



# POLICY MANUAL

DECEMBER 2023



## **Policy Manual 2023**

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## **1.1 Code of Conduct for Council Members, Committee Members and Candidates**

### **Division 1 — Preliminary provisions**

#### **1. Citation**

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

#### **2. Terms used**

(1) In this code —

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

*candidate* means a candidate for election as a council member;

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

*publish* includes to publish on a social media platform.

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

### **Division 2 — General principles**

#### **3. Overview of Division**

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

#### **4. Personal integrity**

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

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

(2) A council member or committee member should —

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

#### **5. Relationship with others**

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

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

**6. Accountability**

A council member or committee member should —

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

**Division 3 — Behaviour**

**7. Overview of Division**

This Division sets out —

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

**8. Personal integrity**

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

**9. Relationship with others**

A council member, committee member or candidate —

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

## **10. Council or committee meetings**

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

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

## **11. Complaint about alleged breach**

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

## **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 —
  - (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 —

**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.

*- End of Policy*

**COMMENT**

## **1.2 Honorary Freeman**

Introduction	The Local Government Act 1995 defines no criteria for bestowing the honour of Freeman on a person, nor is the title itself mentioned in the Act. Nevertheless, Council may award this form of distinction and should only do so where the achievement or contribution of that person has been of a lasting or enduring nature for the benefit of the district.	
Objective	To outline the criteria for the title of Honorary Freeman that may be conferred upon a person who has given distinguished service to the Shire of Trayning and its people.	
History	Former Policy	1.1.25
	Adopted	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

The award of Honorary Freeman by resolution of Council should have regard for the following criteria;

- a) This title is intended to recognise outstanding service to the community over a significant period of time and in a wide range of activities within the Shire of Trayning.
- b) For the position to have the desired standing within the community, it should only be applied where there is assurance of public approval of those who become recipients.
- c) The award of Honorary Freeman will only be made occasionally for rare and exceptional contribution over a long period of time.
- d) The award of Honorary Freeman is recognized as the highest honour that the local community, through its Council, can offer to one of its citizens.
- e) The nominee must have made an outstanding contribution to the community such that the nominee's contribution can be seen to stand above the contributions made by most other people.
- f) At any one time, a maximum of four living persons may hold the title of 'Honorary Freeman' of the Shire of Trayning.
- g) If an elected member of Council has an objection to the nomination, that elected member must provide valid reasons for the objection
- h) The Honorary Freeman shall be invited to attend civic events and functions conducted by the Council.
- i) The award of Honorary Freeman shall be recognised by a framed certificate being presented to the recipient with a framed photograph and plaque displayed in the Shire Administration Centre.

*- End of Policy*

**COMMENT**

### **1.3 Acting Chief Executive Officer**

#### Introduction

- Objective
- The objective of this Policy is to give effect to the requirement in section 5.39C of the Local Government Act 1995 that a local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following —
- the employment of a person in the position of CEO for a term not exceeding 1 year;
  - the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

#### History

#### Policy Statement

If the Chief Executive Officer is absent for a period of no longer than thirty (30) days, the Manager of Corporate Services will automatically assume the role and cash component of the salary of the Chief Executive Officer for the duration of the Chief Executive Officer's absence.

For periods of absence greater than thirty (30) days, Council is to determine:

- the employment of a person in the position of CEO for a term not exceeding one (1) year;
- the appointment of an employee to act in the position of CEO for a term exceeding thirty (30) days but not exceeding one (1) year; or
- the appointment of an employee to act in the position of CEO for a term less than thirty (30) days where the CEO is unable to exercise the delegation.

The employment of a person in the position of CEO for a term exceeding one (1) year must be in accordance with legislation and the model standards for CEO recruitment, performance and termination specified in section 5.39A of the Local Government Act 1995.

#### **Relevant Policies/Council Documents**

- Local Government Act 1995 Part 5 Division 4
- Local Government Administration Regulations 1996

*– End of Policy*

**COMMENT**

#### **1.4 Elected Member Records – Capture and Management**

Introduction	The State Records Office requires elected members to retain and produce various records.	
Objective	To meet the obligations imposed on elected members and the organisation by the SRO under the State Records Act.	
History	Adopted	27 July 2011

#### **Policy Statement**

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

– End of Policy

#### **COMMENT**

On 30 July 2009, the State Records Office advised –

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

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

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

In March 2010, SRO further advised their policy requires the creation and retention of records of the –

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

In his Report to June 2010 State Council meeting, WA Local Government Association President disputed the SRO's view, noting –

*... it is the Associations view the legislative requirements of the State Records Act 2000 do not mandate that an Elected Member record verbal conversations that do not form part of the formal decision making processes ...*

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

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

The records are not only those received, but also those created, such as –

- a note of a conversation where someone asked a Councillor to pursue a particular matter,
- a letter that is written in the capacity of Councillor,
- an email sent as a Councillor

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

*The principles of relevance and ephemerality apply, for example –*

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

## **1.5 External Organisations – Council Representatives and Expenses**

Introduction Council nominates representatives to a number of external organisations from time to time, but the nominated person may not always be available.

The Local Government Act 1995 provides two different classifications of expenses that can be reimbursed to members. They are those that “shall” be paid and those that “may” be paid

Objective To ensure that Council is represented by an authorised nominee at meetings, by specifying the organisations and order of precedence to represent Council.

To establish the basis upon which Council will reimburse travel and other expenses (accommodation and meals) pursuant to section 5.98 of the Local Government Act 1995 (Discretionary Expenses)

History	Adopted	27 July 2011
	Amended	19 March 2014
	Amended	31 July 2014
	Amended	21 September 2022

### **Policy Statement**

- a) Council nominates representatives to the external organisations listed –
  - Great Eastern Country Zone of WALGA
  - Wheatbelt North Regional Road Group and Wheatbelt North East Sub Regional Road Group
  - North Eastern Wheatbelt Regional Organisation of Councils
  - Kununoppin Medical Practice Committee
  - Kununoppin Local Health Advisory Group
- b) Nominations as Council representatives to external organisations are to be reviewed and confirmed or new nominations made, at the first meeting following the ordinary Local Government elections, to hold office until the meeting following the next ordinary Local Government elections, subject to the provisions of the Local Government Act.
- c) Should a representative or deputy representative resign their nomination or become disqualified to continue as a Councillor, their nomination lapses immediately, and Council will decide a new nomination at the next meeting.
- d) Subject to the Constitution or Rules of the Organisation, if precedence needs to be determined due to unavailability of the representative or for some other reason, the order of priority will be –
  - a) Council’s nominated representative/s
  - b) Council’s nominated deputy representative/s
  - c) President
  - d) Deputy President
  - e) Past Presidents in order of most recent retirement
  - f) Councillors in order of length of service
  - g) CEO

- e) Council will reimburse travel and other expenses where Members of Council attend meetings of the above organisations, and in addition –
- Interviews for “Designated Staff”
  - Council road inspections
  - Approved conferences or training, authorised as per policy

*– End of Policy*

#### COMMENT

Refer also Policy 3.2 – Conference and Training Expenses concerning accommodation, meals and out-of-pocket expenses etc.

At minimum, nominations must be reviewed at the first Council Meeting held after general Local Government elections as all appointments lapse at this time, other than statutory appointments. Review may also be required if a position becomes vacant during the term of office of a Councillor.

Travel and out of pocket expenses may be paid in accordance with policy.



## **1.7 Recognition of Service – Elected Members**

Introduction **Written permission of the Minister for Local Government must be obtained prior to any change to this Policy.**

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

The Policy is made under the authority of the Local Government Act s.5.100A and the Administration Regulations r.34AC.

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

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

Objective To recognise the service of, and show appreciation to, departing Councillors.

History Adopted 17 August 2011  
Amended 21 September 2022

### **Policy Statement**

1. Each departing Councillor shall receive an appropriate plaque or certificate of service.
2. The CEO is to arrange a suitable gift for departing Councillors to the value prescribed under the Local Government (Administration) Regulation 34AC.
3. To be eligible, an initial completed term of office as Councillor, Deputy President or President is required, consistent with the provisions the Administration Regulations r.34AC.
4. Presentation of the plaque or certificate and gift will generally be made at the final meeting being attended by the Councillor, or at the Annual Shire Christmas function.
5. Multiple periods of service as a member of Council are to be considered individually according to each period, and not cumulatively.
6. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government.

*– End of Policy*

### **COMMENT**

The Minister for Local Government must give Councillors written permission to consider adoption or amendment of this Policy. Councillors must still declare a financial interest.

## **1.9 Continuing Professional Development of Elected Members.**

Introduction	Section 5.128 of the Local Government Act requires local governments to prepare and adopt a policy in relation to the continuing professional development of council members. This Policy has been prepared to meet this legislative requirement.
Objective	To ensure that Elected members have access to a range of relevant training and professional development opportunities.
Statutory	<p style="text-align: center;"><i>Local Government (Administration) Regulations</i> <i>Part 10 — Training</i></p> <p><i>35. Training for council members</i> <i>(1) A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).</i> <i>(2) The course of training is the course titled Council Member Essentials that —</i> <i>(a) consists of the following modules —</i> <i>(i) Understanding Local Government;</i> <i>(ii) Serving on Council;</i> <i>(iii) Meeting Procedures;</i> <i>(iv) Conflicts of Interest;</i> <i>(v) Understanding Financial Reports and Budgets; and</i> <i>(b) is provided by any of the following bodies —</i> <i>(i) North Metropolitan TAFE;</i> <i>(ii) South Metropolitan TAFE;</i> <i>(iii) WALGA.</i> <i>(3) The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.</i></p> <p><i>36. Exemption from Act s. 5.126(1) requirement</i> <i>(1) A council member is exempt from the requirement in section 5.126(1) if —</i> <i>(a) the council member passed either of the following courses within the period of 5 years ending immediately before the day on which the council member is elected — (i) the course of training specified in regulation 35(2);</i> <i>(ii) the course titled 52756WA — Diploma of Local Government (Elected Member); or (b) the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.</i> <i>(2) A person who is a council member on the day on which the Local Government Regulations Amendment (Induction and Training) Regulations 2019 regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.</i></p>

### **Policy Statement**

Council supports and wherever possible will take advantage of appropriate training and networking opportunities for Councillors in accordance with the following guidelines and subject to budget limitations:

#### **Authorised Training**

Elected Members are permitted to attend the following training opportunities without requiring further Council authorisation:

- ✓ Council Member Essentials that consists of the following modules —
  - (i) Understanding Local Government;
  - (ii) Serving on Council;
  - (iii) Meeting Procedures;
  - (iv) Conflicts of Interest;
  - (v) Understanding Financial Reports and Budgets; and is provided by any of the following bodies —
    - (i) North Metropolitan TAFE;
    - (ii) South Metropolitan TAFE;
    - (iii) WALGA;when provided through an e-learning module.
- ✓ Introduction to the Local Government Act for Elected Members (Webinar)
- ✓ Newly Elected Councillors Seminar (WALGA) for newly elected members only

### **WALGA Local Government Convention**

In relation to attendance at WALGA Local Government Convention the following shall apply:

1. The President and WALGA GECZ delegates and the Chief Executive Officer and their partners be entitled to attend WALGA Local Government Convention. Due to the costs of attending WALGA Local Government Convention Council will Budget for a maximum of four Councillors to attend each year. Councillors other than the Shire President and GECZ delegates being selected based on recent attendance at local government week.

2. Should a Councillor require accommodation then this will be available at a specified venue at Council's expense. Arrangements for these bookings will be made only by administration.

3. Extras such as mini bars, telephone calls etc. will be the participants' responsibility except if the calls are Council related. A register of these calls must be kept to claim reimbursement.

### **Other Training / Conferences**

1. Priority be given to any course or seminar that is specifically relevant to Councillors and attendance at such course or seminar is subject to approval by Council, the Shire President or Chief Executive Officer.

2. Priority is given to the attendance of any new Councillor at any induction or training course specifically organised for the benefit of new Councillors.

3. Conference, seminars, courses or meetings organised by organisations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organisations.

4. When determining costs of a conference, seminar, training course or meetings, all costs including travel (motor vehicle, air fares, taxi, etc.), accommodation, meals, related conference registration and business telephone costs will be paid for or be reimbursed by Council. Meal,

accommodation, travel and other expense allowances shall be paid in accordance with the Annual Travel payment as determined by Council annually or upon presentation of receipts. A Travel Expense claim form must be submitted by the Councillor to claim this allowance or expense reimbursement.

5. Where the partner of a Councillor attends an annual conference with the Councillor, related conference registration and meal costs will be paid for by Council.

6. Attendance at conferences in other States requires the prior approval of Council by way of a formal resolution.

7. A verbal report on the conference attendance is to be provided to Council during the next Council Forum Session, with this report to be in writing if requested by the Shire President.

Requests for course participation or conference attendance may be initiated by the Elected Member and should be forwarded to the CEO prior to enrolment or registration.

The CEO is authorised to approve requests from Elected Members for professional development, training and conference attendance without referral to Council providing that the cost does not exceed a total of \$5,000 for Councillors and \$8,000 for the President in any financial year, and the course or conference is organised by an identified, industry-recognised training provider and is directly relevant to the role of the Councillor.

The CEO will keep a log of all seminars, forums, webinars, and workshops attended by Elected Members and this will be included on the Shires website.

Any requests outside this policy, including those for attendance at course or conferences outside Western Australia, are to be submitted to Council for consideration.

*- End of Policy*

COMMENT

## **1.10 Council Forum/ Briefing Sessions**

Introduction	It is currently Council practice to hold a Forum/ Briefing session before each Ordinary meeting of Council. The Department of Local Government and Communities produced operational guidelines for Council Forums some time ago, these guidelines have been referenced when preparing the policy.	
Objective	To adopt a policy for the holding of Forum/Briefing Sessions.	
History	Adopted	August 2016
	Amended	September 2020
	Amended	21 September 2022

### **Policy Statement**

That a Council Forum/Briefing Session be held prior to each Ordinary Meeting of Council.

