campaign assistance or to promote their own candidacy or the candidacy of another person.

Shire of Woodanilling





Council Member Addresses / Speeches

Excluding the Shire President and Deputy Shire President, when fulfilling their functions prescribed in sections 2.8 and 2.9 of the *Local Government Act 1995*, Council Members who have nominated for re-election, shall not be permitted to make speeches or addresses during a Caretaker Period at events or functions organised or sponsored by the Shire of Woodanilling, unless expressly authorised by the CEO.

In any case, the Shire President, Deputy Shire President and Council Members are prohibited from using an official speech or address during a Caretaker Period to promote an election campaign purpose.

Council Member Misuse of Local Government Resources

A Council Member who uses Shire's resources for the purpose of persuading electors to vote in a particular way is in breach of a rule of conduct under Division 4 of the *Code of Conduct for Council Members, Committee Members and Candidates*.

This prohibition on misuse of Local Government Resources for electoral purposes applies at all times and is not only applicable to a Caretaker Period.

For clarity, Local Government resources includes, but is not limited to: employee time or expertise, Shire provided equipment, information and communication technologies, stationery, hospitality, images, communications, services, reimbursements, and allowances provided by the Shire.

Shire of Woodanilling Publicity, Promotional and Civic Activities

Publicity campaigns and promotional activities during a Caretaker Period may be undertaken only for the purposes of:

- (a) Promoting Shire services and activities, where such promotion do not relate to an electoral campaign issue and would otherwise be undertaken as part of normal operations; and,
- (b) Conducting the Election and promoting Elector participation in the Election.

All other, publicity and promotional activities of Shire initiatives will be, where reasonably practicable, avoided during the Caretaker Period, including the announcement of Significant Local Government Decisions, made prior to the commencement of a Caretaker Period or proposed to be made after a Caretaker Period.

The CEO may determine if Exceptional Circumstances apply and if a Significant Local Government Decision announcement is necessary during a Caretaker Period.

Civic Events and Functions

The Shire will avoid the scheduling of Civic Events and Functions during a Caretaker Period, which may give rise to any actual or perceived electoral advantage to Council Members who have nominated for re-election.

Where the Shire is required to schedule a Civic Event or Function during a Caretaker Period at which Council Members would usually be invited, then all Candidates will also be invited to attend and will be acknowledged as candidates immediately following any acknowledgement provided to Council Members. For example; Candidates will be introduced at the function immediately following the introduction of Council Members.



Shire Publications and Communications

All Shire publications and communications distributed during a Caretaker Period must not include content that:

- (a) may actually, or be perceived to, persuade voting in an election; or
- (b) is specific to a candidate or candidates, to the exclusion of other candidates;
- (c) draws focus to or promotes a matter which is a Significant Local Government Decision, or which is an electoral campaign issue.

All Shire publications and communications proposed to occur immediately prior to, throughout or during, a Caretaker Period must be reviewed and approved by the CEO prior to publication or distribution.

Shire Website and Social Media Content

1. During the Caretaker Period, this Policy applies to content proposed for publication on the Shire's website and social media channels.

Website and social media content regarding Council Members will be limited to: Council Member names, contact details, membership of committees and Council appointments as Shire Delegates on external committees and organisations however, all other biographical information related to a sitting Council Member who is also a candidate will be removed from public access for the duration of the Caretaker Period.

The Candidate Election Profiles prescribed in s.4.49(b) of the *Local Government Act 1995*, may also be published on the Shire's website and social media.

2. Website and social media content, published prior to a Caretaker Period, will not be subject to this Policy.
3. New website or social media content which relates to Significant Local Government Decisions or election campaign issues will not be published during a Caretaker Period, unless Exceptional Circumstances apply.
4. Content posted by the public, candidates or Council Members on the Shires social media channels, which is perceived as candidate election campaign material or promotes a candidate or candidates will be removed.

Community Consultation

The Shire will undertake planned community consultation (discretionary and legislative) during a Caretaker Period, unless the consultation relates to a Significant Local Government Decision or potentially contentious election campaign issue.

Shire Employees

During the Caretaker period no Shire Employee may make any public statement that relates to an election issue unless the statements have been approved by the CEO.



