



ATTACHMENTS

**Ordinary Council Meeting
Under Separate Cover**

Thursday, 25 May 2023

Table of Contents

12.3 Shire Polcies May 2023
Attachment 1 Shire of West Arthur Policy Manual May 2023..... 4



Shire of West Arthur

Policy Manual

MAY 2023



Forest to Wheatbelt

PREFACE

The Policy Manual is the compiled decisions of Council to the Chief Executive Officer (CEO), employees and other officers, detailing how specific matters are to be administered, the standards to apply etc.

Council Policy is over-ridden by:

- Commonwealth and State legislation and regulations,
- the Local Planning Schemes
- Local Laws
- Council resolutions
- Delegations

Council Policy overrides:

- Executive Instructions
- Local Government Guidelines
 - although are not decisions of Council, close observance is strongly recommended
- administrative directions/instructions

The decisions can be made at any time and may be varied at Council's discretion. Council Policy is not binding on the Council, but is binding on employees and officers, unless discretion is stated. Council Policy is to be considered as Council's standing or permanent instructions.

The Local Government Act requires the development of only a few policies, otherwise all policies are at Council's sole discretion.

Policies, Codes or Standards of a local government required by the Local Government Act 1995 include:

- Adoption of an Attendance at Events Policy (S5.90A)
- Adoption of a Council Members, committee members and candidates Code of Conduct (S5.104)
- Adoption of an Employees Code of Conduct (S5.51A), to be made by the CEO
- Adoption of Continuing Professional Development Policy for Elected Members (S5.128)
- Adoption of a Policy relating to employing a CEO or Acting CEO (S5.39A and B and C)
- Adoption of Regional Price Preference Policy (R24C Local Government (Functions and General) Regulations 1996)
- Adoption of a Policy that pays employees more than required by their contract or award (recognition of service / gratuity) (S5.50); and
- Adoption of a Standard for CEO recruitment, performance and termination (based on model) (S5.39B).

Other than the above, policies are generally not required to be based on or in legislation, but can be a standalone instruction of Council. However, it cannot be inconsistent with legislation.

Within the Policy Manual is a detailed outline of –

- how actions and administrative decisions are to be made,
- when they are to be implemented or made,
- limitations and restrictions etc.

The Policy Statement is resolved by Council. All procedural or reference information, formatting and spelling errors may be amended or updated by the CEO.

Contents

PREFACE	1
INTRODUCTION	4
AMENDMENT RECORD	5
GOVERNANCE	6
C1 - Attendance at Events by Council Members and CEO	6
C2 - Audio Recordings of Council Meetings	10
C3 - Audit & Risk Management Committee – Terms of Reference	12
C4 - Behaviour Complaints Committee Terms of Reference	16
C5 - CCTV & Data Management	19
C6 - Code of Conduct Complaint Handling	21
C7 - Code of Conduct for Council Members, Committee Members & Candidates	29
C8 - Council Member Entitlements	36
C9 - Internal Control	40
C10 - Legal Representation for Council Members and Employees	42
C11 - Legislative Compliance	46
C12 - Acknowledgement of Wilman Noongar People	49
C13 - Caretaker Policy in Lead to Elections	51
C14 - Citizenship Ceremonies Dress Code	57
C15 - Civic Functions and Hospitality	59
C16 - Commencing Legal Action	61
C17 - Council Member Recognition	62
C18 - Equal Opportunity, Harassment and Bullying	63
C19 - Execution of Documents and Use of Common Seal	66
C20 - Guidelines for Plantation Fire Protection	71
C21 - Media & Communications	72
C22 - Public Interest Disclosure	76
C23 - Public Questing Time, Presentations, Deputations & Petitions	78
C24 - Use of Shire Emblem/Logo	80
C25 - Professional Development of Council Members	82
C26 - Related Party Transactions	85
C27 - Standards for CEO Recruitment, Performance & Termination	98
C28 - Temporary Employment or Appointment of Acting CEO	105
CORPORATE AND COMMUNITY SERVICES	108
F1 - Community Organisation Assistance Program	108
F2 - Corporate Transaction Cards	111
F3 - Financial Hardship	117
F4 - Habitual or Vexatious Complainants	120
F5 - Investment of Surplus Funds	123

F6 - Access and Inclusion.....	125
F7 - ANZAC Day Services.....	127
F8 - Asset Management.....	128
F9 - Australia Day Citizen of the year Awards.....	133
F10 - Community Engagement.....	135
F11 - Contiguous Land Valuations - Rates.....	138
F12 - Customer Service.....	140
F13 - Debt Collection.....	146
F14 - Harvest & Vehicle Movement Ban – Christmas Day, Boxing Day & New Year’s Day.....	147
F15 - Integrated Planning & Reporting.....	148
F16 - Person Deemed in Authority of Shire Property and Facilities.....	150
F17 - Record Keeping.....	151
F18 - Senior Employees.....	153
F19 - Workforce Planning.....	154
F20 - Purchasing and Tenders.....	157
F21 - Recognition and Depreciation of Assets.....	163
F22 – Fraud and Control.....	168
F23 – Acceptable Use.....	171
F24 – ICT Risk Management.....	177
F25 – Risk Management.....	184
PEOPLE AND CULTURE.....	186
PC – 1 Work Health & Safety.....	186
PC2 – Human Resources.....	189
PC3 – Child Safe Awareness.....	191
PC4 - Employee Gratuities & Gifts.....	194
TECHNICAL SERVICES.....	196
W1 - Fence Line Clearing within Roads and other Reserves.....	196
W2 - Private Works.....	197
W3 - Stock on Road Signage.....	198
W4 - Wildflower, Leaves and Branches, and seed Harvesting from Reserves.....	199
W5 - Crossovers.....	201
W6 - Road sealing for dust suppression.....	203
W7 - Road Making Materials.....	204
W8 - Road Safety Audit.....	206
W9 – Graffiti Management.....	211

INTRODUCTION

Statutory and Corporate context

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

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

The order of priority for compliance is:

1. Federal and State legislation and regulations,
2. the Local Planning Scheme,
3. a specific resolution of Council,
4. Delegations Register – being specific authorisations resolved by Council, and having a statutory context under the Local Government Act,
5. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,
6. Council Policy – being instructions resolved by Council on how particular matters are to be dealt with,
7. Executive Instruction – standing instructions or procedures issued by the CEO,
8. Administrative directions or instructions.

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

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

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

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

IMPORTANT – Consequences of Breaching Council Policy

Where there is a breach of Council Policy:

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

Application – is to staff, not to community.

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

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

AMENDMENT RECORD

REVIEW NO.	DATE	COUNCIL RESOLUTION	AMENDMENT DETAILS

GOVERNANCE

Policy Title	C1 - Attendance at Events by Council Members and CEO
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

This Policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).

Scope

This Policy only applies to the Council members and CEO of the Shire, not employees. The CEO will determine and apply a Policy regarding such matters, as they apply to all employees (other than CEO).

The Policy provides guidance to Council members and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Definitions

Local Government Act 1995 s5.90A (1) event includes the following—

- a. a concert;
- b. a conference;
- c. a function;
- d. a sporting event;
- e. an occasion of a kind prescribed for the purposes of this definition.

Policy Statement

This Policy only applies in regard to tickets provided to the Council, or the local government, not to individual, specified Council members or the CEO. Where invitations to such events are provided to individual, specified Council members or the CEO, such invitations are to be assessed and determined as though they were gifts, pursuant to the Local Government Act 1995, any Regulations made under the Act, and the Shire's Code of Conduct, where relevant.

Assessing Invitations to Council Members and the CEO

Given that this Policy applies only to Council members and the CEO, and only in relation to tickets to events given to the Council or the local government, rather than specified, individual Council members, or the CEO, the CEO and Shire President will liaise to determine on what basis, if at all such tickets

6

(formerly described) will be provided to Council members or the CEO.

In doing so the Shire President and CEO may consult with other Council members about the merits of accepting an invitation, and in doing so may take account of a range of factors, including, but not limited to:

1. Whether given the nature of the Shire's relationship with the donor of the tickets, or the event, it would be preferable for the Shire to pay for tickets to the event, rather than accept the gift (of free or discounted tickets). As a general rule, Council members and the CEO will not accept tickets to events worth more than \$1,000 per ticket, unless both the Shire President and CEO agree that it is in the Shire's interests to do so.
2. Whether the nature of the event is such that the attendance by a representative of the Shire is warranted.
3. Applying the 6 P's developed by the WA Integrity Coordinating Group:
 - a. Public duty versus private interests - Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
 - b. Potentialities - Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
 - c. Perception - Remember, perception is important. How will my involvement in the decision/action be viewed by others?
 - d. Proportionality - Does my involvement in the decision appear fair and reasonable in all the circumstances?
 - e. Presence of mind - What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
 - f. Promises - Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/ decision?
4. How many representatives the Shire should have at the event?
5. Whether given the nature of the event, the number of Council members (and potentially other employees) invited is reasonable, or excessive.
6. Who is the donor, the body or person who is offering or giving the benefit? Do they have matters before, or likely to come before Council for consideration, or by the CEO under delegated authority?
7. What is the value of the benefit? Different views might be formed in relation to differing values - a ticket to an event worth \$20 might be viewed differently to a ticket to an event worth \$250, from the same donor.
8. Does the Council member or CEO offered the tickets contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards? If so, the value of the contribution may outweigh the value of the benefit?

In the event that the Shire President, relevant Council members and the CEO determine that it is appropriate that the Shire pays for tickets to an event, then any such decision shall be subject to budget funds being available.

Council members and the CEO may decline an invitation to an event, even if approved by the Shire President or CEO.

Assessing Invitations to specific Council Members or the CEO

Deciding whether an invitation to an event has been made to a Council member or the CEO in an official capacity may be made by applying a range of criteria applied, including, but not limited to:

7

1. Prior to being a Council member, or the CEO, did the donor provide such invitations? If so, then it would seem that the invitations have not been in the role as Council member, or CEO and should be assessed as a gift.
2. When the Council member, or CEO are no longer holding this office, will the donor still provide, the same, or similar gifts? If so, then it would seem that the invitations have not been in the role as Council member, or CEO and should be assessed as a gift.
3. If a Council member or the CEO forms the opinion that the tickets offered have been offered specifically, then such invitations should be treated as a gift, and disclosed (or not) accordingly.
4. Accepting a ticket to an event – exemptions, declarations and consequential outcomes
5. Attendance at an event, whether as a representative of the local government or otherwise as a Council member or CEO, where the Council member or CEO has not paid for the ticket or hospitality is a gift and must be disclosed.
6. The following organisations are specifically excluded where the ticket to an event is received from:
 - a. WALGA (but not LGIS)
 - b. Local Government Professionals Australia (WA)
 - c. Australian Local Government Association
 - d. A department of the public service
 - e. A government department of another State, a Territory or the Commonwealth
 - f. A local government or regional local government
7. The gift of tickets must be declared to the CEO (or by the CEO, to the Shire President) within 10 business days and recorded on the gift register within another 10 business days.
8. Unless attendance has been paid for in full by the Council member, they must disclose the value of the tickets or hospitality to the CEO within ten days of receipt.
9. The Council member will also have an interest in any matter involving the donor that comes before Council.
10. Event attendance may create a perceived or actual conflict, which may preclude Council members participating or the CEO from providing advice at a future meeting.
11. If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under s5.68 of the Act, Council may allow the disclosing Council member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.
12. If the amount gift is above \$1,000 the council or CEO must apply to the Minister for approval to allow the Council member or CEO to participate.

Application of other Shire Policies

Where a Council member or the CEO has accepted tickets pursuant to this policy, and made any necessary declarations, all relevant Shire Policies apply in relation to incidental expenses incurred in attending the event.

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

History	25/05/2023
Delegation	(New) WALGA AGM & Local Government Convention
Relevant Legislation	<i>Local Government Act 1995 s5.90A</i>
Related Documentation	

Policy Title	C2 - Audio Recordings of Council Meetings
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

The Shire has resolved to record Council Meetings to assist in the preparation of the minutes of the meeting and to ensure that an audio-recorded account of meetings is available. The purpose of this policy is to guide the implementation of that decision and to describe how the recordings will be used and made available.

Scope

This Policy applies to all officers involved with Council Meetings.

Definitions

Shire means Shire of West Arthur.

Policy Statement

All Ordinary and Special Meetings of Council shall be digitally recorded, consistent with the objectives of the *Local Government Act 1995*, section 1.3 (2)(c), which promotes greater accountability of local governments to their communities. This includes where Council has resolved to close the meeting to members of the public in accordance with section 5.23 of the *Local Government Act 1995*.

Purpose

The primary purpose of recording is to ensure that a true and accurate account of debate and discussions at all meetings is available and to assist in the preparation of the minutes of Council meetings. The minutes will continue to be prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Access

Governance Officers shall have access to the recordings to assist in the preparation of the minutes. Audio recordings may be made available on the Shire's website. Members of the public are not entitled to receive a digital copy of that part of the meeting that was declared confidential and closed to the public.

Transcription

Recordings will not be transcribed unless the CEO or Council by resolution determines otherwise. Where transcription of Council minutes is provided, it is conditional upon the full cost being met by the applicant. External resourcing may be utilised to prepare the transcription. Where transcription is approved members of the public are not entitled to a transcription of that part of the meeting declared confidential and closed to the public.

Storage

Recordings must be stored in accordance with the State Records Act 2000.

Signage

Clear signage must be placed in the Council chamber advising members of the public that the meeting may be recorded.

Public notice

At the commencement of each council meeting, the Presiding Member will publicly announce if the meeting will be audio recorded

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
Related Documentation	Shire of West Arthur Standing Orders Local Law 2002

Policy Title	C3 - Audit & Risk Management Committee – Terms of Reference
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

The ensure the Audit & Risk Management Committee plays a key role in assisting the Council to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Scope

The committee is to facilitate:

- the enhancement of the credibility and objectivity of external & internal financial reporting;
- compliance with laws and regulations as well as use of best practise guidelines relative to auditing;
 - the coordination of the internal audit
 - function with the external audit
- effective oversight of financial and other risks and the protection of Council assets
- the provision of an effective means of communication between the external auditor, the CEO and the Council.

Definitions

Nil

Policy Statement

Powers of the Audit & Risk Management Committee

The committee is a formally appointed committee of Council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

Membership

The committee shall consist of three (3) elected members, and may include an external member in

12

accordance with the *Local Government Act 1995*. All members shall have full voting rights.

Quorum

The quorum at any meeting shall be half plus one of the number of offices. Therefore the number for a Quorum shall be 3 voting members.

Meetings

The committee shall meet at least twice annually. Additional meetings may be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

Duties and Responsibilities

The duties and responsibilities of the committee will be -

- a. Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits.
- b. Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope to be undertaken.
 - Recommend to Council the person or persons to be appointed for internal audits.
 - Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor.
- c. Meet with the auditor once in each year.
- d. Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
 - ensure that audits are conducted successfully and expeditiously.
- e. Examine the reports of the auditor after receiving a report from the CEO on the matters and –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters.
- f. Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior

to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.

- g. Review the scope of the audit plan and program and its effectiveness.
- h. Address issues brought to the attention of the committee that are within the parameters of the committee's terms of reference.
- i. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council.
- j. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO
- k. Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;
- l. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs
- m. Review the local government's draft annual financial report, focusing on –
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years;
- n. Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
- o. Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- p. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- q. Oversee the effective management of risk within the Shire of West Arthur, including review of risk management policies & procedures, reviewing outstanding risk mitigation actions and periodically reviewing the Shire of West Arthur risk register.
- r. Review the annual Compliance Audit Return and report to the council the results of that review, and
- s. Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Nil

Policy Title	C4 - Behaviour Complaints Committee Terms of Reference
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of West Arthur.

Scope

This Policy applies exclusively to the Shire’s Behaviour Complaints Committee.

Definitions

Act means the Local Government Act 1995.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

Behaviour Complaints Officer means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints.

Breach means a breach of Division 3 of the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

Code of Conduct means the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

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

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

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

Policy Statement

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of West Arthur’s Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and

providing reasons for any such dismissal.

- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of seven (7) Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least two (2) Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

Meeting Schedule

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of West Arthur Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time [*Admin.r.5*]
- make the Committee Notice Papers and Agenda publicly available [*s.5.94(p), s.5.96A(f)*], with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) [*Admin.r.14*]; and
- make Committee minutes publicly available [*s.5.94(n), s.5.96A(h)*], with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

History	25/05/2023
Delegation	Refer to Policy
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Related Documentation	Policy – Code of Conduct Complaint Handling

Policy Title	C5 - CCTV & Data Management
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish functional categorisation of CCTV and protocols for the management of recorded data, relating to the release and viewing of recorded footage.

Scope

This policy applies to all Council owned and managed CCTV systems in the Shire of West Arthur.

Definitions

CCTV System - Is a system that comprises of Closed-Circuit Television (CCTV) cameras, information stores, connections and applications for storage, retrieval and viewing of information.

Policy Statement

Surveillance Purpose

There are five categories of CCTV cameras that the Shire of West Arthur implements.

- Public Area Permanent (Fixed)
- Public Area Portable (Temporary)
- Vehicle-based (Mobile)
- Buildings and Assets Permanent (Fixed)
- Service/Employee Areas Permanent (Fixed)

Release or Viewing of Recorded Footage and Still Photographs to WA Police

The release or viewing of recorded footage and still photographs to the WA Police is permitted subject to agreement between the Shire and the WA Police.

It is also a requirement for the Chief Executive Officer to be informed whenever footage is released.

Release or Viewing of Recorded Footage and Still Photographs to employees and the public.

The release or viewing of recorded footage and still photographs other than to the WA Police will only be permitted under exceptional circumstances and with explicit written approval from the Chief Executive Officer.

Where Shire employee time is required to view, download, or otherwise investigate a request or issue caused by a member of the public, charges will be applied as per the Fees and Charges schedule.

Partnership with WA Police

The Shire of West Arthur will make available any footage and provide access to the members of the WA Police Service for the purposes of investigation of a crime or other circumstances provided by law.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Surveillance Devices Act 1998 WA</i>
Related Documentation	

Policy Title	C6 - Code of Conduct Complaint Handling
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of West Arthur’s Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire’s commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Scope

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

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

Definitions

Act means the Local Government Act 1995.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

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

Breach means a breach of Division 3 of the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

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

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

Code of Conduct means the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

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

Committee Member means a Council Member, employee of the Shire of West Arthur or other person

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

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

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

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

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

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

Council means the Council of the Shire of West Arthur.

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

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

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

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

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

Policy Statement

1. Principles

1.1. Procedural fairness

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

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

1.2. Consistency

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

1.3. Confidentiality

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

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

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

1.4. Accessibility

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

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

2. Roles

2.1. Behaviour Complaints Officer

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

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

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

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

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

2.2. Complaint Assessor

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

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

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

2.3. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Council Policy - Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1. Making a complaint

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

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

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the

completed forms to the Behaviour Complaints Officer.

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

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

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

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

3.2. Candidate Complaints

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

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

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

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [clause 15(1) of the Code of Conduct].

3.3. Withdrawing a Complaint

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

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

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

3.4. Notice to Complainant

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

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

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance

with Part 3.6 of this Policy.

3.5. Notice to Respondent

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

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

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

3.6. Alternative Dispute Resolution

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

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

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

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

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

3.7. Order of Complaints

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

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

3.8. Appointment of Complaints Assessor

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

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

25

3.9. Search of Local Government Records

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

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

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of West Arthur Standing Orders Local Law.

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

3.10. Assessment of the Complaint

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

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

3.11. Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

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

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

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

3.12. Complaints Committee Meeting

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

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

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

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee

Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

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

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

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

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

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

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

3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

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

4.2. Dismissal

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

- a. the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- b. either —
 - i. the behaviour was dealt with by the person presiding at the meeting; or
 - ii. the Respondent has taken remedial action in accordance with the Shire of West Arthur Standing Orders Local Law.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded

27

that it is more likely that the breach occurred than that it did not occur [clause 12(3) of the Code of Conduct].

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

4.4. Action

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

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

4.5. Plan Requirements

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

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

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

The Proposed Plan may also outline:

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

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Related Documentation	

Policy Title	C7 - Code of Conduct for Council Members, Committee Members & Candidates
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

Scope

1. Citation

This is the *Shire of West Arthur* Code of Conduct for Council Members, Committee Members and Candidates.

Definitions

2. Terms used

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.

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.

Policy Statement

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 —

30

- 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.

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.
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).

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).

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.

Division 4 — Rules of conduct*Notes for this Division:*

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

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 —

33

- 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 means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

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.

22. Disclosure of interests

1. In this clause —

34

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.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Related Documentation	Alleged Complaint Form

Policy Title	C8 - Council Member Entitlements
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To outline the support that will be provided to Council members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the *Local Government Act 1995* while performing the official duties of office.

Scope

The Shire of West Arthur has determined the following principles in relation to allowances and support of Council members.

Definitions

ICT means Information and Communications Technology

Policy Statement

ALLOWANCES (as described in Legislation)

PRESIDENT’S ALLOWANCE [Local Government Act 1995 s.5.98(5) and Local Government (Administration) Regulations 1996 r33(5) and 33(1)(b)]

DEPUTY PRESIDENT’S ALLOWANCE [Local Government Act 1995 s.5.98A and Local Government (Administration) Regulations 1996 r33A]

MEETING ATTENDANCE ALLOWANCE [*Local Government Act 1995* s.5.98(1)(b) and *Local Government (Administration) Regulations 1996* r33(3) and 34(1)(b) and 34. (2)(b)]

ICT ALLOWANCE [Local Government Act 1995 s.5.99A and Local Government (Administration) Regulations 1996 r34A]

Council members shall be entitled to an annual ICT allowance to cover all information and communications technology costs that are a kind of expense for which Council members may be reimbursed as prescribed by r31(1)(a) and 32(1) of the *Local Government (Administration) Regulations 1996*.

IPADS AND TABLETS

- All Council members shall be issued with an IT device (iPad or Tablet) up to the value determined by the *Salaries and Allowances Tribunal* each year, for managing documentation related to their role. Such devices remain the property of the Shire until the time of disposal.
- Replacement devices will be issued every 4 years, which is considered to be the maximum reliable life span. If a Council member retires or is not re-elected within the 4-year period then they will hand back the IT device for it to be reissued to the incoming Council member.
- At the time of replacement, the Council member who is in possession of a device will be given the option to purchase that device. Any devices not purchased by the respective Council members will be retained for Shire purposes.
- All software and applications installed on the devices are to be approved before installation, by the Shire's IT Support provider.
- The device should be used for Shire purposes only, and not in any way that may reflect badly on the Council or the Shire.
- All maintenance on the devices shall be the responsibility of the Shire. Council members are to report maintenance and technical issues to the CEO who will then refer the matter for resolution.
- It is a requirement that devices be password protected in an attempt to prevent unauthorised access. Council members are not to make their device available to anyone else to use, and shall not divulge their password to anyone. Forwarding, sharing, or allowing viewing of any confidential material contained on the devices is not permitted.
- Council members acknowledge that all information and documents contained at any time on the devices remains the property of the Shire, and at any time may be the subject of a Freedom of Information (FOI), Police, Crime and Corruption Commission or other competent authority inquiry, and as such may be made available to any of these investigating bodies. In addition, all documents, images, sound recordings, and emails are subject to the *State Records Act 2000* and as such form part of the official record of the Shire, and therefore must be maintained in accordance with the Act.
- Council members are wholly responsible for the security of their Shire issued device, and must make every effort to keep their device secure at all times. In the event that that a device is misplaced, lost or stolen, the Council Member must advise the CEO immediately, so that appropriate steps can be taken.

EXPENSES

REIMBURSABLE EXPENSES Local Government Act 1995 s.5.98(2), (3) and (4) and Local Government (Administration) Regulations 1996 r1 and 32

TRAVELLING EXPENSES

Council 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 office, subject to claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- a. Council meetings, civic functions, Citizenship Ceremonies or briefings called by either Council, the President or the Chief Executive Officer;
- b. Committees to which the Council member is appointed a delegate or deputy by Council.
- c. 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 Council members shall detail the:

- Date of the claim
- Particulars of travel
- Nature of business
- Distance travelled
- Vehicle displacement and the total kilometres travelled.

Council 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 by the Local Government Officers' Award 2021.

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. 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 r31(1), (2) and (3) and 32]

Council 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.

OTHER SUPPORT / SUPPLIES

Council members are entitled to be supplied with the following items to be used only in fulfilling the role of the office of Council member:

- a. Annual Diary - will be supplied to each Council member at the commencement of each calendar year. Note: Council members should note that any diary used by a Council member to record the scheduling or occurrence of activities related to the fulfilment of the office of Council member are subject to the *State Records Act 2000* and the *Freedom of Information Act 1992*.

- Name badges:
- Council member's partner name badge.
- The Shire will replace on request any name badge which is lost or irreparably damaged

INSURANCE

The Shire will insure or provide insurance cover for Council members for:

- a. 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 or private health insurance.
- b. Professional indemnity 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.
- c. Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

History	25/05/2023
Delegation	Disposing of Property (relating to iPad if relevant)
Relevant Legislation	<i>Local Government Act 1995</i> <i>Salaries and Allowances Act 1975 Determination 2022</i>
Related Documentation	Council member expense claim form.