The following Forum guidelines apply:

1. There will be no detailed agenda prepared for the session, however, to allow everyone to come somewhat prepared the following headlines will be utilised:
  - Strategic/Concept Items
  - General Business
    - President Report
    - Chief Executive Officer
    - Councillors
    - Works Supervisor
  - Future Council Agenda Items

This does not restrict any matter from being raised by a Councillor or staff member on the day of the session.

2. There will be no discussions allowed on any item, which appears on the agenda for the Ordinary meeting to be held on the same day as the Information Session.
3. All matters discussed are confidential.
4. There are no minutes kept for the Information Session, however briefing notes will be taken.
5. There will be no decision/resolution/voting at these sessions. It is designed to discuss issues and provide guidance and/or clarification.
6. Any item that requires a decision of the Council will be listed on a future agenda within a report with a recommendation/s.
7. Discussions will be conducted in a structured and orderly manner and directed through the Chair.
8. The Code of Conduct applies to all Councillors and Staff in attendance.

*- End of Policy*

COMMENT

Nil

## **1.11 Communications**

Introduction	To establish minimum standards for communication with the Shire.
Objective	To provide a high quality service to all stakeholders in the Shire of Trayning for all communications regarding Council business.
History	Nil

### **Policy Statement**

The Shire of Trayning is committed to ensuring fairness and equity and that the community is kept informed on matters before Council, whilst providing a friendly, helpful and respectful and professional service. Effective communication is a key to ensuring that these principles of operation are met. All communication regarding Council business from a member of staff or an Elected Member shall be at all times courteous, clear and professional. Correspondence will be managed within the protocol contained within Council's software for Records Management and will comply with the requirements of the **State Records Act 2000** and the **State Records Principles and Standards 2002**. The Shire of Trayning will ensure at all times that the Communication Plan 2017 and the Community Engagement Plan 2017 are adhered to when communicating with Councillors and the general public.

#### **Correspondence received**

All external written correspondence will receive a written response within seven (7) working days of receipt, however an acknowledgement will be provided if, in the view of the appropriate Officer, a full and detailed reply is not possible within that time frame.

External correspondence that is received marked as a copy and addressed to a third party will not be acknowledged unless, in the opinion of the relevant Officer, a response is appropriate.

Facsimiles and electronic mail will be treated as written correspondence.

Managers and the Chief Executive Officer shall determine which items of correspondence will be presented to Council.

#### **Presidential correspondence**

Presidential correspondence will be issued on Shire of Trayning letterhead. A file copy of presidential correspondence shall be maintained in the appropriate file(s), together with originating correspondence. In instances where the President is providing technical information to correspondents, the appropriate officer will draft the correspondence or that section of correspondence.

#### **Elected Member correspondence – incoming**

(1) All correspondence received by the Shire of Trayning is deemed as Shire of Trayning correspondence, unless:

- a) it is addressed to an Elected Member's name; and
  - b) it is marked "Private and Confidential"; and
  - c) it has no reference to the Shire of Trayning as part of the address or addressee.
- (2) In all cases where correspondence is described in Item 1 complies with 1a, b or c, above, it will be left unopened in an Elected Member's correspondence box.
- (3) On all occasions where correspondence bearing an Elected Member's name is received and does not comply with Item 1a, b, c, it will be opened by administration.
- (4) The above items are conditional upon total compliance with all Telecommunications and Australian Postal Regulations and Laws.

In cases, when the contents make reference to matters that are deemed as requiring attention by administration, a reference note will be added to the correspondence by an appropriate administration officer, marked for the Elected Member's attention, and the note will detail the action to be taken by the appropriate department, with particular reference to Item 3 above only.

### **Stationery**

The Shire's stationery and equipment, including letterhead and envelopes are not to be used for election purposes.

### **Communication between Elected Members and staff**

In order to facilitate effective use of staff resources, all enquiries and requests from Elected Members shall be directed to the Chief Executive Officer. Where the request entails the use of Shire resources (human or physical) to an extent which an Officer believes may impact on the effective management of the shire referred to the Chief Executive Officer for determination.

The Chief Executive Officer will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The Chief Executive Officer may subsequently refer the matter to Council for determination should a resolution not be achieved.

Communication between Elected Members and staff will in general be governed by the 'Code of Conduct'.

### **Media contact**

In accordance with the Local Government Act 1995, the spokesperson for the Council is the Shire President, and with the President's authorisation the Chief Executive Officer.

### **Publications**

Publications produced by the Shire will be available for residents and ratepayers in the Trayning Library, the website and from the administration centre.



The following publications will be advertised in the Ninghan News and will also be available, on request, in alternative formats:

- Annual report
- Annual financial statements
- Strategic plan
- Local laws

#### **Advertising**

All statutory advertisements requiring local public notice shall also be advertised in The West Australian and Ninghan News, unless in the opinion of the Chief Executive Officer, this is not practicable for the purposes of meeting time frames and required deadlines.

Public notices will also be made available on the Shire's website.

*– End of Policy*

#### **COMMENT**

Nil

## **1.11 Community Consultation**

**Introduction** This policy aims to give the community a clear view of the importance of consultation in democratic governance. It also aims to be a practical document that will assist Council to undertake effective consultation in the Shire of Trayning.

Every Council report includes a section on consultation to ensure that proper attention has been given to this area of decision making. This policy fosters a consultative culture and ensures that the consultation genuinely reaches people affected by a decision and they have every opportunity to have input on Council decision making.

**Consultation Policy** Consultation for this document is defined as a process of two way, informed communication between Council and the community on an issue prior to Council making a decision.

Democratic governance involves community participation and input into governance and decision making. Consultation is a vehicle for obtaining this input as it enhances the decision making process. It fulfils a need to ensure that views can be identified and communicated. Consultation does not over-ride Council's responsibility to make decisions and its accountability for its decision making. It does not imply government by referendum.

**Objective** The aim of the consultation policy is to create and foster a consultative culture in the Shire of Trayning.

## **Policy Statement**

### **1.3 Key Principles**

The following principles form the basis of the consultation policy.

#### **Inclusiveness**

- Consultation will encourage participation of people affected by or interested in a decision.
- Affected and interested parties will be given equal opportunity to participate in the consultation process.
- Affected groups and interested parties can select their own representative to work with Council.
- Consultation will be sensitive to the needs of particular groups to maximise their capacity to contribute.
- Council will actively seek out people for consultation.

#### **Focus**

- Consultation will be purpose driven.
- Consultation methods will be appropriate for the task.
- A clear statement on the consultation process will be provided.
- A clear statement will outline the role of Council and the role of participants in the consultation process.

- Internal coordination will ensure Council ownership of the consultation.

### **Responsiveness**

- Council will understand, consider and respond to contributions from all participants.
- Consultation will be transparent and accountable. All people involved will have a clear understanding of how their feedback and comments are to be used.
- Council will maintain openness, consider advice and alter the course of actions if required.
- Council will respect the diverse range of interests that may be represented during consultation.
- Council will make reasonable attempts to resolve conflicts, if they arise, and reach a suitable solution.

### **Provision of Information**

- Information relating to consultation will be readily available to allow participants to make informed and timely contributions.
- Information relating to consultation can be accessed easily by everyone involved before key decisions are made.
- Relevant information will be presented in an easily understood format.
- In some instances full details about an issue may not be fully disclosed to the public because of its commercially sensitive or personal nature.

### **Implementation and Evaluation**

- All consultation will be evaluated after the decision making is complete.
- Participants will receive feedback about inputs received and how the final decision was reached.
- If a difference occurs between the input and the final decision the reasons for this will be clearly documented and communicated.
- As part of its commitment to the effectiveness of consultation, Council's decision making process will be evaluated once a final decision has been made.

## **1.4 Levels of Consultation**

The principles are general to all consultation processes, but there are clearly different levels of consultation to meet different requirements.

Democratic local government, with its very broad charter, needs to consult across all levels. This may range from consultation on the future use of a specific site in the Shire of Trayning, to consultation on the community's view of a state-wide issue which impacts on the community and therefore requires a Council position.

The levels illustrated in Table One indicate different approaches to consultation. These general principles will be used to develop specific strategies.

## **1.5 Tools of Consultation**

There are a number of ways to commence a dialogue with the community. These are outlined in Table Two.

## **1.6 Consultation Matrix**

The Council and the community need to determine which tools are appropriate at different levels of consultation. The template for the matrix appears as Table Three.

**Table One**

Examples of the different levels of decision making requiring different approaches to consultation are:

<b>Site Specific</b>	Matters about a particular site, such as a change in use or sale of property. Excluding matters to be decided under the Planning and Development Act.
<b>Area Improvement</b>	Matters that effect people in a neighbourhood, or town, e.g. change in local service delivery, traffic management plans, town plans and significant planning initiatives.
<b>Service Planning for the entire Shire of Trayning</b>	To develop or improve a service that would see a significant change in the level of service. The service could have an impact on the whole Shire of Trayning.
<b>Policy Development</b>	To develop or improve policies for Council's position on particular matters. Policies may affect the whole of the Shire of Trayning. Does not include internal operation procedures.
<b>Key Strategic Issues- Major Development Facilities</b>	Projects of such a size that impact on the finances or future of the Shire of Trayning e.g. aquatic facility or other redevelopments
<b>Strategic Plan for the Shire of Trayning</b>	Establishing the decision making framework of Council.

**Table Two**

<ul style="list-style-type: none"> <li>• Advertisements in the local media i.e. WA Newspapers, Ninghan News, Facebook, Merredin Phoenix</li> </ul>	<p>Advertisements in the local media are an important means of advising the community about the matter under consultation and how the community might have input.</p>
<ul style="list-style-type: none"> <li>• Web Sites</li> <li>• Online “Have your say” consultation</li> </ul>	<p>Information will be placed on the Internet at <a href="http://www.trayning.wa.gov.au">www.trayning.wa.gov.au</a></p>
<ul style="list-style-type: none"> <li>• Write a letter</li> </ul>	<p>This is a personally addressed letter to all affected households. It outlines issues and invites comment. It always indicates where the comment should be directed within Council.</p>
<ul style="list-style-type: none"> <li>• Media release</li> </ul>	<p>This involves issuing media releases and conducting interview with local journalists. If it is part of the consultative process, the Council spokesperson should always indicate to the media representative that feedback from the community is valued. The media release will be made available to local newspapers.</p>
<ul style="list-style-type: none"> <li>• Survey</li> <li>• Deliberate Polling</li> </ul>	<p>This is a statistically correct survey of particular attitudes, beliefs or information. It may be done by phone, written survey or door knock of individual households.</p>
<ul style="list-style-type: none"> <li>• Letterbox drop</li> <li>• Fact Sheets</li> </ul>	<p>This is a non-addressed leaflet or flyer that summarises the issues and invites feedback to council. The flyer indicates how that feedback can be given. These will only be used in the affected area.</p>
<ul style="list-style-type: none"> <li>• Personal briefings</li> </ul>	<p>These are held at the request of a member’s of the local community to discuss a particular issue with a responsible officer. Personal briefings may include the President and/or Councillors.</p>
<ul style="list-style-type: none"> <li>• Focus Groups- Review Groups</li> <li>• Advisory Groups</li> </ul>	<p>These are discussion groups of around 15-20 people, usually led by a trained person (facilitator). The participants are invited because they are residents or because they have a particular interest, involvement or stake in the subject being discussed. The group may comprise professionals or residents with particular skills and competencies relevant to the issue. The purpose is to find out the range of opinions that exist on a particular topic. Focus groups cannot measure how widely those various opinions are held in the community.</p>
<ul style="list-style-type: none"> <li>• Information session</li> <li>• Public Meetings</li> </ul>	<p>This may be held at a community venue, on site of the matter under consultation, or at the Council offices. Invitations will be sent by one or more of the following methods:</p> <ul style="list-style-type: none"> <li>- Advertising in local papers</li> <li>- Letterbox drop</li> <li>- media</li> </ul>

**Table Three**

**SHIRE OF TRAYNING**

**TABLE THREE – CONSUTLATION MATRIX**

	<b>Ninghan News</b>	<b>Shire Web Page</b>	<b>Write</b>	<b>Interest Groups</b>	<b>Media Release</b>	<b>Survey</b>	<b>Letter Drop</b>	<b>Personal Briefing</b>	<b>Focus Groups</b>	<b>Information Sessions</b>
<b>Site Specific</b> (e.g. Shire or Private Property)	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>5</b>
<b>Area Improvement</b> (e.g. Street Scape)	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>5</b>
<b>Service Planning</b> (e.g. Change in bin collection)	<b>1</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>4</b>
<b>Policy Development</b> (e.g. Policy Manual)	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>
<b>Key Strategic Issues -Major Projects</b> (e.g. Sporting Club)	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>3</b>
<b>Community Strategic Plan</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>3</b>

**1 = every time 2 = will in most circumstances 3 = may depend on the program 4 = on the odd occasion 5 = in the rarest of circumstances**

*- End of Policy*

**COMMENT**

Nil

## **1.13 Managing Unreasonable Complainant Conduct**

### Introduction

This policy guides Council's management of Unreasonable Complainant Conduct (UCC) to minimise the risks inherent in such conduct in a manner which is both reasonable and proportionate.

### Objective

This policy covers Unreasonable Complainant Conduct across the full range of Council services and via all communication channels, including but not limited to face-to-face, telephone, mail, email, letters to the media, and social media.

History      Adopted 29 July 20

### Policy Statement

UCC is recognised as a significant problem across all levels of government, including local government.

Although complainants who behave unreasonably are very few in number, their behaviour can have profound effects on the Shires resources and efficiency levels, and the productivity, safety and wellbeing of its staff.