Document Control/References

Name Of Policy	Council Policy 111 – Caretaker Period Policy
Previous Policy	Nil
Next Review Date	Annually
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i> <i>Local Government Model Code of Conduct Regulations 2021</i> <i>Code of Conduct for Council Members, Committee Members and Candidates</i></p> <p><u>Plans/Strategies</u> Nil <u>Policies</u> Nil</p> <p><u>Delegations</u> Nil</p> <p><u>Work Procedures</u> Nil</p>

Date of Adoption and Resolution Number	20 June 2023			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Caretaker Period Policy		New Policy	
2				

Council Policy 112 – Plant, Equipment and Vehicle Disposal Policy

Objective

The Shire of Woodanilling (the Shire) is to ensure a best practice approach to procurement and disposal of plant, equipment and vehicles, providing transparent, equitable and competitive purchasing and disposal practices, compliant with the *Local Government Act 1995*, and the *Local Government (Functions and General) Regulations 1996*.

Scope

This policy applies to all Shire Employees of the Shire of Woodanilling.

Definitions

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

Statement

1. The Shire replacement strategy for plant, equipment and vehicle replacement is based on the following principles:
 - (a) Purchases are conducted in accordance with the Shire's Purchasing Policy.
 - (b) Acquisition of plant, equipment is in accordance with the adopted annual 10 Year Plant Replacement Program.
 - (c) Plant, equipment and vehicles be disposed of through public auction, with a reserve price based on valuations from a minimum of two (2) Auctioneers.
 - (d) The Chief Executive Officer is authorized to set the reserve process for auction; and
 - (e) If the reserve price is not achieved, the vehicle shall either:
 - i. Offered to the organization with the highest reserve price valuation; or
 - ii. Consideration be made to resubmit to a future auction process.
- 1.2 Light fleet vehicle changeovers are as follows:
 - (a) CEO vehicle, 36 months and/or 60,000kms
 - (b) Supervisory vehicles, 48 months and/or 100,000kms
 - (c) Fleet vehicles, 5 year and/or 150,000kms
- 1.3 A provision be made in the Annual Budget for the:
 - (a) Replacement of plant and vehicles, as determined by the adopted 10 Year Plant Replacement Program; and
 - (b) Replacement of plant and vehicles are subject to Chief Executive Officer approval and sufficient funds being available within the adopted Annual Budget.
- 1.4 Disposition of Plant and Vehicles
 - (a) The Chief Executive Officer to dispose of plant and vehicles as determined, in accordance with Section 3.58 Local Government Act 1995
 - (b) Decisions on the disposal of plant and vehicles may only be made in

- by resolution of Council; and
- (c) Where disposal of plant and vehicles is likely to exceed the delegated authority limit, a Council resolution is required that details full financial and asset management implication associated with the disposal.

Document Control/References

Name of Policy	Council Policy 112 – Plant, Equipment and Vehicle Disposal Policy			
Previous Policy	Nil			
Next Review Date	Biennial			
Related Documents	Acts/Regulations <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> Plans/Strategies 10 Year Replacement Program Policies Shire Purchasing Policy Delegations New Work Procedures Nil			
Date of Adoption and Resolution Number	September 2023			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No	Synopsis	Details
1	Council Policy 112 – Plant, Equipment and Vehicle Disposal Policy	21 September 2023	New Policy	New Council Policy on Fleet Disposal



Council Policy 113 – Regional Price Preference

Objective

The Regional Price Preference advantage provided by the Shire of Woodanilling is to encourage local businesses within the Preference Region to engage in business with the Shire. By recognising the importance of supporting local commerce and encouraging businesses within the Preference Region the pricing advantage that the Regional Price Preference provides, supports the Shire's aim to foster economic growth, improve service delivery, and ensure the best value for its procurement needs

Scope

This policy applies to Shire Employees for the Shire of Woodanilling.

Definitions

Preference Region; *comprises the Shire of Woodanilling and those surrounding Shires that share a common boundary or have a serviceable delivery within 150 km range.*

Statement

Regional Price Preference

A price preference will apply to eligible suppliers who are defined as based in, operate from or source goods or services from within the Preference Region, in relation to all tenders and quotations invited by the Shire for the supply of goods, services and road & building construction services, unless the tender/quotation document specifically states prior to advertising of the tender/quotation that this policy does not apply.

The regional price preference enables tenders and quotations to be evaluated as if the proposed price were reduced in accordance with permitted price preference as specified below in this policy.

This policy will operate in conjunction with the purchasing considerations and procedures for tenders and quotations as outlined in the Shire's 'Purchasing Policy' when evaluating and awarding contracts.

Local Price Preference, for suppliers located within the Shire;

- a) 10% - where the contract is for a value up to and including \$ 20,000
- b) 5 % - where the contract is between the values of \$20,000 and \$ 50,000.