Policy Title	C9 - Internal Control
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure that appropriate internal controls are implemented in order to:

1. Fulfil the statutory obligations under the Local Government (Financial Management) Regulations 1996 and Local Government (Audit) Regulations 1996; and
2. Ensure that the Shire's assets are safe from loss due to fraud and mismanagement.

Scope

This Policy is applicable to all Shire employees.

The purpose of internal control and this Policy is to provide assurance that:

- The internal risks faced by the Shire are contained to acceptable levels;
- The Shire is effectively managed;
- The Shire's resources are not misused or misappropriated; and
- Effective risk management is integrated into Shire operations.

Definitions

Internal Controls are generally classified as:

- preventative – prevent errors and irregularities from happening in the first place
- detective – detect errors and irregularities that may have occurred or be occurring now
- corrective – correct errors and irregularities already detected.

Examples are codes of conduct; employment and contractor screening and vetting processes; integrity training and awareness raising activities; segregation of duties; supervision; detection programs; and audit and investigations.

Integrity policies and procedures (and audit) are a fundamental part of any integrity framework. Policies and procedures:

- set and communicate expectations;
- explain how integrity risks are managed;
- encourage consistency and proportionality in decision making;
- provide information to stakeholders about how decisions are made; and

foster stability and business continuity even during periods of change.

Policy Statement

40

The Council will, through the Chief Executive Officer, ensure that appropriate and efficient internal controls are in place covering.

1. Staffing and segregation of duties;
2. Information technology;
3. Documented procedures and processes covering the recording reporting and authorisation of transactions; and
4. Monitoring performance and adherence.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996;</i>
Related Documentation	Policy – Risk Management

Policy Title	C10 - Legal Representation for Council Members and Employees
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To describe the arrangements for legal representation for Council members and employees.

Scope

This Policy applies to Council members and employees.

Definitions

Approved Lawyer is to be –

- a. A ‘person who is admitted to the legal profession’ under the *Legal Profession Act 2008*;
- b. From a law firm on the WALGA’s panel of legal service providers, if relevant, unless Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- c. Approved by resolution of Council or in writing by the CEO under delegated authority.

Council member – means a current or former person elected to the Council of the Shire of West Arthur in a local government election.

Committee Member – means a person who is a member of a committee appointed by Council who is not a Council member.

Employee – means a person who at the relevant time is or was an employee of the Shire of West Arthur pursuant to s5.41(g) of the *Local Government Act 1995*, or, if the CEO, under s5.36(1)(a).

Legal proceedings – may be civil, criminal or investigative.

Legal representation – is the provision of legal services, to or on behalf of a relevant person, by an approved lawyer that are in respect of:

- a. A matter or matters arising from the performance of the functions of the relevant person; and
- b. Legal proceedings involving the relevant person that have been, or may be, commenced.

Legal representation costs – are the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services – include advice, representation or documentation that is provided by an approved lawyer.

Payments – by the Shire of legal representation costs may be either by –

- a. A direct payment to the approved lawyer (or the relevant firm); or
- b. A reimbursement to the relevant person.

Shire means the Shire of West Arthur.

Policy Statement**Payment Criteria**

There are five (5) major criteria for determining whether the Shire will pay the legal representation costs of a relevant person. These are:

- c. The legal representation costs must relate to a matter that arises from the performance, by the relevant person, of his or her functions;
- d. The legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- e. In performing his or her functions, to which the legal representation relates, the relevant person must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- f. The legal representation costs do not relate to a matter that is of a personal or private nature.
- g. The legal representation costs do not relate to a situation where the shire of West Arthur is the defendant.

Examples of Legal Representation

Examples of legal representation costs that may be approved are:

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

Application for Payment

A relevant person who seeks assistance under this policy is to make an application(s), in writing, to the CEO, or the Council if the relevant person is the CEO.

The written application for payment of legal representation costs is to give details of:

- a. The matter for which legal representation is sought;
- b. How the matter relates to the functions of the relevant person making the application;
- c. The proposed lawyer (or law firm) who is to be asked to provide the legal representation;

- d. The nature of legal representation to be sought (such as advice, representation in court, preparation of documents etc);
- e. An estimated cost of the legal representation; and
- f. Why it is in the interest of the shire for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she:

- a. Has read and understand, the terms or this policy;
- b. Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of this policy and any other conditions to which the approval is subject; and
- c. Undertakes to repay the shire any legal representation costs in accordance with the provisions of this Policy.

When a person is to be in receipt of monies under this Policy, the person shall sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the policy.

An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant, by an appropriate employee.

Legal Representation Cost Cap

Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

A relevant person may make a further application to Council in respect of the same matter.

Council's Powers

Council may:

- a. Refuse an application for payment of legal representation costs;
- b. Grant an application for payment of legal representation costs; or
- c. Grant subject to conditions, an application for payment of legal representation costs

(Conditions under this Policy may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.)

In assessing an application, Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council members and Officers liability policy or its equivalent.

Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

Council may determine that a relevant person whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- a. Not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or

- b. Given false or misleading information in respect of the application.

A determination may be made by Council only based on, and consistent with, the findings of a court, tribunal or inquiry.

Council may decide the legal representation costs paid by the Shire are to be repaid by the relevant person in accordance with this Policy.

Repayment of Legal Representation Costs

A relevant person whose legal representation costs have been paid by the Shire is to repay the Shire:

- a. All or part of those costs – in accordance with a determination by Council under this policy;
- b. As much of those costs as are available to be paid by way of set-off – where the relevant person receives monies paid for costs, damages or settlement, in respect of the matter for which the Shire paid the legal representation costs.

The Shire may act in a court of competent jurisdiction to recover any monies due to it under this Policy.

History	25/05/2023
Delegation	Legal Representation for Council Members & Employees
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Nil

Policy Title	C11 - Legislative Compliance
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure that the Shire of West Arthur complies with legislative requirements.

Scope

- A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.
- The Shire of West Arthur has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.
- Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government, Sport and Cultural Industries and relates to key provisions of the Local Government Act 1995.
- Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

Definitions

CEO means Chief Executive Officer of the Shire of West Arthur

Senior Management means employees who are designated as “Manager” of their area of responsibility.

Policy Statement

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

These processes and structures will aim to:-

- a. Develop and maintain a system for identifying the legislation that applies to the Shire’s activities.
- b. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.
- c. Provide training for relevant employees, Council members, volunteers and other relevant people in the legislative requirements that affect them.
- d. Provide people with the resources to identify and remain up to date with new legislation.

- e. Establish a mechanism for reporting non-compliance.
- f. Review accidents, incidents and other situations where there may have been non-compliance.
- g. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Roles and Responsibilities**Council and Committee Members**

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

Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all employees are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work, and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

Implementation of Legislation

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

Identifying Current Legislation

The Shire accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website. Direct access to this site is provided from the Shire's networked computers.

Identifying New or Amended Legislation

The Council receives regular circulars from the Department of Local Government, Sport and Cultural Industries on any new or amended legislation. Such advice is received through the Shire's Records section and is distributed to the CEO and relevant Shire employees for implementation.

Department of Planning, Lands and Heritage

Planning Bulletins are received from the Department of Planning, Lands and Heritage on any new or amended legislation. Such advice is received through the Shire's Records section and is distributed to the relevant employees for implementation.

Western Australian Local Government Association (WALGA)

Regular circulars are received from WALGA, and these circulars highlight changes in legislation applicable to local governments.

Informing Council of Legislative Change

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The format for all reports to Council meetings provides that all reports shall have a section headed 'Legislative implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

Review of Incidents and Complaints of Non-compliance

All incidents and complaints of non-compliance are to be reviewed. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and then report the matter to the relevant senior manager.

The CEO may investigate any reports of significant non-compliance and if necessary, report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.

History	25/05/2023
Delegation	
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	

Policy Title	C12 - Acknowledgement of Wilman Noongar People
Policy type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure appropriate recognition of local indigenous peoples at Shire meetings, functions, and forums.

Scope

Applicable to welcome and housekeeping at Shire meetings, events and publications.

Definitions

Nil

Policy Statement

A Welcome to Country is to be arranged with a local Wilman Noongar Elder to recognise the traditional custodians of the area, for official major Shire of West Arthur events, including but not limited to:

- a. Events celebrating Aboriginal and Torres Strait Islander people and culture such as the official opening of NAIDOC Week,
- b. Australia Day Citizenship Ceremonies.

An Acknowledgement of the Wilman Noongar people is to be read aloud at these events by the official representative of the Shire, and at other events where appropriate.

An Acknowledgment of the Wilman Noongar people is to be placed by the Shire of West Arthur in appropriate written forms, including but not limited to:

- a. Strategic Community Plan,
- b. Corporate Business Plan,
- c. Shire of West Arthur website.

The following statement is the official Acknowledgement of Wilman Noongar people by the Shire of West Arthur–

“The Shire of West Arthur respectfully acknowledges that the land upon which we work and live, is the traditional land of the Wilman Noongar people. We recognise their cultural heritage, beliefs and continuing relationship with the land. We honour Elders past, present and emerging and we support the principles of a reconciled Australia for all its people.”

History	25/05/2023
Delegation	Nil
Relevant Legislation	
Related Documentation	

Policy Title	C13 - Caretaker Policy in Lead to Elections
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To describe the practices and decision making of the Shire in the lead to the local government elections.

Scope

This Caretaker Policy applies to Council members, electoral candidates and employees of the Shire of West Arthur.

Definitions

Caretaker Period means the period when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations being 37 days prior to the Election Day in accordance with s4.49(a) of the *Local Government Act 1995*, until 6pm 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.

Electoral Material means any digital communications, advertisement, handbill, pamphlet, notice, letter, or article that is intended or calculated to affect the result in an election but does not include:

- a. An advertisement in a newspaper announcing the holding of a meeting in accordance with s4.87(3) of the *Local Government Act 1995*.
- b. Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*.
- c. Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Events and Functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Shire and stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions.

Extraordinary Circumstances means a situation that requires a major policy decision of the Council during a local government caretaker period if:

- a. In the Chief Executive Officer's opinion, the urgency of the issue is such that it cannot wait until after the local government election;
- b. There is a possibility of legal and/or financial repercussions if a decision is deferred; or
- c. In the Chief Executive Officer's opinion, it is in the best interest of the Council and/or Shire for the decision to be made as soon as possible.

Local Government Election means all ordinary and extraordinary Council member elections.

Major Policy Decision means any:

51

- a. Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated senior employee, other than a decision to suspend the current Chief Executive Officer (in accordance with the terms of their contract), pending the election.
- b. Decisions relating to the Shire entering into a sponsorship arrangement with a total Shire contribution value exceeding \$10,000 (excluding GST).
- c. Decisions that commit the Shire to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by a Council member.
- d. Irrevocable decisions that will have a significant impact on the Shire of West Arthur or the community.
- e. Reports requested or initiated by an Council member, candidate or member of the public that, in the Chief Executive Officer's opinion, may be perceived within the general community as an electoral issue that reflects upon the Council's decision making process, and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

Pre-Selected Candidate means the process by which a candidate is selected by a political party to contest an election for political office.

Public Consultation means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Substantial Expenditure means expenditure that exceeds 0.01% of the Shire annual budgeted revenue (inclusive of GST) in the relevant financial year.

Policy Statement

The Shire of West Arthur has determined that there is a need for a policy is to avoid the making of any major decisions by the Council, prior to an election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Council members who are seeking re-election, or new candidates, and ensuring the Shire of West Arthur's administration acts impartially in relation to candidates.

This policy also prohibits a Council member from using a wide range of Council resources during their candidacy for Council, State or Federal election.

Scheduling Consideration of Major Policy Decisions

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- Considered by the Council prior to the Caretaker Period; or
- Scheduled for determination by the incoming Council.

Decision Made Prior to a Caretaker Period

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcement of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

Role of the Chief Executive Officer in Implementing Caretaker Practices

The role of the Chief Executive Officer in implementing the caretaker practices outlined in this policy is as follows:

- The Chief Executive Officer will ensure as far as possible, that all Council members and employees are aware of the Caretaker Policy and practices 30 days prior to the start of the Caretaker Period.
- The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where appropriate for determination by the incoming Council.
- The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.

Extraordinary Circumstances Requiring Exemption

The Chief Executive Officer may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The Chief Executive Officer is to have regard to a range of circumstances, including but not limited to:

- a. Whether the decision is 'significant';
- b. The urgency of the issue (that is - can it wait until after the election);
- c. The possibility of legal and/or financial repercussions if it is deferred;
- d. Whether the decision is likely to be controversial; and
- e. The best interests of the Shire of West Arthur

Appointment or Removal of the Chief Executive Officer

Whilst the definitions of this policy establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of the contract), pending the election, after which date a permanent decision can be made.

Caretaker Statement

To ensure the Council complies with the commitment to appropriate decision making during the Caretaker Period a Caretaker Statement will be included in every report submitted to the Council for a decision.

The Caretaker Statement will specify one of the following:

- a. "The recommended decision is not a 'Major Policy Decision' within the context of the Elections – Caretaker Period Policy."
- b. "The recommended decision is a 'Major Policy Decision' within the context of the Elections – Caretaker Period Policy however; an exemption should be made due to extraordinary circumstances (insert the circumstances for making the exemption)".

Prohibition on Publishing Local Government Electoral Material

The Shire shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the Shire any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker Period.

Electoral Material Relevant to Prohibition

Without limiting the generality of the definition of 'electoral material', material will be intended or likely

to affect voting in the election if it contains an express or implicit reference to, or comment on:

- a. The election; or
- b. A candidate in the election; or
- c. An issue submitted to, or otherwise before, the voters in connection with the election.

Candidate and/or Council Member Publications

Candidates and/or Council members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the Shire. For example, use of the Shire of West Arthur logo is prohibited as is use of any of the Shire's photographs or images.

Election Announcements

This policy does not prevent publications by the Shire which merely announce the holding of the election or relate only to the election process itself.

Shire of West Arthur Publications

Any reference to Council members in the Shire's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the Shire's publications that are potentially affected by this policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

Shire of West Arthur Website

During the Caretaker Period the Shire's website will not contain any material which is precluded by this policy. Any references to the election will only relate to the election process. Information about Council members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council. Information about candidates on the Shire's website will be restricted to their candidate profiles only.

Public Consultation during the Caretaker Period

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which is contentious unless the consultation is a mandatory statutory process or prior approval is given by the Chief Executive Officer.

Public Events Hosted by External Bodies

Council members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

Shire of West Arthur Civic Events/Functions

Civic events/functions organised by the Shire and held during the Caretaker Period will be reduced to only those essential to the operation of the Shire and should not in any way be associated with any issues considered topical and relevant to the election. All known candidates are to be invited to civic events/functions organised by the Shire during the Caretaker Period, however, only sitting Council members will be formally acknowledged at such events/functions.

Addresses by Council Members

Council members that are also candidates should not, where possible, be permitted to make speeches or

54

addresses at events/functions organised or sponsored by the Shire during the Caretaker Period. Council members may make short welcome speeches at events and functions organised or sponsored by the Shire during the Caretaker Period subject to prior approval of the Chief Executive Officer.

Delegates to Community and Advisory Groups

Council members appointed to community groups, advisory groups and other external organisations as representatives of the Shire shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

Questions and Statements at Council or Committee Meetings

All candidates, whether current Council members or not, are required to declare that they are a candidate for the upcoming election prior to asking questions or making a statement at Council or Committee Meetings.

Use of Shire Resources

The Code of Conduct for Council Members, Committee Members & Candidates provide that the Shire's resources are only to be utilised for authorised activities (for example – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the Caretaker Period.

The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Council members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

Council Members Access to Information

During a Caretaker Period, Council members can access Council information relevant to the performance of their functions as a Council member. However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this policy. Any Council information so accessed must not be used for election purposes.

Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls and information relevant to their election campaigns from the Shire administration.

Information, briefing material and advice prepared or secured by employees for an Council member must be necessary to the carrying out of the Council member's role and must not be related to election issues that might be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements, amongst other matters.

Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer during the Caretaker Period. This Register will be a public document that records all requests for information made by Council

members and candidates, and the response given to those requests, during the Caretaker Period. Employees will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

Any requests for media advice or assistance from Council members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or regarding publicity that involves specific Council members. If satisfied that advice sought by a Council member during the Caretaker Period does not relate to the election or publicity involving any specific Council member(s), the Chief Executive Officer may authorise the provision of a response to such a request.

Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the Chief Executive Officer. In any event, the Shire’s publicity during the Caretaker Period will be restricted to communicating normal Shire activities and initiatives.

Media Attention

Council members will not use their position as an elected representative or their access to Shire employees or resources to gain media attention in support of their or any other candidate’s election campaign.

Shire of West Arthur Employees

During the Caretaker Period no Shire employees may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

Election Process Enquiries

All election process enquiries from candidates, whether current Council members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Western Australian Electoral Commission.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Code of Conduct for Council Members, Committee Members & Candidates</i>
Related Documentation	

Policy Title	C14 - Citizenship Ceremonies Dress Code
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure compliance with the requirements of the Federal Government in relation to the standard of dress to be worn by participants during citizenship ceremonies conducted by the Shire of West Arthur.

Scope

This Policy applies to the officials conducting citizenship ceremonies and everyone receiving Australian Citizenship at a formal ceremony conducted by the Shire of West Arthur.

Definitions

Nil

Policy Statement

The attire worn by the officials conducting citizenship ceremonies and the recipients of citizenship at the ceremony should be in accordance with this Policy and reflect the significance of the occasion.

Officials conducting the ceremony are to wear their official uniform or business attire.

People receiving citizenship at the ceremony should wear smart casual attire or their own national/traditional/cultural dress.

The following attire is not permitted:

- Beach wear
- Thongs or bare feet, unless part of national/traditional/cultural attire
- Slippers
- Sleep wear
- Clothing showing offensive slogans or pictures
- Sports apparel
- Fancy Dress costumes

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Australian Government – Australian Citizenship Ceremonies Code

Policy Title	C15 - Civic Functions and Hospitality
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure that all civic functions and hospitality are provided in an appropriate and consistent manner.

Scope

Definitions

NAIDOC means National Aborigines and Islanders Day Observance Committee

ANZAC means Australian and New Zealand Army Corps

Policy Statement

Introduction

From time to time there will be circumstances where the Council wishes to provide hospitality or hold a function, for example, it may relate to the conferring of the Freeman of the Shire, meeting a delegation to the Shire, or hosting a State or Federal Minister.

It is a formal event and as such is intended to convey the significance of the matter at hand. It is important that such hospitality is undertaken to a consistent standard and follows a clear process.

Principles

A civic event or function is a mechanism available to the Council to convey the importance and significance of a matter to the community.

Funding and resources used to support an event should be effectively used and appropriate to purpose.

General Provisions

The Shire President, in discussion with the Council Members and in conjunction with the Chief Executive Officer (CEO) shall have discretion to identify whether a civic reception is to be held, when it will be held and who shall be invited.

The Shire President may host functions and receptions with light refreshments for visiting dignitaries, residents who are recipients of awards or prizes from the Shire, exchange students, visitors, and delegations from other local authorities from Australia and overseas.

The invitation list shall be at their discretion.

The Chief Executive Officer is authorised to approve civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Town Hall, subject to compliance with this Policy.

Catering will be procured from local suppliers and a contestable process shall be undertaken to select preferred providers.

59

Specific Civic Functions and Events

The Council will hold or formally support the following Civic events:

- a. Support the West Arthur Lions Club in its holding of the Australia Day event. The event will be funded via a specific provision in the Annual Budget.
- b. Support the RSL in its holding of the ANZAC Day event. The support will be funded via a specific provision in the Annual Budget.
- c. Support NAIDOC week, with specific provision in the Annual Budget.

Note

This policy does not relate to events supported by the Council through its funding of community group activities.

History	25/05/2023
Delegation	Nil
Relevant Legislation	
Related Documentation	

Policy Title	C16 - Commencing Legal Action
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure effective controls over the commencement of legal action, for and on behalf of the Shire of West Arthur.

Scope

This Policy is applicable to all Shire of West Arthur employees and relates to the approval of commencement and cessation of legal proceedings in a judicial court whereby Council is the body prosecuting the legal action.

Definitions

Nil

Policy Statement

To ensure proper and effective controls, only the Chief Executive Officer, or an employee, or person properly authorised by the Chief Executive Officer may commence legal action for and on behalf of the Shire of West Arthur

This approach ensures that monitoring can occur of legal costs accruing and that such costs are incurred in accordance with the Shire’s purchasing and procurement policy, especially in relation to tender thresholds.

History	25/05/2023
Delegation	Nil
Relevant Legislation	
Related Documentation	

Policy Title	C17 - Council Member Recognition
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To officially recognise the dedication, service and commitment of Council members following their retirement.

Scope

This Policy applies to Council members.

Definitions

Service means any term of office served by an individual Council member with the Shire of West Arthur commencing from the date first elected to office as a result of an election outcome and concluding with the departure from office.

Policy Statement

Gifts

That an appropriate gift, not cash, with a value of up to \$150 may be purchased for retiring Council members who have completed a four year term or up to \$300 if they have completed two or more four year terms on Council, along with a framed certificate of service.

Name Plate

Upon retirement all Council members shall be presented with their name plate.

History	25/05/2023
Delegation	Council Member Recognition
Relevant Legislation	Local Government Act 1995
Related Documentation	Nil

Policy Title	C18 - Equal Opportunity, Harassment and Bullying
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure that all persons employed or engaged by the Shire understand the commitment to equal employment opportunities.

To provide guidelines to ensure the principles of equal employment opportunity are adhered to

Scope

This policy applies to all persons employed or engaged by the Shire.

Definitions

Harassment - as determined under the *Equal Opportunity Act 1984*;

Discrimination - as determined under the *Equal Opportunity Act 1984* and the *Commonwealth Sex Discrimination Act 1984*;

Bullying means when a person or group of people repeatedly behave unreasonably towards another worker or group of workers and the behaviour creates a risk to health and safety.

Policy Statement

The Shire of West Arthur 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 the Shire aims to provide a work environment that fosters good working relationships where employees, contractors and volunteers are fairly and equally, and that unlawful discrimination does not take place.

The Shire 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;

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.

Diversity

The Shire 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.

Discrimination and Harassment Free Environment

63

The Shire promotes an environment where people can 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.

Good Working Relationships

The Shire 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.

Responsibilities

All employees, volunteers and contractors have a shared responsibility to apply and promote the equal opportunity principles.

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 grievance procedures.

The Equal Opportunity Coordinator will receive appropriate training to undertake this role. The Chief Executive Officer is the Equal Opportunity Co-ordinator for the Shire of West Arthur.

Reporting

Every allegation of discrimination, harassment and bullying made against an employee will be investigated by the Shire of West Arthur. If after the investigation it is found that an employee has breached this policy then appropriate disciplinary action will be taken up to and including dismissal. Prior to lodging a complaint an employee may seek the support of an appropriate person to talk through the situation. An appropriate person could be internal to Shire of West Arthur such as a Supervisor or external to Shire of West Arthur such as the

Shire's counselling service (LGIS Counselling Service 0456 914 733).

At any stage in the process an employee may choose to make a complaint external to the Shire of West Arthur and can lodge a complaint with the Equal Opportunity Commission, Australian Human Rights Commission, WorkSafe and/or the Fair Work Commission.

Complaints regarding Elected Members will be dealt with in accordance with the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.

Breaches

A person will be deemed to be in breach of this Policy when they:

Display any behaviour or series of behaviours (directly or indirectly) that unfairly or unreasonably offends, humiliates, belittles, undermines, frightens, excludes without justification or embarrasses anyone it is directed at or anyone who sees or overhears it; and

Exhibits behaviour of a sexual nature which is unwanted and unwelcome, may be regarded as offensive, and or place the victim in a vulnerable position or make them feel that they may be disadvantaged if they object to the advances; and

Show any form of behaviour or series of behaviours which may constitute any form of discrimination.

This policy does not address -

- (a) Mutually agreed personal relationships / friendships.

- (b) Reasonable and appropriate performance management processes which are intended to manage an employee’s poor performance.
- (c) Enforcement of lawful instructions issued by any person authorised.

Consequences

Engaging in harassing, discriminating or bullying conduct in the workplace constitutes a breach of this policy, the Code of Conduct and the Act, and may result in disciplinary action up to and including termination being taken against the offending employee or contractor.

Victimisation by an employee or a Council member against a complainant or person supporting the complainant in alleged misconduct of harassment, discrimination or bullying may also result in disciplinary action being taken against that person, including termination of employment.

Breaches which constitute a criminal offence will be reported to the Police.