Particularly troublesome for Council are the resulting equity issues, i.e. the management of UCC draws resources away from the delivery of services to customers generally, and the negative impact, including stress, on those dealing with UCC, whether they be other customers, Councillors, volunteers, or staff.

### Guiding Principles

It is recognised that all members of the community have a right to ask questions about Council and the services it provides, express opinions about Council and Council services and to lodge complaints about Council and Council services.

However, the right to ask questions, express opinions and lodge complaints is not unqualified and Council may, and in some cases is legally obliged to, take action when faced with UCC.

Council's responses to UCC will be reasonable and proportionate, and will, as far as is practicable, allow the individual or group involved in the UCC to continue to communicate with Council in a controlled manner.

Council's responsibilities to eliminate or reduce risks to mental and physical health and safety under Occupational Health & Safety legislation are recognised as a fundamental consideration when dealing with UCC. Council's responsibilities to ensure that resources are allocated equitably are recognised as a fundamental consideration when dealing with UCC.

Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances so dictate, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer or staff member, or the failure to obey a lawful instruction.

### Types of UCC

UCC is generally recognised as falling into five categories:

1. Unreasonable persistence



2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviour

### Strategies for dealing with UCC

The appropriate strategy for dealing with UCC will depend on the specific circumstances.

Managing UCC generally involves placing a reasonable and proportionate limitation on one or more of the following:

- Subject matter of communications, such as where a reasonable person would believe that a specific issue has been adequately addressed.
- Timing of communications, including time of day, and frequency or duration of contact.
- Access, including prohibiting entry to Council premises.
- Method of communication, such as all contact to be via a single email address.

### Notification and management

In determining the appropriate process for notifying the individual or group and managing the UCC, the CEO will consider all relevant factors, including:

- The specific nature of the UCC;
- The history of Council's dealings with the individual or group involved in the UCC;
- The immediacy of any risks arising from the UCC;
- The negative impact of UCC on the equitable allocation and use of Council resources;
- Whether the process, as well as the strategy, are reasonable and proportionate in the circumstances.

Where practicable, i.e. where the UCC is yet to escalate to the stage where it is believed to pose an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer, or staff member, the CEO shall send a warning letter to the individual or group involved in the UCC.

Where practicable, if the individual or group involved in the UCC does not modify their behaviour, or if the UCC poses an imminent, or ongoing and increasing threat to the health and well-being of another customer, Councillor, volunteer, or staff member, the CEO shall send a notification letter advising of the limitations, which the CEO has determined to be appropriate.

The CEO shall review the limitations placed on the individual or group involved in the UCC as required at least every twelve months with this review to align with the start of the financial year. In undertaking this review, the CEO shall consider the following:

1. The level of compliance with the MUCC arrangements;
2. Evidence of willingness to modify conduct;
3. Factors relevant to
  - The need to ensure that resources are equitably distributed across Council's customers, as opposed to being disproportionately allocated to dealing with UCC, and
  - Council's occupational health & safety responsibilities.
4. Whether any continuing strategies to manage UCC are reasonable and proportionate in the circumstances.

## Responsibilities

Unless otherwise determined, by the CEO:

*– End of Policy*

## COMMENT

Nil

## **1.14 Attendance of Councillors and CEO at Events**

### **Introduction**

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

### **Objective**

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

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

**History**      Adopted 17 February 2021

### **Policy Statement Provision of tickets to events**

#### **1. Invitations**

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

#### **2. Pre-approved attendance**

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

- 2.1 Any public event which is free.
- 2.2 Invitations to attend events being hosted by other Local Governments, State Government or Federal Government/Ministerial agencies.
- 2.3 Meetings of clubs or organisations within the Shire of Trayning.
- 2.4 Australian or West Australian Local Government Association events.
- 2.5 Events hosted by sporting clubs, schools or not for profit organisations within the Shire of Trayning or the Wheatbelt.
- 2.6 All Shire hosted, run or sponsored events.
- 2.7 Events run by professional associations of which employees are members or to which membership is encouraged by the CEO for the benefit of the Shire.
- 2.8 Opening or launch of an event or facility within the Shire of Trayning or the Wheatbelt.
- 2.9 Recognition of Service events within the Shire of Trayning or the Wheatbelt.

### **3. Approval of attendance**

- 3.1 In making a decision on attendance at an event, the Council will consider:
- a) Who is providing the invitation or ticket to the event
  - b) The location of the event in relation to the local government (within the district or out of the district)
  - c) The role of the Council Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution
  - d) Whether the event is sponsored by the local government
  - e) The benefit of local government representation at the event
  - f) The number of invitations/tickets received and
  - g) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation
- 3.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

### **4. Non-Approved Events**

Any event which is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event and is not excluded from gift and disclosure provisions.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Councillors and the Chief Executive Officer.

### **5. Payments in respect of attendance**

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

COMMENT

Nil

**1.15 Standards for the Recruitment, Selection, Performance Review and Termination of CEOs**

**Schedule 2 — Model standards for CEO recruitment, performance and termination**

[r. 18FA]

**Division 1 — Preliminary provisions**

**1. Citation**

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

**2. Terms used**

(1) In these standards —

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

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

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

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

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

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

*local government* means the Shire of Trayning;

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

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

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

**Division 2 — Standards for recruitment of CEOs**

**3. Overview of Division**

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

**4. Application of Division**

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

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

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

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

**6. Advertising requirements**

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

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

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

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

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

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

**9. Recommendation by selection panel**

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

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

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

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

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

- (a) the making of the offer of employment to the applicant; and



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

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

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

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

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

## **14. Confidentiality of information**

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

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

## **15. Overview of Division**

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

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

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

**17. Carrying out a performance review**

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

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

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

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

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

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

**Division 4 — Standards for termination of employment of CEOs**

**20. Overview of Division**

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

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

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

- (d) genuinely considering any response given by the CEO in response to the allegations.

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

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

**23. Decision to terminate**

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

**24. Notice of termination of employment**

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

=====

*End of Policy*

**COMMENT**

Nil

## **1.16 Meeting Dress Standards**

Introduction	Council Members, Committee Members, Staff are expected to comply with neat and responsible dress standards when representing the Shire.
Objective	To present a tidy and professional image of Staff and Elected Members to the community.
History	Adopted 18 October 2023

### **Policy Statement**

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards when representing the Shire. Accordingly Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

All Councillors and Executive Management Team (EMT) members, when attending General and Committee Meetings of Council, are required to maintain an appropriate dress code and personal hygiene.

This dress code may involve such clothing as –

1. Ordinary and Special Council Meetings  
Business attire is to be worn. A suit or sports coat, Business shirt or blouse, dress pants, (no jeans) dress, skirt.
2. Committee Meetings  
Neat casual clothes or good work clothes (depending on the nature of the business to be discussed).
3. All Councillors and Officers should ensure their garments give appropriate coverage at all times. Dresses and skirts are to be at an acceptable length.
4. Appropriate footwear should be worn at all times. Sneakers, work boots and thongs are not acceptable.
5. Councillors, wherever possible, are to wear their name badges when attending General and Committee Meetings of Council. Officers are required to wear their name badges at all times when attending General and Committee Meetings of Council.

*– End of Policy*

### **COMMENT**

This Policy is reviewed internally for applicability, continuing effect and consistency and is to be reviewed at least once every two years for relevance and to ensure that its effectiveness is maintained.

### **3.1 Policy Manual – Changes to be Authorised**

Introduction	A Policy establishes rules by which the business of the local government is conducted. Policy provides for a consistent approach to a given circumstance and is a statement that will be of considerable benefit to guide and assist councillors, staff and the community in understanding the objectives of Council.	
Objective	To establish principles in regard to the keeping of a Policy Manual and how it may be reviewed or changed.	
History	Former Policy	1.1.10
	Adopted	21 June 2000
	Amended	19 December 2007
	Replaced	27 July 2011

#### **Policy Statement**

1. It is the policy of the Council to maintain a manual recording of the various policies of the Council.
2. Policies are to relate to issues of an on-going nature; decisions on single issues are not policy and are not to be recorded in the manual.
3. The objectives of the Council's Policy Manual are –
  - to provide Council with a formal written record of all policy decisions.
  - to provide the staff with precise guidelines in which to act in accordance with Council's wishes.
  - to enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council.
  - to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
  - to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
  - to enable ratepayers to obtain immediate advice on matters of Council Policy.
4. Maintenance of Council's Policy Manual –
  - an official copy is to be retained by the CEO and updated as and when a policy is adopted, amended or deleted by the Council.
  - new, amended or deleted Policies are to be circulated to Councillors as soon as possible after resolution, preferably with the Minutes of the Meeting,
  - in the months after annual adoption of Delegations Register as required by the Local Government Act, the CEO is to carry out an administrative review of the Policy Manual annually, and recommend any additional, amendments or deletion of policies,
  - following the review and any changes resolved by Council, an updated copy of the complete Policy Manual is to be distributed to all Councillors.
5. Changes to Council Policy shall be made only on –
  - an agenda item clearly setting out details of the new or amended policy,
  - specific resolution adopting, amending or revoking a particular policy.

*- End of Policy*

**COMMENT**

Report on review of Policy Manual to be presented annually.

## **3.2 Conferences, Meetings & Training – Attendance & Expenses**

Introduction

Objective

History	Former Policy	1.3.5 and 1.3.14
	Adopted	21 March 1983 and 19 December 2007
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	19 December 2007
	Replaced	27 July 2011

### **Policy Statement**

1. The following Schedules are adopted, and form part of this Statement –
  - Policy Schedule 3.2 (a) – Definitions
  - Policy Schedule 3.2 (b) – Councillors
  - Policy Schedule 3.2 (c) – Staff
2. Council acknowledges that there are various obligations and values for professional development, including –
  - legislative, in particular relating to occupational health and safety of employees
  - contractual for senior employees
  - governance
  - individual aspirations and aptitude
  - social and community benefit
  - investment in the individual and community
3. Council encourages –
  - elected members to participate in training and attend the annual WALGA State Convention,
  - senior staff to attend the Annual State Conference relating to their profession,
  - all staff to improve their skills required for their role and that extend their relevant knowledge.
4. Where an elected member, employee or other person is authorised to attend a conference, meeting, training course or other business on behalf of Council, the Shire will pay –
  - conference/meeting fees, accommodation and other necessary incidentals and out of pocket expenses upon production of receipts, and
  - travellingas specified in this Policy and its Schedules.
5. Approval to attend the conference etc. must be obtained prior to the event. Retrospective claims will only be considered if –
  - shown that prior approval was not possible due to circumstances,
  - the person was attending in the place of an authorised nominee, unable to attend, and
  - the CEO is advised prior to the event of attendance or necessary change.
6. There is an automatic disposition against interstate and overseas conferences and training. These will only be approved where there is demonstrated clear benefit (not simply relevance) to matters affecting the Shire. The Council may consider

registration fees, accommodation costs and incidentals, but will not reimburse or cover travel costs except as specified in this Policy and its Schedules.

7. Any monetary limitations do not apply where a person is required or requested by Council to attend, or attendance is authorised by Council in excess of the Policy, prior to the event.
8. The CEO shall have regard to any Council Policy, and to Budget provision made for development of elected members and employees.

*- End of Policy*

**COMMENT**

Nil



## Policy Schedule 3.2 (a) – Definitions

	Examples include	
	Councillor	Staff
<p><b>conference</b> means an event providing general information relevant to a position, relating to local government  <u>excludes</u> conferences or training that are mainly or only applicable to a private or non-Council role</p>	<p>WALGA Annual Convention (2 days),            Tourism conferences</p>	<p><del>LGMA</del> <b>LG Professionals</b> – State &amp; Branch</p>
<p><b>meetings</b> means an event that is necessary as part of the function of the role</p>	<p>Representing the Shire as directed by Council            Zone meeting            WALGA Convention            Structural Reform</p>	<p>NEWROC            Regional Roads Group            Industrial / union meetings            OHS</p>
<p><b>personal development</b> means an event, study, conference etc undertaken, with minimal or no relevance to role or local government, for personal benefit</p>		
<p><b>professional development</b>, an overarching term which means –</p> <ul style="list-style-type: none"> <li>- conferences as defined</li> <li>- training as defined</li> <li>- proficiency development as defined</li> </ul> <p>but excludes –</p> <ul style="list-style-type: none"> <li>- meetings as defined</li> <li>- personal development as defined</li> </ul>		
<p><b>proficiency development</b> means conferences and training relevant to a role, although not necessarily essential, and related to local government</p> <p>Aim –to lift expertise beyond general competence and capability</p>	<p>AIM – Company Directors course            WALGA – Councillors Training</p>	<p>LG Professionals membership and conferences            Engineering supervision certification            Accounting qualification            Civil engineering study            Mechanical training            Local Government Tax Seminars</p>
<p><b>training</b> means an event providing specialised information in relation to a particular topic or function, required or considered necessary to fulfil the role –</p> <ul style="list-style-type: none"> <li>- Required for role</li> <li>- Specific for role but not required</li> </ul>	<p>None</p> <p>WALGA Councillor training modules,</p>	<p>OHS, White card</p> <p>Machine competency, Traffic management,</p>

Aim – competence and capability

DLG workshops

Rates,  
Elections,  
First Aid,  
Poisons,  
Fire / emergency  
training  
Award training

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*– End of Schedule*

COMMENT

## Policy Schedule 3.2 (b) – Councillors

### Acknowledgment

1. By adopting this Schedule, Councillors acknowledge that professional development –
  - is not a right,
  - is not intended as recognition of service or contribution,
  - is undertaken in response to the community's legitimate expectation of the highest possible standard of governance, and
  - that community funds will be expended appropriately and responsibly for the benefit of the community, and not for private purposes or benefit.