Regional Price Preference for suppliers located within the Preference Region;

- a) 5 % - where the contract is for a value of up to and including \$ 20,000;
- b) 2.5 % - where the contract is between the values of \$ 20,000 and \$ 50,000

Qualifying Criteria

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

- a) the supplier has been operating a business continuously out of premises in the Preference Region for at least six months before the time after which further tenders/quotations cannot be submitted. This is further defined as follows and the supplier will be required to meet all of these criteria:



- i. the supplier is required to have a physical business premises (in the form of an office, depot, shop, outlet, headquarters or other premises where goods or services are being supplied from), located in the Preference Region. This does not exclude suppliers whose registered business is located outside the Preference Region but undertake the business from premises located in the Preference Region;
 - ii. the physical location of the business premises in the Preference Region has been operating on an ongoing basis for more than six months prior to the closing date for the tender;
 - iii. a business having permanent staff that are based at the business premises located in the Preference Region;
 - iv. management or delivery of the majority of the tendered outcomes will be carried out from the business premises located in the Preference Region; and
 - v. the business being registered or licensed in Western Australia; or
- b) some or all of the goods or services are to be supplied from Preference Region sources. Goods and/or services that form a part of a tender/quotation submitted may be wholly supplied from Preference Region sources; or partly supplied, and partly supplied from outside the Preference Region. Only those goods or services identified in the tender/quotation as being from Preference Region sources may be included in the discounted calculations that form a part of the assessments of a tender/quotation when the regional price preference policy is in operation.

In order for the policy to apply, the supplier is required to provide to the Shire written evidence within the tender/quotation submission which demonstrates compliance with the above criteria.

Suppliers who claim that they will use goods, materials or services supplied from the Preference Region in the delivery of the contract outcomes will be required, as part of the contract conditions, to demonstrate that they have used them.

Roles and Responsibilities

As much as practicable, the Shire of Woodanilling will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (ie servicing and support);
- Explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- Use a competitive market for their local purchasing requirements to encourage economic growth and local business partnerships where it is practical and reasonable to do so;
- Ensure that the application of a local price preference is clearly identified within the quotation or tender documents to which the preference is to be applied; and
- Provide adequate and consistent information to potential suppliers.



Document Control/References

Name of Policy	Council Policy 113 – Regional Price Preference			
Previous Policy	Nil			
Next Review Date	Annually			
Related Documents	Acts/Regulations <i>Local Government Act 1995</i> Plans/Strategies Nil Policies Policy 54 Purchasing Policy Delegations Nil Work Procedures Nil			
Date of Adoption and Resolution Number	September 2023			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No	Synopsis	Details
1	Council Policy 113 – Regional Price Preference	21 September 2023	New Policy	New Council Policy Created for Regional Price Preference For Purchasing Requirements



Council Policy 114 – Rating Exemption Policy

Objective

The objective of the policy is to establish a consistent approach for determining the granting of an exemption, concession, or waiver on the payment of rates, in accordance with Section 6.26 (2) of the *Local Government Act 1995* (the Act) for determining rate exemptions. This allows for rate exemptions that are applied in a fair and equitable manner for all eligible ratepayers.

Scope

This policy applies to ratepayers within the shire of Woodanilling who are eligible to apply for:

- Land to be considered not rateable pursuant to section 6.26 (2) of the Local Government Act 1995 (hereinafter referred to as a rate exemption);
- A waiver or concession in relation to rates or service charges pursuant to s6.47 of the *Local Government Act 1995*.

This policy does not apply to ratepayers who are eligible for a rate concession pursuant to the *Rates and Charges (Rebates and Deferments) Act 1992*.

Policy

The policy provides a framework to be applied when assessing a rates exemption application received by the Shire:

1. All applications must be made in writing on the application form by the shire and contained a declaration as to the accuracy of the information contained therein;
2. An application must be from the owner of the property on which rates are levied or a tenant liable for rates payment under a lease (if the property is leased a copy of the lease is required with the application to establish if the lessee is liable for payment) of the rates in the terms of the lease);
3. An application for exemption is only applicable to rates, and not to service charges nor the Emergency Service Levy;
4. An application will be required to be lodged every three years and will be assessed in accordance with this policy;
5. It is the responsibility of the applicant to re-apply;
6. The Shire may request information from an organization on a yearly basis if the Shire considers this appropriate;
7. The Shire may request additional information from an organization making application if it considers it necessary to do so;
8. Information requested under paragraph (6) or (7) above is not limited to, but typically includes copies of the Constitution of the organization, recent financial statements of the organization and information demonstrating precisely how any land subject to the application is used;
9. The applicant must be a registered charity Australian Charities and Not for profits Commission (ACNC) or an incorporated Not for Profit organisation;
10. Rates and charges are still payable until a determination has been made. A refund will be made if the application is successful;
11. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit;
12. For the land to be treated as newly recognized not rateable land under section 6.26 (2) (g) of the *Local Government Act 1995*, or if a new application for exemption is required under paragraph (2), an application must be made by 31 May (or the date as outlined in the correspondence that is sent by the Shire) for the rating year that precedes the rating year to which the application relates.