History	25/05/2023
Delegation	
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021.</i> <i>Work Health and Safety Act 2020</i> <i>Equal Opportunity Act 1984</i>
Related Documentation	

Policy Title	C19 - Execution of Documents and Use of Common Seal
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

The purpose of this Policy is to establish, in accordance with the requirements of Part 9, Division 3 of the *Local Government Act 1995* (the Act), protocols and procedures for the execution of documents and the affixing and administration of the Shire of West Arthur's Common Seal.

Scope

This Policy applies to all officers preparing documents for execution and/or who have been authorised to execute documents on behalf of the Shire.

Documents and correspondence which relate to day to day routine communications or transactions (Category 3 documents) do not require specific authorisation through Council, as they are the subject of Section 5.41(d) of the Act, which provides that it is the CEO's duty to manage the day to day operations of the Shire. Such duties are undertaken by officers "acting through" another person, in accordance with section 5.45 of the Act.

Definitions

Common Seal - is the company signature that the Shire can use in certain circumstances to execute documents.

Policy Statement

This Policy covers four categories of documents as outlined below.

Category 1(A) Documents

Category 1(A) documents require a specific resolution of Council to enter into an agreement as well as an authority to affix the seal. In accordance with s9.49A(2), these documents will be executed by having the common seal affixed under the specific authorisation of Council in the presence of, and attested by, the Shire President and CEO.

The following is a list of Category 1(A) documents:

- Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests;
- Town Planning Schemes and Scheme Amendments;
- Local Laws;
- Documents of a ceremonial nature;
- Land transactions, including but not limited to sale, assignments, consent to mortgage,

66

surrenders, transfers and memorials as resolved by Council (this does not include Category 2 land transactions i.e. disposal via leasing or licencing of land or properties and execution of Landgate documents);

- Licensing contracts where the Shire is the Licensor; and
- Documents specified by resolution of Council to be executed by the Common Seal.

Category 1(B) Documents

Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a "class of documents" authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.

Please note that the document may not require a Council resolution (being a Category 1(B) document) however, the decision to undertake a particular course of action may still require Council approval.

The following list of documents are Category 1(B) documents:

- Agreements relating to grant funding, when the funder requires that the agreement be signed under seal;
- Debenture documents for loans which Council has resolved to raise;
- General Legal and Service Agreements not already listed in this policy; and
- Any document stating that the Common Seal of the Shire of West Arthur is to be affixed provided it is not a Category 1(A) document.

In accordance with s9.49A(2), the attachment of the Common Seal requires attesting by both the Shire President (or in their absence the Deputy Shire President) and the Chief Executive Officer (or the person acting in that position).

Category 2 Documents

Category 2 documents do not require the Common Seal to be affixed.

Under section 9.49A(4), Council authorises the Chief Executive Officer and Shire President to sign documents and/or deeds on behalf of the Shire of West Arthur.

The execution of a document must not be inconsistent with a Council Policy or resolution.

Documents may only be executed where the funds are available and allocated for the proposed purpose in the approved budget.

The following are examples of Category 2 documents:

- Documents and/or deeds required in the management of land as a landowner or where land is a Reserve vested to the Shire of West Arthur;
- Documents required to enact a decision of Council or the Development Assessment Panel (e.g. contractual documents resulting from a tender process or a memoranda of understanding);
- Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority;
- Legally binding contracts (other than tenders) that are required to engage services or purchase products when these documents are inconsistent with the Shire's purchasing and procurement terms and conditions;
- Contracts for incoming grant funding
- Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements); and

- Documents and/or deeds related to leases and licences of Shire land and properties. This category includes any arrangements relating to the disposal of property via a lease or licence (but not sale), and includes but is not limited to:
 - agreement to lease or licence;
 - variation of lease or licence;
 - assignment of lease or licence;
 - subleases; and
 - surrender of lease or licence.
- The following Landgate documents and/or deeds including lodgement, removal, withdrawal, surrender/cancel or modification:
- Notifications in accordance with Section 70A of the Transfer of Land Act 1893; Covenants, easements and caveats under the Transfer of Land Act 1893
- Reciprocal easements and/or parking agreements
- Rights of carriageway agreements
- Amalgamations
- Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985.

Category 3 Documents

Category 3 documents are documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and procedures. Category 3 documents are to be executed by the Chief Executive Officer.

These documents include but are not limited to the following:

- Agreements in the normal course of business for the purchase of goods or services identified within the business unit's budget (other than for tenders) and conforming to the requirements of the Shire's Purchasing Policy and other relevant policies (e.g. Contracts for outgoing grant funding);
- General correspondence required to discharge the duties of your position;
- Grant applications;
- Documents to authorise funding allocations for community groups; and
- Regular hire arrangements.

Common Seal Register

1. The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal;
2. The register is to record each Common Seal transaction and include an identification number, date, the nature of the document and the parties to the document being executed; and
3. The Common Seal identification number is to be recorded on the document being executed.

Execution Clauses

The correct execution clauses for Shire of West Arthur documents are below. Officers must ensure the document being executed contains the correct execution clause.

Category 1(A) documents:

THE COMMON SEAL of)
 SHIRE OF WEST ARTHUR)
 (ABN 96 9123 207 95))
 was hereunto affixed by a)
 resolution of Council and in accordance with the)
 provisions of the *Local Government Act 1995 (WA)*)
 in the presence of)

Category 1(B) documents:

THE COMMON SEAL of)
 SHIRE OF WEST ARTHUR)
 (ABN 96 9123 207 95))
 was hereunto affixed in accordance with the)
 provisions of the *Local Government Act 1995 (WA)*)
 in the presence of)

Category 2 documents:

EXECUTED as a DEED by the)
 SHIRE OF WEST ARTHUR)
 (ABN 96 9123 207 95))
 In accordance with s9.49a of the)
 Local Government Act 1995 (WA))
 by its authorised officers:)

Category 3 documents:

EXECUTED by the)
 SHIRE OF WEST ARTHUR)
 (ABN 96 9123 207 95))
 In accordance with s9.49a of the)
 Local Government Act 1995 (WA))
 by its authorised officers:)

69

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995 – s9.49A</i> <i>Local Government (Functions and General) Regulations 1996 – Part IV</i>
Related Documentation	

Policy Title	C20 - Guidelines for Plantation Fire Protection
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To provide consistency for landholder’s developing plantations.

Scope

This policy applies to all existing and new plantations.

Definitions

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

Policy Statement

The Shire of West Arthur adopts the Department of Fire and Emergency Services “Guidelines for Plantation Fire Protection” and applies the definition shown above.

History	25/05/2023
Delegation	
Relevant Legislation	
Related Documentation	Guidelines for Plantation Fire Protection

Policy Title	C21 - Media & Communications
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish protocols for the release of public statements issued by the Shire of West Arthur (including to the media and on Social Media) to ensure the Shire is professionally and accurately represented, and to maximise a positive public perception of the Shire.

Scope

This Policy is applicable to public statements initiated by Council members and the CEO (or delegated employees) which pertain to the business of the Shire of West Arthur; made orally, in writing, or electronically, in either their Shire role or in a personal capacity.

Definitions

Social Media is web-based technology which facilitates the communication and sharing of text, photographs, audio, video, and information in general.

Policy Statement

1. Media and public statements will be issued by the Shire for the purposes of:
 - a. sharing information required by law to be publicly available;
 - b. sharing information that is of interest and benefit to the Community;
 - c. promoting Shire of West Arthur events and services;
 - d. promoting public notices and community consultation / engagement opportunities;
 - e. answering questions and responding to requests for information relevant to the role of the Shire; and
 - f. receiving and responding to community feedback, ideas, comments, compliments and complaints.
2. Official statements will be consistent with policies, standards and the positions adopted by the Council.
3. The Shire uses a combination of different communication modes to relay public statements including but not limited to:
 - a. Shire websites;
 - b. advertising and promotional materials;
 - c. media releases and media statements promoting specific Shire positions prepared for or provided by the President, the CEO (or delegated Officer);
 - d. Social Media platforms; and

72

- e. Community newsletters and communiques.

Speaking on behalf of the Shire of West Arthur

1. Section 2.8 (1) (d) of the Act provides that the President is the official spokesperson for the Shire of West Arthur and may represent the Shire in official communications.
2. Section 5.34 of the Act provides that the Deputy President may perform the functions of the President if:
 - a. the office of President is vacant; or
 - b. the President is not available, or is unable or unwilling to perform the functions of President.
3. Section 2.10 of the Act sets out the role of a Council member. There is no provision for a Council member to speak on behalf of the local government.
4. The President may include commentary from other Council members in media and public statements where:
 - a. a Council member has specific expertise or knowledge of a specific area of Council business;
 - b. a comment from a Council member other than or as well as the President would generally be expected by the community;
 - c. a comment from a Council member, other than or as well as the President, maximises the positive perception of the Shire of West Arthur Council.
5. The CEO or a CEO approved officer may speak to the media or otherwise in public as to the Shire's affairs in performance of the CEO's functions under S.5.41 of the Act, including that of managing the day-to-day operations of the Shire.
6. Statements made by Council members and Shire employees whether undertaken in an authorised official capacity or as a personal communication, must not:
 - a. bring the Shire of West Arthur into disrepute;
 - b. compromise the person's effectiveness in their role with the Shire of West Arthur;
 - c. imply the Shire's endorsement of personal views;
 - d. imply the Council member or employee is speaking on behalf of the Shire, unless authorised to do so; or
 - e. disclose, without authorisation, confidential information.

Council Member Statements on Shire Matters

1. Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the Shire's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.
2. Any public statement made by a Council member, whether made in a personal capacity or in their capacity as a Councillor, should:
 - a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the Shire of West Arthur;
 - b. be made with reasonable care and diligence;
 - c. be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;

- d. be factually correct;
- e. avoid damage to the reputation of the local government; not reflect adversely on a decision of the Council;
- f. not reflect adversely on the character or actions of another Council member or employee; and
- g. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council member, employee or community member.

Media Enquiries

All media enquiries must be directed to the Chief Executive Officer in the first instance whereby information will be coordinated to support the release of an official response on behalf of the Shire. The media may, however, approach the President directly for comment in his/her capacity as official spokesperson for the Shire.

Social Media

1. The Shire uses Social Media and maintains Social Media accounts to facilitate information sharing and to provide feedback to our community. Social Media will not be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.
2. The Shire may post and contribute to Social Media hosted by others to ensure that the Shire's strategic objectives are appropriately represented and promoted.
3. The Shire will, at its discretion, moderate its Social Media accounts to address, and where necessary delete, content deemed to be:
 - a. offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
 - b. soliciting or commercial in nature;
 - c. unlawful or which may incite others to break the law;
 - d. information which may compromise individual or community safety or security;
 - e. repetitive material copied and pasted or duplicated;
 - f. electioneering for Council, appointment to official Office, or any ballot;
 - g. in violation of intellectual property rights or the legal ownership of interests or another party; and
 - h. inappropriate in any other way.
4. Where a third party contributor to a Shire's Social Media account is identified as posting content which is deleted in accordance with the above, the Shire may, at its discretion, hide that contributor's comment and / or block that contributor for a specific period of time or permanently.
5. The Shire of West Arthur will, in conjunction with other communication modes, use Social Media to communicate and advise the community regarding Emergency Management

Professional Use of Social Media

- Before engaging in social media as a representative of the Shire, the individual must first be authorised to do so.
- Only the Shire of West Arthur Council members and employees may be authorised to use the Shire's social media platforms, either on the Shire's premises or mobile devices.

- The Shire of West Arthur will moderate and remove any posts or comments that do not comply with the relevant principles stipulated above.

Personal Use of Social Media

- The Shire of West Arthur is not responsible for any content published in a personal capacity on any form of social media platform.

Breaching of the Policy

- All Council members and employees are expected to comply with this policy at all times to protect the privacy, confidentiality and interests of the Shire, Council members, employees, volunteers, users, partners and the community.
- Employees found breaching this policy will be responsible for any loss suffered by the Shire of West Arthur as a result.
- Any alleged breach of this policy will be dealt with according to the relevant Code of Conduct.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	

Policy Title	C22 - Public Interest Disclosure
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To affirm the support of the Shire of West Arthur for public interest disclosures.

Scope

This Policy applies to all employees of the Shire.

Definitions

Public interest information means information that tends to show that, in relation to its performance of a public function (either before or after the commencement of this Act), a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in —

- a. improper conduct; or
 - b. an act or omission that constitutes an offence under a written law; or
 - c. a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
 - d. an act done or omission that involves a substantial and specific risk of —
 - injury to public health; or Public Interest Disclosure Act 2003
 - prejudice to public safety; or
 - harm to the environment; or
 - e. a matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971;
-

Policy Statement

The Shire of West Arthur does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of West Arthur and its employees and contractors.

The Shire of West Arthur is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). It recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

As a proper authority, the Shire of West Arthur is responsible for:

- a. Receiving disclosures;
- b. Investigating disclosures;

- c. Taking appropriate action; and
- d. Reporting.

The Shire of West Arthur will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire of West Arthur does not tolerate any of its employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The following Code uses as its ethical base the principles of personal integrity, relationships with others and accountability as referred to in the Western Australian Public Sector Code of Ethics.

Consistent with those principles, to meet the minimum standards of conduct and integrity, persons receiving disclosures, must comply with the following Code.

The Code

- a. Be professional and courteous to those involved in a disclosure, and give prompt attention to all their lawful requirements
- b. Not use any circumstance or information connected to a disclosure for personal profit or gain
- c. Take all reasonable steps to seek to ensure informants who make a public interest disclosure are protected in accordance with the provisions specified in the PID Act
- d. Take all reasonable steps to seek to ensure that persons who are the subject of a disclosure are also provided with appropriate safeguards and protections as specified in the PID Act
- e. Maintain records that ensure all action taken about the receipt and processing of a disclosure is reviewable
- f. Declare to an appropriate person, in writing, any interests that may conflict with their obligations to impartially receive and process disclosures
- g. Immediately report corrupt behaviour that has been, or may be occurring, to an appropriate authority
- h. Provide information to the informant about their rights and responsibilities and the possible implications of lodging a public interest disclosure.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Public Interest Disclosure Act 2003</i>
Related Documentation	

Policy Title	C23 - Public Questing Time, Presentations, Deputations & Petitions
Policy Type	Governance
Responsible Officer	Chief Executive Officer.



Purpose

In accordance with the *Local Government Act s.5.24, Local Government (Administration) Regulations* and the Shire of West Arthur Standing Orders Local Law Sections 3.3 and 3.4, the procedure for the Presiding Officer of a Council or Committee Meeting dealing with Public Questions or Presentations, Deputations and Petitions shall be in accordance with this Policy.

Scope

Definitions

Policy Statement

Presentations and Deputations

- a. Where the subject matter is one of general information for all Council members, Council supports the scheduling of guest speakers, deputations and presentations based on the following guide;
 - i. Where it is likely, or intended to take longer than 15 minutes (inclusive of question time) the presentation or deputation will be scheduled prior to a Council meeting on a scheduled Council meeting day, whether relevant to the agenda on that day or not.
 - ii. Where it is likely, or intended to take less than 15 minutes (inclusive of question time), and subject to the proponent noting it is likely that it will be conducted with members of the public present, the presentation or deputation will be scheduled during a Council or Committee Meeting, but only if relevant to the particular agenda on that day.
- b. The Shire President, or Chief Executive Officer in conjunction with the Shire President, is authorised to approve or disapprove requests to address Council.
- c. The Presiding Officer, or Chief Executive Officer in conjunction with the Presiding Officer, is authorised to approve or disapprove requests to address a Council Committee.
- d. A deputation invited to attend a Council or Committee meeting –
 - i. In the case of a Council Meeting
 - is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from the members; and

- is not to address the Council for a period exceeding 10 minutes, plus 5 minutes for question time without the agreement of the Council.
 - ii. In the case of a Committee Meeting
- is not to exceed five persons, only two of whom may address the Committee, although others may respond to specific questions from the members; and
- is not to address the Committee for a period exceeding 30 minutes, plus 5 minutes for question time without the agreement of the Committee.
 - e. Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

Petitions

Petitions shall be dealt with in accordance with Section 3.4 of the Council’s Standing Orders Local law and be referred to the first available Council meeting after which it is received.

Public Question Time

The procedure for public question time is as follows:

- a. A minimum time of 15 minutes is allocated for public question time. Council does not set a maximum time, however to enable all speakers to address Council or ask questions Council may restrict each speaker to 5 minutes.
- b. A member of the public who raises a question or wishes to address Council is to state his/her name and address.
- c. A question may be taken on notice for a later response.
- d. When a question is taken on notice a response is to be given to the member of the public in writing by the Chief Executive Officer and a copy or summary of the question and response is to be included in the agenda for the information of the public and Council members (as to the response) for the next ordinary meeting of the Council or Committee.
- e. Every question or address shall relate to the business of Council (or relevant Committee), but need not be restricted to items on the relevant agenda, but must be submitted as briefly and concisely as possible. If more than one question/issue is to be raised by a member of the public, the questions/issues are to be asked individually to allow the presiding person to respond.
- f. In responding to issues/questions raised the presiding person may invite other Council members and/or the Chief Executive Officer or relevant staff member to make comment.

History	25/05/2023
Delegation	Nil
Relevant Legislation	s5.24, 5.23(2). Local Government Act 1995 Local Government (Administration) Regulations 1996 Shire of West Arthur Standing Orders Local Law
Related Documentation	

Policy Title	C24 - Use of Shire Emblem/Logo
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish guidelines for use of the emblem so as to ensure it is used in an appropriate manner.

Scope

The application of this Policy is to be observed by all Council members and employees.

Definitions

Emblem – means the Shire of West Arthur’s Logo and associated artwork.

Policy Statement

All applications to use the Shire of West Arthur emblem must be made in writing to the CEO and include details of the purpose, form and extent of the proposed use and the reason for such use.

Approval may be granted providing the group:

- Is based in the area and provides a service to Shire of West Arthur residents; and
- Has a direct relationship with the Shire, either through funding or operational arrangements.

Eligible groups will be advised in writing that approval has been granted to use the emblem, outlining the conditions that apply to the approval.

Ineligible groups will be advised in writing that approval has not been granted to use the emblem and provided with an explanation under the guidelines of this policy.

No fees will be charged for the use of the Shire of West Arthur’s emblem, but eligible groups will be responsible for any costs associated with artwork, design and production.

The Shire of West Arthur may exercise its right to withdraw any authorisation at any time if the approved user is deemed to be not complying with the conditions as set out in this policy or any approval.

Prohibited use of Emblem

The emblem shall not:

- Be computer enhanced (e.g. represented in 3D perspective)
- Be used in a visually congested or confined manner (e.g. surrounded by a border or tightly positioned with other material).
- Be used for any purpose during a Local Government election that seeks to promote an individual candidate over another candidate. This inappropriate use includes candidate based promotional ballot papers, fliers, advertising, posters, letters or any other form of electoral material. A breach of this section will be considered a breach of copyright as outlined in this Policy.

History	25/05/2023
Delegation	Use of Shire Emblem
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	

Policy Title	C25 - Professional Development of Council Members
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

This Policy describes the Shire of West Arthur's approach to enable Council members to meet their statutory obligations in relation to Council member training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Council members:

- under section 5.126 of the Act, each Council member must complete training in accordance with the Regulations;
- under section 5.127 of the Act, the CEO must publish a report on the local government's website within 1 month of the end of the financial year detailing the training completed by Council members';
- under section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Council members.

Scope

This Policy applies to the Council members of the Shire of West Arthur (the Shire).

Definitions

CEO is the Chief Executive Officer of the Shire of West Arthur

The Act means the Local Government At 1995

Policy Statement

Introduction

Council members 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.

Training can take several forms including formal qualifications, short-courses, seminars and conferences. Training paid for in accordance with this policy must have benefit to Council, the Shire and the community. Training must relate to the professional development of Council members in their role as an elected representative of the Shire.

Examples of organisations that provide training relating to the professional development of Council members, includes, but is not restricted to:

- Western Australian Local Government Association (WALGA)
- Australian Local Government Association
- Australian Institute of Management
- Australian Institute of Company Directors
- Institute of Public Administration Australia.

Training related to public sector management leadership; town planning; strategic planning; financial management; corporate governance; risk management; conflict resolution; and emergency management is also considered to be relevant.

In considering training, Council members should complete training, where possible, through a Registered Training Organisation.

Prescribed Training Requirements

The *Local Government (Administration) Regulations 1996* (the Regulations) requires Council members to complete a *Council Member Essentials* course consisting of five modules. Certain exemptions, specified in the Regulations, apply.

Training must be completed by all Council members following their election within 12 months of taking office and is valid for five years. The Regulations require that the course is completed through either North Metropolitan TAFE, South Metropolitan TAFE, or WALGA.

Council members have a responsibility to complete training in accordance with legislation. Following each ordinary election, Council members will be provided with relevant information on training options from the approved training providers. Council members will be able to select a training option to meet their learning style and availability.

Training that a Council member is required to complete under section 5.126 of the Act will be paid for by the Shire.

It is the preference of the Shire of West Arthur that the mandatory training is undertaken through WALGA, by virtual learning, but the option remains for a Council member to attend sessions in person.

Continuing Professional Development

The Shire is committed to supporting 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.

Council members are encouraged to nominate to attend other conferences or training opportunities to enhance and broaden their knowledge of local government issues to support the community.

In requesting attendance to a training course, seminar or conference, the Council member is required to provide written advice of the expected benefit to the Shire of them attending. The CEO in consultation with the Shire President will then determine all requests from Council members.

1. Priority will be given to the attendance of any new Council members at any induction or training course specifically organised for the benefit of new Council members.
2. Priority will be given to any course or seminar that is specifically relevant to a Council member's responsibilities as a member of a committee or other group.
3. Conferences, seminars or training courses hosted by an organisation of which the Shire of West Arthur is a member or has an interest, would usually be attended by Council's appointed representatives to that organisation.
4. In deciding who should attend a conference, seminar or training course, a Council member's

length of service and remaining term of office on Council may be considered.

5. When determining the cost of a conference, seminar or training course, all costs including travel, accommodation, meals, telephone and other expenses incurred by the Council member will be in accordance with Council’s “Council member Entitlements” Policy.
6. Reports detailing the proceedings, knowledge gained and outcomes (for the Shire of West Arthur) are to be prepared by each attendee and tabled at the subsequent meeting of Council.

Reporting on Training

In accordance with section 5.127 of the Act, the Shire will publish a report on the local government’s website within one month of the end of the financial year detailing the training completed by Council members.

In order to complete the register, Council members shall, following completion of the training, provide evidence of completion of the training to the Executive Assistant to the CEO. Council members will be asked to confirm their completion or attendance as applicable prior to the publication of the register. The register will state:

- Council member’s name;
- Each training course or module completed;
- The training provider or conference name; and
- The date attended or completed

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
Related Documentation	Code of Conduct for Council Members, Committee Members & Candidates Attendance at Events by Council Members and CEO

Policy Title	C26 - Related Party Transactions
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

- The objective of this Policy is to provide guidance on the application of AASB 124 to the Shire of West Arthur's financial statements.
- The objective of AASB 124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions and outstanding balances, including commitments, with such parties.
- The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.
- This Policy stipulates the information requested from related parties to enable an informed judgement to be made.

Scope

The Related Party Disclosures Policy aims to assist the Shire in complying with disclosure requirements concerning Key Management Personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Definitions

AASB 124 - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the Corporations Act 2001

The Act - the Local Government Act 1995

Key Management Personnel (KMP) see AASB 124. Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity, as outlined in Policy – Designated Senior Employees.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Shire.

Related Party –. see AASB 124.

Related Party Transaction – see AASB 124.

Significant (significance) - means likely to influence the decisions that users of the Shire's financial

statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Shire and related party outside a public service provider/taxpayer relationship.

Remuneration - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction

Policy Statement

Council recognises the requirement to comply with AASB 124 and thus disclose Related Party Disclosures in each Annual Financial Report commencing from 1 July 2016.

The Shire of West Arthur is committed to producing financial information with high standards, in delivering high standard financial information the Shire is committed to comply with the principles of transparency and good governance and compliance with the Accounting Standards prescribed by the Australia Accounting Standards Board (AASB), *Local Government Act 1995*, and *Local Government (Financial Management) Regulations 1996*.

Principles

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

This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

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

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

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

Identification of Related Parties

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

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

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of Related Party:

- A council member
- KMP being a person employed under s5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Designated Senior Employee
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family

members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

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

Identification of Related Party Transactions

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

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

- Paying rates
- Fines
- Use of Shire owned facilities such as [West Arthur Community Centre and Sporting Grounds, West Arthur Community Resource Centre, Library, West Arthur Fuel Facility, parks, ovals and other public open spaces (whether charged a fee or not)]
- Attending Council functions that are open to the public
- Employee compensation whether it is for KMP or close family members of KMP
- Application fees paid to the Shire for licences, approvals or permits
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent)
- Lease agreements for commercial properties
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement)
- Sale or purchase of any property owned by the Shire, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Shire
- Loan Arrangements
- Contracts and agreements for construction, consultancy or services

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

Disclosure Requirements

For the purposes of determining relevant transactions above, Council members and KMP as identified above, will be required to complete a Related Party Disclosure declaration form on appointment of their position with the Shire.