### Attendance

2. Councillors are entitled to attend either the WALGA Annual Convention or ~~LGMA~~ **LG Professionals** Annual Conference with associated costs met.
3. In addition to the above, Council will provide an allocation in the Budget annually for professional development expenditure, to be utilised at the direction of Council.
4. Council –
  - is to approve attendance at conferences etc. for Councillors, unless specific provision has already been made and identified in the Budget (e.g. WALGA State Convention),
  - prior approval of Council for Councillor training is not required, subject to Budget provision,
  - acknowledges that prior approval may not be possible where an event is at short notice, in which case Policy 1.4 (External Organisations – Council Representatives) is to apply to the extent relevant.

### Costs

5. The Council will meet the costs of the elected member attended as follows –
  - registration including Conference Dinner,
  - accommodation and meals
  - out of pocket expenses – parking, taxi, etc
  - travel in the Councillors personal vehicle –
    - o per kilometre rate as approved in Budget –
      - to either the WALGA Annual Convention or the ~~LGMA~~ **LG Professionals** Conference, and
      - meetings being attended as a representative of Council
    - o reimbursement of fuel purchased to all subsequent events.
6. The Council will meet costs of one accompanying person for each elected member –
  - WALGA Annual Convention – accommodation and meals including the Convention Dinner, and any partner's program to a combined maximum of \$300,
  - other events – accommodation and meals only
7. Costs not eligible to be met by the Shire are –

- meal expenses of a person other than the accompanying person, unless officially hosted by the Shire,
- accommodation in excess of the minimum required –
  - o if event within 250km of residence – 1 night for each conference day, if travel during daylight hours before or after the event is impractical
  - o if event beyond 250km of residence– 1 additional night
- personal expenditure of any kind, including alcohol

Accountability

8. In the same manner that Commonwealth and State Government Parliamentarians are expected to bear the full pro-rata cost of any personal benefit arising out of Government funded travel, Councillors are expected to refund the full pro-rata cost (registration, accommodation, travel etc) if their attendance at the event is less than 75%.
9. It is recognised that on occasion, there may be unavoidable matters or irreconcilable commitments that intrude, in which case (8) above is not applicable.

*- End of Schedule*

COMMENT

## Policy Schedule 3.2 (c) – Staff

### Application

1. This Schedule includes appointed volunteer officers of Council, in relation to training specific to their role.  
e.g. – Bush Fire Control Officers etc.

### Attendance

2. Staff and appointed volunteer officers of Council are entitled to the appropriate proficiency development necessary to fulfil their role, with associated costs met.
3. In addition to the above, Council will provide an allocation in the Budget annually for professional development, to be utilised at the discretion of the CEO.
4. The Chief Executive Officer–
  - may approve proficiency development employees at conferences etc. where
    - - o attendance will enhance the skills and capabilities of the employee, and
      - o is relevant to the duties and responsibilities of the employee.
  - may approve paid time off to attend study courses for employees undertaking study for an initial qualification relevant to local government, or additional study as approved by Council.

### Costs

5. The Council will meet the costs of a staff member as follows –
  - registration including Conference Dinner,
  - accommodation and meals
  - out of pocket expenses – parking, taxi etc
  - travel in the staff member’s personal vehicle –
    - o per kilometre rate as approved in Budget –
      - to one proficiency development conference etc each budget cycle, and
      - meetings and training being attended as part of the function of the role or at the direction of the CEO
    - o reimbursement of fuel purchased for all additional proficiency development conferences or training approved by the CEO.
6. The CEO may approve the Shire meeting the costs of one accompanying person, the approval not to exceed –
  - Professional association – accommodation and meals including the Convention Dinner, and any partner’s program to a combined maximum of \$300,
  - other proficiency development – accommodation and meals only
7. Costs not eligible to be met by the Shire are –
  - meal expenses of a person other than the accompanying person,
  - accommodation in excess of the minimum required –
    - o if event within 250km of residence – 1 night for each event day, if travel during daylight hours before or after the event is impractical

- if event beyond 250km of residence– 1 additional night
  - personal expenditure of any kind, including alcohol.
- 8. Study relevant to but not specifically required for the position may be reimbursed on production of receipts and proof of successful conclusion of the subject.

Accountability

- 9. In the same manner that Commonwealth and State Government employees are expected to bear the full pro-rata cost of any personal benefit arising out of Government funded travel, employees are expected to refund the full pro-rata cost (registration, accommodation, travel etc) if their attendance at the event is less than 75%.
- 10. It is recognised that on occasion, there may be unavoidable matters or irreconcilable commitments that intrude, in which case (8) above is not applicable.

*– End of Schedule*

COMMENT

### **3.3 Organisational Records**

Introduction

Objective

History	Former Policy	1.1.2
	Adopted	15 April 1996
	Amended	21 June 2000
	Replaced	27 July 2011

#### **Policy Statement**

1. Records of the Shire are to be managed in accordance with the requirements and guidelines of the State Records Office.
2. Records not generated but held by the Shire –
  - for safe-keeping remain the property of the group leaving them with the Shire, and shall be managed at their direction, subject to there being minimal financial cost to the Shire
  - where the group is disbanded and is unlikely to be reactivated, or the records having been donated, the records shall be managed as if they had been generated by the Shire.
3. The CEO may authorise the destruction of records as provided for by the Local Government General Disposal Authority prepared by the State Records Office

*– End of Policy*

#### **COMMENT**

The Shire is required under the State Records Act to develop a Records Keeping Plan, and then review it every 4 years. The RKP has to comply with the principles detailed in the Act and Regulations, and also be approved by the SRO.

Records include –

- paper – minutes, accounts, lists, files etc
- electronic
- maps or similar
- photographs, drawings and paintings of the area or portraits
- Honour boards and plaques
- etc

### **3.4 Complaints – Administrative**

Introduction

Objective

History	Former Policy	1.3.4
	Adopted	16 May 1977
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	19 December 2007
	Amended	27 July 2011

#### **Policy Statement**

1. This Policy does not apply where legislation stipulates a separate complaints procedure, such as –
  - Local Government Act 1995 –
    - s.5.107 – Complaining to complaints officer of a minor breach
    - s.5.114 – Making Complaint of a serious breach
2. For the purpose of this policy, a complaint alleges some irregularity and must be substantive in nature, and is to be differentiated from what would be considered to be an error, or dissatisfaction.  
Examples –

<u>Error or dissatisfaction</u>	<u>Irregularity and substantive</u>
Complaint about pothole in road acted on or ignored	Complaint that previous reports not acted on or ignored
Rates too high	Rates improperly assessed
Works being done where not wanted	Works being undertaken in unsafe manner
Did not get the answer they wanted	Staff dismissive or rude
Council decision not in their favour	Council did not consider material information in decision
3. A complaint may be general in nature or relate to a particular Staff member, a part of the organisation, a Policy or a decision. Any person may lodge a complaint, however staff cannot use this process if they are acting in an official capacity. A complaint must contain sufficient detail to enable it to be addressed and recorded.
4. Receiving the Complaint –
  - a) All written complaints and record of verbal complaints are to be directed to the CEO in the first instance
  - b) The CEO is responsible for managing the resolution of disputes and complaints lodged with the Shire.
  - c) The CEO or person directed to resolve the complaint will make every effort to promptly resolve disputes and complaints lodged with the Shire, according to the principles of procedural fairness.
  - d) Complaints can be made – verbally, by letter, by e mail, or by fax.
  - e) Where a verbal complaint is received, or the complainant refuses to put the complaint in writing, detailed notes are to be taken by the person receiving the complaint
  - f) Complaints procedures at the Shire will be determined by –
    - Commitment



- Fairness
  - Resources
  - Visibility
  - Accessibility
  - Assistance
  - Responsiveness
  - Charges
  - Remedies
  - Data collection
  - Systemic and recurring problems
  - Accountability
  - Reviews
- g) A Complaints Register is to be kept.
5. Investigating the Complaint –
- a) Maintain confidentiality and impartiality
  - b) Resolve at the local level where possible and appropriate
  - c) Establish clear process for the registration and management of complaints and procedural fairness requirements
  - d) Analyze complaints data to facilitate service improvement and for consistency with Local Government Act
  - e) Clear communication to staff, Councillors and community members
  - f) Be proactive with respect to complaints management –
    - induction of staff
    - procedures
    - early intervention and management
    - communication
    - service improvement
  - g) Maintain a consistent approach to resolution of complaints
  - h) Maintain clear documentation
  - i) Quality assure procedures where you have line management responsibilities
  - j) Maintain confidentiality and impartiality
  - k) Acknowledge the corporate and legislative responsibility for complaints management
6. Resolving the Complaint –
- a) Complaints are to be received and recorded as outlined in this policy.
  - b) All complaints are treated equally regardless of the manner in which they are lodged.
  - c) In all cases complainants are to be treated with courtesy and the contact is to be conducted and ended in a positive way.
  - d) Verbal Complaints –
    - Be courteous and positive to the caller at all times.
    - Assure the caller that their call will be taken seriously.
    - Listen to the caller at all times and without admitting any liability, display empathy with what they are saying.
    - Repeat the substance of their complaint to check your understanding of their position.
    - Explain the course of action that will now follow.
  - e) Written Complaints –
    - Write an acknowledgement letter to the complainant, ensuring that the complainant will receive this within the Shire’s identified timeframe.

- In the letter, explain the course of action that will now follow and identify yourself/relevant person as the complainant's contact person with regard to this matter.
- f) Local complaints should be resolved within 14 work days where practical. This should be seen as the maximum time and should be less wherever possible.
- g) Where there are likely to be unavoidable delays, the complainant should be contacted and kept informed of the status of their complaint. This contact may be made by telephone.
- h) Where the Chief Executive Officer or President makes a judgement that a complaint is vexatious, trivial, without substance or does not warrant further action then the complaint is not investigated and the complainant is informed of this decision in writing.

7. Outcome of the Complaint –

- a) The CEO will advise the complainant in writing of the outcome of the complaint.
- b) The outcome of completed complaints must be recorded. The *Register / Database* is used to track and analyse complaints.

– End of Policy

**COMMENT**

Nil

### **3.5 Legal Representation Costs Indemnification**

Introduction	From time to time, Members and Officers of Council may need legal representation.	
Objective	This policy is designed to protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.	
History	Former Policy	1.1.19
	Adopted	15 November 2000
	Amended	27 July 2011

#### **Policy Statement**

##### **1. Introduction**

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

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

##### **2. General Principles**

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

Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

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

### 3. Applications for Financial Assistance

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5000.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

### 4. Repayment of Assistance

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

– End of Policy

## COMMENT

Nil

### **3.6 Information Technology – Access and Use**

**Introduction** Information technology resources are provided to support the Council's administrative and operational activities. These resources include the Council's network, desktop computer systems and software, internet access, electronic mail (email) and related services.

Users of these systems are expected to comply with the following policy schedule which is written with the intent of protecting the integrity of these systems so as to provide reliable IT services to users, and also to protect the right of each employee to work in a healthy and safe environment.

**Objective** This policy deals with the provision of information technology resources by the Council and the associated responsibilities of authorised users when accessing these resources.

<b>History</b>	Former Policy	1.1.20
	Adopted	19 February 2003
	Replaced	27 July 2011

#### **Policy Statement**

1. The following Schedules are adopted, and form part of this Statement –
  - Policy Schedule 3.6 (a) – Principles of Access and Use of Information Technology
  - Policy Schedule 3.6 (b) – Management and Control
  - Policy Schedule 3.6 (c) – Internet Access
  - Policy Schedule 3.6 (d) – Email Use
2. This Policy and its Schedules are to be provided to all staff having access to information technology, as part of their induction and employment information provided.

*– End of Policy*

#### **COMMENT**

Nil

## **Policy Schedule 3.6 (a) – Principles of Access and Use of Information Technology**

### **1. Introduction**

Information technology resources are provided to support the Council's administrative and operational activities. These resources include the Council's network, desktop and notebook computer systems and software, internet access, electronic mail (email) and related services.

Users of these systems are expected to comply with the policy which is intended to protect –

- the integrity of these systems so as to provide reliable IT services to users, and
- the right of each employee to work in a healthy and safe environment.

### **2. Ethics**

Respect the rights of others, and comply with other policies regarding occupational health and safety, harassment, equal opportunity etc. Do not engage in behaviour, which violates these policies.

### **3. Legislation**

#### a) Occupational Safety and Health

Employees have a duty not to adversely affect their own or any other person's health and safety at work. Distribution of offensive material through the Council's IT systems that may cause trauma or distress to other employees, or the use of these systems to bully or intimidate other employees may be construed as a breach of the Occupational Safety and Health legislation.

#### b) Equal Opportunity

The Equal Opportunity Act 1984 WA prohibits discrimination (on grounds including gender, race and religion etc) and sexual harassment. Examples of discrimination and harassment include but are not limited to the following –

- reference to a particular class of persons based on their race
- sending of pornographic material to a fellow employee
- persistent annoyance of another, interference in their work or attempt to modify or destroy data,
- behaviour that may be construed as intimidating or bullying.

#### c) Freedom of Information

Computer records including internet usage and emails are subject to FOI obligations.

#### d) Copyright

Respect the legal copyright rules. Copyright provisions also relate to downloading of software and documents. Do not distribute or install software without first obtaining approval from the CEO. Always assume website content to be subject to copyright unless stated otherwise.

#### e) Records Management

Respect the need to maintain other internal systems. Use of internet and email is subject to the State Records Act, and the requirements of Councils Record Keeping Plan.

#### **4. Defamation**

A person defames another if they publish a statement or comment (written or verbal) which is likely to cause an ordinary, reasonable member of the community to think less of that other or to shun or avoid that other. Generally any comments which disparage another person's business or professional acumen, suggest that a person may have committed a crime or refer in a disparaging way to a person's sexual chastity would be considered to be seriously defamatory. Any person who is party to the publication of defamation may be liable for payment of substantial damages.