Document Control/References

Name of Policy	Council Policy 114 – Rating Exemption Policy			
Previous Policy	Nil			
Next Review Date	Bi-Annually			
Related Documents	Acts/Regulations <i>Local Government Act 1995</i> Plans/Strategies Nil Policies Rates Exemption Policy Delegations Nil Work Procedures Nil			
Date of Adoption and Resolution Number	December 2023			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No	Synopsis	Details
1	Council Policy 114 – Rating Exemption Policy	19 December 2023	New Policy	



Council Policy 115 – Investments

Objective

This policy provides guidelines on how the Shire of Woodanilling (Shire) excess funds are to be invested whilst complying with legislation and requiring its authorised officers to exercise the care, diligence and skill that a prudent person would exercise in investing the Council funds. The objectives of the policy are:

1. Preservation of Capital

The primary objective of the Shire's investment is to ensure the safety and security of the investment made in relation to the credit risk of the borrowers and interest rate on offer.

2. Liquidity of Funds

The investment of the Shire's funds should ensure there is sufficient liquidity to meet the operational daily/weekly/monthly cash flow requirement as and when they fall due, without incurring additional cost to the Shire.

3. Return on Investment

The investment made should achieve a predetermined return on investment considering the market condition and risk profile of the borrowers.

Scope

This policy applies to all officers involved in the investment of Council funds.

Policy

Surplus funds to immediate requirements shall be deposited into an authorised institution, in accordance with regulation 19 of the Local Government (Financial Management) Regulations 1996.

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



Ethics and conflicts of interests

Employees shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Preferred Investments

The preferred investment of the Shire of Woodanilling is to be a Deposit with one of the big 4 Australian Banks (Commonwealth Bank, Westpac, National Australia Bank, ANZ). Any other investments are to be brought to Council prior to implementation.

Approved investments

Investments may only be made with authorised institutions as follows:

- An authorised deposit-taking institution as defined in section 5 of the Banking Act 1959 (Commonwealth) with a Standard & Poor's (or its equivalent) credit rating of A or higher,
- The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986, or
- Bonds that are guaranteed by the Commonwealth, State or Territory and which have a term not exceeding three years.

Prohibited investments

Investments which prohibited are as follows:

- Deposits with an institution except an authorised institution,
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind or are in a foreign currency.
- Principal only investments or securities that provide nil or negative cash flow such as guarantees of any type.

Investment funds

All cash and investment held by the Shire are placed in common investments in accordance with regulation 8 of the Local Government (Financial Management) Regulations 1996.

Risk management

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

All investments obtained must comply with three key criteria relating to:

- Portfolio Credit Framework: limits overall credit exposure of the portfolio,
- Counterparty Credit Framework: limits exposure to individual counterparties/institution, and
- Term to Maturity Framework: limits based upon maturity of securities.



Portfolio Credit Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum
AAA	A-1+	100%
AA	A-1+	100%
A	A-1	60%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentage is no longer compliant with this policy, the investment will be diverted as soon as practicable.

Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited. The amount invested with any one financial institution should not exceed the following recommended percentage of average annual funds invested by the Shire. There may also be on occasion, subject to cash flow requirements e.g., for end of year balancing and reserve transfers, direct investment maximum percentage greater than 50% for a single percentage, as detailed in the table below. As an exception, given the administrative constraints on the Shire, provided that the Shire's chosen financial institution retains a **AAA** or **AA** long term rating, 100% of the Shire's excess funds can be invested through that institution.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum
AAA	A-1+	50%
AA	A-1+	50%
A	A-1	30%
Shire's Chosen Financial Institution (at 13 June 2024)	S&P Long Term Rating	Direct Investment Maximum
National Australia Bank	AA	100%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentage is no longer compliant with this policy, the investment will be diverted as soon as practicable.

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints.

Investment Type	Term of Maturity
ADI Deposits	< 12 months
State/Commonwealth Government Bonds	< 3 years

Reporting and review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.