Ordinary Citizen Transactions (OCTS)

The following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire's financial statements make. As such no disclosure in the

yearly Related Party Disclosures - Declaration form will be required.

- Paying rates
- Fines
- Use of Shire owned facilities such as [West Arthur Community Centre and Sporting Grounds, West Arthur Community Resource Centre, Library, West Arthur Fuel Facility, parks, ovals and other public open spaces (whether charged a fee or not)]
- Attending Council functions that are open to the public

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

All Other Transactions

For all other transactions listed in point (All Other Transactions) above, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form.

Frequency of Disclosures

KMP and Council members will be required to complete a Related Party Disclosure - Declaration form each year.

Confidentiality

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

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>The Australian Accounting Standard AASB 124 – Related Party Disclosures</i>
Related Documentation	

ATTACHMENT 1

RELATED PARTY DISCLOSURES - DECLARATION

As per requirements of AASB 124 Related Party Disclosures, and Business Operating Procedure – Related Party Disclosures. For additional information to assist you in making a declaration, please refer to the Appendices to this form.

The following declaration must be completed by all Council members, the Chief Executive Officer, and KMP of the Shire of West Arthur who were elected or employed at any time during the financial year.

Disclosure Period (June to July):	
Person making disclosure:	
Position held by person:	

CLOSE MEMBERS OF THE FAMILY (see definitions Appendix 1)	
Name of Family Member	Relationship to you
If there has been no change since your last declaration, please complete "No Change"	

ENTITIES THAT I, OR A CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS (see definitions Appendix 1)	
Name of Entity	Name of person who has control/nature of control
If there has been no change since your last declaration, please complete "No Change"	

ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH			
Did you or any member of your close family use facilities provided at Recreation Centre, attend any event at the Civic Centre, or use any other Shire provided facility AND you received a discount or special terms that would not otherwise be offered to any other member of the public?			
Name of person using the facility	Service/Facility used	Nature of transaction	Nature of discount or special conditions received.

Note: Recreation Centre membership provided as part of employment has been provided under the same terms as those memberships provided to the public.

LEASING AGREEMENTS - DOMESTIC RESIDENTIAL			
Did you, a close family member or related entity, enter into a lease agreement with the Shire (either as lessee or lessor) for the provision of a domestic rental property (Includes properties owned by the Shire and privately owned properties sub-leased through the Shire from a real estate agent)? Did you receive or provide a discount or special terms that would not otherwise be offered to any other member of the public?			
Name of Person party to the lease	Property Address	Term of Lease & Weekly rent	Detail of any non-arm's length conditions

LEASING AGREEMENTS - COMMERCIAL			
Did you, a close family member or related entity, enter into a commercial leasing agreement with the Shire for the provision of a commercial property? Did you receive a discount or special terms that would not otherwise be offered to any other member of the public?			
Name of person party to the lease	Property Address	Term of Lease & Weekly rent	Detail of any non-arms length conditions

TRADING ARRANGEMENTS Were you or a close family member (as defined above) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Shire? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Shire.			
Business name	Goods or services provided	Approximate value for the reporting period	Terms & conditions

OTHER AGREEMENTS (Construction, Consultancy, Service Contracts)			
<p>Did you, a close family member or related entity, enter into any other agreements/arrangements with the Shire (whether or not a price was charged)?</p> <p>This may include (but is not limited to): construction contracts, consultancy services, service contracts (such as cleaning, maintenance, security).</p> <p>For e.g. a company that a close family member controls, was awarded a contract with the Shire for building a new office facility.</p>			
Name of person or business/company	Nature of agreement	Value of agreement	Terms & conditions

PURCHASE OF PROPERTY			
<p>Did you, a close family member or related entity, purchase any property or other assets from the Shire? (This may include vehicles or other plant items, land or buildings).</p> <p>Was the purchase made at arm's length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.</p>			
Name of person or entity name	Property purchased	Value of the purchase	Terms & conditions

SALE OF PROPERTY			
<p>Did you, a close family member or related entity, sell any property or other assets to the Shire? (This may include vehicles or other plant items, land or buildings).</p> <p>Was the sale made at arm's length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.</p>			
Name of person or entity name	Property Sold	Value of the Sale	Terms & conditions

FEES & CHARGES FOR APPLICATIONS		
<p>Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?</p>		
Name of person or entity name	Application type	Application and/or receipt number

SELF SUPPORTING LOANS			
<p>Did you, a close family member or related entity, enter into a loan agreement with the Shire</p> <p>For e.g. a club for which you have control (See Appendix 2 for example)</p>			
Name of person or entity name	Loan details	Value of the loan	Terms & conditions

OTHER AGREEMENTS			
Please list any other agreement or arrangement you believe is a related party transaction and should be declared.			
Name of person or business/company	Nature of agreement	Value of agreement	Terms & conditions

I declare that all information and details provided in this form are true and correct to the best of my knowledge, and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied which details the meaning of the definitions to which this declaration relates.

Signed: _____ Date: ____/____/____

Appendix 1

Close Family Members

Close family members include:

- a child, spouse or domestic partner;
- children of your spouse or domestic partner;
- dependents of you or your spouse or domestic partner;
- any other close family member;

who may be expected to influence, or be influenced by, your dealings with the Council or the Shire.

The following table may assist you in identifying your close family members:

A close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with Council or the Shire.
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with Council or the Shire.
Your dependants	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with Council or the Shire.
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with Council or the Shire.
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence or be influenced by you in their dealings with Council or the Shire.

There may be relationships which are not identified in this appendix but still meet the definition of a related party.

Example: Cousin of Council member

A Council member for the Shire has lived in the Shire her whole life. In fact, her family has been in the area for generations.

The Council member’s cousin, owns and operates the local newsagent through a company ABC Pty Ltd, in which she owns 100% of the shares. The Council member and her cousin have always been close and regularly socialise together.

From these facts it would appear that the Council member’s cousin is a close family member of the Council member because she would be expected to influence, or be influenced by, that person in her dealings with Council or the Shire..

Both the cousin and the company she controls, ABC Pty Ltd would therefore be related parties of Council.

Any transactions that the Shire makes with the newsagent would need to be separately identified and may need to be disclosed.

Control in entities

What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

You control an entity if you have

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; and
- the ability to use your power over the entity to affect the amount of your returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases, it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Chief Executive Officer for a confidential discussion.

Example: Clubs or other incorporated bodies

(A Shire Council member is the President of a local football club)

A Shire Council member is the President of West Arthur Football Club Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.

From these facts the Council member does not control or jointly control the football club so it **will not** be a related

Other examples

Example 1 (Audit committee member)

Shire of West Arthur audit committee comprises two Council members and a local retired accountant, Fred. Fred has no other connection with the council.

The audit committee attends to the functions as required under the *Audit Regulations*. It does not make any decisions on behalf of the council but simply provides reports, with recommendations, for the Shire President and council members to consider.

Based on the facts outlined Fred **would not** be a KMP of the Shire.

Example 2 (Son of EMPD employed by Shire)

Shire of West Arthur has recently employed Paul's son (George) in the Shire's parks and garden's area. Paul is the Executive Manager Planning & Development but was not involved in hiring George. This process was managed by the Manager Works & Services and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of the Shire, which makes him a related party.

George will also be a related party because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

Example 3 (Cousin of President - related party commonly known but omitted from declaration)

Shelley, the President of Shire of West Arthur forgets to include her cousin Mavis, and Mavis' company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close, and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with Council or the Shire. and vice versa.

Mavis and her company are related parties, even though Shelley omitted them from her declaration.

Example 4 (Example of control)

Fred is the President of Shire of West Arthur and owns 100% of the ordinary shares in West Arthur's Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

96

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred **will** need to include the company on his related party declaration.

Example 5 (Example of joint control)

Fred is the President of Shire of West Arthur and owns 50% of the ordinary shares in West Arthur's Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board. Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred **will** need to include the company on his related party declaration

Policy Title	C27 - Standards for CEO Recruitment, Performance & Termination
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

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

Scope

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

Definitions

(1) In these standards —

Act means the Local Government Act 1995;

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

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

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

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

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

local government means the Shire of West Arthur;

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

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

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

1. **Policy Statement**
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 —
 - g. (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

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

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

6. Advertising requirements

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

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

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

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

- l. (a) a council member;
- m. (b) an employee of the local government;
- n. (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 —
 - o. (a) council members (the number of which must be determined by the local government); and
 - p. (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 —
 - q. (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - r. (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) —
 - s. (a) in an impartial and transparent manner; and
 - t. (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 —
 - u. (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - v. (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - w. (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 —
 - x. (a) clause 5 does not apply to the new recruitment and selection process; and

- y. (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.
- z.

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 —

- aa. (a) the making of the offer of employment to the applicant; and
- bb. (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 —
 - cc. (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - dd. (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
 - ee. (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;
 - ff. and
 - gg. (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 —
 - hh. (a) the process by which the CEO's performance will be reviewed; and
 - ii. (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 —
 - jj. (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
 - kk. (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 —

- ll. (a) the results of the review; and
- mm. (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**

102

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 —
 - nn. (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - oo. (b) notifying the CEO of any allegations against the CEO; and
 - pp. (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - qq. (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 —
 - rr. (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
 - ss. (b) informed the CEO of the performance issues; and
 - tt. (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - uu. (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.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government (Administration) Amendment Regulations 2021</i>
Related Documentation	DLGSC – Guidelines for Local Government CEO Recruitment & Selection, Performance Review & Termination

Policy Title	C28 -Temporary Employment or Appointment of Acting CEO
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish a Policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of West Arthur'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 a temporary vacancy in the substantive office.

Scope

This Policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of West Arthur.

Definitions

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.

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.

Policy Statement

1. 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 s5.41 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 a person appointed to the substantive position of Manager Corporate Services and/or Manager Works & Services are considered suitably qualified to perform the role of Acting or Temporary CEO.
 3. A person appointed to act in the position of Manager Corporate Services or Manager Works & Services are not included in the determination set out in Clause 3 (2).
2. Appoint Acting CEO – Planned and unplanned leave for periods up to four (4) weeks
1. The CEO is authorised to appoint the Manager Corporate Services or Manager Works & Services in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding four (4) weeks, subject to the CEO's consideration of the Managers' 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 4 weeks.
3. The CEO is to immediately advise all Council members when and for what period of time the Manager Corporate Services is appointed as Acting CEO.
4. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
 - a. The Manager Corporate Services will be appointed as Acting CEO; or
 - b. Conduct an external recruitment process in accordance with clause 4(1)(c).
5. Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 4 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appoint Acting CEO for extended leave periods greater than four (4) 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 four (4) weeks but less than 12 months, as follows:
 - a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 4(1)(c).
3. The President will liaise with the CEO, or in their unplanned absence the Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
4. Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Corporate Services.

4. Appoint Temporary CEO – Substantive Vacancy

1. In the event that the substantive CEO's employment with the Shire of West Arthur is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint Manager Corporate Services 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 Manager Corporate Services as the 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 s5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
2. The President will liaise with the Manager Corporate Services 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 Manager

Corporate Services.

5. Remuneration and conditions of Acting or Temporary CEO

1. An employee appointed as Acting 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 *s5.39(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.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>s.5.39 Contracts for CEO and senior employees Local Government Act 1995</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>
Related Documentation	Nil

CORPORATE AND COMMUNITY SERVICES

Policy Title	FI - Community Organisation Assistance Program
Policy Type	Community & Economic Development
Responsible Officer	Community Development Officer



Purpose

- 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 provide financial support for local events which involve people coming together in the celebration and enjoyment of their culture or a common interest.
- To provide financial support for the development and maintenance of community facilities that are situated on land owned or managed by the Shire of West Arthur and used by the community.
- To positively contribute to the well-being of the community.

Scope

Community groups, organisations, and sporting groups are encouraged to apply for assistance under the Community Organisation Assistance Program for projects in the following areas:

- Culture, arts and events
- Reimbursement or waiver of Council fees & charges
- Equipment and minor projects
- Community Facilities

Definitions

Community Organisation means any organisation which has as its members, members of the Shire of West Arthur 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.

Community Organisation Assistance Program means financial assistance to not-for-profit bodies to deliver projects and programs which deliver benefit to the local community and local economy to build an engaged, vibrant, inclusive and healthy community.

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%.

Community means the people that live, work or recreate within the Shire of West Arthur;

Eligible Organisations – Incorporated associations (or auspiced through an incorporated association with

written acknowledgement) and that do not have outstanding grant acquittals;

Application Form means the Community Organisation Assistance Program Application form and all of its attachments. It also includes the option to provide a separate Income and Expenditure statement relevant to the project.

Policy Statement

To provide financial assistance to not-for-profit or incorporated bodies to deliver projects and programs which deliver benefit to the local community and local economy to build an engaged, vibrant, inclusive and healthy community.

Financial support of up to 50% of total project costs may be granted In-kind services and volunteer labour are eligible components of the total project costs, subject to a maximum grant of \$5,000 in any single financial year.

Funding Rounds:

Applications for assistance from the Community Organisation Assistance Program will be available once per financial year.

Assessment:

To fairly assess applications a selection criteria and project evaluation rating will be used to assess eligibility.

Applications seeking less than \$150 can be determined by the CEO. Applications greater than \$150 are to be determined by Council.

Assessment Criteria:

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.

- a. The level of community benefit;
- b. The level to which it addresses an evidenced need;
- c. Long term sustainability;
- d. Appropriateness of the project financial statement;
- e. Partnerships, collaborations, community engagement and involvement or other funding sources that have been secured; and
- f. Capacity to deliver the project.

What is funded:

- Building the capacity and sustainability of community groups;
- Supporting young people;
- Supporting older people;
- Providing opportunity to be healthy and promote wellbeing;
- Supporting and encouraging cultural diversity and inclusion;
- Developing and attracting events and increasing participation;

109

- Supporting and encouraging activation of places and facilities; and/or
- Generally building strength, engagement and cohesion of the community.

What is not funded:

- Projects that have already commenced;
- Recurrent maintenance or operating costs;
- Projects that are considered to be private, commercial, individual or Government core responsibility;
- Elements that may be considered offensive;
- Fundraising, political or loan repayments

History	25/05/2023
Delegation	Nil
Relevant Legislation	
Related Documentation	

Policy Title	F2 - Corporate Transaction Cards
Policy Type	Corporate Services
Responsible Officer	Chief Executive Officer



Purpose

- To provide a clear framework to enable the use of corporate transaction cards.
- To provide employees issued with a corporate transaction card clear and concise guidelines outlining its use.
- To reduce the risk of fraud and misuse of the corporate transaction card.

Scope

The application of this Policy is to be in conjunction with the Shire of West Arthur's Code of Conduct Policy and any legislative requirements of the *Local Government Act 1995* that may be enforced.

Definitions

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

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

Policy Statement

The Shire of West Arthur recognises the value of corporate transaction cards and supports their use, within appropriate controls and limits.

The CEO is authorised to obtain a corporate transaction card/s with a maximum monthly credit limit of \$10,000. This limit can only be adjusted with the express approval of the Council.

The Chief Executive Officer is the primary cardholder for the Shire and may authorise additional cardholders within the Shire's approved total credit limit.

Individual transaction card limits are as approved by Council (in relation to the CEO) or the CEO (in relation to other employees, but within the limits determined by Council).

Determining When Transaction Card Facilities Are Appropriate

Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire of West Arthur operations by ensuring:

- Goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire;
- Financial management and accounting standards are met; and

- c. Purchasing and payment functions are secure, efficient and effective.

Transaction card facility providers will only be acceptable where, in the opinion of the Chief Executive Officer, they:

- a. Provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire to sufficiently administer the facility; and
- b. Provide the Shire with protection and indemnification from fraudulent unauthorised transactions.

Management Oversight

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

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

Reporting

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

Misuse, Misconduct and Fraudulent Use

- a. Any alleged misuse of transaction cards will be investigated and may be subject to disciplinary procedures.
- b. Where there is reasonable suspicion of misconduct or fraudulent activity arising from transaction card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the Public Sector Management Act 1994 and the Corruption, Crime and Misconduct Act 2003.

Principles for Usage – Allowable Transactions

Transaction card facilities may only be used where:

- a. The expenditure is directly arising from a Shire operational business activity for which there is an Annual Budget provision;
- b. The expenditure is in accordance with legislation, the Shire 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 undertaken with the express permission of the Chief Executive Officer.

- f. Official travel, accommodation and related expenses may only occur in accordance with Shire policies and procedures;
- g. A sufficient record of each transaction is obtained and retained in the local government record.

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

The Shire 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's Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual cardholder;
- g. Splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
- h. Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).

For clarity, council members are prohibited from using Shire transaction cards as the Local Government Act 1995 does not provide authority for a council member to incur liabilities on behalf of the local government. The Act limits local governments to only paying council member allowances and reimbursing council member expenses.

Cardholder Duty of Care and Responsible Use Obligations

A cardholder is required to:

- a. Keep the transaction card and access information in a safe manner; protected from improper use or loss.
- b. Only use the transaction card for allowable purposes and not for prohibited purposes.
- c. Obtain, create and retain local government records that evidence transactions.
- d. Acquit the reconciliation of transaction card usage in the required format and within required timeframes. The onus is on the cardholder to provide enough detail for each transaction to avoid any potential perception that a transaction may be of a personal nature.
- e. Return the transaction card to the Shire before termination of employment, inclusive of reconciliation records.

- f. Reimburse the Shire the full value of any unauthorised, prohibited or insufficiently reconciled expenditure. vii) Comply with all cardholder responsibilities as outlined by the card provider.

Benefits obtained through use of a transaction card (i.e. membership or loyalty rewards) are the property of the Shire and may only be used for Shire business purposes. Such benefits must be relinquished by the cardholder to the Shire. Under no circumstances may such benefits be retained as a personal benefit.

Transaction Evidence

An adequate 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 signed statement, detailing the nature of the expense and enough information to satisfy the requirements above.
- c. Approval of the expense above is to be referred to the Chief Executive Officer for a decision.
- d. 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
- e. The number of persons entertained; ii) the names of any employees in that number; and
- f. The purpose of providing the entertainment or hospitality

Card Reconciliation Procedures

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

Disputed Transactions

The Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from Council's operating bank account for such.

When a Cardholder believes that charges are incorrect, they should first contact the supplier to determine the causes of the discrepancy and if necessary, the Finance Officer will notify the bank in writing.

Any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

Cancelled Cards

Cancellation of a Card may be necessary where the:

114

- a. cardholder changes job function within the local government;
- b. cardholder terminates employment with local government;
- c. the employment of the Cardholder is terminated;
- a. card is no longer required;
- b. cardholder has not adhered to set procedures;
- c. misuse of the Card; or
- d. CEO determines it is appropriate to do so

Review of Card Use

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

Procedures for Lost, Stolen and Damaged Cards

The cardholder must formally advise the CEO of the loss or theft without delay.

The loss or theft of a transaction card must be reported to the card provider as a matter of priority.

Advice of a damaged card is to be provided to the CEO who will arrange a replacement.

Cardholder Agreement

The Cardholder Agreement is shown at **Attachment 1**.

Failure to comply with any of these requirements could result in the card being withdrawn from the employee. In the event of loss or theft through negligence or failure to comply with the Shire of West Arthur Card Policy any liability arising may be passed on to the cardholder.

Consequences of Non-Compliance

Failure to comply with the Delegations, Policy or Executive Instructions may result in disciplinary action up to and including termination of employment.

History	25/05/2023
Delegation	Payments from the Municipal or Trust Fund
Relevant Legislation	<i>Local Government (Function and General) Regulations 1996</i>
Related Documentation	Corporate Transaction Card Agreement

ATTACHMENT 1 - Corporate Transaction Cardholder Agreement

I (insert cardholder name) acknowledge and accept the conditions listed below which govern the use of the Shire of West Arthur Corporate Transaction Card:

Conditions of Use

- Ensure the corporate transaction card is maintained in a secure manner and guarded against improper use.
- The corporate transaction card is to be used only for Shire of West Arthur official activities, there is no approval given for any private use whatsoever.
- All documentation regarding a corporate transaction card transaction is to be retained by, or provided to, the cardholder and produced as part of the reconciliation procedure.
- Credit limits may only be exceeded under exceptional circumstances, and with the approval of the Shire President.
- The use of the transaction card shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward.
- Observe all cardholder responsibilities as outlined by the card provider.
- Purchases on the corporate transaction card are to be made in accordance with Shire of West Arthur’s Purchasing and Tender Policy.
- Monthly reconciliation of transaction card purchases is to be completed on the supplied template within seven (7) days of the date of the transaction card statement being issued.
- Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.
- Transactions shall be accompanied by a succinct explanation of why the expense was incurred.
- Transactions shall be accompanied by an authorised purchase order.
- Should approval of expenses be denied by the Shire President, recovery of the expense shall be met by the cardholder.
- The cardholder shall sign and date the corporate transaction card statement with supporting documentation attached stating ‘all expenditure is of a business nature’.
- Lost or stolen cards shall be reported immediately to the card provider and Shire President.
- The corporate transaction card is to be returned to the Shire President on or before the employee’s termination date with a full acquittal of expenses.

Failure to comply with any of these requirements could result in the card being withdrawn from the employee. In the event of loss or theft through negligence or failure to comply with the Shire of West Arthur Corporate Transaction Card Policy any liability arising from the use of the card may be passed to the cardholder.

The use of a Shire of West Arthur Corporate Transaction Card is subject to the provisions of the Code of Conduct of Shire of West Arthur. Serious transgression of the above listed responsibilities or the Code of Conduct may result in an appropriate referral under the Corruption and Crime Commission Act 2003 and/or termination of employment.

Name:

Position:

Signed: _____

Date: _____

116

Policy Title	F3 - Financial Hardship
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To give effect to the Shire's commitment to support the whole community to meet the challenges arising from situations that may result in financial hardship for ratepayers or debtors of the Shire.

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

Scope

This Policy applies to outstanding rates, debtors and service charges as at the date of adoption of this policy.

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

Definitions

The Act – Local Government Act 1995

Policy Statement

Payment difficulties, hardship and vulnerability

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. This policy is intended to apply to all ratepayers or debtors experiencing financial hardship.

Financial Hardship Criteria

While evidence of hardship is required, the Shire recognises that not all circumstances are alike, and will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

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

Ratepayers or debtors are encouraged to provide as much information as possible to support their

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

Payment Arrangements

Payment arrangements facilitated in accordance with this Policy, and s6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

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

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

Interest Charges

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

Deferment of Rates

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

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the concession card holder, or if the property is sold or if the concession card holder 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

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

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

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

Review

118

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

Communication and Confidentiality

The Shire will maintain confidential communications at all times and undertakes to communicate with a nominated support person or other third party at the ratepayer’s or debtor’s request.

The Shire recognises that applicants experiencing financial hardship are also experiencing additional stressors, and may have complex needs, and will provide additional time to respond to communication and will communicate in alternative formats where appropriate. All communication with applicants is to be clear and respectful.

Conflict of Interest

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

History	25/05/2023
Delegation	Financial Hardship
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Financial Hardship Application Form Financial Hardship Assessment Template

Policy Title	F4 - Habitual or Vexatious Complainants
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To prescribe a framework for identifying and dealing with habitual or vexatious complainants.

Scope

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

Definitions

Habitual means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action”.

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

- The repeated and/or obsessive pursuit of:
 - Unreasonable complaints and/or unrealistic outcomes; and/or
 - Reasonable complaints in an unreasonable manner.

Policy Statement

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

- To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be “habitual or vexatious” and ways of responding to these situations.
- This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Shire through pursuing an unreasonable course of conduct.

Schedule A – Criteria for Determining Habitual or Vexatious Complainants

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

Where complainants:

- Persist in pursuing a complaint where the Shire’s complaints process has been fully and properly implemented and exhausted.

- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Shire to help them specify their concerns, and/or where the concerns identified are not within the remit of the Shire to investigate.
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgment will be used in applying these criteria.
- Have threatened or used physical violence towards employees at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Shire is to be made.
- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Shire – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact considering the specific circumstances of each individual case.
- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Make unreasonable demands on the Shire and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Shire's complaints procedure or normal recognised practice.
- Make unreasonable complaints which impose a significant burden on the human resources of the Shire and where the complaint:
 - Clearly does not have any serious purpose or value; or
 - Is designed to cause disruption or annoyance; or
 - Has the effect of harassing the public authority; or
 - Can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- Make repetitive complaints and allegations which ignore the replies which Shire employees have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

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

121

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

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Customer Service Charter

Policy Title	F5 - Investment of Surplus Funds
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To adopt a prudent approach to investments, in full compliance with all statutory requirements.

Scope

This Policy applies to funds surplus to cash flow requirements, including operating accounts, investment accounts and funds managed under a trust.

Definitions

Authorised institution:

- a. an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
 - b. The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986.
-

Policy Statement

The Shire of West Arthur's investment management strategy is to invest funds surplus to immediate requirements to be deposited into an authorised institution.