#### **5. Personal Use**

Reasonable personal use of Council IT resources may be permitted (in the user's own time) provided that it does not –

- negatively impact upon the user's work performance, hinder the work of others nor make any modification to any IT resource.
- result in additional cost to the Council.

Reasonable use in a particular circumstance will be a matter to be determined by the CEO.

#### **6. Restrictions**

Prohibited uses of Shire IT resources are –

- transmission or access to any material in violation of any Australian legislation (Commonwealth or any State), including but not limited to copyright material, threatening or obscene material, or information protected by trade secret.
- conduct private commercial activities including eBay and similar online auction sites.
- access, create, store or distribute pornographic material of any type.
- to gamble or play games.

#### **7. Consequences**

Users found to have breached this policy may be subject to disciplinary action.

Criminal offences will be reported to the Police. Penalties that may result can be substantial, e.g. up to \$10,000 under the Occupational Health and Safety Act for some offences.

#### **8. Mobile communications**

In so far as is applicable, this policy applies to mobile phones iPads etc that may be provided for Shire purposes.

*– End of Schedule*

**COMMENT**

Nil

## **Policy Schedule 3.6 (b) – Management and Control**

### **1. Access Control**

Access to information systems is controlled by the CEO. Users are granted access on the basis that their use of IT resources shall be responsible, ethical and lawful at all times.

When a new employee commences, the CEO is to determine the level of system access required to carry out their daily tasks.

As a condition of employment all new employees who have requested access to Internet and/or Internet email are required to complete the policy acceptance form.

### **2. Computer Systems**

#### a) Work Purpose

Computer systems are provided as a tool to support the operations of the Council. Each computer is installed with a standard operating environment plus additional user specific tools.

#### b) Personal Use

Limited personal use of computer systems is allowed provided such use is reasonable in terms of time and cost.

#### c) Prohibited Use

Under no circumstance are users to install –

- software or utilities on Council computers that are not licensed and work related. Permission must be obtained from the CEO before installing applications on Council computers.
- software or utilities sourced from the internet. This includes but not limited to ICQ, Gator, Neopets, Bonzibuddy, Internet flowers, Web shots and other screensavers.
- software on Council computers without the prior permission of the CEO.

#### d) Monitoring

The Council reserves the right to monitor email, internet activity, logs and any electronic files for any reason, including but not limited to, suspected breaches by the user of their duties, Council policy, or unlawful activities.

#### e) Maintenance of hardware and software

Maintenance of the Council's IT systems is the responsibility of the CEO. Under no circumstance should any employee attempt to repair hardware or software faults without the permission of the CEO or by their instruction.

*– End of Schedule*

### **COMMENT**

Nil



## **Policy Schedule 3.6 (c) – Internet Access**

### **1. Internet provision**

Internet costs are incurred based upon the amount of data that is received from the internet and can be significant. The internet also presents a security risk to the Council's operations. The following points are aimed at reducing the cost and risk of providing internet access.

It should be noted that downloading does not mean only copying a file or document over the internet to a computer – it is all information coming into the system from another computer. The Shire is charged for all data received.

### **2. Internet Use**

#### a) Work Purpose

Users are permitted to access the internet for work related purposes as outlined in each user's internet usage application.

#### b) Personal Use

Limited personal use of internet facilities is allowed, such as online banking, travel bookings, browsing, provided such use is reasonable in terms of time and cost.

#### c) Prohibited Uses

Use of internet must comply with the Principles outlined in Schedule 3.6 (a). Specifically prohibited is –

- streaming voice and video media unless work related – e.g.: on-line radio
- online games.
- use of instant messaging applications.
- subscribe to any subscription service, unless approved by the CEO.
- use MP3 download sites such as Kazaa, iTunes, LimeWire.

#### d) User responsibility

It is the user's responsibility to ensure that any internet site they access is within the bounds of acceptable usage, legal and does not pose a risk to the security of the Council's operations.

Web based applications must be approved by the CEO and informed of the intended use of the application so that appropriate security measures are taken.

#### e) Records Management

Due to the dynamic nature of the internet, information that may be subject to change which is relied on at a particular date in decision making should be copied either by printing and filing, or creating a PDF of the page referenced.

Where the information will not change, there is no need to print or retain an e-copy, but reference to the data should be made.

*– End of Schedule*

## **COMMENT**

Nil

## **Policy Schedule 3.6 (d) – Email Use**

### **1. Legal Obligations**

Users should be aware that email from the Shire is the same as a letter printed on Shire letterhead, and is therefore subject to the same legal, privacy and records management obligations as paper records and letters

### **2. Email Facilities**

#### a) Work Purpose

Email is provided to allow electronic communication with the Council's partners, clients and staff.

#### b) Personal Use

Limited personal use is allowed provided such use is reasonable in terms of time and cost and does not interfere with Council business or present a security risk.

#### c) Prohibited Uses

Use of email must comply with the Principles outlined in Schedule 3.6 (a), and in addition, specifically prohibited is –

- subscribe to any subscription service, unless approved by the CEO.
- send forged messages.
- use someone else's mail address without authorisation.
- send aggressive, rude or defamatory messages.
- send unsolicited emails (SPAM).
- distribution of junk emails
- broadcast messages, regardless of interest, with the exception of urgent/emergency messages

#### d) User Responsibilities

Users are required to –

- protect their email address and not unwittingly provide it to any party that may include it in mass mailing lists (SPAM). Correspondence via email should be of the same standard for written communication.
- report emails which contains controversial, offensive or discriminatory material or language, to the CEO.
- treat email attachments with caution due to their susceptibility to viruses, malware etc. Discretion must be exercised, particularly where the email is from an unknown source.
- maintain compliance with any records procedures regarding email.

#### e) Records Management

Since multiple emails may be required to finalise a matter, progressive exchanges do not need to be printed and filed. Once the matter is concluded, if it is a significant matter that a hard copy is considered appropriate, it may then be printed and filed, particularly if –

- it documents the actions of the Shire in some way
- plays a significant part in making a decision, or
- is annotated or has major alterations made by the Shire in some way.

Day to day matters do not require printing and filing, however the electronic copies of all emails sent and received relating to the matter must be retained as per the State Records Act.

*- End of Schedule*

**COMMENT**

Nil

### **3.7 Staff Uniforms**

Introduction	This policy defines the conditions that apply in respect to Staff uniforms.
Objective	To confirm and document conditions that apply to the funding contribution by Council to staff uniforms.
History	Adopted – 16 November, 2016

#### **Policy Statement**

Unless otherwise determined the following is to apply with the provision of recognised uniforms to Staff members.

1. That permanent officers be offered a maximum of \$800 plus GST per annum in the first year of employment as Council contribution for an approved staff uniform. (Part time staff will be eligible for full time equivalent (FTE) pro- rata amount allowed.)
2. In the second and subsequent years of employment as Council's continuing contribution for approved staff uniform an allowance will be made as per the adopted budget for that year for permanent officers. (Part time staff will be eligible for FTE pro-rata amount allowance)
3. Where a probationary period of employment applies a staff uniform allowance will not apply until the probationary period has been successfully completed.
4. Those officers claiming the uniform allowance will be obliged to wear the uniform whilst in the employ of the Shire of Trayning.

*– End of Policy*

#### **COMMENT**

Nil

## **4.1 Demolitions**

Introduction

Objective

History	Former Policy	2.5.2
	Adopted	15 April 1996
	Revised	21 June 2000
	Amended	27 July 2011

### **Policy Statement**

Prior to demolition orders being issued or application approved, a title search to verify the correct ownership of the property, is to be carried out

*- End of Policy*

### **COMMENT**

A property that is listed on the State Heritage Register is not permitted to be demolished without Ministerial approval

## **5.1 Council Facilities – Alcohol consumption**

Introduction

Objective

History	Former Policy	2.3.1
	Adopted	15 April 1996
	Revised	21 June 2000
	Amended	27 July 2011

### **Policy Statement**

1. Council has no objection to the sale and consumption of liquor by local organisations in Council facilities, when Council facilities are available,
2. Details to be provided for Shire approval are –
  - a) name of organisation holding the function (if appropriate)
  - b) name and contact details for person to be responsible for the event
  - c) date and time of commencement and conclusion
  - d) area of consumption and/or service of alcohol is to be specified, e.g. within a particular building, a delineated outdoor area
  - e) whether or not alcohol is to be sold
3. Police approval is also required where alcohol is to be sold.
4. Police are to be provided with a copy of each permit issued.

*– End of Policy*

### **COMMENT**

Liquor Licensing Act s.59 and s.119 apply

## **5.2 Council Chambers Usage**

Introduction

Objective

History	Former Policy	2.3.2
	Adopted	15 April 1985
	Amended	15 April 1996
	Amended	21 June 2000
	Replaced	27 July 2011

### **Policy Statement**

1. The Council Chambers are not available for general use.
2. Where the meeting involves the Shire as an organisation or is of importance to the Shire, the CEO has discretion to approve use of the Chambers, for example –
  - meetings with local government purposes (e.g. NEWROC, NEW Travel, Kununoppin Medical Practice, Local Emergency Management Committee etc)
  - meetings with/by visitors (e.g. parliamentarians, government agencies, developers, Neighbourhood Watch etc)
  - administrative – audit, consultants, staff training, meetings requiring additional privacy etc.

*– End of Policy*

### **COMMENT**

Nil

### **5.3 Playground Equipment and Street Furniture**

Introduction

Objective

History	Former Policy	2.4.1
	Adopted	16 November 1972
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	27 July 2011

#### **Policy Statement**

1. That play equipment, displays, sculpture and street furniture on local government property and streets which has become dangerous is to be cordoned off for repairs if practicable, or if necessary is to be removed as soon as a potential hazard is detected.
2. That the CEO arrange an inspection of playground equipment, displays, sculpture and street furniture on local government property once a year to check the safety of such equipment.

*- End of Policy*

#### **COMMENT**

Nil



## **5.6 Swimming Pool – Management Guidelines**

Introduction

Objective

History	Former Policy	2.2.2
	Adopted	18 March 1985
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	19 December 2007
	Amended	27 July 2011
	Amended	21 October 2015

### **Policy Statement**

1. A person may be banned from the pool without reference to Chief Executive Officer, for up to one week, however if a ban is to exceed one day, then the parents of minors are to be notified as to the reasons for the ban.
2. If a patron has been banned from the pool once in a pool season, and recommit the same offence, he may be banned for twice the time that the original ban comprised of, or a period determined by the Chief Executive Officer and Pool Manager.
3. Approval is given to the Pool Manager to have control in the following matters;
  - a) Insist on adult supervision of their children at all times.
  - b) To approve or terminate games in the pool compound area, except that “bombshells” or other activities likely to cause injury are not to be permitted.
  - c) Ban patrons from the pool for offensive or insulting language.
  - d) The right to close the pool on rainy days or when lightning is imminent.
  - e) Prohibit the use of shorts instead of bathers or request patrons to shower before using the pool.
4. The Swimming Pool Manager is to maintain the resuscitator in a state of readiness, be proficient in its operation, and train others including swimming club members in its operation.
5. For health reasons it is compulsory for babies or young children who ordinarily wear nappies to wear an aqua nappy when entering the pool.
6. Any person suffering from gastrointestinal disease, skin infection or any other disease that is communicable in an aquatic environment will not be permitted entrance to the pool.
7. Patrons will be prohibited entrance to the aquatic centre if the Aquatic Centre Manager deems that they are in an unclean condition, or wearing unclean clothes, or under the apparent influence of alcohol or drugs.
8. Children under the age of ten will not be permitted entrance to the Trayning Aquatic Centre unless they are accompanied by a parent or guardian aged 16 years or greater. People supervising children must do so from within the pool area (ie. not from the gym or playground).

9. A child under the age of five must have a parent or guardian within reach whilst in the swimming pool or near the edge.

*- End of Policy*

**COMMENT**

Nil

## **5.7 War Memorial – Private Plaques**

Introduction

Objective

History	Adopted	18 May 2011
	Amended	22 June 2011

### **Policy Statement**

Private plaques may be placed at the War Memorial, under the following provisions –

- a) Plaques are to be –
  - engraved brass
  - maximum size of 170mm horizontal x 120mm vertical
  - secured to the top of the garden walls
- b) Minimum qualifications are –
  - the person must have seen active service in a theatre of conflict
  - the person’s “place of residence” during their period of service was within the Shire of Trayning
  - the person’s “home town” was within the Shire of Trayning
- c) Minimum details to be included on the plaque are –
  - rank, given name, middle initials, surname, service number
  - which branch of the Armed Service, and country if appropriate
  - if died while on service as a result of that service
  - other information as desired such as awards receive, theatre of service
- d) Responsibility for plaque –
  - the Shire does not accept responsibility for the purchase or replacement of the plaque if damaged or removed
- e) Administrative –
  - the CEO is to approve the wording of the plaque prior to ordering and installation
  - biographical details of the person, and a photograph of the plaque are to be lodged with the Shire, to be retained as an appendix to the Municipal Heritage Inventory
  - on application, Council may approve the placement of a plaque not meeting the requirements above.

*– End of Policy*

### **COMMENT**

Nil

## **5.10 Waste Oil Facility**

Introduction

Objective

History                      Adopted                      27 July 2011

### **Policy Statement**

That the waste oil facility remain accessible free of charge to all Shire of Trayning residents, and that provision be made in annual Budgets accordingly.

*- End of Policy*

### **COMMENT**

Refer Item 9.1.3 from April 2011, resolutions 04-2011.066

Estimate 2 complete collections per year = 2 x 4,000 litres x 18 cents/litre = \$1,440

Note – Government subsidy for domestic oil collection discontinued 1 July 2011.