Document Control/References

Name of Policy	Council Policy 115 - Investments			
Previous Policy	Nil			
Next Review Date	Annually			
Related Documents	<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations</i> <i>Banking Act 1959 (Commonwealth)</i> <i>Trustees Act 1962</i></p> <p><u>Plans/Strategies</u> Nil</p> <p><u>Documents</u> <i>Department of Local Government, Sport and Cultural Industries guidelines:</i></p> <ul style="list-style-type: none"> • <i>Disclosure of Interests Affecting Impartiality</i> • <i>Disclosure of Financial Interests in Return</i> <p><u>Delegations</u> Delegation No 13. Investment of Surplus Funds</p>			
Date Of Adoption And Resolution Number	18/06/2024 OCM330/06/2024			
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Investments	18/06/2024	New Policy	INITIAL POLICY

Council Policy 116 – Appointment of Acting or Temporary CEO

Objective

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Woodanilling'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.

Scope

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

Policy

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 Executive Manager of Infrastructure may be considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Executive Manager of Infrastructure 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 Executive Manager of Infrastructure 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 Executive Manager of Infrastructure's 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 48 hours and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Executive Manager of Infrastructure 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 Executive Manager of Infrastructure will be appointed as Acting CEO;
- (5) 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 the principles of merit and equity prescribed in section 5.40 of the Act.
- (3) The President will liaise with the CEO, or in their unplanned absence the Executive Manager of Infrastructure to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.



- (4) Subject to Council's resolution, the President / Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager of Infrastructure.

5. Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the Shire of Woodanilling is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint the Executive Manager of Infrastructure 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 Executive Manager of Infrastructure 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 Chief Executive Officer or if they are unavailable, the Executive Manager of Infrastructure to coordinate 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 Councils resolution/s, with administrative assistance from the Chief Executive Officer or if they are unavailable, the Executive Manager of Infrastructure

6. Remuneration and Conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 100% of the cash component only of the substantive CEO's total reward package.
- (2) 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.



Name of Policy		Council Policy 116 - Appointment of Acting or Temporary CEO		
Previous Policy		Policy 3 ACTING CEO APPOINTMENT - Deleted		
Next Review Date		Annually		
Related Documents		<p><u>Acts/Regulations</u> <i>Local Government Act 1995</i> <i>s.5.36 Local government employees</i> <i>s.5.39 Contracts for CEO and senior employees</i> <i>s.5.39C Policy for temporary employment or appointment of CEO</i> <i>s.5.40 Principles affecting employment by Local Governments</i> <i>s.5.41 Functions of CEO</i></p> <p><u>Plans/Strategies</u> Strategic Community Plan and Corporate Business Plan</p> <p><u>Delegations</u> Delegation No 2. Appointment of Acting CEO</p>		
Date Of Adoption And Resolution Number				
Review Dates and Resolution Numbers				
History:				
Version:	Title No.	OCM Date Res No.	Synopsis	Details
1	Council Policy 116 - Appointment of Acting or Temporary CEO		New Policy	INITIAL POLICY



POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	17/03/2026

POLICY NO:	117
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	Local Government (Model Code of Conduct) Regulations 2021
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Information Sessions
OBJECTIVE:	<p>To ensure that Councillor Information Sessions provide:</p> <ul style="list-style-type: none"> the opportunity for Councillors to gain clarification and be better informed when participating in Council decision making processes; a forum for two-way communication between Councillors and key officers/consultants on Council related matters; an inclusive opportunity for community members to receive the same information on agenda items being provided to Councillors across a range of relevant topics; and to provide appropriate structure and guidelines for the conduct of Information Sessions. <p>The objective of this policy is not intended to apply to Councillor engagement with community groups or members on matters where there is no proposed agenda item or matter currently before, or anticipated to come before, Council.</p>

DEFINITIONS

Act means the *Local Government Act 1995*.

Closed Briefing Session refers to a non-statutory meeting held by Council to ask questions, receive presentations and seek clarity on matters that are on, or likely to be on, the agenda for the next ordinary Council meeting and that are closed to the public under s. 5.23 (2) of the *Act*.

Information Session refers to Open or Closed Briefing Session/Pre-Meeting Agenda Review meetings and Concept Forums.

Officer Report refers to a report presented to Council by an officer of the Shire, which includes professional advice and a recommendation, from which a Council decision is sought at an Ordinary Council Meeting.

Open Briefing Session/Pre-Meeting Agenda Review refers to a non-statutory meeting held by Council to ask questions, receive presentations and seek clarity on matters that are on, or likely to be on, the agenda for the next ordinary Council meeting and that are NOT closed to the public under s. 5.23 (2) of the *Act*.