Investments shall be spread across at least two institutions to ensure that no single institution holds more than 70% of the Shire's invested funds.

1. Consideration

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

- a. Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- b. The investment portfolio should ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of investment.
- c. The investment is expected to achieve a predetermined market average rate of return that considers the Shire's risk tolerance. Any additional return target set by the Shire should also consider the risk limitation and prudent investment principles.

2. Approved Investments

Investments are limited to:

- a. State/Commonwealth Government Bonds with a term of maturity not exceeding three years;
- b. Fixed term deposits placed with an authorised institution for a term not exceeding 12 months;
- c. Interest bearing deposits placed with an authorised institution.

3. Prohibited Investments

This Policy prohibits any investment carried out for speculative purposes including the following:

- a. Derivative based instruments;
- b. Principle only investments or securities that provide potentially nil or negative cash flow;
- c. Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.
- d. The use of leverage (borrowing to invest) of any investment.
- e. Investment in a foreign currency.

3. Risk Management Guidelines

Investments are restricted to authorised institution investments only. The term of the investment is based on forward cash flow requirements to ensure investment return on available surplus funds.

4. Report and Review Compliance Requirements

- a. A summary of investments, including amount, maturity date and interest rate is contained within the Monthly Financial Statement presented at the Ordinary Meetings of Council.
- b. Documentary evidence is held for each investment and details thereof maintained in the Investment Register.
- c. Certificates are obtained from the financial institutions confirming the amounts of investments held on the Council’s behalf as at 30 June each year and reconciled to the Investment Register.

History	25/05/2023
Delegation	Investment of Surplus Funds
Relevant Legislation	<i>Local Government (Financial Management) Regulations 1996</i>
Related Documentation	Nil

Policy Title	F6 - Access and Inclusion
Policy Type	Corporate Services
Responsible Officer	Community Development Officer



Purpose

To meet the requirements of the *Disability Discrimination Act 1992* and *Disability Services Act 1993* and to state the Shire of West Arthur's position regarding providing an accessible, inclusive community for everyone.

Scope

The Shire of West Arthur is committed to ensuring that the community is accessible for all community member, their families and carers.

Definitions

AIP means Access and Inclusion Plan

Policy Statement

The Shire of West Arthur interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to everyone.

The Shire of West Arthur:

- a. Recognises that all residents are valued members of the community who make a variety of contributions to local social, economic and cultural life;
- b. Believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life;
- c. Believes that all residents, , their families and carers should be supported to remain in the community;
- d. Is committed to consulting with all residents, their families and carers and relevant organisations and service providers in addressing barriers to access and inclusion;
- e. Will ensure its agents and contractors work towards the desired outcomes in the Access and Inclusion Plan (AIP);
- f. Is committed to supporting local community groups and businesses to provide access and inclusion for everyone; and
- g. Is committed to achieving the eight desired outcomes of its AIP.

Outcomes

All residents:

125

- a. Have the same opportunities to access the services of, and any events organised by, the Shire of West Arthur.
- b. Have the same opportunities to access the buildings and other facilities of the Shire of West Arthur.
- c. Receive information from the Shire of West Arthur in a format that will enable them to access the information
- d. Receive the same level and quality of service from the employees of the Shire of West Arthur.
- e. Have the same opportunities to make complaints to the Shire of West Arthur.
- f. Have the same opportunities to participate in any public consultation by the Shire of West Arthur.
- g. Have the same opportunities regarding employment practices (recruitment and retention) with the Shire of West Arthur.

History	25/05/2023
Delegation	
Relevant Legislation	<i>Disability Discrimination Act 1992</i> <i>Disability Services Act 1993</i> <i>Equal Opportunity Act 1984.</i> <i>Commonwealth Disability Discrimination Act 1992</i>
Related Documentation	<i>Shire of West Arthur Access and Inclusion Plan</i>

Policy Title	F7 - ANZAC Day Services
Policy Type	Community & Economic Development
Responsible Officer	Community Development Officer



Purpose

To participate in the ANZAC Day commemorations held each year in the Shire of West Arthur.

Scope

Council acknowledges the importance of ANZAC Day commemorative activities each year, and by laying of a wreath, recognises the local service men and women who lost their lives in a conflict when serving their country in the Defence Forces.

Definitions

ANZAC Day is held on 25 April each year, and takes the form of a formal ceremony at the Cenotaph or Driveway Service.

Senior employees are identified in the Policy – Senior Employees

Policy Statement

The Shire of West Arthur will be represented at ANZAC Day commemorations by the Shire President and Deputy Shire President, or two Council members, or senior employees if no Councillors are available.

The Shire will provide a wreath to be laid at the Cenotaph by its representatives on the day.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Returned Services League WA (RSLWA)

Policy Title	F8 - Asset Management
Policy Type	Works & Services
Responsible Officer	Manager Corporate Services



Purpose

Asset Management is viewed as an important corporate function of the Shire of West Arthur and Council are committed to supporting the function. The purpose of this policy is to initiate Asset Management Principles/Framework to achieve the following objectives and outcomes:

- a. The Shire's services and facilities are provided reliably, with the appropriate level of service to residents, visitors and the environment within the Shire;
- b. Safeguarding the Shire's assets including physical assets and employees by implementing appropriate asset management strategies, practices and financial treatment of the assets;
- c. Establish an environment where all Shire employees will assist in the overall management of the Shire assets.
- d. Meet all legislative compliance for Asset Management;

Scope

The adoption of an effective asset management approach will provide the following benefits:

- a. More sustainable decisions by ensuring all lifecycle costs are included in decision processes, so that the emphasis is on sustainable efficiencies not unsustainable short-term gains;
- b. Enhance customer service through improved understanding of service requirements and options;
- c. Improved financial efficiency by recognition of all costs of owning/operating assets over the lifecycle of the assets.

Definitions

Asset - a physical item that is owned or controlled by the Shire and provides or contributes to the provision of service to the community.

Asset Register - a record of asset information considered worthy of separate identification including inventory, historical condition, construction, technical, and financial.

Asset Management - the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal to ensure that the assets meet Council's priorities for service delivery.

Asset Management Plan - a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset. The Asset Management Plan establishes, for each Asset Category:

- a. Levels of Service (performance, construction, maintenance, and operational standards);
- b. Future Demand (rational basis for demand forecasting and selection of options for proposed new assets);

- c. Life Cycle Management Plan (including Operations and Maintenance, Renewals and Replacements, and Expansions and Upgrades);
- d. Financial Projections;
- e. Asset Management Practices; and
- f. Performance Monitoring and Improvement.

Council - the Council of the Shire of West Arthur

Fair Value is defined as:

"... the amount for which an asset could be exchanged, or a liability settled between knowledgeable, willing parties in an arm's length transaction."

And, as:

"... the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date."

Infrastructure Assets – includes roads, bridges, footpaths, recreation, drainage and other.

Level of Service - meeting community expectations in relation to the quality and quantity of services delivered by the Shire.

Life Costing - the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and disposal and rehabilitation costs.

Policy Statement

This Asset Management approach will be supported and achieved through the implementation of Asset Management Plans for Infrastructure Assets within the Shire of West Arthur.

The implementation of this Asset Management Policy will assist the Shire to meet community expectations by providing services in a sustainable manner.

1. Principles

Asset Management encompasses all the various actions that the Shire must take to ensure that its assets are planned, delivered, managed, renewed and retired to serve both present and future communities.

1.1 Managing Shire Assets

Shire assets will be managed by:

- a. Council allocating enough financial resources (integrated with the Long-Term Financial Plan) to ensure effective asset management practices, timely maintenance and renewal of assets so that community services are sustained in the long term.
- b. Asset information will be accurate and up to date allowing for appropriate asset planning, both in the short and long term, and for informed decision making to occur.

1.2 New Assets & Renewal or Upgrade / Expansion of Assets

Prior to consideration of new infrastructure works, renewals or an expansion/upgrade:

- a. A strategic review of the need for, and the life cycle cost of that asset (including capital, maintenance, operating and renewal costs) will be carried out.
- b. Asset Renewal Plans will be implemented progressively based on priority (condition), the level of service required, and the effectiveness of the current performance of the asset.

- c. Plans to upgrade existing infrastructure will be considered and evaluated according to the need to increase the asset's Level of Service.
- d. The Shire will continually seek opportunities for multiple uses of assets as well as strategic community partnerships and for economic extensions to infrastructure life.

1.3 Asset Management Plans

In consultation with key stakeholders, Council will determine the Level of Service expected for each asset class to deliver economic, environmental and social values for the benefit of the community. These service levels will be adopted and reflected in the Asset Management Plans for each asset class.

The development of Asset Management Plans will also identify:

- a. The strategic goals;
- b. The level of service and performance standards;
- c. The full cost of providing the service
- d. The future demand; and
- e. Monitoring and improvement strategies.

1.4 Fair Value Groupings and Frequency

The Shire of West Arthur, for the purposes of fair value reporting, have adopted the following two groupings:

- a. Infrastructure; and
- b. Land and Buildings

Further to this, the Shire also has adopted the frequency of revaluations for fair value for each grouping to be five (5) years.

1.5 Low Value Assets

All items of capital nature will be capitalised based on the threshold as determined in the Council's "Significant Accounting Policies".

Items that are not capitalised will be recorded in a separate Low Value Asset Register.

2. Roles and Responsibilities

In order to support this policy, the following key roles and responsibilities have been identified:

2.1 Council

- a. To act as custodians for Shire assets;
- b. To adopt an Asset Management Policy linking to the Shire of West Arthur's Strategic Community Plan;
- c. To provide an advocacy role with State and Federal Governments and the community;
- d. Demonstrate the organisations commitment to the Council's vision and strategic objectives through an integrated and resourced asset management system to build and maintain intergenerational equity;
- e. Make informed decisions supported by asset management processes and costs;
- f. To comply with Integrated Planning Framework and Fair Value Legislation.

2.2 Chief Executive Officer

- a. Reporting on the status and effectiveness of asset management within the Shire;
- b. Continually promote asset management across the organisation;
- c. To validate and challenge proposals to ensure they meet the Shire of West Arthur's Strategic Community Plan objectives and community needs;
- d. To ensure community and key stakeholder's inputs are integrated into Asset Management Plans;
- e. To ensure employee are appropriately trained and skilled to perform the required Asset Management functions;
- f. To provide effective communication between Council, employees, and the Community;
- g. Responsible for implementing asset management systems, policies and procedures;
- h. Delegate specific assets to responsible project officers;
- i. Promote networks between the community, key stakeholders, and Shire's asset managers to involve and consult with on the management of the Shire's assets.
- j. Develop and implement a framework for the evaluation and prioritisation of corporate project proposals incorporating whole of life costing;
- k. Develop and implement asset management processes and procedures;
- l. Implementation of Fair Value
- m. Develop framework, guidelines and processes to deal with Fair Value reporting.

The Level of Service for each asset class will drive the desired funding and when assessed against the Shire's current budget, this will represent the funding gap. The Shire will work to minimise this gap by renewing its assets at the most optimum time. The budgetary requirements will inform the Shire's Long-Term Financial Plan.

3. Strategic Implications

This Asset Management Policy has also been developed to support the vision, goals and objectives in the Shire of West Arthur's Strategic Community Plan 2013-2022: Vision and Values.

VISION

To be a safe, friendly welcoming community with a dynamic and expanding local economy.

The Shire of West Arthur's Strategic Community Plan outlines the following goals and objectives relevant to Asset Management:

GOAL – Built Environment – well maintained roads and infrastructure which reflects our identity

To achieve these goals, the Council must allocate appropriate resources to asset management through its financial plan, define its service level expectations through service delivery plans, and ensure effective risk management.

- Outcome 4.1 – Our road network is well maintained
 - Regularly review and update our long-term road construction and maintenance program
 - Collaborate with surrounding Shires and State government to ensure sound planning and resource utilization
 - Enhance road safety strategies for road users
- Outcome 4.2 – Our built infrastructure is well maintained, attractive and inviting

- Our parks and gardens are well maintained and attractive
- Community facilities are continually reviewed and upgraded as required through asset management plans
- Our townscapes are attractive and well developed with consideration for current and future usage
- Outcome 4.3 – Our cultural heritage is preserved and promoted
 - Maintain the integrity of our heritage buildings
 - Investigate opportunities to develop our historical assets
 - Planning and development take into consideration heritage value

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
Related Documentation	Shire of West Arthur's Strategic Community Plan Department of Local Government Asset Management Framework (WA Government, 2011) International Infrastructure Management Manual (IPWEA, 2006) Department of Local Government Integrated Planning and Reporting Framework and Guidelines (WA Government, 2010) Australian Accounting Standards AASB13 - Fair Value Measurement

Policy Title	F9 - Australia Day Citizen of the year Awards.
Policy Type	Corporate Services
Responsible Officer	Community Development Officer



Purpose

To acknowledge the contribution and celebrate community engagement of people within the community of the Shire of West Arthur.

Scope

The Awards recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

In particular the Shire encourages people from diverse backgrounds to consider nominating, including Aboriginal and Torres Strait Islander people, women, young people, those living with disabilities and people from culturally diverse backgrounds.

Definitions

Recipients will have been judged to have shown,

- Significant contribution to the local community over and above what is normally expected from their paid employment/business.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside or work principally within the Shire of West Arthur.
 - Groups of people or couples will not normally be eligible except when meeting the criteria for a community group, although a couple or pair working together on a joint initiative may be considered in an individual category at the discretion of the local selection committee,
 - A person may receive an award on more than one occasion in recognition of their particularly outstanding community contribution or involvement in an alternative initiative.
 - Unsuccessful nominees may be nominated in future years.
 - Nominations must be apolitical in their nature and should not in any way bring the awards program or local government area into disrepute.
 - Sitting members of State, Federal and Local Government are not eligible.
-

Policy Statement

In line with the Community Citizen of the year Awards from the Australia Day Council of Western Australia, nominations are to be sought from organisations and individuals for:

- Community Citizen of the Year
- Community Citizen of the Year (Youth)
- Community Citizen of the Year (Senior)
- Active Citizenship (group or event)

Nominations are to be in accordance with the official Australia Day Community Citizen of the year Awards.

Judging

- One winner is to be selected for each category, by a panel of **three** Council members;
- Judging will be in accordance with the criteria published in the Australia Day WA Citizen of the Year Award Guidelines; and
- No Award is to be presented when the judges believe the nominees are not of a sufficiently high standard to receive the award.

The Shire President, or his/her nominee, shall present the awards at the Australia Day Ceremony held annually.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Auspire – Australia Day Council of WA

Policy Title	F10 - Community Engagement
Policy Type	Community & Economic Development
Responsible Officer	Community Development Officer



Purpose

To provide guidance to the Shire 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.

Scope

This Policy applies to all Shire employees who deliver services or undertake projects that impact the community. The Shire will engage with a variety of community members and stakeholders using a number of different methods appropriate to the level of engagement.

This Policy does not apply to advocacy campaigns or negate the need to adhere to statutory and legal obligations.

Definitions

Community Engagement is the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the wellbeing of those people. It often involves partnerships and coalitions that help mobilise resources and influence systems, change relationships among partners, and serve as catalysts for changing policies, programs, and practices.

Policy Statement

The Shire of West Arthur recognises that community engagement and the opportunity for the community to participate in planning for the future are vital.

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 West Arthur residents, ratepayers (owners and occupiers), business proprietors, community groups, and visitors.

Community engagement does not mean achieving consensus. However, it does involve seeking broad, informed agreement and the best possible solution for Council and the community.

At times it may also include other spheres of government, neighbouring local governments, and other stakeholders with an interest in the Shire of West Arthur. 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

The Shire’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 Council are the decision-making body.

When Engagement is to be Undertaken

The Shire of West Arthur endeavours to undertake community engagement when:

- a. A decision is likely to have significant impact on an individual or group in the community
- b. There is, or likely to be, strong community concern or interest in the issue;
- c. 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;
- d. Significant changes to the current or future use of land or infrastructure within the Shire is being considered;
- e. Information is needed by Council about community needs, priorities or values to ensure planning is appropriate and responsive;
- f. 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 overall or a large part of West Arthur.

Level 2	High level impact of a local nature, eg a local area, specific community or user group
Level 3	Lower level of impact overall or a large part of West Arthur.
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:

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

Roles and Responsibilities

Council

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

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

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

Community

The Community is expected to:

- a. Inform themselves about Council functions, initiatives, activities and objectives and participate in civic affairs;
- b. 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; and
- c. Acknowledge that submissions addressing matters that are objective are generally considered more highly than those that demonstrate bias, or are subjective, or hypothetical.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Shire of West Arthur Community Strategic Plan: Shire of West Arthur Disability Access and Inclusion Plan:

Policy Title	F11 - Contiguous Land Valuations - Rates
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To provide guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) of properties made to the Valuer Generals Office.

Scope

This policy shall apply when considering applications for group rating.

Definitions

“Contiguous” means

- a. Where survey boundaries abut or adjoin
- b. Where locations or lots are separated by a road, drain or watercourse reserve, they may be deemed contiguous
- c. In exceptional circumstances, some properties may be deemed by the Valuer General to be contiguous, even though their boundaries do not strictly adjoin. In such cases the matter should be referred to the Valuer General or appropriate Chief Valuer, who may be guided by advice provided by the local government.

“Same Ownership” means

- a. Same names as per Certificate of Title
- b. Ratepayers name for recording on the Valuation Rolls, advised by the local government authority.

GRV means Gross Rental Value

UV means Unimproved Value

Policy Statement

GRV Valuations

With regard to Gross Rental Value (GRV), applications for group values will be assessed only if they meet all of the following criteria:

- a. Actual occupation (primary place of residence); and
- b. Are contiguous; and
- c. Are held in the same ownership; and
- d. Are used for the same purpose.

138

UV Valuations

With regard to Unimproved Value (UV), applications for group values will be assessed only if they meet all of the following criteria:

- e. Are contiguous, and
- f. Are held in the same ownership, and
- g. Are used for the same purpose

History	25/05/2023
Delegation	Contiguous Land Valuations - Rates
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	

Policy Title	F12 - Customer Service
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To provide service standards in the area of customer service.

Scope

This Policy applies to all levels of customer service throughout the Shire.

Definitions

Customer Service is the assistance and advice provided by a company to those people who buy or use its products or services.

Policy Statement

The Shire of West Arthur is committed to providing high quality customer service through access to consistent, accurate and relevant advice and information.

The Shire is committed to ensuring you experience a positive and fair outcome whenever you contact us, and we always welcome feedback on how our services can be improved and what is important to you.

We will:

- Progressively review and improve forms, systems and procedures from a customer's perspective;
- Conduct regular customer service employee training programs;
- Incorporate customer service improvements into all business plans;
- Progressively improve access to our services to all community members;
- Make information available in alternative formats for people with specific requirements; and
- Improve access to information by utilising a wide range of media types.

You can:

- Provide accurate and complete details when contacting us with any queries or requests for assistance;
- Contact us to make an appointment if you have a complex enquiry or need to see a specific officer;
- Treat employees with the same courtesy and respect given to you; and
- Acknowledge that the Shire may not have the authority to deal with your request/complaint and that you may need to refer it to another agency/organisation.

140

SERVICE STANDARDS – In Person**We will:**

- Promptly attend to you at all times in a professional, polite and attentive manner;
- Listen attentively in order to understand your needs;
- Attempt to resolve your query or request at the time of your visit; or refer your query or request to an appropriate employee, who will keep you informed at all times
- Ensure all employees who have face-to-face contact with customers wear a name badge for ease of communication.

You can:

- Treat our employees with courtesy and respect;
- Be open and honest in your dealings with us;
- Let us know when things change such as your address or contact details;
- Respect the rights of other customers;
- Make an appointment if you wish to speak with a specific officer; and
- Refer enquiries through the correct channels

SERVICE STANDARDS – Telephone**We will:**

- Promptly answer all telephone calls during working hours;
- Introduce ourselves over the phone by name;
- Aim to attend to, and complete your request at the time of your contact;
- Attempt to resolve your query or request at the time of your contact; or refer your query or request to an appropriate employee, who will keep you informed at all times;
- Take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are 'on hold'; and
- Be committed to ensuring all messages for employees are passed on immediately.

You can:

- Help us by providing us with sufficient detail to ensure your query is responded to in a timely manner;
- Treat our employees with courtesy and respect;
- Be open and honest in your dealings with us; and
- Refer enquiries through the correct channels.

SERVICE STANDARDS – Writing, emails and webforms**We will:**

- Acknowledge your contact within five (5) working days of receipt;
- Whenever possible provide a completion date when requests require in-depth research which will take longer than ten (10) working days;
- Write to you in clear, concise language that is easily understood; and
- Send out standard information within 24 working hours of the request being received.

You can:

- Let us know when things change such as your address or contact details;
- Help us by providing us with sufficient detail to ensure your query is responded to in a timely manner; and
- Refer enquiries through the correct channels.

HOW WE COMMUNICATE WITH YOU:

We are committed to communicating with you in a timely and responsive manner in order to keep you up to date on relevant issues.

The Shire recognises that it is here to serve the short and long-term needs of its community and to uphold the community's vision and values, and we will strive to meet these goals at all times.

Communication channels may include some or all of the following:

- Providing information on activities through a variety of means, including the West Arthur Echo, Shire website and Facebook page, noticeboards, SMS, and mail-outs;
- Ordinary Council Meetings which are open to the public;
- Public meetings on issues of major community concerns;
- Direct contact to request community input on various issues; and
- An open invitation to send ideas, suggestions or feedback in writing.

WEBSITE DATA

The Shire website provides a number of webforms on its website, including facility booking forms, feedback forms, equipment hire, change of details, application for planning approval and SMS updates. We aim to ensure all information is up to date at all times, but welcome feedback should you find that we fail to meet your expectations.

The Shire website also contains useful information including agendas and minutes of Council meetings, bush fire information, Community Resource Centre information, news and events, animals and much more. All of this information is accessible by visiting www.WestArthur.wa.gov.au.

After hours emergency numbers are available on our website www.WestArthur.wa.gov.au or on our Facebook page www.facebook.com/ShireofWestArthur.

CONTACTING COUNCIL MEMBERS

The role of a Council member is to:

- Represent the interests of electors, ratepayers and residents;
- Provide leadership and guidance to the community;
- Facilitate two-way communication between the community and the Council; and
- Participate in decision making processes at meetings.

Council members can keep in touch with electors in a variety of ways including:

- Attending meetings of local organisations;
- Being available and responding to residents who wish to raise issues or concerns;
- Attending events arranged by the local government;
- Participating in functions held in the local area; and
- Communicating with the community via a newsletter, email or website.

You may contact any Council member by email or telephone. Council members' details are available on our website www.WestArthur.wa.gov.au or by contacting the Shire Office on (08) 9884 1056.

COMPLAINTS

A complaint is a statement that something is unsatisfactory or unacceptable. This includes decisions, a level or quality of service, or behaviour of an employee or agent, which can be investigated and acted upon where no right of appeal or review is available under any other legislation.

A complaint is not:

- A request for service;
- A request for information or an explanation of a policy or procedure;
- Disagreement with a policy of the Council;
- An appeal or request for an internal or external review of a decision for which a structured process applies, other than that made as the result of a complaint; and
- An expression concerning the general direction and performance of Council or its Council members.

We will:

- Ensure all complaints are dealt with fairly, quickly and equitably;
- Record your complaint and acknowledge it;
- Direct your complaint to the most appropriate person within the Shire of West Arthur who will be responsible for keeping you up to date;
- After investigation, respond outlining the outcome; and
- Seek further information if required, and keep you informed of our progress.

You can:

- Help us by providing us with sufficient detail to ensure your complaint is responded to in a timely manner; and

143

- Refer enquiries through the correct channels.

CUSTOMER FEEDBACK

To gauge our performance in relation to our service commitments, we encourage feedback from our customers.

This Customer Service Policy is intended as collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process.

Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website www.WestArthur.wa.gov.au, or obtained from one of our Customer Service Officers.

CUSTOMER SATISFACTION SURVEY

Date of contact with the Shire of West Arthur:	
How did you contact the Shire:	<input type="checkbox"/> Email <input type="checkbox"/> Mail <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Facebook <input type="checkbox"/> Other:
When was your contact with the Shire:	<input type="checkbox"/> During business hours (Monday – Friday 9am – 4:30pm) <input type="checkbox"/> After business hours (all other times including Saturdays, Sundays and Public Holidays)
Which customer service area did you have contact with:	<input type="checkbox"/> Customer Services <input type="checkbox"/> Australia Post <input type="checkbox"/> Community Resource Centre <input type="checkbox"/> Technical & Environmental Services
Please rate each of the following aspects of your recent customer service experience:	Promptness of service <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
	Willingness to help <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
	Level of knowledge <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
	Professionalism of employees <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
	Friendliness of employees <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
	Information clear & easy to understand <input type="checkbox"/> Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Very Good <input type="checkbox"/> Excellent
Do you have any suggestions on how the Shire can improve interactions with its customers?	
Your Details (Optional)	
Name:	
Residential Address:	
Postal Address:	
Mobile Number:	Home Number:
Email Address:	
Further Information	
If you wish to be contacted regarding other surveys the Shire may conduct: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Office Use Only	
Central Records Ref:	<input type="checkbox"/> N&A Updated
Name:	Date:

History	25/05/2023
Delegation	Nil
Relevant Legislation	Local Government Act 1995
Related Documentation	Customer Satisfaction Survey

Policy Title	F13 - Debt Collection
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To determine action for collection of outstanding rates, service charges and sundry debtors.