## **5.12 Ningham Fitness Centre**

Introduction            This policy is designed to promote, protect and regulate the use of the Shire's gym and its facilities.

Objective

History                 Adopted                            21 October 2015

### **Policy Statement**

#### **Use of the Gym**

The gym is provided for the enjoyment of all who use it, irrespective of whether it is recreational for keeping fit, rehabilitation from injury, or as part of a training programme for an individual sport. The gym is available for use 5:00am to 10:00pm. Once your workout has been completed the gym must be locked to prevent unauthorised access. Use of any gym equipment outside the gym is prohibited.

#### **Gym Etiquette**

The gym should be kept clean and tidy at all times. Suitable trainers must be worn; Rugby/Football boots and / or muddy footwear are not allowed. Users are not allowed to train without suitable footwear, as this is a safety hazard when working with weights. Be considerate of other users, especially at busy times. Please bring a towel to place over seats or benches and wipe down the upholstery after use. Always return weights after use. Do not bring food or drink in the Gym, except water in appropriate plastic water bottles. **Always leave the gym how you would like to find it.**

#### **Gym Safety Rules**

There is a risk of injury when using (or misusing) weight training equipment. The following points should be observed:

- Inspect equipment before each use for loose, worn or frayed parts.
- Check that wire ropes are not frayed or kinked and that pulleys rotate freely.
- Report any problems with the equipment to the Shire.
- Space in the gym is limited. To avoid trip hazards, do not leave any personal belongings on the floor. Please place neatly out of the way against a wall.
- Always lift and lower weights under control. Serious injury could result from lack of control, balance and form. Do not drop weights on the floor.
- Work with weight you can manage/handle.
- Do not continue training if you feel dizzy or unwell. Remember to breathe properly during exercise particularly when lifting weights.
- Do not tolerate horse-play around machinery and equipment.

#### **Terms of Use**

The Shire of Trayning would like all members to have safe and enjoyable usage of the Ningham Fitness Centre, so the following terms of use are for your benefit to ensure the security, working order and the cleanliness of the facility and the equipment in it. This facility is for the community's benefit so please treat it with pride and respect.

1. No membership card = no use of the facility.
2. Hours of use are between 5.00am to 10.00pm.
3. No lending of your key or taking non-members into the fitness centre.
4. No children 12 years or younger are permitted in the fitness centre at any time.

5. Student from 13 – 15 years of age must be accompanied by an adult (*person over the age of 18yrs*).
6. Patrons should familiarise themselves with the equipment and correct procedures before use.
7. No smoking or food is permitted in the facility.
8. Enclosed footwear is to be worn at all times and your own towel should be used to lie on benches.
9. Respect and use the gym equipment properly.
10. Any damage is to be reported immediately to the Shire Office.
11. Please ensure that all lights, air-conditioner, TV/DVD Player are switched off before leaving the facility.
12. Always ensure that the doors are LOCKED before leaving.

**Any breach of terms 3, 4, 5 will lead to the immediate suspension of a membership and a ban of 12 months**

*– End of Policy*

#### COMMENT

Ninghan Fitness Centre Membership Form (following) forms part of this policy.



# NINGHAN FITNESS CENTRE

## MEMBERSHIP APPLICATION FORM

TYPE *(please circle)*    ADULT    FAMILY    PENSIONER    STUDENT *(13 to 17yrs)*    Day Pass  
                                  \$60.00    \$90.00    \$35.00    \$35.00    \$10.00

APPLICANT: \_\_\_\_\_ AGE: \_\_\_\_\_

OTHER MEMBERS: \_\_\_\_\_ AGE: \_\_\_\_\_

\_\_\_\_\_ AGE: \_\_\_\_\_

\_\_\_\_\_ AGE: \_\_\_\_\_

RESIDENTIAL ADDRESS: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ MOBLIE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

### **\$50 Key Bond Refundable When You Return Your Key**

A \$50 key bond is required with all keys and is refundable on the return of the key.  
 The bond is to be paid in cash or cheque (made out to the Shire of Trayning).  
 The person named below will be the only one to receive the bond on return of Key.

Full Name \_\_\_\_\_ Trust Account \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Key No \_\_\_\_\_ Key Bond Paid \$ \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Receipt No \_\_\_\_\_

Date Key Returned \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Signature \_\_\_\_\_

Cheque No \_\_\_\_\_ Name \_\_\_\_\_ Signature \_\_\_\_\_

### **PLEASE SEE BACK OF PAGE FOR TERMS OF USAGE**

#### **DISCLAIMER**

As part of my membership of the Ninghan Fitness Centre, I enter the gym and exercise at my own risk. I accept that the Shire of Trayning takes no responsibility or liability for any injuries incurred or sustained. I hereby accept all the rules and conditions set by the Shire of Trayning for the Ninghan Fitness Centre.

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### OFFICE USE ONLY

Key No: \_\_\_\_\_ **KEY BOND PAID: \$** \_\_\_\_\_ Trust Receipt No: \_\_\_\_\_

Date: \_\_\_\_\_ Fees Paid: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_

Full Member/s  Day Pass  Valid from \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## TERMS OF USAGE

The Shire of Trayning would like all members to have safe and enjoyable usage of the Ninghan Fitness Centre, so the following terms of use are for your benefit to ensure the security, working order and the cleanliness of the facility and the equipment in it. This facility is for the community's benefit so please treat it with pride and respect.

1. No membership card = no use of the facility.
2. Hours of use are between 5.00am to 10.00pm.
3. No lending of your key or taking non-members into the fitness centre.
4. No children 12 years or younger are permitted in the fitness centre at any time.
5. Student from 13 – 15 years of age must be accompanied by an adult (*person over the age of 18yrs*).
6. Patrons should familiarise themselves with the equipment and correct procedures before use.
7. No smoking or food is permitted in the facility.
8. Enclosed footwear is to be worn at all times and your own towel should be used to lie on benches.
9. Respect and use the gym equipment properly.
10. Any damage is to be reported immediately to the Shire Office.
11. Please ensure that all lights, air-conditioner, TV/DVD Player are switched off before leaving the facility.
12. Always ensure that the doors are LOCKED before leaving.

**Any breach of terms 3, 4, 5 will lead to the immediate suspension of your membership and a ban of 12 months**

I have read and understand all the terms of usage.

Signature \_\_\_\_\_

Date \_\_\_/\_\_\_/\_\_\_



## 5.13 Insurance Requirements for Usage of Council Owned Facilities Policy

Introduction	Council currently does not have a policy on this matter and as such maybe exposed to potential liability to third parties for personal injury or property damage should Council be found to be negligent.
Objective	To ensure Council, Community Groups, Organisations, Associations, Social Clubs, Sporting Groups, Senior Groups etc. who use council owned facilities, grounds etc. on an adhoc or regular basis understand their insurance obligations.
History	Nil

### **Policy Statement**

All Community Groups, Organisations, Associations, Social Clubs, Sporting Groups, Senior Groups etc. who use council owned facilities, grounds etc. on a adhoc or regular basis and conduct any other type of activities (for example – fund raising, holding an event etc.) should have their own insurance to cover their legal liability to third parties for bodily injury and/or property damage arising from the activities of this group.

If any of these types of groups who are using council owned facilities on a regular basis and are storing contents at any facility they should also carry their own contents cover for these items as well.

Other insurances these groups may need to consider obtaining is:

- Public & Products Liability – First and Foremost (as a minimum any group should have \$10 Million liability cover in place)
- Professional Indemnity (This cover is required if the company/person is providing professional advice & services of a skilful level – we recommend a minimum of no less than \$2,000,000 any one occurrence)
- Business Insurance (e.g. Cover for contents, stock etc.)
- Voluntary Workers Personal Accident Insurance
- Workers Compensation or Income Protection Cover
- Association & Officials Liability Insurance
- Cover for own Motor Vehicle

Proof of such coverage should be provided to the Shire and retained by Council in the form of Certificates of Currency on an annual basis prior to use of Council facilities.

### **Casual Hirers Liability Insurance**

- The Casual Hirers Liability Policy provides Public Liability Insurance to uninsured Casual Hirers of Council owned facilities
- Limit of Liability \$10,000,000 any one claim/incident
- A Casual Hirer is an individual or group hiring the Council facility for non-commercial or non-profit making, passive activities such as craft, reading and mother groups and events such as weddings, bingo, parties and meetings, no more than 12 times during the 30 June to 30 June period each year
- The Casual Hirers Policy does **NOT** provide cover for sporting bodies, clubs, associations, corporations, organisations, incorporated bodies, individuals or groups using the facility for commercial or profit making purposes; or hirers using the facility for non-passive activities more than 12 times during the 30 June to 30 June period each year.
- A Hirers Public Liability Disclaimer Form is to be completed by the proposed hirer, on each and every occasion prior to a hire booking being accepted.

*– End of Policy*

### **COMMENT**

Nil

## **6.1 Landfill Sites - Management**

Introduction

Objective

History	Former	Policy 2.6.1
	Adopted	15 April 1996
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

1. White goods shall have doors or lids removed as appropriate by the person disposing of them at a Shire tip.
2. Signs shall be erected at Shire tips where appropriate to indicate to users where to dump their refuse and, if necessary, the position of different locations for different classes of rubbish, eg car bodies, garden refuse etc.
3. Users of Shire tips, be they commercial or domestic users, shall follow the directions of the Shire as to the use of the tip, disposal location and movement of vehicles on the tip site.
4. Dumping of tyres is not permitted at any refuse site within the Shire.

*- End of Policy*

### **COMMENT**

The management of landfill sites is governed by legislation and regulation that should ensure that management plans are developed and implemented.

## **7.1 Creditors - Preparation for Payment**

Introduction

Objective

History	Former Adopted	Policy 1.2.1 21 June 2000
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### **Policy Statement**

1. Where practicable, invoices are to be certified by the person who placed the order to indicate –
  - i) that the purchase was duly authorised;
  - ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and
  - iii) the price and computations on the invoice are correct;
2. As confirmation of compliance with Council's Purchasing Policy, attached to the invoice or first invoice of a number of payments, should be –
  - the duplicate copy of the purchase order (or photocopy),
  - any documentation regarding quotes obtained both for the successful quote and for the quotes not accepted,
  - any summary of quotes received or calculations used to make the decision.

Information that is solely sales in nature does not need to be attached, unless considered relevant to the decision made.

*- End of Policy*

### **COMMENT**

Nil

## **7.2 Petty Cash and Till Float**

Introduction

Objective

History	Former	Policy 1.2.5
	Adopted	20 September 1982
	Amended	21 June 2000
	Amended	17 September 2003
	Replaced	27 July 2011

### **Policy Statement**

1. Petty Cash –
  - a) A petty cash float not exceeding \$200.00 may be held in the custody of a suitable officer at the direction of the CEO
  - b) All claims on petty cash are to be supported by receipts for the expenditure, or written explanation of the expenditure, and authorised by CEO or MCS prior to payment
  - c) Prior to recoup, payments made and cash on hand are to be reconciled.
2. Till Float –
  - a) A till float not exceeding \$200.00 may be held in the care of a suitable officer at the direction of the CEO
  - b) No cash payments are to be made from the till float
  - c) Cash on hand is to be reconciled with record of receipts and till float daily.

*– End of Policy*

### **COMMENT**

Nil

### **7.3 Regional Price Preference**

Introduction

Objective

History	Former	Policy 1.2.2
	Adopted	21 June 2000
	Amended	27 July 2011

#### **Policy Statement**

1. Subject to (2) below a regional price preference of 10% is to apply to a tenderer for the supply of goods and services not being construction (building) services -
  - (a) who has been operating continuously out of premises in the Shire of Trayning for at least 6 months;
  - (b) not established within the Shire of Trayning on that component of the price relating to goods and services supplied from sources within the Shire of Trayning
  
2. A regional price preference of 5% is to apply to a tenderer for the supply of -
  - (a) construction (building) services who has been operating a business out of premises in the Shire of Trayning for at least 6 months;
  - (b) construction (building) services not established within the Shire of Trayning on that component of the price relating to construction (building) services provided by local suppliers;
  
3. Notwithstanding(1) and (2) above, price is only one of the factors to be assessed when the local government decides which tender to accept, and the cheapest or any tender will not necessarily be accepted. Other factors to be considered include -
  - due diligence,
  - quality of the product,
  - terms of supply including after sales service,
  - freight costs,
  - urgency factors,
  - actual cost differential of provision of the goods or services and
  - budget provision.
  
4. A regional price preference applies whenever tenders are called unless the Council resolves otherwise in reference to a particular tender.
  
5. That tenders or quotes be called for the annual supply of goods and services where there are benefits to be gained from bulk buying.

*- End of Policy*

#### **COMMENT**

Amendment to this policy may require State-wide advertising.

## **7.4 Purchasing and Tenders**

Introduction

Objective

History	Former Policy	1.1.24
	Adopted	21 March 2007
	Amended	27 July 2011
	Amended	21 October 2015
	Amended	August 2016
	Amended	16 September 2020
	Amended	19 July 2023

### **Policy Statement**

1. The following Policy Schedules are adopted, and form part of this Statement –
  - 7.4 (a) – Purchasing Principles
  - 7.4 (b) – Purchasing Thresholds
  - 7.4 (c) – Regulatory Compliance
  - 7.4 (d) – Tender Regulations and Panel Tender Pre- Qualified Suppliers
2. In accordance with Delegation 2.1, the CEO may call tenders for purchases over \$250,000 at an appropriate time, subject to the goods or services being disclosed in the adopted Budget.

*– End of Policy*

### **COMMENT**

Nil

## **Policy Schedule 7.4 (a) – Purchasing Principles**

### **1. Objectives**

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996.
- To deliver a best practice approach and procedures to internal purchasing for the Shire.
- To ensure consistency for all purchasing activities that integrates within all the Shire operational areas.