Regulations means the Local Government (Model Code of Conduct) Regulations 2021.

Concept Forum refers to a non-statutory meeting held by Council, and closed to the public, to provide input and guidance on the development of matters that have a strategic impact and/or relate to the delivery of the Strategic Community Plan, excluding any matter that is on an upcoming Council meeting agenda.

Legislative and Strategic Context

Legislative:

- *Local Government Act 1995* – s. 5.23 (2) – Meetings generally open to the public
- Local Government (Model Code of Conduct) Regulations 2021
- State Records Act 2000

Strategic:

- Corporate Business Plan Actions
 - Pillar 3/Goal 8 – Accountable and Compliant Governance
 - 8.1 Maintain compliance with the *Local Government Act 1995* and associated regulations
 - Pillar 3/Goal 9 – Enhance Strong Civic Leadership
 - 9.2 Council is supported with a resource to ensure high level of compliance and to build capacity



ASSOCIATED DOCUMENTS

Policies:

- 15 – Code of Conduct – Council Members, Committee Members and Candidates
- 56 – Record Keeping
- 104 – Elected Member training

Other:

- Code of Conduct for Employees
- Shire of Woodanilling Record Keeping Plan

POLICY STATEMENT

The Shire of Woodanilling will be guided by the (previously titled) Department of Local Government, Sport and Cultural Industries Operational Guideline Number 05, acknowledging that many local governments need to be provided with the freedom and opportunity to discuss issues outside of a formal, debate-structured meeting format.

Information Sessions will generally be held on the same day as an Ordinary Council Meeting (and Special Council Meeting, if necessary), unless advertised otherwise. An agenda/program for Open Briefing Session/Pre-Meeting Agenda Review meetings will be published at the same time as the Ordinary or Special Council Meeting agenda, on the Shire of Woodanilling website – www.woodanilling.wa.gov.au.

Confidentiality

Open Briefing Session/Pre-Meeting Agenda Review meetings are open to all Councillors and, generally, to all members of the public; however, matters of a confidential nature included, or to be included, in an upcoming Council agenda or Council Committee agenda will be discussed Behind Closed Doors in accordance with s. 5.23 (2) of the Act.

Concept Forums are generally closed to the public to facilitate open discussion of preliminary ideas and concepts by Councillors but may be open to the public where the Shire President or Chief Executive Officer (CEO) believe it would be beneficial to Council.

Briefing Session/Pre-Meeting Agenda Review meetings

The following guidelines apply to ensure openness and accountability is safeguarded:

- Briefing Session/Pre-Meeting Agenda Review meetings are to be held prior to Ordinary Council Meetings (or Special Council Meetings, if necessary) with additional sessions as required and called by Council or the Shire President, or as convened by the CEO in liaison with the Shire President.
- Briefing Session/Pre-Meeting Agenda Review meetings are to be chaired by the Shire President or the Deputy President in the President's absence. If neither the President nor Deputy President are in attendance, a Councillor will be chosen by those Councillors present.
- The CEO is responsible for the administration of the Briefing Session/Pre-Meeting Agenda Review meetings in terms of Officer attendance, convening sessions and notice of items to be discussed at each session.
- All Councillor or Officer questions must be through the Chair and are to be, or likely to be, related to an upcoming Council agenda; there is to be no free-flowing discussion or debate of subject matter between Councillors.
- Councillors and Officers must disclose conflicts of interest in matters to be discussed in Briefing Session/Pre-Meeting Agenda Review meetings. Interests must be disclosed at the start of the Briefing Session/Pre-Meeting Agenda Review meetings and in accordance with the provisions of the Act as they apply to Ordinary Council Meetings (OCM) and Special Council Meetings (SCM). Persons disclosing a financial or proximity interest must not participate in that part of the meeting relating to their interest and must leave the room. Interests affecting impartiality should also be disclosed and dealt with in accordance with the Local Government (Model Code of Conduct) Regulations 2021. Given the sometimes-unpredictable nature of discussions, it is possible that discussions may occur with respect to an issue or issues not specifically included on the list of matters for discussion. This means that participants may not necessarily be aware prior to the discussion taking place that they will need to disclose an interest on a particular matter. Under these circumstances, a person with an interest in a matter raised "ad hoc" during a Briefing Session/Pre-Meeting Agenda Review meeting must disclose that interest at the time the subject matter that is the conflict of interest is raised and before further discussion commences.
- The Presiding Member may invite elected members to introduce matters that they have been dealing with on behalf of Council or relevant ideas they would like to be discussed.
- There must be no implication of debate or collective or collaborative decisions being made or implied at Briefing Session/Pre-Meeting Agenda Review meetings nor any agreement on movers, seconders, or amendments to Officer Recommendations.
- Pre-Meeting Agenda Review should only be used for clarification purposes or to address urgent business or new information coming to hand since an OCM or SCM agenda was published.