Scope

This Policy applies to all monies owed to the Shire, and takes into consideration any application made under the Financial Hardship Policy.

Definitions

Caveat – a notice that certain actions may not be taken without informing the person who gave the notice.

Policy Statement

The Shire may recover unpaid rates, debtors or other charges in a court of competent jurisdiction for amounts outstanding for a period of less than three (3) years

- 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.

Unpaid Rates or service charges outstanding at least three (3) years

- Council approval is to be sought for any action recommended for rates, debtors or other charges outstanding for 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.)

History	25/05/2023
Delegation	Defer, Grant Discounts, Waive or Write off Debts Property & Rates - Recovery of Rates or Service Charges
Relevant Legislation	Local Government Act 1995 s6.56
Related Documentation	Nil

Policy Title F14 - Harvest & Vehicle Movement Ban – Christmas Day, Boxing Day & New Year’s Day



Policy Type Corporate Services

Responsible Officer Chief Executive Officer

Purpose

To comply with the *Bush Fires Regulations 1954* regarding the imposition of harvest and vehicle movement bans on public holidays.

Scope

This Policy applies in the whole of the Shire of West Arthur.

Definitions

A **Harvest and Vehicle Movement Ban** is a ban that individual local governments are responsible for issuing under the *Bush Fires Regulations 1954 - r38A – 38D, and/or r24C*.

Policy Statement

The following public holidays apply for the purposes of r38C of the *Bush Fires Regulations 1954*:

- Christmas Day
- Boxing Day
- New Year’s Day

A Harvest and Vehicle Movement ban shall apply in the world of the district of the Shire of West Arthur on the abovementioned days.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Bush Fires Regulations 1954 r38C</i>
Related Documentation	Nil

Policy Title	F15 - Integrated Planning & Reporting
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure the Shire recognises that for sustainability, good governance and the provision of effective services and facilities for the community, an integrated approach is needed to all planning and resourcing activities. The objective of this policy is to provide guidance and mandate activities to ensure compliance with the *Local Government Act 1995*.

Scope

This Policy applies to all employees having involvement with the Shire's Integrated Planning & Reporting processes.

Definitions

In essence, **Integrated Planning and Reporting** is a process designed to:

- Articulate the community's vision, outcomes and priorities
 - Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
 - Monitor and report progress
-

Policy Statement

The Council members and employees will follow the Local Government Department's Integrated Planning Framework that provides the process to:

- a. Ensure community input is explicitly and reliably generated.
- b. Provide capacity for location specific planning where appropriate.
- c. Inform long-term objectives of the Shire with these inputs.
- d. Identify the resourcing requirements to deliver against the long-term objectives.
- e. Clearly articulate long-term financial interchange implications and strategies.

The Council will ensure that there are adequate resources provided in both the integrated planning development and delivery phases to ensure timelines and legislative requirements are met and that the community expectations are addressed in a sustainable manner.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	West Arthur Strategic Community Plan: Corporate Business Plan: Integrated Planning and Reporting – Department of Local Government and Communities Framework and Guidelines: September 2016

Policy Title	F16 - Person Deemed in Authority of Shire Property and Facilities
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To confirm the authority of the Chief Executive officer in relation to all Shire of West Arthur property and facilities.

Scope

This Policy applies to all Shire property and facilities.

Definitions

Nil

Policy Statement

The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>s70A Criminal Code 2013</i>
Related Documentation	

Policy Title	F17 - Record Keeping
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

To provide guidance to Council members and employees regarding their record keeping responsibilities in line with current legislative requirements

Scope

This Policy applies to all Shire employees, Shire engaged contractors, and Council members.

Definitions

Record means any record of information however recorded and includes —

- a. anything on which there is writing or Braille; and
 - b. a map, plan, diagram or graph; and
 - c. a drawing, pictorial or graphic work, or photograph; and
 - d. anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them; and
 - e. anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
 - f. anything on which information has been stored or recorded, either mechanically, magnetically, or electronically;.
-

Policy Statement

The Shire of West Arthur 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.

Records will not be destroyed except by reference to the General Disposal Authority for Local Government Records.

Records Creation

All Council members, employee 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 historical requirements.

Records Capture and Control

151

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 West Arthur 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 employee 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 employee 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 Council members will be through the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Local Government Council Members

In relation to the recordkeeping requirements of Council 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, and other communications and transactions of Council members which constitute evidence affecting the accountability of the Council and the discharge of its business.

The Shire must ensure that appropriate practises are established to facilitate the ease of capture and management of Council 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.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>State Records Act 2000</i> <i>s2.7 - Local Government Act 1995</i> <i>Freedom of Information Act 1992</i>
Related Documentation	

Policy Title	F18 - Senior Employees
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish which positions are regarded by Council as Senior Employee positions for the purposes of S5.37 of the *Local Government Act 1995*, requiring referral to Council by the CEO, prior to any move to employ or dismiss a person in such a position.

Scope

This Policy applies to the employees as outlined below.

Definitions

Local Government Act 1995 – s5.37(1) – A local government may designate employees or persons belonging to a class of employee to be senior employees.

This policy also identifies “Key Management Personnel” as outlined in Policy – Related Party Disclosures.

Policy Statement

That the Designated Senior Employee positions as per S5.37 of the *Local Government Act 1995* are:

- Manager Corporate Services
- Manager of Works & Services

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995 s5.37</i>
Related Documentation	Policy – Related Party Disclosures

Policy Title	F19 - Workforce Planning
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure that strategic, operational and legislative objectives are met through efficient and effective management of its workforce for the delivery of service to the community in a timely and cost-effective manner.

Scope

Workforce Planning is a continuous process of shaping the workforce to ensure it can achieve the Shire of West Arthur’s 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 ensure the delivery of organisational goals resourced through effective long-term financial and business plans.

The Shire is committed to resourcing workforce requirements through its integrated planning processes as outlined in this diagram below. It recognises 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.

Definitions

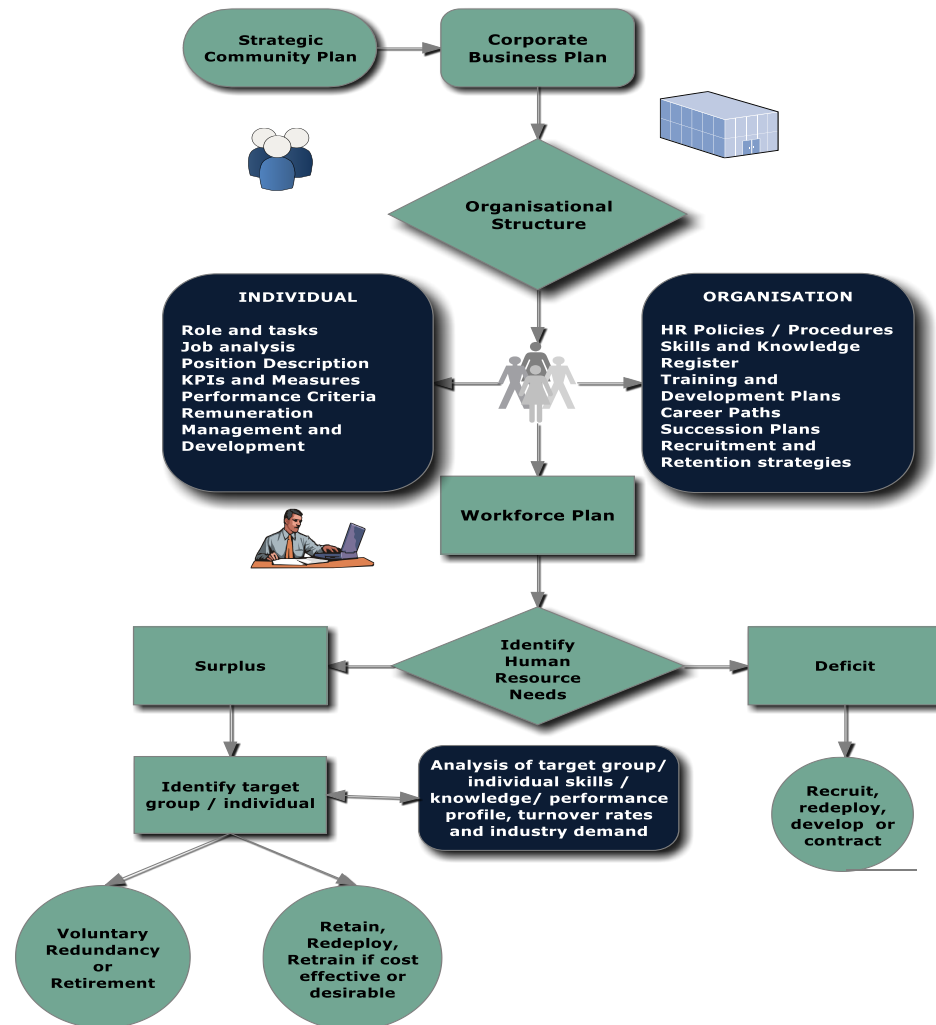
KPI means “Key Performance Indicator”.

Policy Statement

The Shire of West Arthur is committed to Workforce Planning, identifying that it is an essential management function in its operations.

The Shire of West Arthur recognises that the achievement of all goals and objectives are reliant on the skills and knowledge of its workforce and their individual resilience, perseverance and unique capacity to fit the environment.

Workforce Planning Diagram:



Roles and Responsibilities

Chief Executive Officer and Managers

CEO and Managers of employees have the responsibility and accountability for ensuring that all employees 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 employee that will meet relevant organisational objectives. Employee 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 for inclusion in the Workforce Plan.

The CEO will research, collect and monitor relevant workforce data and statistics including demographics

and trends as part of the integrated planning cycle.

Employees

All employees involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995 – s5.56(2)</i>
Related Documentation	

Policy Title	F20 - Purchasing and Tenders
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

The objectives of this policy are to:

- Ensure best practice policies and procedures are followed in relation to procurement for the Shire;
- Ensure compliance with the Local Government Act 1995 (the Act) and Part 4 of the Local Government (Functions and General) Regulations 1996 (the Regulations);
- Undertake procurement processes that ensure value for money for the Shire by delivering the most advantageous outcome possible;
- Ensure openness, transparency, fairness and equity through the procurement process to all potential suppliers; and
- Ensure efficient and consistent procurement processes are implemented and maintained across the Shire.

Scope

This Policy applies to all procurement activities undertaken by the Shire's employees, appointed representatives and, where applicable, contractors procuring on behalf of the Shire.

The Shire is committed to efficient, effective, economical and sustainable procedures in all purchasing activities.

This Policy:

- a. Ensures that purchasing transactions are carried out in a fair and equitable manner.
- b. Strengthens integrity and confidence in the purchasing system.
- c. Ensures that the Shire receives value for money.
- d. Ensures that the Shire considers the environmental impact of the procurement process across the life cycle of goods and services.
- e. Ensures the Shire is compliant with all regulatory obligations.
- f. Promotes effective governance and definition of roles and responsibilities.

Upholds respect from the public and industry for the Shire's purchasing practices that withstand probity.

Definitions

Shire means the Shire of West Arthur.

Policy Statement

Ethics & Integrity

All employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- a. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- b. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire 's policies and code of conduct;
- c. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- e. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed and
- f. Any information provided to the Shire by a supplier shall be treated as commercial in confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire.

It is important to note that compliance with the specification is more important than obtaining the lowest price particularly considering user requirements, quality standards quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- a. All relevant whole of life costs life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, 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;
- c. Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- d. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining enough competitive quotations wherever practicable. Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Purchasing Thresholds

Council has resolved that the following limits and arrangements apply:

Amount of Purchase (ex-GST)	Number of Quotations required
Up to \$5,000	Goods and services of a low risk, consumable item and occasional nature may be purchased without the need for a quotation. These goods or services must be ad hoc and not of a repetitive nature.
\$5,001 - \$10,000	Seek at least one verbal or written quotations from a suitable supplier.
\$10,001 - \$50,000	Seek at least two written quotations from a suitable supplier.
\$50,001 – \$249,999	Seek at least three written quotations from suitable suppliers.
\$250,000 and above	Conduct a public tender or other public procurement process. or Seek at least three (3) quotations from an appropriate exempt arrangement.

NOTE: To reduce the number of quotations for items up to value of \$50,000, refer to item “Sole Source of Supply” criteria.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000 all the procedures for tendering outlined in this policy must be followed in full.

NOTE: The general principles relating to written quotations are;

- a. An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- b. The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
 - Shire’s Work Health & Safety requirements for Contractors
- c. Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- d. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- e. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- f. Respondents should be advised in writing as soon as possible after the final determination is made and approved.

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- a. An emergency situation as defined by the Local Government Act 1995;
- b. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- c. The purchase is under auction which has been authorised by Council;
- d. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- e. Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Sole Source of Supply (Monopoly Suppliers)

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

Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

NOTE: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent of 'splitting' the purchase value or contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender.

Tenders**Advertising Tenders**

Tenders are to be advertised in a state-wide in accordance with the *Local Government (Administration) Regulations 1996*. There is no requirement to advertise E-quotes in a newspaper. The tender must remain open for at least 14 days as a minimum.

The notice request must include:

- a. A brief description of the goods or services required;
- b. Information as to where and how tenders may be submitted;
- c. The date and time after which tenders cannot be submitted;
- d. Particulars identifying a person from who more detailed information as to tendering may be obtained;
- e. Detailed information shall include:
 - Such information as the Shire decides should be disclosed to those interested in submitting a tender;
 - Detailed specifications of the goods or services required;

- The criteria for deciding which tender should be accepted;
- Whether or not the Shire has decided to submit a tender; and
- Tenders cannot be submitted by facsimile or other electronic means, as confidentiality cannot be guaranteed by these processes.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and one other Shire employee. The details of all tenders received and opened shall be recorded in the Tender Register.

Tenders are to be opened in accordance with the advertised time and place. Members of the public are entitled to be present.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire by means of a written evaluation against the pre-determined criteria.

The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Each tenderer will be advised of the particulars of the successful tender

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire may vary the initial information by taking reasonable steps to give each person who has obtained copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire and tenderer have entered into a Contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Records Management

Record retention shall be in accordance with the requirements of the *State Records Act*, and the Shire's internal records management policy.

Value for Money

It should be noted that price is only one factor to be considered when the Shire assesses quotations and tender submissions. Value for Money principles will be used to achieve the best possible outcome for every dollar spent by the Shire. This is achieved by assessing against weighted Evaluation Criteria rather than simply selecting the lowest purchase price.

Purchasing from Disability Enterprises

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, where a value for money assessment

161

demonstrates benefits for the Shire’s achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

Purchasing from WA Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA produced by the Chamber of Commerce and Industry of Western Australia Limited may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- f. The contract value is worth \$250,000 or less, and
- g. A best and sustainable value assessment demonstrates benefits for the Shire’s achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

Purchasing from Environmentally Sustainable Businesses

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire’s achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to 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

History	25/05/2023
Delegation	Expression of Interest for Goods and Services Tenders for Goods and Services – Call Tenders Tenders for Goods and Services – Accepting and rejecting tenders, varying contracts, exercising contract extension options Tenders for Goods and Services – Exempt Procurement
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Related Documentation	

Policy Title	F21 - Recognition and Depreciation of Assets
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

The Shire owns, creates, purchases and manages assets and must ensure that effective and accountable systems are in place to safeguard the Shire's resources. This includes the development of appropriate systems to record the location and value of fixed assets acquired or constructed by the Shire.

Scope

This policy applies to all fixed assets owned, purchased, created, leased and managed by the Shire.

Definitions

"Carrying amount" is defined in Australian Accounting Standards Board (AASB) 116 as the amount at which a non - financial asset is recognised after deducting any accumulated depreciation and accumulated impairment losses.

"Contributed Asset" is an asset acquired by the Shire at nominal or no cost, usually by way of agreement with property developers, through State Government arrangements or bequeathed to the Shire.

"Cost" is defined in AASB 116 as the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire an asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised.

"Depreciable amount" is defined in AASB 116 as the cost of an asset, or other amount substituted for cost, less its residual value.

"Depreciation" is defined in AASB 116 as the systematic allocation of the depreciable amount of an asset over its useful life.

"Fair value" is defined in AASB 13 as the price that would be received to sell a non- financial asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

"Leases" is defined in AASB 16 stating that a contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

"Intangible Asset" is defined in AASB 138 as an identifiable, non-monetary asset without physical substance.

"Right of use (RoU) Asset" is defined in *Local Government Financial Management Regulations 1996* 17A (FMR17A) as an asset that is controlled but not owned by the Local Government entity and includes the local government's right to use –

- a. Crown land; or
- b. Other land that is not owned by the local government,

that is vested in the local government at nil or nominal cost for an indefinite period for the purpose of roads or any other purpose.

"Vested improvement" is defined in FMR17A as a pre-existing improvement on land of which the care,

control or management is vested in the local government at nil or nominal cost for an indefinite period.

“Property, plant and equipment” is defined in AASB 116 as tangible items that:

- a. are held for use in the production or supply of goods or services, for rental to others, or for administrative purposes; and
- b. are expected to be used during more than one period.

“Residual value of an asset” is defined in AASB 116 as the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

“Useful life of an asset” is defined in AASB 116 as:

- a. the period over which an asset is expected to be available for use by an entity; or
- b. the number of production or similar units expected to be obtained from the asset by an entity.

Policy Statement

With the exception of plant and equipment and other ‘right of use’ assets, the Shire values its assets using the fair value model in accordance with Australian Accounting Standards.

Fair value is considered to be the best estimate of the price reasonably obtainable in the market at the date of the valuation. It is the most advantageous price reasonably obtainable by the seller and by the buyer.

In determining fair value, there is a presumption that the entity disposing of the asset is a going concern and has no aim to liquidate assets or materially alter the scale of its operations. It is also assumed that the asset is exchanged after an adequate period of marketing to obtain its most advantageous price.

A principal test in determining fair value is whether there is an active and liquid market for the asset. Where a quoted market price in such a market is available, that price represents the best evidence of the asset’s fair value.

Fair value is also determined in reference to an asset’s highest and best use, which results in the highest value.

AASB 116 provides that the fair value of land and buildings is usually determined from market-based evidence and appraisal by professionally qualified valuers, however there is no statutory requirement to use valuers. Where there is no market-based evidence of fair value because of the specialised nature of the asset (and the item is rarely sold), fair value may need to be estimated using an income or a depreciated replacement cost approach. AASB 13 notes that fair value is a market-based measurement and not an entity-specific measurement. While market information might

be available for some assets and liabilities, market information may not be available for others. Hence another valuation technique may be required. The valuation techniques are:

1. Market approach - uses prices and other relevant information generated by market transactions involving identical or comparable (similar) assets, liabilities or group of assets and liabilities.
2. Cost approach - the amount that would be required currently to replace the service capacity of an asset (also referred to as ‘current replacement cost’).
3. Income approach - involves converting future amounts (cash flows or income and expense) to a single current (discounted) amount.
4. Depreciated replacement cost - the current replacement cost of an asset less, where applicable,

accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

All new assets are measured initially at their cost of acquisition. In accordance with the AASB, where an asset is acquired at no cost, the cost of the acquisition is deemed to be the asset’s fair value (see Contributed assets).

The cost of acquisition is defined as including the initial estimate of the costs of dismantling and removing the asset and restoring the site on which it is located. When an asset is valued at fair value all assets of that class must be valued using the same method.

There are some assets that are “specialised” in nature, which is where the market evidence might not be available to guide fair value measurement. Such specialised assets may include infrastructure, land under infrastructure, sewerage plants, and historical or cultural assets. AASB 116 recognises the specialised nature of some assets and, as previously mentioned, provides for an income or depreciated replacement cost approach to be used to determine fair value. Note: Land and buildings are separate classes of assets and need to be valued separately.

Recognition

As part of preparing the statutory financial statements, expenditures incurred by the Shire must be classified as either being ‘operational in nature’ or being such that they result in the creation of a ‘fixed asset’ (capital in nature). The manner in which expenditure is classified has a major impact on results disclosed in the Operating Statement and on the financial position disclosed in the Shire’s Statement of Financial Position. Those items which are ‘capitalised’ must be depreciated over their useful life, which is determined according to the particular asset class to which that item belongs. Items that are ‘expensed’ rather than capitalised are to be included as operating expenditure at the time of incurring the cost.

The nature of the expenditure must be carefully considered to determine whether it creates a new fixed asset or whether it constitutes a repair or maintenance. Reference to relevant professional accounting standards and practice statements provide guidance in this regard.

To effectively balance the administrative workload of recording and maintaining a reliable Asset Register with the risk and compliance issues attaching to the proper classification of capital expenditure, regulation 17A(5) of the *Local Government (Financial Management) Regulations 1996* states:

“A non-financial asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.”

To permit this and to ensure compliance with the regulations, expenditure to acquire or enhance an asset should be capitalised if the expenditure is above the following thresholds and meets the definition of an asset:

Capitalisation of Thresholds for Non-Current Assets are:

- Land \$5,000
- Buildings \$5,000
- Plant and Equipment \$5,000
- Furniture and Equipment \$5,000
- Infrastructure (all classes) \$5,000
- Bridges \$5,000

Depreciation

Depreciation will commence from the date of acquisition or in respect of internally constructed assets, when the asset is first brought into use or held ready for use. Depreciation is recognised on a straight-line basis.

An addition or extension, which becomes an integral part of an existing asset, should be depreciated over the remaining useful life of that asset. An addition or extension, which remains a separate identity and will be capable of being used after the existing asset is disposed of, should be capitalised and depreciated independently.

Assets will be depreciated with regards to the following schedule of useful lives:

Asset Class	Useful Life
Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	70 years
Seal	
bituminous seals	15-25 years
asphalt surfaces	15-25 years
Gravel roads	
formation	not depreciated
Pavement	50 years
Gravel sheeting	10-15 years
Formed Roads	
formation	Not depreciated
pavement	50 years
Foot paths – slab	20 years
Sewerage piping	100 years
Water supply piping & drainage systems	75 years
Bridges	60 to 90 years

Right of Use (RoU) Assets / Leased Assets

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for considerations.

AASB 116 *Leases* removes the distinction between operating and finance leases for lessees and requires the recognition of a RoU asset and lease liability on the Statement of Financial Position, with the exception of short-term leases and low value leases.

All contracts that are classified as short-term leases (a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease. The Shire deems leases for an underlying asset valued less than \$5,000 to be a 'low

value’ lease.

At the commencement date, a right of use asset and a corresponding lease liability are recognised at the present value of all future lease payments (cost). The lease payments are discounted using the interest rate implicit in the lease. If the rate cannot be readily determined within the lease agreement, the Shire uses its incremental borrowing rate as published by the Western Australian Treasury Corporation (WATC).

Regulation 17A of the *Local Government Act (Financial Management) Regulations 1996* specifically requires right of use assets to be valued at cost. Concessionary leases (‘peppercorn leases’) such as vested crown land and other land, which is not owned by the LG entity, but which is under its control or management, is a concessionary lease right of use asset and should be reported at zero cost. This includes land that was previously classed as having state or regional significance such as golf courses, showgrounds, or race courses.

As an exception to this, vested improvements, in accordance with FMR 17A and 17A(2c), are to be recorded as a right of use asset at fair value rather than cost.

Subsequent improvements on concessionary land leases such as roads, buildings or other infrastructure constructed by the Shire are to be disclosed within their relevant asset class at fair value.

Depreciation of Leased Assets

Right of use assets are depreciated over the lease term or useful life of the underlying asset, whichever is the lesser. Where a lease transfers ownership of the underlying asset, or the cost of the right of use asset reflects that the Shire anticipates to exercise a purchase option, the specific asset is amortised over the useful life of the underlying asset.

History	25/05/2023
Delegation	
Relevant Legislation	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Australian Accounting Standards
Related Documentation	

Policy Title	F22 – Fraud and Control
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To protect resources, including information, and safeguard the integrity and reputation of the Shire. This policy sets out the arrangements for the overall management of the risks and any instances of fraud and/or corruption.

The Shire does not tolerate fraud and corruption. Control of fraud and corruption is the responsibility of everyone in, or associated with, the Shire.

It is recognised that fraudulent activity and corruption are illegal and contrary to the Shire's organisational values and Codes of Conduct.

Scope

This policy ensures Employees, Elected Members, Committee Members, contractors, and volunteers are aware of their responsibilities in relation to fraud and corruption prevention and control, the identification, treatment and recording of fraud or corruption risks, fraud or corruption auditing and detection processes, reporting responsibilities and obligations and investigation procedures.