### **2. Why Do We Need a Policy**

The Shire is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire receives value for money in its purchasing.
- Ensures the Shire is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire purchasing practices that withstands probity.
- Ensures that environmental impacts across the life cycle of goods and services are considered in the procurement process.

### **3. Ethics & Integrity**

All officers and 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 Local Government.

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:

- 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;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Trayning policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- 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.
- consideration must be taken in regards to Council's Regional Price Preference Policy,

#### **4. 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 taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-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.
- 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;
- 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);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- continuity of supply or service, and particularly timeliness of any warranty service, emergency or repair response, familiarity with works etc

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

#### **5. Sustainable Procurement**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes.

Practically, sustainable procurement means the Shire shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage,



- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range,
- For new buildings and refurbishments – where available use renewable energy and technologies.

*– End of Schedule*

**COMMENT**

Nil

## Policy Schedule 7.4 (b) – Purchasing Thresholds

### Purchasing Thresholds

Where the value of procurement (excluding GST) or the value of the contract over the full contract period (including options to extend) is, or is expected to be –

General –

Amount of Purchase	Requirement
Up to \$5,000	Quotations are not required for purchases for \$5,000 or less.
\$5,001 to \$20,000	Obtain at least one written quotation
\$20,001 - \$50,000	Obtain at least two written quotations
\$50,001 - \$249,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process.

Local Sole Provider exemption –

Amount of Purchase	Requirement
Up to \$5,000	Quotations not required
\$5,001 - \$50,000	Obtain written quotation

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, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

### Quotations

The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - o written specification
  - o selection criteria to be applied
  - o price schedule
  - o conditions of responding
  - o validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

If it is not possible to get three written quotations, a supplier's verbal "decline to quote" will be sufficient.

**1. Up to \$5,000 for General purchasing or to \$5,000 for Local Sole Provider**

Where the value of procurement of goods or services does not exceed the limit a quotation is not required. However it is recommended to use professional discretion and occasionally undertake market testing.

**2. \$5,001 to \$20,000 for General purchasing**

Where the value of procurement of goods or services is between \$5,000 and \$20,000, purchase on the basis of at least one written quotation is permitted. However it is recommended to use discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Shire of Trayning employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

This purchasing method is suitable where the purchase is relatively small and low risk.

**3. \$20,001 to \$50,000 for General purchasing**

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

**4. \$5,000 to \$50,000 for Local Sole Provider**

A written quotation to be obtained and is subject to approval of CEO. This provision is intended to be exercised for required services (i.e. trades etc) rather than goods readily obtainable from a variety of sources.

The CEO is required to periodically review of pricing and charges of a person or firm considered to be a Local Sole Provider, comparing their pricing to other providers, to ensure competitive rates are charged.

**5. \$50,001 to \$249,999**

For the procurement of goods or services where the value exceeds \$50,000 but is less than \$249,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

*- End of Schedule*

**COMMENT**

Nil

## **Policy Schedule 7.4 (c) – Regulatory Compliance**

### **1. Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- 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;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### **2. Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**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.

### **3. Anti-Avoidance**

The Shire shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$150,000, thereby avoiding the need to publicly tender.

### **4. Tender Compliance**

Purchasing over \$250,000 is to comply in all respects with the Local Government Act and Regulations.

Where tenders below that threshold are invited at the direction or discretion of Council or CEO, they must also comply in all respects.

*– End of Schedule*

## **COMMENT**

Nil

## **Policy Schedule 7.4(d) – Panels Of Pre-Qualified Suppliers**

### **Policy Objectives**

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers (“Panel”) may be created where most of the following factors apply:

- the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of ‘value for money’;
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

### **Establishing a Panel**

Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire.

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

Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where less than three (3) suppliers are appointed to each category within the Panel, the category is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

### **Distributing Work Amongst Panel Members**

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

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 0; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or

- iii. Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 0(b).

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

- a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire Trayning is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy.

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

### **Purchasing from the Panel**

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

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

### **Recordkeeping**

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;

- Request for Applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The Shire is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

*– End of Schedule*

#### COMMENT

Nil



## 7.5 Credit Card and Store Card Facilities

Introduction	From time to time, purchases are necessary from businesses that do not accept a Purchase Order, or in circumstances where it is impractical to obtain a Purchase order or make alternative arrangements.	
Objective	To enable payments or purchases where normal creditors process are not available.	
History	Former Policy	1.2.15
	Adopted	19 December 2007
	Amended	27 July 2011
	Amended	21 June 2017
	Amended	17 November 2021

### **Policy Statement**

1. The following staff are authorised to hold a Corporate Credit Card:

<i>Position</i>	<i>Maximum Limit</i>
<i>Chief Executive Officer</i>	<i>\$15,000</i>
<i>Manager Corporate Services</i>	<i>\$5,000</i>

2. Appropriate Use

The cardholder may use the card to purchase goods and services in person or by mail, telephone, fax order, internet or email from supplier, provided that –

- the card is used for the purchase of goods and services where the normal system of acquisition and payment is not feasible or practical.
- The purchase is for Shire business and within the cardholder's authority.
- The value is within the credit limit set.
- It is deemed necessary to use the card in remote or emergency situations.

3. Excluded Uses

The credit card is for Shire purchases only and must not be used for –

- Obtaining cash, bank cheques or similar by any method
- Purchase of goods or services of a personal nature
- Any entity without an Australian Business Number (ABN)

4. Managing the Credit Card

In managing the credit card, the cardholder has a responsibility to –

- Adequately secure the credit card
- Bear any cost of any charges deemed by Council to be of a personal responsibility
- Immediately advise the card provider and President/Chief Executive Officer if the card is lost or stolen
- Ensure that the credit limit placed on the card is not exceeded
- Ensure that the credit card is not used by anyone other than the card holder
- Ensure that appropriate documentation is kept for reconciliation. If documentation is not available, written justification of the expense is required.

5. Misuse of Credit Card

The cardholder will be considered to have misused the card if they fail to meet their responsibilities as described above. Misuse of the credit card may result in –

- The cancellation of use of the Corporate Credit Card
- Disciplinary action being taken
- The cardholder being required to bear the cost of any charges incurred by Council arising from misuse by the cardholder.

6. Return of Corporate Credit Card

The cardholder must return the credit card if:

- no longer employed by the Shire of Trayning
- Has been suspended or dismissed by Council or the CEO
- Otherwise requested by Council

7. Reconciliation Procedures

Each month the officer in charge of Bank Reconciliations will;

- Ensure that statements are distributed to the cardholder for authorisation and providing documentation.
- A full reconciliation of the credit card use is completed.
- Expenditure to be summarised and presented to Council with Bank Reconciliation reports.

8. Store Cards

A store card is permitted –

- at the discretion of the CEO only where its primary function is one of identification of the Shire's account with the provider,
- when not in use, is to be held in custody of the CEO, MOCS or Works Supervisor

*– End of Policy*

COMMENT

Nil

## **7.6 Debt Recovery – Outstanding Rates and Sundry Debtors**

Introduction	The Local Government Act 1995 provides for a local government to impose rates and charges on land in its district.	
Objective	To provide guidelines for the collection of rates and sundry debts, and, to delegate authority to the Chief Executive Officer for approval to apply alternative instalment options, to appoint debt collection agencies and to comply with all other requirements of the Local Government Act 1995	
History	Former Policy	1.2.7
	Adopted	21 June 2000
	Replaced	27 July 2011
	Adopted	15 February 2017

### **Policy Statement**

#### **Rates Collection**

A copy of the rate assessment marked “Final Notice” shall be issued forty two days after issue of the original assessment, allowing fourteen days for payment of the account.

If payment is not received after this time, the debt will be forwarded to the debt collection agency and a letter advising of impending legal action for recovery of outstanding rates and service charges shall be issued sixty three days after issue of the original assessment, allowing six days for payment.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within seventy days after issue of the original assessment; the debt collection agency appointed by the Chief Executive Officer will be advised to proceed with legal action.

In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the *Local Government Act 1995*, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears had been paid.

#### **Exemption Policy**

That the Chief Executive Officer be given delegated authority to grant rating exemptions that are clearly defined in accordance with Section 6.26 of the Local Government Act 1995 and determined according to this Policy.

When the Chief Executive Officer has granted rating exemptions details on the Organisation, property and sub-Section of Section 6.26 are to be reported to Council on an information basis.

That an exemption be granted from 1 July of the financial year in which application is received or from the relevant date, e.g. settlement or lease where applicable; exemptions shall not be backdated into prior financial years.

That exemptions granted in accordance with Section 6.26 are to be reviewed every two years where practicable and the list be submitted to Council on an information basis.

### **Back Rating of Properties**

That on provision of a valuation from the Valuer General's Office indicating that a previously incorrect valuation has been applied, (either under-valued or over-valued) the Chief Executive Officer shall forward a refund or adjusted assessment calculated to the date the valuation was effective, within the limitation of the *Local Government Act 1995*.

That where a property settlement has occurred, back rates raised shall only be backdated to the date of settlement, thus not affecting the previous owners.

That ratepayers subject to back rates be given the option to pay the same by alternative instalments over an extended period, other than the standard instalment option.

### **Instalment Options for Payment of Rates and Charges**

Rate payers have the option of paying rates by two instalments or four instalments. The first instalment must be made by the due date on the original notice.

Failure to pay the rates in full or choose an instalment option by the due date will deem rates to be outstanding and if not paid in full will be subject to legal action.

After thirty-five days from the issue of the original rate notice, ratepayers may forfeit the right to undertake the instalment option provided.

### **Alternative payment arrangements**

Should a ratepayer be experiencing difficulty in paying their rates or find the instalment method not suitable, application can be made to Council in writing specifying clearly the amount that can be paid and any reasons that would assist their application. This matter will then be referred to the Chief Executive Officer for determination.

Council's Rates Payment Arrangement Plan Fee is applicable on all alternative payment arrangements.

**Where rates or service charges remain unpaid**

Where rates remain unpaid for a period in excess of one year, then a caveat may be lodged to preclude dealings in respect of the land to protect Council's interests.

Where previous actions to collect outstanding rates and service charges have not been successful and the rates and/or service charges remain unpaid for at least three (3) years, Council in accordance with S6.64 of the *Local Government Act 1995* take possession of the land and hold the land as against a person having an estate or interest in the land and:

- a) from time to time lease the land; or
- b) sell the land; or
- c) cause the land to be transferred to the Crown; or
- d) cause the land to be transferred to the Shire of Trayning.

**Early Payment**

Should a ratepayer choose to undertake instalments and then clear their account within two weeks of the original due date, then the administration and interest costs will be reversed. Penalty interest will be applied to the payment made after the due date of the original rate notice. Should full payment be received after this date, no adjustment will be made to the costs.

**Conditions of Rates Incentive Scheme.**

1. Payment in full to be made by mail or electronic format (date of receipt at the Council Office is the date of payment), or in person at the Shire Offices, Railway Street Trayning.
2. Payment is to be receipted at Council office before 4.00pm, on the due date stated on the front of the original rate notice.
3. No responsibility will be accepted for late service of any rate notice.
4. Only one entry per rate notice.
5. The winner will be determined by random selection and announced at the first ordinary meeting of Council after the due date.
6. The winner will be notified by post and published in Ninghan News.
7. Decision of the Council is final and no correspondence will be entered into.

### **Pensioners/Seniors**

1. Pensioners/Seniors have until 30 June to pay rates and charges.
2. The Shire will send a letter on May 1<sup>st</sup> (or thereabouts) reminding Pensioner/Senior ratepayers that payment is required by 30 June for them to be eligible for the Pensioner Rebate.
3. Service Charges must be paid in full by the due date specified on the assessment notice.
4. Deferred rates by pensioners are permitted to a maximum of ten (10) years.

### **Sundry Debtors**

1. Whenever practical, prepayment is to be sought for works, services and facilities.
2. In all cases invoices be forwarded within 14 (fourteen) days of the debt being incurred.
3. If the account is outstanding beyond 30 (thirty) days, a reminder notice be forwarded requesting payment within 14 (fourteen) days. Where the account remains outstanding after a further 28 (twenty eight) days from reminder notice, a "Notice of Intended Legal Action" be forwarded.
4. The Chief Executive Officer may proceed with legal action to recover debts overdue by 90 (ninety) days.
5. An outstanding sundry debtor report is to be presented, quarterly, to Council.

*- End of Policy*

### **COMMENT**

Nil

## **7.7 Donations and Sponsorship**

Introduction	From time to time, requests are received for Council to donate to particular causes or events, or to support individuals financially.	
Objective	To establish a framework for the consideration of requests for donations, sponsorship or in-kind support	
History	Former	Policy 1.2.3
	Adopted	15 April 1996
	Amended	21 June 2000
	Replaced	27 July 2011

### **Policy Statement**

1. As a general practice, Council will restrict making donations of cash, materials and/or works to organisations which benefit the local community.
2. Sponsorship of individuals will not be considered, unless it is determined by Council that –
  - the person is representing the Shire as a community,
  - is acting for the Shire's benefit to some extent, and
  - is authorised by a non-profit and non-government organisation which benefits the community.
3. Criteria for consideration of donation or sponsorship –
  - a) Applicants should note that donations will be made at the absolute discretion of Council.
  - b) Donation requests will not be considered where the applicant is –
    - i) a private and for profit organisation or association
    - ii) an individual person
    - iii) in relation to general fundraising
    - iv) for funding for conferences and conventions
  - c) Priority will be given where –
    - i) The applicant is a registered not for profit organisation and has a base or visible presence in the Shire.
    - ii) The applicant is a community group based in the Shire or has visible presence within the Shire or has a significant impact on residents of the Shire.
    - iii) The applicant can demonstrate that the funds will provide some benefit to the Shire residents.
    - iv) The funds are required for a new initiative or significant once off project.
    - v) The applicant has not received a donation from Council within the previous two years.
    - vi) If the donation is for an event, entry to the event is free of charge to Shire residents to attend and participate.
    - vii) The application is made in the financial year prior to the funds being required in time for inclusion in the coming year's budget deliberations.
4. The CEO may refuse applications that do not meet the criteria of (2) or (3)(b) above without further reference to Council, but if considered appropriate, may refer non-complying requests to Council for decision.