- Notice of Briefing Session/Pre Agenda Review meetings will be given by email invitation to Councillors and will include a list of topics or a program. Councillors wishing to have an item included in the list or on a program are to advise the CEO and the Shire President via email at the earliest opportunity. The public will be informed of items which will be discussed in these meetings via the Shire of Woodanilling's official website.
- Briefing Session/Pre-Meeting Agenda Review meetings provide an opportunity to view presentations etc. Where these meetings are open to the public, the Shire President may permit a person to provide a presentation to Council or answer questions.
- Site visits during Briefing Sessions, that relate to planning applications before Council, should be attended by all Councillors, the CEO, relevant Officers/Consultants and the applicant. For practical (and on occasion, confidentiality) reasons, members of the public will not be able to attend.
- The nature of development (and other) issues means that Briefing Session/Pre-Meeting Agenda Review meetings must be conducted with strict adherence to the rules outlined within this Policy, including maintaining confidentiality (s. 5.23 (2) of the Act). Development issues are often discussed in Briefing Sessions due to the importance of elected members being fully informed on the matter at hand. There should be no debate between elected members; the session should primarily involve information being given by the relevant Officer/Consultant/other parties with any questions from the floor being directed through the Chair in order that all elected members are privy to the same information. Additionally, elected members should be wary of involvement in the lead-up process to Council resolving a development matter if they are likely to be subjected to information from a developer or a developer's associated parties, as this may be interpreted as reducing the independence of a Councillor.
- When members of the public are present, any questions from members of the public are at the discretion of the Presiding Member. If there are any public questions that members of the public wish to be recorded in the minutes of the next or relevant OCM or SCM will be required to be asked at that Ordinary or Special Council Meeting.
- No formal minutes are required to be taken; however, the CEO will note items of discussion and record conflict of interest disclosures and the items effecting those disclosures and cause the record to be kept in accordance with the Shire's Record Keeping Plan.
- Councillor Briefing Session/Pre-Meeting Agenda Review meetings will not be live streamed or recorded unless there are special circumstances, as determined at the Shire President and CEO's discretion.

Concept Forums

Concept Forums are coordinated by the CEO in conjunction with the Shire President and are generally closed to the public unless it is considered beneficial to Council that members of the public be invited to attend.

Conduct and Responsibilities

- Elected Members are required to act in accordance with the Act and relevant regulations, Shire of Woodanilling Policy 15 – *Code of Conduct for Members, Committee Members and Candidates*, and other relevant policies.
- Employees are required to act in accordance with the Act and relevant regulations, the Shire of Woodanilling *Code of Conduct for Employees*, and other relevant policies.
- Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, Officers, Consultants and other members of the public in attendance at Briefing Session/Pre-Meeting Agenda Review meetings.
- If an elected member becomes aware of a potential problem with a matter to be addressed at an upcoming meeting (statutory or otherwise) it is advantageous for an Officer, CEO, or Council to be made aware of the problem as soon as possible in order to undertake action to address it, rather than waiting until a Briefing Session/Pre-Meeting Agenda Review to raise the problem.



POLICY TYPE:	GOVERNANCE
DATE ADOPTED:	17/03/2026

POLICY NO:	118
DATE LAST REVIEWED:	

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	Local Government (Administration) Regulations 1996
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Recording of Council Meetings
OBJECTIVE:	To engage the Shire of Woodanilling community by ensuring open and transparent government, improved accessibility to Council decision making, and outlining the way recording of Council meetings will be managed to ensure compliance with statutory requirements.

DEFINITIONS

Absolute Privilege means an absolute defence to an otherwise defamatory statement because of the context in which the statement was made.

Act means the *Local Government Act 1995*.

Behind Closed Doors means where a meeting is closed to the public in accordance with s. 5.23 (2) of the *Act*.

Inappropriate includes any comments considered to be libellous, slanderous, defamatory, not in keeping with applicable Codes of Conduct or acceptable community standards.

Meeting means any recorded meetings of Council or a Committee of the Council, convened as per s. 5.3 of the *Act*.

Member means an elected member.

Record means any record of information however recorded.

Recording means any recording made by an electronic device capable of recording audio.

Regulations means the Local Government (Administrations) Regulations 1996.