Definitions

Fraud – is defined as dishonest activity causing actual or potential financial loss to the organisation including theft of money or other property whether or not deception is used at the time, before or after the activity. It also includes deliberate falsification, concealment, destruction, or falsification of documentation used for a normal business purpose as well as improper use of corporate information or position.

Corruption - is defined as an act done with intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others.

Policy Statement

Responsibilities

All Elected Members, employees, contractors, and volunteers of the Shire are required to observe the highest standards of ethics and integrity in undertaking their roles as custodians of the Shire's assets, financial resources, and information. They are also expected to act in an open, honest, and professional manner that reflects the high standing of the Shire.

It is recognised that fraudulent activity and corruption are illegal and contrary to the Shire's organisational values.

The Shire will take a proactive stance to ensure that incidences of fraudulent or corrupt activities or behaviours do not occur. Whilst the Shire endeavours to foster a culture which upholds trust (openness, honesty, and integrity), it must be recognised that not everyone within an organisation may share those values. In responding to this, the Shire will ensure the creation of an effective internal control environment, supported by a positive organisational culture and effective leadership aimed at preventing fraud and corruption from occurring.

168

As such all Elected Members, employees, contractors and volunteers of the Shire are to report actual or suspected fraud and corruption and report potential sources of fraud and corruption.

- Reporting Fraud and Corruption:
A Public Officer or any other person may report to the Corruption and Crime Commission (CCC) or the Public Sector Commission (PSC) any matter which that person suspect on reasonable grounds concerns or may concern serious or minor misconduct.

[Corruption and Crime Commission](#)

[Public Sector Commission](#)

- Audit and Risk Committee:
Will be notified of instances of alleged fraud and corruption through risk reporting.

Prevention

The Shire proactively engages in preventative measures designed to help reduce the risk of fraud and corruption from occurring. These include:

Leadership	Setting and demonstrating the standards for ethical behaviours for the Shire
Risk Assessment	Identifying, Monitoring, Mitigating or Eliminating Fraud Hazards
Processes and Systems	Information Technology System controls Transparent, robust policies and processes <ul style="list-style-type: none"> - Code of Conduct - Procurement - User access policies - Contracts - Audit
Education and Awareness	Initial and ongoing training and communication and consultation with Elected Members, employees, volunteers, and contractors engaged.
Public Interest Disclosures	Public Information

Detecting

Early detection is an essential element of fraud and corruption control. Although notifications of fraud and corruption from internal and external sources are the most common method of detection, other detection measures include monitoring high-risk areas, internal reviews and audits, intrusion detection systems, conducting reviews focused on risk, or data mining and data matching.

Fraudulent and corrupt conduct is able to be detected through the Shire’s robust internal control systems and mechanisms. These include:

Audit Plan
Procurement - Purchasing and Tenders Policy
Audit and Risk Committee
Public Interest Disclosures

Responding

When the Shire becomes aware of incidents of fraud and corruption the Shire will act promptly and decisively.

Responses include:

- internal investigations;
- referrals to external investigators where appropriate;
- referrals to the police and/or the Corruption and Crime Commission;
- remedies for dealing with misconduct, such as disciplinary action up to and including termination of employment;
- active recovery of proceeds of fraud or corruption where appropriate;
- internal reporting on fraud and corruption instances to the Audit and Risk Committee;
- review of internal controls by the Executive Management Team.

History	25/05/2023
Delegation	People and Culture
Relevant Legislation	Local Government Act 1995 (WA) Local Government (Functions & General) Regulations 1996 Public Sector Management Act 1994 Corruption, Crime & Misconduct Act 2003 Public Interest Disclosure Act 2003
Related Documentation	Purchasing and Tender Policy Code of Conduct for Employees Code of Conduct for Elected Members Contracts of Employment

Policy Title	F23 – Acceptable Use
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

This policy document provides all staff with the information and guidelines required to ensure that our systems, networks, application, and data are used and accessed in an acceptable way. This policy is part of our IT security and governance framework and should be reviewed alongside our other complimentary policies and procedures.

The Acceptable Use Policy relates to the rules applied by owners, creators or administrators of the Shire’s computer network, website or service and defines what users are allowed to do with corporate IT systems and resources.

Scope

This policy applies to all staff.

Definitions

In this document, the terms “we”, “us”, “our” and “the Shire” refers to Shire of West Arthur.

Policy Statement

This Acceptable Use policy is essential to protect our networks and systems. This requires due diligence in relation to the security of our IT network and the protection of sensitive data from accidents and illegal actions.

Responsibilities

As a Shire of West Arthur employee, contractor or consultant, you have a personal responsibility to ensure all IT assets are appropriately used and safeguarded. This applies to corporate IT equipment, systems and work infrastructure as well as all personal devices used for business purposes.

You must:

- Ensure the use of our business systems, networks and the internet are lawful and does not adversely affect other employees or stakeholders.
- Take appropriate steps to maintain security on applicable devices and report anything that is potentially damaging to the Shire.
- Follow all relevant legislation regarding IT use.
- Follow this Acceptable Use Policy regarding IT use.
- Respect your fellow staff members and the wider public by ensuring all communications (email and social media) are appropriate, considerate, and relevant.

As an employee, contractor or consultant of the Shire of West Arthur, you acknowledge and accept that we may use tools and technologies to review access logs, files and your internet browsing history which may be stored on any machine or device used in conjunction with your employment or engagement.

Requirements

Passwords

Strong passwords are useful in defeating certain types of Cyber Attacks. Make sure that your passwords are easy to remember but not easy to guess (e.g.! Password1 is not acceptable).

Your password must:

- Contain 12 characters.
- Include 1 special character.
- Include 1 number.
- Include 1 capital letter.
- Is changed every 90 days.
- Be different to the other passwords used for personal email accounts or websites.

You must not:

- Share your password with others.
- Record passwords on paper or in documents.
- Enter passwords while overlooked and do not overlook others as they enter passwords.

Personal Use

Limited personal use of the Shire's IT property and devices is permitted, provided it is not excessive and does not breach the following guidelines:

You must:

- Only use social media for legitimate and relevant business purposes during work hours.

You must not:

- Use the Shire's property to conduct political activity or share political content.
- Use the Shire's IT property or device to post or share defamatory content.
- Use corporate email accounts for personal reasons or to register to sites for personal use.
- Defame the Shire or any colleague on any social media or online platform.
- Post or share any personal opinions, materials or content that could be mistaken for being shared on behalf of the Shire.

Internet

The use of the Internet should be predominantly for business purposes; however, appropriate, limited personal use is allowed. By using our network and IT services you are accepting that your use of the internet, websites and downloads may be monitored and/or blocked by us if they are deemed to be harmful and/or not productive to business.

You must not:

- Visit inappropriate sites (e.g., adult sites, hacking sites, chatrooms, torrent sites, or online games).
- Access, store, send, download or distribute offensive, pornographic, defamatory, threatening, discriminatory, bullying, inappropriate, false, sexist, derogatory or malicious comments, or images, or materials that violate the privacy of, or incites violence or hatred against, any person or class of persons, or which could give rise to civil or criminal proceedings.
- Engage in any abusive or explicit online behaviour (e.g. trolling, defaming, bullying, extortion).
- Post any content - anywhere - that defames us or could damage our reputation. Nor are you allowed to post any information that is considered internal or confidential.
- Download any content or documents from untrusted sites.
- Download or install any unauthorised software.
- Open any files containing macros (e.g., XLSM or VBA files) – unless you know them to be safe.
- Attempt to hack or gain unauthorised access to networks or websites.
- Authorise, aid, abet, encourage or incite any other person to do or attempt to do any of the

above acts.

- Transfer confidential data via public/open WIFI. Confidential data should only be transferred using your corporate email address or user profile and that this transfer must be performed on our network or on an equivalently secured network.

Social Media

Employees are free to use social media subject to the following guidelines:

You must not:

- Defame the Shire or bring the company name into disrepute.
- Provide opinions or purport to represent the Shire on any social media channel without prior authorisation.

Email

If you are issued a corporate email address, or if you use your personal email at work there are guidelines you must follow to help ensure our networks and systems are not compromised.

You must:

- Check that the name or title of the link matches the destination which appears in the bottom of your email client before clicking a link.
- Be on the lookout for “phishing” emails where emails attempt to gather your personal information fraudulently. Remember, legitimate businesses NEVER request you to confirm information such as your password or credit card information in an email, or link provided in an email.
- Delete or send emails that you know to be Spam to your junk filter.
- Check you are emailing the correct person/people before you hit send.

You must not:

- Click on the links within emails unless you know them to be safe.
- Open email attachments from senders you don't recognise.
- Open attachments that contain macros (e.g., Microsoft Excel .xlsm files) - unless you know them to be safe.
- Use your business email address to register to non-business-related sites.

Network and Printer Usage

If you are provided with access to our network, drives, files and printers, you must take personal responsibility to maintain the confidentiality, security and integrity of our data and documents.

You must:

- Be mindful of resource usage and only print when necessary.
- Limit printing for personal use to within reasonable levels.
- Collect printed documents from the printer as soon as they are printed.

You must not:

- Share or facilitate others to access our network digitally or physically, drives or documents.
- Download or install software on your machine or on the network without express permission to do so.

Bring your own device (BYOD)

Depending on your role and operational needs you may be permitted to use your own device for business use. Personal devices, used for business purposes are subject to the same rules as defined within this policy. Permission to allow personal devices to be used for business purposes may be revoked if any of the above guidelines in this document are broken.

You must:

- Register personal mobile devices with IT.

173

- Enable a PIN-or-Enable-Biometric-Security (e.g., your fingerprint).
- Ensure personal devices are password protected in accordance with password criteria above.
- Ensure the operating systems on your BYOD devices are kept up to date.
- Use your BYOD device ethically in accordance with the other requirements of this policy.
- Notify your line manager if your personal device that is used for business purposes, has been lost or stolen.
- Install latest versions of all software and applications necessary to perform your role.

You must not:

- Use 'Jailbroken' or 'rooted' devices; these are strictly prohibited.
- Store Confidential or restricted data on any personal devices.
- Use compromised devices that may contain insecure software, apps or malware or are used to visit sites that are likely to cause potential security risk.

If you use your own personal devices (laptops, desktops, and mobile devices) to access our systems or data you acknowledge and accept that we have the right to:

- Ask you to remove all applications containing our data; and
- Enforce the use of specific software for accessing emails, documents and for automatically and remotely clearing our company data from your device.

Cyber Awareness

Security is everybody's business.

You must:

- Take reasonable measures to protect sensitive information you have been granted access to.
- Inform your Manager and/or the Manager Corporate Services if you suspect that your user account or credentials have been compromised.
- Attend Cyber Awareness training as provided by the Shire.

Removable Media

Removable media, including but not limited to; USB drives, external hard drives and external solid-state drives may be used subject to the following conditions.

Removable media must:

- Be scanned prior to use to ensure it is free from viruses and malware.

Removable media must not:

- Be used on endpoints that have administrative access to systems or data.

Compliance

We will verify compliance to this policy through various methods, including but not limited to, business tools, reports, internal and external audits, and feedback to the policy owner.

Any employee found to have violated this policy may be subject to disciplinary action, suspension, up to and including termination.

Acknowledgement

I confirm that I have read, understood, and agree to adhere to this policy:

Full name:

Position:

Organisation:

(Only applicable if external organisation)

Signature:

Date:

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
Related Documentation	Incident Management Policy; Risk Management Policy; Disaster Recovery Plan

Glossary – Useful Terms

Term	Meaning
BYOD	An acronym for the term “Bring Your Own Device” which relates to the policy of enabling users to connect to corporate systems with their personal devices.
Cyber Attack	An attempt to damage, disrupt, or gain unauthorized access to a computer, computer system, or electronic communications network.
Cyber Security	The combination of technologies, processes and practices used to defend against cyber-attacks.
Cyber Security Posture	An organisation’s overall cyber security strength.
Data Breach	The intentional or unintentional unauthorised access, loss or disclosure of personal, private or sensitive information
Jailbreak	To remove software restrictions on a device. This can result in weakening security controls as implemented by the manufacturer. The term typically refers to an Apple device.
Macros	A macro is a piece of code that can replicate the actions of keystrokes or mouse-clicks. While very useful, they can also be used to breach security controls and perform cyber-attacks.
Malware	Malware is the general term for any software that is intentionally designed to cause damage to any computer, server or network. Examples of malware include Spyware, Adware, Trojan horses, Viruses and Worms.

175

Term	Meaning
Personal Information	Information that can be used to identify a person. This may include someone’s name, address, age, bank account details, date of birth and signature.
Phishing	Phishing is the fraudulent attempt to obtain sensitive information, data by tricking the recipient into believing the email has originated from a genuine source.
Rooted	Rooting is the process of gaining privileged access to the subsystems of Android devices creating potential for security issues.
Sensitive Information	A type of Personal Information, that if disclosed, could cause harm. This may include information or opinions about a person’s: religion, disability, race, ethnic origin, sexual preferences, criminal record, mental illness, state of vulnerability, political or philosophical opinions and whether under investigation.
Subnet	A subnet is a logical subdivision of an IP network into groups of IP addresses.
Spam	Spam are unsolicited email messages delivered to your inbox.
Trolling	The deliberate act of making random, unsolicited and/or or controversial comments on the Internet.
USB drives	A small storage device that plugs into the USB port on your computer and is used to store or transfer files.
WIFI	A family of Wireless network protocols used for connecting local area networking devices and to access the internet.
XLSM	An excel file format containing macros - pieces of Visual Basic Code that, if activated, can automatically run on your machine.
XML	Stands for eXtensible Markup Language and is a text format used to transport data between software programs.

Policy Title	F24 – ICT Risk Management
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

This document outlines the approaches and activities required for effective ICT Risk Management within the Shire. This forms part of the Shire’s ICT Governance Framework and is important in ensuring alignment with industry best practices and statutory compliance.
 A risk is an event that may occur which may prevent us from reaching our strategic goals or delivering business services and completing projects.

Scope

This policy applies to IT and the Executive.

Definitions

In this document, the terms “we”, “us”, “our” and “the Shire” refers to Shire of West Arthur.

Policy Statement

ICT Risk Management is the process of identifying, assessing, and responding to technology related risks that may impact the security, maintenance or use of the Shire networks, systems, or data.
 ICT Risk Management is important as it helps define priorities, plan activities, and allocate appropriate funding to ensure the smooth running of technology related business services.

Responsibilities

All staff are responsible for assisting in effective ICT Risk Management by proactively identifying and raising potential risks to senior management and to explain the potential impact of the risk should it occur.

The CEO and Managers are responsible for allocating sufficient time, ensuring resources are applied in identifying, assessing, and mitigating risks as well as ensuring the Risk Management Process and associated activities are effectively managed.

The Shire’s Managed ICT Support Service should be engaged in the Risk Management Process to help identify, assess, and potentially help resolve technology risks. Management should be provided with monthly reports highlighting key technology metrics, including but not limited to:

- Network usage versus bandwidth
- Connectivity issues
- User machines (operating system issues, patches, memory, storage versus capacity)
- User lockouts
- Onboarding / Offboarding

- Ticketing stats (new tickets / resolved tickets)
- Strategic Issues - Management Overview and Stats
- Problem Management - Overview and details

Risk Management System

All risks will be entered into a Risk Management system. The system will be used to track:

- Risk Details: Unique Risk ID, Description, Date identified, Raised By.
- Assessment: Likelihood, Impact, Frequency, Cost to remediate.
- Response: Mitigate, Accept, Transfer.
- Controls: Whether existing controls are in place to reduce the probability of the risk occurring.
- Actions: Owner, Due Date, Details.

How to rate the probability of a risk occurring

The probability of a risk can be determined as follows:

Probability Rating	Probability Description
1	<ul style="list-style-type: none"> • Very likely that the risk will not occur.
2	<ul style="list-style-type: none"> • Small chance of the risk happening.
3	<ul style="list-style-type: none"> • 50/50 chance of the risk occurring.
4	<ul style="list-style-type: none"> • More likely to occur than not.
5	<ul style="list-style-type: none"> • Very likely to occur. • Business Services may be slightly delayed or interrupted. External stakeholder communication required.

How to rate the impact of a risk

A risk is rated by considering its impact should it occur. The table below should be used to rate ICT risks.

Impact Level	Impact Description
1. Low	<ul style="list-style-type: none"> • Little to no impact to business services
2. Minor	<ul style="list-style-type: none"> • Business Services may be slightly delayed or interrupted. • Normal services to be resumed within 24 hours. • Wider stakeholder communication not required.
3. Moderate	<ul style="list-style-type: none"> • Business services expected to be interrupted for more than 24 hours. • External stakeholder communication potentially required.
4. High	<ul style="list-style-type: none"> • Business services likely to be interrupted for up to 72 hours. • External stakeholder communication required.

Impact Level	Impact Description
5. Major	<ul style="list-style-type: none"> • Interruptions or delays that halt the delivery of business services for more than 72 hours. • External stakeholder communication required.

How to rate risk frequency

A risk may be prone to re-occurring. Depending on its nature (probability and impact) re-occurring risks can quickly escalate into incidents and/or problems. It is therefore important to rate how often the risk is likely to manifest itself using the table below:

Frequency Level	Frequency Description
Low	Only expected to occur once.
Moderate	<ul style="list-style-type: none"> • Expected to re-occur more than once. • Business Services may be slightly delayed or interrupted. • Likely to annoy users or impact business services.
High	<ul style="list-style-type: none"> • Will repeatedly re-occur. • May result in system or connectivity outages.

Risk management process

The Shire will follow the following Risk Management Process:



IDENTIFICATION

Write down all the threats and risks you can think of, and ask for ones from other stakeholders.

ASSESSMENT

Evaluate each risk by determining the likelihood of it happening and the level of impact it'd have.

MITIGATION

Implement process changes to reduce the impact of each risk and a response plan for if it happens.

MONITORING

Review the progress of the plan and check if a risk has occurred but was missed on a continuous basis.

REPORTING

Communicate the effectiveness of the risk plan to stakeholders to keep engagement up.

Identify

The Shire’s management team will meet quarterly to identify and capture new risks within a formal Risk

management System. Risk identification requires knowledge of:

- What might go wrong?
- What is / would be the cause?

Assess

The Risk Management team will review and update the Risk Log for each risk by determining:

- What are the chances of it happening?
- What would the impact be?
- How often is it likely to occur?
- What can be done about it?
- What if we don't do anything about it?

Respond

The Risk Management Team will review each risk and apply one of the following responses:

- Mitigate: plan activities and allocate funding to resolve the risk.
- Accept: agree to deal with the impact of the risk if it occurs.
- Transfer: obtain insurance to cover the impact of the risk should it occur.

Monitoring

The Risk Review Team will schedule regular reviews and the generation of risk reports to:

- Capture new risks that may have occurred.
- Validate whether previous risks assessments are still accurate or need revisiting.
- Monitor and potentially re-prioritise existing risk management activities.

Reporting

The Risk Review Team will create and review risk log reports to evaluate the effectiveness of:

- ICT Risk Management expenditure.
- Existing and new controls.
- Communicate the ICT Risk Plan to stakeholders.

Compliance

We will verify compliance with this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner. Any employee found to have violated this policy may be subject to disciplinary action, suspension, up to and including termination.

Acknowledgement

I confirm that I have read, understood, and agree to adhere to this policy:

Full name:

Position:

Signature:

Date:

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
Related Documentation	Acceptable Use Policy, Incident Management Policy; Disaster Recovery Plan

Glossary – Useful Terms

Term	Meaning
Cyber Security	The combination of technologies, processes and practices used to defend against cyber-attacks.
Cyber Security Posture	An organisation’s overall cyber security strength.
Data Breach	The intentional or unintentional unauthorised access, loss or disclosure of personal, private or sensitive information.
Data Breach Notification	The act of notifying the appropriate authorities that a Data Breach has occurred.
Data Breach Response Team (DBRT)	The group of people responsible for responding to a breach.
Defame	To damage the reputation of someone: e.g., libel or slander.
EU	European Union - a political and economic union of member states.
GDPR	The General Protection Data Regulation is a regulation introduced by the EU to strengthen and unify Privacy legislation across member states.
NDA	A Non-Disclosure Agreement is a legally binding agreement between two or more Parties which sets out which Confidential Information will not be shared with any other external 3rd parties.
Notifiable Data Breach	A type or severity of data breach requiring us to notify the appropriate authorities.
MAC number / MAC address	A unique ID number given to every piece of hardware.
Personal Information	Information that can be used to identify a person. This may include someone’s name, address, age, bank account details, date of birth and signature.
Sensitive Information	A type of Personal Information, that if disclosed, could cause harm. This may include information or opinions about a person’s: religion, disability, race, ethnic origin, sexual preferences, criminal record, mental illness,

	state of vulnerability, political or philosophical opinions and whether under investigation.
Trolling	The deliberate act of making random, unsolicited and/or controversial comments on the Internet.
USB drives	A small storage device that plugs into the USB port on your computer and is used to store or transfer files.
XLSM	An excel file format containing macros - pieces of Visual Basic Code that, if activated, can automatically run on your machine.
XML	Stands for eXtensible Markup Language and is a text format used to transport data between software programs.

Policy Title	F25 – Risk Management
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

The Shire of West Arthur’s Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.

Scope

It is the Shire’s Policy to achieve best practice, (aligned with AS ISO 31000:2018 Risk management - Guidelines), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

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

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

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

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

Definitions

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive, negative or both – and can address, create or result in opportunities and threats.

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

Note 3: Risk is usually expressed in terms of risk sources, potential events, their consequences and their likelihood.

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

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Risk Management Objectives

Optimise the achievement of our vision, mission, strategies, goals and objectives.

Provide transparent and formal oversight of the risk and control environment to enable effective decision making.

Enhance risk versus return within our risk appetite.

Embed appropriate and effective controls to mitigate risk.

Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.

- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite

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

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

Roles, Responsibilities & Accountabilities

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

Monitor & Review

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

This policy will be kept under review by the Shire’s Management Team and its workers. It will be formally reviewed triennially.

History	25/05/2023
Delegation	Nil
Relevant Legislation	AS/NZS ISO 31000:2018 Risk Management Guidelines
Related Documentation	

PEOPLE AND CULTURE

Policy Title	PC – 1 Work Health & Safety
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To outline the Shire of West Arthur's recognition of its moral and legal obligations and commitment to continuously improve our Work Health and Safety Management Systems, including the establishment of measurable objectives and targets, with the aim of elimination of work related injuries and illnesses.

Scope

This Policy applies to all Shire workers.

Definitions

A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as —

- a. an employee; or
- b. a contractor or subcontractor; or
- c. an employee of a contractor or subcontractor; or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- e. an outworker; or
- f. an apprentice or trainee; or
- g. a student gaining work experience; or
- h. a volunteer; or
- i. a person of a prescribed class.

A **workplace** is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

Policy Statement

The Shire of West Arthur will manage work safety and health including the development and implementation of a Work Health and Safety Management System that complies with or exceeds legislative requirements including, but not limited to:

- a. The *Work Health and Safety Act 2020*;
- b. The *Work health and Safety Regulations 2022*; and

186

- c. Any other requirements placed upon the Shire or to which the Shire subscribes.

The Shire of West Arthur will ensure that all levels of workers understand their roles and responsibilities in accordance with legislative requirements.

The Shire of West Arthur will, so far as is practicable, meet our objectives by:

- a. Providing and maintaining workplaces, plant, and systems of work such that workers are not exposed to hazards;
- b. Providing such information, instruction, and training to, and supervision of, workers as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;
- c. Developing and maintaining a culture that encourages all workers to manage health and safety risks;
- d. Adopt, in consultation with workers, a risk management approach to work methods, plant and machinery acquisition and workplace design, and eliminate or control those identified risks;
- e. Consulting and cooperating with safety and health representatives, if any, and other workers at our workplaces, regarding work health and safety at our workplaces;
- f. Where it is not practicable to avoid the presence of hazards at our workplaces, providing our workers with, or otherwise providing for our workers to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards; and
- g. Making arrangements for ensuring, so far as is practicable, that:
 - The use, cleaning, maintenance, transportation and disposal of plant; and
 - The use, handling, processing, storage, transportation and disposal of substances, at our workplaces is carried out in a manner such that our workers are not exposed to hazards

While at work all workers will be expected to:

- a. Ensure their own safety and health at work; and
- b. Avoid adversely affecting the safety or health of any other person through any act or omission at work;
- c. Comply with safety and health instructions given by the Shire, including any direction to wear personal protective clothing or equipment;
- d. Report all hazards, injury or harm to health in our workplaces to the Shire in a timely fashion and assist with any investigations when required;
- e. Undertake risk assessments as per Council's Risk Management Policy. All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making; and
- f. Cooperate with the Shire in our efforts to carry out our legislatively imposed safety and health duties

A safe and efficient place of work is our goal.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Work Health and Safety Act 2020</i> <i>Work Health and Safety Regulations 2022</i>
Related Documentation	Risk Management Policy

Policy Title	PC2 – Human Resources
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

To define the Shire's policy on the organisational structure and maintaining a comfortable, safe, and attractive working environment for Shire personnel.