LEGISLATIVE AND STRATEGIC CONTEXT

Legislative:

- *Local Government Act 1995* – s. 5.23A (2) - Electronic broadcasting and video or audio recording of council meetings
- Local Government (Administration) Regulations 1996 – Part 2A – Electronic broadcasting and video or audio recording of council meetings

Strategic:

- Corporate Business Plan Actions
 - Pillar 3/Goal 8 – Accountable and Compliant Governance
 - 8.1 Maintain compliance with the *Local Government Act 1995* and associated regulations
 - Pillar 3/Goal 9 – Enhance Strong Civic Leadership
 - 9.2 Council is supported with a resource to ensure high level of compliance and to build capacity

ASSOCIATED DOCUMENTS

Policies:

- 15 – Code of Conduct – Council Members, Committee Members and Candidates
- 21 – Council Meetings
- 56 – Record Keeping
- 110 – Information Technology

Other:

- Code of Conduct for Employees
- Shire of Woodanilling Recordkeeping Plan



POLICY STATEMENT

The Shire of Woodanilling will comply with Part 2A of the Regulations (s. 5.23A of the Act) – *Electronic broadcasting and video or audio recording of Council meetings* by recording and retaining (in accordance with the *State Records Act 2000*) audio of all Council meetings, as required by Class 4 local governments, and making these recordings publicly available.

Recording

- Audio recordings will be made of Council meetings by Shire officers. No person is to use any electronic, visual or audio device or instrument to record the proceedings of Council without the written permission of the Council.
- Members of the public will be advised that an audio recording of the meeting will be made via a notice on the public entrance door to the Council Chambers (or wherever a Council meeting may be held if at any other address than 3316 Robinson Road, Woodanilling). Any member of the public who attends a Council meeting accepts that their audio, if any, may be captured during the Council meeting.
- In accordance with the requirements for Class 4 local governments, the recording of Council meetings will be made available on the Shire's website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors (confidential).
- The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available (advice of such will be provided in accordance with r. 14I of the Regulations).
- Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.

Behind Closed Doors

- Recordings of meetings closed for consideration of matters under s. 5.23 of the Act is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- The recording of the meeting will continue if the meeting goes Behind Closed Doors but may be paused/stopped if the meeting is adjourned and recording restarted when the meeting is re-commenced. The full recording will be kept in accordance with retention and disposal requirements under the Regulations and the *State Records Act 2000*.
- Confidential recordings may be released, if requested, to the Department of Creative Industries, Tourism and Sport (Department of Local Government), the Police or the Court.

Electronic and Remote Attendance

Audio participation is the acceptable minimum standard for Council members attending meetings remotely.

Record Keeping

- The official record of the meeting will be the written minutes kept in accordance with the Act and Regulations.
- All recordings will be retained for at least five (5) years in accordance with retention and disposal requirements under the Regulations, *State Records Act 2000*, and the Shire of Woodanilling Recordkeeping Plan (whichever is the longer period).

Conduct and Responsibilities

- Elected Members are required to act in accordance with the Act and relevant regulations, the Shire of Woodanilling Policy 15 – *Code of Conduct – Members, Committee Members and Candidates*, and other relevant policies.
- Employees are required to act in accordance with the Act and relevant regulations, the Shire of Woodanilling *Code of Conduct for Employees*, and other relevant policies.
- Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, employees, and other members of the public in attendance.
- Attendance at Council meetings does not provide any elected member, employee or member of the public with absolute privilege. Regulations (as stated below) provide local government with protection from liability for defamation in relation to broadcasts of Council meetings but do not protect individuals from defamation in relation to behaviour or statements made.
- Opinions expressed or statements made by persons and captured within an audio recording during a meeting are the opinions or statements of those individual persons and not necessarily the opinions or statements of the Shire or endorsed by the Shire.



Liability and Defamation

- Under s. 9.57A of the *Act* and r. 14K of the Regulations, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- Under s. 9.56 of the *Act*, Elected Members and Employees are not liable to defamation for any statements made in good faith.
- Further defences under the *Defamation Act 2005* may also be applicable.
- As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.
- Following any meeting, the Chief Executive Officer, in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. This may include, but is not limited to, content that may:
 - Breach the privacy of an individual
 - Disclose confidential or privileged information
 - Concern public safety or security
 - Be offensive, abusive or discriminatory; or
 - Constitute hate speech.

The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision to mute/exclude.

Disclaimer

The Council minutes provide the definitive record of Council's resolutions. Opinions and statements made during an audio recorded Council meeting should not be relied upon or acted upon until official notification has been provided by the Shire.