Scope

This policy applies to all human resource guidelines and procedures.

Definitions

Senior Staff: Those employees or persons belonging to a class of employee designated to be senior employees by the local government.

Works Staff: Includes operational staff engaged in the operation of plant, road maintenance, and maintenance of public facility grounds. It excludes those engaged only for cleaning and part time pool attendants.

Policy Statement

For the Shire to maintain a competitive position in the labour marketplace the CEO shall:

- a) Provide opportunities for employees to attend conferences, seminars and trainings within budget provisions.
- b) Consider assistance to employees who wish to pursue relevant qualifications or licences within budget provisions.
- c) Provide a uniform or uniform allowance to employees within budget provisions.
- d) Provide relocation reimbursement to newly employed senior staff within budget provisions.
- e) Maintain an effective and efficient Organisational Structure.
- f) Provide Council vehicles to senior staff within budget provisions.
- g) Provide Council phones to senior staff within budget provisions.
- h) Provide Council housing to senior staff within budget provisions.
- i) Consider over Award payments to attract quality staff.
- j) Ensure that all Superannuation Guarantee contributions requirements are met.
- k) Provide an additional 1.5% additional superannuation to employees who contribute a minimum of 5%.
- l) Ensure employment of Overseas employees through 457 Visa Business Sponsorship is

189

approved by Council.

- m) Provide a housing allowance to staff not in Council housing within budget provisions.
- n) Provide opportunities for staff to make salary sacrifice payments.
- o) Provision of Emergency Services Leave is at the discretion of the CEO.
- p) Consider staff usage of plant and equipment subject to conditions.
- q) Provision of a gratuity gift or payment to departing employees within budget provisions.
- r) Consider flexible working hours or Rostered Day Off for staff whichever best suits the needs of the Shire.
- s) Recognise staff performance and commitment through the provision of an annual Christmas function and/or other function within budget provisions.
- t) CEO contract matters which may be approved by the President without Council consideration.

History	25/05/2023
Delegation	People and Culture
Relevant Legislation	<i>Local Government Act 1995 (WA)</i> <i>Workplace Relations Act 1996 (Cwth)</i> <i>Superannuation Guarantee (Administration) Act 1992 (Cwth)</i> <i>Race Discrimination Act 1975 (Cwth)</i> <i>Disability Discrimination Act 1992 (Cwth)</i> <i>Human Rights and Equal Opportunity Act 1986 (Cwth)</i> <i>Equal Opportunity for Women in the Workplace Act 1999 (Cwth)</i> <i>Age Discrimination Act 2004 (Cwth)</i> <i>Industrial Relations Act 1979 (WA)</i> <i>Minimum Conditions of Employment Act 1993 (WA)</i> <i>Long Service Leave Act 1958 (WA)</i> <i>Workers Compensation and Injury Management Act 1981(WA)</i> <i>Industrial Training Act 1979 (WA)</i> <i>Occupation Safety and Health Act 1984 (WA)</i> <i>Equal Opportunity Act 1984 (WA)</i> <i>Migration Act 1958</i>
Related Documentation	Workforce Plan

Policy Title	PC3 – Child Safe Awareness
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

Shire of West Arthur supports and values all children and young people. Shire of West Arthur makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways Shire of West Arthur demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. Shire of West Arthur is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that Shire of West Arthur is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. Shire of West Arthur will promote the safety and wellbeing of children across the community.

Consistent with the [National Principles for Child Safe Organisations](#) and [Commonwealth Child Safe Framework](#), this policy provides a framework that outlines the role of Shire of West Arthur in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Scope

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of West Arthur, regardless of their work related to children or young people. It applies to occupants of Shire of West Arthur facilities and venues, including visitors, contractors and suppliers.

Definitions

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people

191

- creates conditions that reduce the likelihood of harm to children and young people
 - creates conditions that increase the likelihood of identifying any harm, and
 - responds to any concerns, disclosures, allegations, or suspicions of harm.
- Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

Policy Principles

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Statement

The Shire of West Arthur will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at Shire of West Arthur venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Responsibilities

192

The Shire of West Arthur has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of West Arthur is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire of West Arthur facilities to operate in alignment with the Child Safe Awareness policy.

The Shire of West Arthur will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

History	25/05/2023
Delegation	People and Culture
Relevant Legislation	<ul style="list-style-type: none"> • <i>Child Care Services Act 2007</i> • <i>Children and Community Services Act 2004</i> • <i>Civil Liability Act 2002</i> • <i>Corruption, Crime and Misconduct Act 2003</i> • <i>Equal Opportunity Act 1984</i> • <i>Freedom of Information Act 1997</i> • <i>Local Government Act 1995</i> • <i>National Principles for Child Safety Organisations</i> • <i>Parliamentary Commissioner Act 1971</i> • <i>Public Interest Disclosure Act 2003r</i> • <i>Public Sector Management Act 1994</i> • <i>United Nations Convention on the Rights of the Child (CRC)</i> • <i>Work Health and Safety Act 2020</i> • <i>Working with Children (Criminal Record Checking) Act 2004</i>
Related Documentation	Strategic Community Plan

Policy Title	PC4 - Employee Gratuities & Gifts
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

To allow for the recognition of employees whose employment with the Shire is ending, based on the length of their service to the Shire. This recognition may be awarded in addition to their entitlements under an Award, Workplace Agreement or Contract of Employment upon voluntarily ceasing their employment with the Shire.

Scope

This Policy is applicable to all Shire of West Arthur employees

Definitions

“**Continuous service**” does not include any period of unauthorised absence from duty, or any period of unpaid leave (unless CEO determines otherwise).

Policy Statement

The Chief Executive Officer is authorised to purchase a gift to recognise the service of employees voluntarily leaving the employment of the Shire, up to the following limits:

Number of Years’ Service	Value of Gratuity Gift
Continuous service greater than 3 years and up to 5 years	A gift, or contribution towards a gift, to the value of \$100
Continuous service greater than 5 years and up to 10 years	A gift, or contribution towards a gift, to the value of \$200
10 to a maximum of 15 Years Continuous Service	A gift, or contribution towards a gift, to the value of \$300
15 to a maximum of 20 Years Continuous Service	A gift, or contribution towards a gift, to the value of \$500
Above 20 Years’ Service	A gift, or contribution towards a gift, to the value of \$750

Light refreshments and drinks for a function up to the value set out in the following table may be provided, where appropriate:

Number of Years’ Service	Value of Refreshments and Drinks
Continuous service greater than 3 years and up to 5 years	\$100
Continuous service greater than 5 years and up to 10 years	\$200
10 to a maximum of 15 Years Continuous Service	\$300
15 to a maximum of 20 Years Continuous Service	\$500
Above 20 Years’ Continuous Service	\$750

Payments in Excess of Policy

Council may resolve to make a payment to a terminating employee which is more than the amount set out in this policy. If such a decision is made, local public notice must be given, in accordance with s5.50 (2) of the *Local Government Act 1995*.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	Nil

TECHNICAL SERVICES

Policy Title	W1 - Fence Line Clearing within Roads and other Reserves
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To define the Shire’s policy on fence line clearing within roads and other reserves.

Scope

This policy applies to all applications for fence line clearing.

Definitions

Policy Statement

Shire approval is required for all fence line clearing that involves the clearing of native vegetation on Crown land, including road reserves, under the care and control of the Shire. Any approval granted may be subject to the following:

- g. The clearing is done in such a way as to limit damage to adjoining or nearby native vegetation;
- h. 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;
- i. Fences are replaced on any reserve boundary at the cost of the landholder; and
- j. Landholders are actively encouraged to exclude stock from unused road reserves that contain remnant vegetation, that traverse their properties.

Note: The landholder must comply with all other Acts and Regulations in force from time to time with regard to land clearing

History	25/05/2023
Delegation	Fence Line Clearing within Roads and other Reserves
Relevant Legislation	<i>Environmental Protection Act 1986</i> <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>
Related Documentation	

Policy Title	W2 - Private Works
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To provide the framework for undertaking works for external individuals, companies or public agencies.

Scope

The Shire undertakes private works to assist external clients provide infrastructure and services where this is of benefit to the community and can be undertaken without detriment to the Shire’s own works program.

Definitions

Private works include the provision of works or services to external individuals, companies or government agencies, or the supply of Shire materials, or the hire of Shire plant.

Significant nature – means works, services or materials with a total value exceeding \$50,000 ex-GST per event.

Policy Statement

The following principles guide the Shire's involvement in private works:

- k. The Shire will not knowingly tender against private contractors for external contracts within the Shire of West Arthur;
- l. Private works of a significant nature will be subject to approval by Council, and will incorporate appropriate project management and reporting processes;
- m. Private works will be priced as per Council's adopted Schedule of Fees & Charges.
- n. The Shire will carefully assess any risk associated with the undertaking of private work in accordance with the Shire's Risk Management Policy.

The Shire will exercise a high level of due diligence in the pricing and design of work and ensure contracts are written to ensure all costs are the responsibility of the external party.

History	25/05/2023
Delegation	Nil
Relevant Legislation	Local Government Act 1995
Related Documentation	Purchasing & Tender Policy Record Keeping Plan and Policy

Policy Title	W3 - Stock on Road Signage
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To provide guidelines for signage and other related matters.

Scope

This policy applies to all local roads within the Shire of West Arthur.

Definitions

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.

Policy Statement

The Shire of West Arthur adopts Main Roads “Technical Guidelines – Stock Crossings”, which incorporates:

- o. General Guidelines
- p. Stock Crossing
- q. Droving of Stock along a Road
- r. Signs
- s. Vehicle Mounted Warning Device
- t. Stock Underpasses

for all local roads within the Shire.

History	25/05/2023
Delegation	
Relevant Legislation	
Related Documentation	

Policy Title	W4 - Wildflower, Leaves and Branches, and seed Harvesting from Reserves
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To establish policies and procedures to deal with applications for commercial harvesting of wildflowers and seeds within the road reserve

Scope

This Policy also applies to the collection of leaves and branches for culture smoking ceremonies.

Definitions

Policy Statement

Approval is required from the Shire, from persons licensed as Commercial Wildflower Pickers by the Department of Biodiversity, Conservation and Attractions to pick flora, or seeds of flora, from road and crown reserves under the control and management of the Shire of West Arthur.

Applications shall be considered on the following basis:

Wildflower and Seed Collecting:

- u. The applicant shall hold a current Commercial Wildflower Pickers Licence issued by the Department Biodiversity, Conservation and Attractions.
- v. The applicant shall submit a Commercial Wildflower Harvesting permit application form to the Shire for consideration.
- w. The applicant shall nominate the specific roads, portions of roads or reserves from which they seek permission to pick from.
- x. The applicant shall supply detail of the vehicle/s they will be using for picking activities.
- y. The permit holder shall maintain records of the quantity of all varieties picked and provide an annual report to the Shire.
- z. The permit holder shall not clear any portion of a road or reserve to gain access to flora, only existing access tracks may be used.
- aa. The permit holder shall comply with all conditions imposed by the Department Biodiversity, Conservation and Attractions in accordance with their Commercial Pickers Licence, failure to comply with these conditions may result in the Shire permit being revoked.
- bb. The permit holder shall comply with all traffic management requirements in accordance with relevant Main Roads WA Code(s) of Practice whilst undertaking picking activities within a road reserve.

- cc. The permit holder shall comply with any Dieback management practices imposed as part of the permit conditions.
- dd. An annual fee as determined by Council or part thereof may be payable.
- ee. Permits to have a common expiry date being 30th June.
- ff. Permits are not transferable.

Leaves and Branches:

The Shire is known to contain flora with leaves and branches required for culture smoking ceremonies. As such, approval from Council is not required, subject to:

- gg. Damage to trees being kept to a minimum;
- hh. Only branches and leaves are to be removed from trees
- ii. No portion of a road or reserve is to be cleared to gain access to branches and leaves, only existing access tracks may be used.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Environmental Protection Act 1986</i> <i>Wildlife Conservation Act 1950</i> <i>Wildlife Conservation Regulations 1970</i>
Related Documentation	

Policy Title	W5 - Crossovers
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To ensure consistency for landholders when looking to provide access to their property from a Shire road

Scope

Applies to all crossovers, including footpaths, within the Shire of West Arthur.

Definitions

Standard Crossover for the purpose of regulation 15 of the Local Government (Uniform Local Provisions) Regulation to be for town site lots, the minimum standard comprises a 3m width x 150mm minimum pavement depth surfaced with a 2-coat emulsion bitumen crossover over the full width of applicable verge.

Gravel road crossover standard specification shall be unsurfaced 150mm gravel and appropriate concrete pipe drainage under (minimum 350mm in diameter, if a pipe is required) to maintain the longitudinal 'table drain' flow.

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.

Policy Statement

Shire approval is required for the construction of any crossover. In addition, the Shire of West Arthur may provide a subsidy of up to \$500 or 50% of the total project cost, whichever is the lesser, for one minimum standard crossover to each property.

Minimum Crossover widths shall be:

- Residential – 3.0m
- Rural Residential – 4.0m
- Rural – 6.0m

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.

History	25/05/2023
Delegation	
Relevant Legislation	
Related Documentation	

Policy Title	W6 - Road sealing for dust suppression
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To provide guidelines for the sealing of roads immediately adjacent to residences.

Scope

To improve safety, environmental and health conditions for residential accommodation located close to Shire gravel roads by removing the level of wind-borne gravel dust

Definitions

Nil

Policy Statement

Council may determine applications for the sealing of up 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:

4. The occupied residence be within 200 metres of the gravel road;
5. The average daily traffic count is greater than 15 vehicles per day;
6. The landowner agrees to pay 50% of the cost of the materials and contracts; and
7. Any future reseals will be at the landowner’s expense.

History	25/05/2023
Delegation	
Relevant Legislation	<i>Local Government Act 1995</i>
Related Documentation	

Policy Title	W7 - Road Making Materials
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To provide guidance for the provision of sand/gravel supplies for road works

Scope

This policy applies to all privately-owned sand & gravel pits in the Shire.

Definitions

Nil

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 Shire in mind. Attempts shall be made to satisfy the concerns of the landholder in order to obtain materials, but it should be noted that the Shire may invoke the powers of the *Land Administration Act 1997* to take land where negotiations have failed. A written, signed and witnessed agreement be put in place prior to any gravel being taken from the site.

ACCESSING

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

COMPENSATION

Values for materials are to be determined by the Chief Executive Officer in negotiation with the Landholder, on a case by case basis, determined by the quality of the materials, and proximity to the job.

Landowners have an option to:

- jj. Claim full payment for the materials extracted; or
- kk. Claim part payment and part private works up to the value of the materials extracted; or
- ll. Receive no payment and have private works carried out to the value of the materials extracted; or
- mm. Provide the gravel/sand free of charge with no expectation of any quid pro quo arrangement.

The valuation of private works will be determined by the Chief Executive Officer, based on the Council’s adopted fees and charges rates at the time the works are carried out.

The private works in part (b) and (c) above may only be carried out on the property from which materials have been extracted, subject to plant availability, and only available for two (2) years from the date the material was supplied.

Where compensation is paid by cash, the landholder shall be recompensed when the material is quarried and heaped.

REHABILITATION

The Shire 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

The Shire 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.

History	25/05/2023
Delegation	
Relevant Legislation	<i>Land Administration Act 1997</i>
Related Documentation	

Policy Title	W8 - Road Safety Audit
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To set out the requirements for conducting Road Safety Audits in the Shire of West Arthur.

To improve the safety of the road network and developments in the Shire of West Arthur and ensure measures to eliminate or reduce road environment risks for all road users are fully considered with emphasis placed on fatal and serious crash risk.

To promote the development, design and implementation of a safe road system through the adoption of formal road safety auditing principles and practices.

Scope

This Policy applies to the Shire of West Arthur road infrastructure projects and to qualifying projects that are subject to the Development Application processes.

The Policy applies to all District Distributor, Local distributor and Local Access Roads within the Shire of West Arthur.

Definitions

Audit Team means a team that shall comprise of at least two people, independent of the design team, including members appropriately experienced and trained in road safety engineering or crash investigation with knowledge of current practice in road design or traffic engineering principles who undertake the road safety audit.

Audit Team Leader means the person with appropriate training and experience with overall responsibility for carrying out the audit and certifying the report. An Audit Team Leader practising in Western Australia must be an IPWEA/Main Roads Accredited Senior Road Safety Auditor.

Audit Team Member means an appropriately experienced and trained person who is appointed to the Audit Team and who reports to the Audit Team Leader. An Audit Team Member practising in Western Australia must be an IPWEA/Main Roads Accredited Road Safety Auditor.

Corrective Action Report (CAR) means a tabular summary report prepared by the Audit Team to be completed by the Asset Owner, Project Owner, Project Coordinator or delegated representative to respond to identified findings and recommendations detailed in the audit report.

Crash investigation means an examination of crashes to identify patterns and common trends that may have contributed to crash causation or crash severity. This can include the detailed investigation of a single crash.

IPWEA refers to Institute of Public Works Engineering Australasia.

Main Roads means Main Roads Western Australia.

Permanent change means any permanent change to the road network, excluding like for like maintenance replacement works and temporary works.

Public road means a road either under the control of Main Roads, Local Government, or any other road accessible by the public (excludes private roads).

Road Safety Audit means a formal, systematic, assessment of the potential road safety risks associated with a new road project or road improvement project conducted by an independent qualified audit team. The assessment considers all road users and suggests measures to eliminate or mitigate those risks.

Road safety engineering means the design and implementation of physical changes to the road network intended to reduce the number and severity of crashes involving road users, drawing on the results of crash investigations.

Road Safety Inspection means a formal examination of an existing road or road related area in which a qualified team report on the crash potential and likely safety performance of the location, (formerly known as an 'Existing Road Safety Audit').

Safe System means a road safety approach adopted by National and State Government to generate improvements in road safety. The Safe System approach is underpinned by three guiding principles: people will always make mistakes on our roads but should not be killed or seriously injured as a consequence; there are known limits to the forces the human body can tolerate without being seriously injured; and the road transport system should be designed and maintained so that people are not exposed to crash forces beyond the limits of their physical tolerance.

Shire means the Shire of West Arthur.

Specialist Advisor means a person approved by the client who provides independent specialist advice to the audit team, such as, road maintenance advisors, traffic signal specialists, police advisors and individuals with specialist local knowledge.

Policy Statement

This policy requires that the following commitments be adopted as part of a strategic framework for the implementation of road safety audit principles and practices in the planning and development of infrastructure within the Shire.

Include road safety audit goals and objectives in our Corporate Plan and Business Management Systems (BMS).

Background

In accordance with the Australian National and the Western Australia State Road Safety Strategies this policy adopts a Safe System approach to the delivery of a road safety audit service by placing emphasis on fatal and serious crash risk.

The road safety audit process is an assessment of road engineering projects and as such the Safe System sphere of influence is limited to two of the four cornerstones of the Safe System approach, namely, Safe Roads and Roadsides, and Safe Speeds.

This is to be achieved by focusing the audit process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the Road Safety Audit process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate with the aim to reduce the risk of fatal and serious injury crashes.

A road safety audit is a formal examination of a future road or traffic project in which an independent qualified team reports on potential crash occurrence and severity which may result from the introduction of the project.

Road safety audits are a proactive process to prevent the occurrence of road crashes. The road safety audit process provides project managers with a powerful mechanism to identify potential crash risk in the

delivery of infrastructure projects and aims to reduce the risk of trauma and crashes on the road network.

In the implementation of this policy the road safety audit approach to be taken is: that it is not acceptable that any human should die or be seriously injured on the Western Australia road network, and specific road safety audit findings shall be highlighted in this regard.

Application

Road safety audits and road safety inspections must be conducted in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit, and Main Roads Western Australia and Institute Public Works Engineering Australasia (WA division) complimentary checklists and procedures.

The road safety audit process must be completed using the Main Roads / IPWEA-WA road safety audit report template provided on the Road Safety Audit Portal website.

All road safety audits must be repeated if the project design materially changes, if there are many minor changes which together could impact on road user safety, or if the previous road safety audit for the relevant stage is more than 3 years old. Should a project not begin the next stage in its development within 3 years of the completion of the previous audit, the project must be re-audited. This is to ensure that due consideration is given to the project's interface with the existing road network.

Relevant staff shall be trained in order to fulfil the training and experience requirements to achieve and maintain road safety auditor accreditation.

Where appropriate a reciprocal partnership agreement will be arranged with other local governments to create opportunities for road safety audit teams to include qualified independent team members from partnering local governments.

Road Safety Audit Team

- All road safety audit teams must comprise a minimum of two members.
- All audit teams must be led by a suitably qualified and experienced Western Australia IPWEA/Main Roads Accredited Senior Road Safety Auditor and shall be listed on the Road Safety Audit Portal so that the maximum emphasis is placed on road safety engineering and Safe System principles,
- All audit team members must be Western Australia IPWEA/Main Roads Accredited Road Safety Auditors and shall be listed on the Road Safety Audit Portal.
- Specialist advisors, such as, Police advisors or technical experts can assist the audit team by providing independent specialist advice on particular aspects of a project. There is no requirement for a specialist advisor to be an Accredited Road Safety Auditor. Specialist advisors shall be listed as an "Advisor" in the audit report and shall not be listed as a team member.
- The audit team shall include a Local Government officer, (they can be a specialist advisor).
- Team Leaders/Members shall excuse themselves from participation in the audit if:
- They have had any involvement in planning, design, construction or maintenance activities for road infrastructure for the project.
- They perceive any possibility of duress or coercion by their employer or employer's staff in relation to the audit.
- Persons not accredited as a Road Safety Auditor or do not have relevant specialist skills may still participate as an observer if invited to do so by the Team Leader.

When to Audit

Black Spot Projects

208

Road Safety Audits shall be conducted on all Black Spot funded projects as per State Black Spot Program Development and Management Guidelines.

Road projects with a project value \geq \$1 Million

All road infrastructure projects that involve a permanent change to the Shire's road network with an estimated project value $>$ \$1 Million shall have a road safety audit undertaken at the following 3 stages as a minimum:

- Stage 2 - Preliminary design
- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

Road projects with a project value \geq \$150,000 and $<$ \$1 Million

All road infrastructure projects that involve a permanent change to the Shire's road network with an estimated project value \geq \$150,000 and $<$ \$1 Million shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

A detailed design road safety audit shall be carried out on a road project that involves a permanent change to the Shire's road network with a project value $<$ \$150,000 if it is considered complex and/or high risk at the discretion of the Shire.

Land Developments

Road safety audits shall be conducted on land use developments that intersect the Shire's road network in accordance with the requirements of this policy. The road project value warrants above shall be used to determine audit requirements, with the exception of projects with an estimated project value less than \$150,000 that meet any of the following warrants:

- Subdivisions of more than 20 lots;
- Car parks providing access for more than 50 vehicles;
- Developments that are likely to generate traffic movements in excess of 100 movements per day;
- Projects that are likely to generate increased pedestrian or cycle movements, or where significant numbers of pedestrians or cyclists are nearby; or
- Project locations where potential road safety risks are identified by the Shire.

Land use developments that involve a permanent change to the public road network with an estimated project value less than \$150,000 that meet any of the above warrants shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

The road safety audit shall include the internal road network and parking area within the development.

Existing Roads

209

Road safety inspections shall be undertaken for existing intersections or road sections where there is a traffic management or road safety concern, at the discretion of the Shire.

Close out

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall complete the Corrective Action Report within one calendar month and arrange for the completed and signed report to be recorded on the Shire’s records system and a copy forwarded to the audit team leader.

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall be responsible for the proposed actions and comments resulting from the Corrective Action Report.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Road Traffic Act 1974</i>
Related Documentation	

Policy Title	W9 – Graffiti Management
Policy Type	Works & Services
Responsible Officer	Manager Works & Services



Purpose

To define the Shire’s policy to the management of graffiti across the Shire of West Arthur on both public and private property.

Scope

This policy provides the framework though which the Shire will respond to graffiti in the Local Government area.

Definitions

Graffiti is defined as defacement by writing, spraying, scratching or other form of defacement of property without the prior consent of the property owner, or with the consent of the property owner but of an offensive, obscene or racist nature. This includes tags, stencils and the fixing of posters without property owner’s consent.

Defacement for the purpose of this policy means marking or writing on property, includes posting bills such as promotional posters.

Policy Statement

Graffiti or graffiti vandalism refers to the illegal activity of defacing private and/or public property without the consent of the property owner.

The Shire will:

- a) Remove graffiti as quickly as practicable as a strict deterrent.
- b) Reduce the incidence and visibility of graffiti.
- c) Improve community perception of safety; and
- d) Encourage the reporting and removal of graffiti on private assets.

The Shire will encourage the community to report acts of vandalism witnessed or any other relevant information to the Shire.

History	25/05/2023
Delegation	Nil
Relevant Legislation	<i>Graffiti Vandalism Act 2016</i>
Related Documentation	