- End of Policy

#### COMMENT

Where a donation of materials or works is made the cost should be recorded as private works and paid via a journal entry to the donations expense account. This will ensure that shire resources are properly accounted for and the cost of the donations is easily identified.



## 7.8 Purchase Orders – Issuing

### Introduction

Council adopts the Purchasing Policy – Issuance of Purchase Orders as follows;

### Objective

- To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 as amended in September 2015.
- To deliver best practice approach and procedures to internal purchasing for the Shire of Trayning.
- To ensure consistency for all purchasing activities within the Shire of Trayning.

History	Adopted	27 July 2011
	Modified	15 February 2017
	Amended	18 October 2017

### Policy Statement

The following Officers are authorised to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity:

Position	Maximum Amount
Chief Executive Officer	Unlimited
Manager Corporate Services	\$ 50,000
Works Supervisor	\$ 50,000
Senior Finance Officer	\$ 5,000

*- End of Policy*

### COMMENT

Nil

## **7.11 Investment of Surplus Funds**

Introduction

Objective

History                      Adopted                      21 October 2015

### **Policy Statement**

The Shire of Trayning's (the Shire) investment objectives will be met through the application of this Policy which provides guidelines with respect to the investment of surplus funds by defining levels of risk considered prudent for public monies.

Surplus funds are monies held in the municipal fund of a local government that are not, for the time being, required by the local government for any other purpose.

To provide guidance for the investment of Shire funds, with due consideration of legislative requirements and risk at the most favourable rate of return available to the Shire at the time for the particular investment type, while ensuring that the Shire's liquidity requirements are being met.

### **Statutory Compliance**

All investments are to be made in accordance with:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act 1997;
- Local Government (Financial Management) Regulations 1996 – specifically Regulation 19, Regulation 28 and Regulation 49; and
- Australian Accounting Standards.

### **Policy Statement - Authorised Institutions**

Investments may only be made with an authorised institution. An 'authorised institution' is defined as:

- An authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) Section 5; or
- The Western Australian Treasury Corporation (WATC) established by the Western Australian Treasury Corporation Act 1986 for a term not exceeding twelve months; or
- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding three months.

### **Authorised Investments**

Authorised Investments shall be limited to Australian currency denominated:

- Deposits with authorised institutions; and
- The Western Australian Treasury Corporation (WATC)

### **Prohibited Investments**

This Policy prohibits any investment in the following and also prohibits speculative investments:

- Deposits with an institution other than an Authorised Institution;
- Deposits for a fixed term of more than twelve months;
  
- Bonds that are not guaranteed by the Commonwealth Government or a State or Territory Government;
- Bonds with a term to maturity greater than three years; and
- Foreign currency.

### **Risk Profile**

Whilst the investments made in accordance with the *Local Government Act 1995*, the local government (*Financial Management*) *Regulations 1996* and Part III of the *Trustees Act 1962* are inherently low risk, when exercising the power of investment, the following principles are also to be given due consideration:

- The purpose of the investment, and its needs together with the circumstances;
- The nature of and the risk associated with the different investments;
- The need to maintain the real value of capital and income;
- The risk of capital loss or income loss;
- The likely return and the timing of that return;
- The liquidity and the marketability of the proposed investment during, and at the determination of the term of, the proposed investment;
- The aggregate value of the investment;
- The likelihood of inflation affecting the value of the proposed investment;
- The costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- The ethicality and reputation risk of the investment.

### **Delegation of Authority**

Authority of the implementation of this Policy is delegated by the Council to the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day to day management of Council's investments to the Manager Corporate Services and/or Accountant.

### **Prudent Person Standard**

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

### **Reporting**

A report on the investments will be included in the Monthly Financial Statements presented to the Council. This will include the following details:

- Name of institution where investment is lodged;
- Amount of funds invested;
- Interest rate on investment; and
- Date of maturity of investment.

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

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

*- End of Policy*

#### COMMENT

2015 - New Policy required as per Financial Management Review & Interim Audit recommendations.

## **8.1 Notification of Harvest Bans etc**

Introduction

Objective

History	Former Policy	5.1.1
	Adopted	15 April 1996
	Amended	21 June 2000
	Amended	17 October 2007
	Amended	27 July 2011

### **Policy Statement**

1. The CBFCO, Deputy CBFCO, CEO and MCS are authorised to impose and notify a ban on harvesting and the movement of machinery in paddocks (except for stock watering purposes) when the bush fire behaviour index is or exceeds 40.
2. Fire Control Officers to be appointed by Council in order of seniority are –
  - a) Chief BFCO
  - b) Deputy Chief BFCO
  - c) Other FCOs as appointed by Council
  - d) CEO – for the purpose of issuing permits, imposing and notifying of harvest bans
  - e) MCS – for the purpose of issuing permits, imposing and notifying of harvest bans
3. The Kestrel Weather Meter must be used to measure the weather for determining harvest and vehicle movement bans in accordance with the following procedures;
  - a) Air Temperature: The meter must be held in the hand for a minimum of one minute and not exposed to the sun.
  - b) Wind Direction & Speed: The meter must face the wind direction for at least one minute and an average wind speed must be obtained & multiplied by 1.5. ie average wind speed 20kph x 1.5 = 30kph.
  - c) Relative Humidity: The meter must be exposed to the weather for at least a minute to obtain an accurate reading.

*– End of Policy*

### **COMMENT**

Nil

## **8.2 Fire Control Order**

Introduction

Objective

History	Former Policy	5.1.4
	Adopted	31 October 1979
	Amended	15 April 1996
	Amended	21 June 2000
	Replaced	27 July 2011

### **Policy Statement**

The Fire Control Order is to be reviewed by the CEO, Chief Fire Control Officer and Deputy CFCO each year, and any proposed changes recommended to Council for consideration in time for sending a Fire Control Order to property owners with their rates notice.

*- End of Policy*

### **COMMENT**

Nil

## **9.1 Deep Drainage Works**

Introduction

Objective

History	Former Policy	3.2.11
	Adopted	19 April 2006
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

The following must be adhered to by landholders when planning to use deep drainage as an engineering option for salinity control that directly affects Council controlled lands and infrastructure (i.e. Council roads, reserves and townsites):

1. Work must not commence on any proposal that may affect Shire roads, reserves or property, without prior Council approval.
2. For Council to consider the application, prior to the commencement of drainage works within the Shire –
  - a) the proponent or an authorised agent must submit a Notice of Intent (NOI) to drain to the Department of Agriculture pursuant to the Soil and Land Conservation Regulations 1992.
  - b) Proponents must provide a copy of the letter of no objection provided by the Department of Agriculture, prior to the contractor commencing drainage excavation work.
  - c) If drainage works are crossing Shire roads, a culvert design with all the relevant supporting information is to be submitted to the Shire by the proponent for Council consideration. The culvert design must:
    - (i) Adhere to the Australian Standards for Road Design.
    - (ii) Extend the whole width of the road reserve, with the ends positioned inside the proponent's boundary (fence).
    - (iii) Use culvert pipe and headwall material made of HDPE or recycled plastic material to ensure durability and longevity of the culvert.
    - (iv) Be a minimum of 600mm diameter. This size culvert pipe diameter is stipulated to ensure the culvert has less chance of silting up, to allow easier cleaning out if required and to allow the proposed drain to be extended in the future.
  - d) As a condition of approval by Council, a Public Notice will be advertised by the Shire within the local newspaper being the "Ninghan News" advising –
    - (i) which locations drainage works will be undertaken,
    - (ii) that drainage excavation works are to be constructed with the Shire and
    - (iii) advise what roads, reserves or townsites are to be affected.
    - (iv) At Council's discretion, proposals to conduct water via the means of deep drainage excavation work must be accompanied by an Engineer certified design, taking into account the impact on Shire land and/or infrastructure of extra-ordinary events that may cause damage to the integrity of the of the drainage conveyance. Such a certified design will be undertaken at the proponent's cost.

3. Conditions for approval of application –
  - a) Once approval has been given for the Notice of Intent (NOI) to drain, the drainage proponent must give the Shire at least four (4) weeks notice prior to the commencement of any drainage excavation work that directly affects Shire controlled lands and infrastructure, to allow for Shire consideration of how drainage waters will be allowed to cross Shire infrastructure without affecting its integrity.
  - b) All construction and remedial costs, including traffic management, of the drainage conveyance structure shall be at the proponent's cost.
  - c) The material and labour associated with installing culverts at Shire Road crossings as a part of the drain conveyance are at the proponents cost.
  - d) Installation and reinstatement works are to be either undertaken or supervised by the Shire.
  - e) The proponent shall enter into an agreement with the Shire that future maintenance costs of the drainage conveyance shall be at the proponents cost and recorded as an absolute caveat on the affected land.
  
4. Remedial works on failure of drainage or associated culverts/pipes –
  - a) Where the drainage infrastructure over the road is damaged by water, remedial works shall be carried out within fourteen (14) days of written advice from the Shire.
  - b) Upon the expiry of the fourteen (14) days, the Shire reserves the right to enter upon the land and to carry out the necessary remedial works using appropriate machinery at the proponent's cost. The cost will be standard Shire private works cost.

*– End of Policy*

#### COMMENT

Consider whether this policy needs to be under the planning scheme



## **9.2 Tree Planter Hire**

Introduction

Objective

History	Former Policy	3.2.12
	Adopted	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

1. The tree planter is to be made available for use to the public at a cost as determined in the Annual Budget for the use in revegetation projects.
2. The tree planter cannot be hired out to the one customer/landholder for more than two consecutive days, unless it is not booked by someone else for the third day and thereafter.
3. The tree planter is available for hire to customers/landholders outside of the Shire as long as it is not required/booked by customers/landholders within the Shire.
4. The tree planter is to be stored at the Shire Depot.
5. The tree planter is to be picked up and returned by the hirer to the Shire Depot.
6. The Shire is responsible for all maintenance required on the tree planter unless damage has occurred through the fault of the hirer.
7. The costs of damage caused by the hirer will be invoiced to the hirer at cost plus 20%.

*- End of Policy*

### **COMMENT**

Nil

### **9.3 Collection of Native Flora and Fauna**

Introduction Approval of the Shire is required before the Department of Biodiversity, Conservation and Attractions will issue permission to people wishing to pick wildflowers, collect seed or take native fauna.

Local Government Act 1995 –

- s.3.54 – management of reserves vested or placed under Council’s control

Biodiversity Conservation Act 2016

Objective Protection of native flora and fauna

History Adopted 21 September 2011

#### **Policy Statement**

1. On written application, the CEO may provide permission to pick wildflowers and / or collect seed on lands under Council’s control, under the following conditions –
  - it is for their own domestic or hobby use
  - permission is given for a period not exceeding one week
  - the area of picking and/or collection is strictly limited
  - not more than one collector is permitted in any one location
  - a maximum of 10% of seed only to be taken in any one area
2. All applications for commercial picking of wildflowers or collection of seed are to be referred to Council, for consideration of –
  - collector’s credentials and purpose (collector includes the permit holder and up to 2 assistants),
  - duration of approval, if any,
  - the area of picking and/or collection
  - not more than one collector being permitted in any one location
  - a maximum of 25% of seed only to be taken in any one area
3. All applications for the collection of reptiles, amphibians and birds from lands under Council’s control, are to be referred to Council for consideration, having regard to –
  - collector’s credentials
  - purpose of collection – domestic, hobby, display, educational, commercial
  - fauna to be collected – rarity, locality, need for preservation etc
  - locality of collection – ease of access, likelihood of general public-knowledge or access
  - period of duration
4. Where Council has previously permitted an application, the CEO may re-issue permission in subsequent consecutive years under identical terms and conditions, without further reference to Council.
5. The approval of the Department of Biodiversity, Conservation and Attractions is mandatory, and Shire permission is invalid without the Department’s consent.

*– End of Policy*

COMMENT

DEC may issue a permit for a maximum of 1 year.

## **11.1 Removal Expenses**

Introduction

Objective

History	Former Policy	1.3.1
	Adopted	15 April 1996
	Amended	21 June 2000
	Amended	17 September 2003
	Replaced	19 December 2007
	Replaced	27 July 2011
	Amended	21 October 2015

### **Policy Statement**

1. Council will meet the reasonable removal costs of employees joining the Council's workforce –
  - Should the employee resign from his/her employment for any reason whatsoever within six months of commencing employment, the employee shall reimburse the Council all relocation expenses paid by the Council; and
  - Should the employee resign from his/her employment for any reason whatsoever within twelve months of commencing employment, the employee shall reimburse the Council 50% of the relocation expenses paid by the Council.
2. Unless otherwise stipulated in contractual documents etc, or agreed by Council, the maximum value of removal costs paid by Council is \$5,000.
3. Where a removal company is used –
  - 3 quotes are to be obtained and the CEO's approval for the preferred company sought
  - if the CEO's prior approval is not obtained, the lowest of any quotes received may be used as the basis of reimbursement
  - the Shire will meet the cost of one accompanying vehicle, one way.
4. Should the employee undertake their own relocation, the Shire will meet the costs of –
  - hire of truck or trailer, and fuel for one return trip (i.e. vehicle pick up, relocation, return of truck / trailer)
  - fuel cost of one accompanying vehicle, one way,
  - where relocation is in excess of 600 km, one night's accommodation only for the employee and dependent persons being relocated.

*– End of Policy*

### **COMMENT**

2015 - Amended to allow Council to pay upfront for removal costs and be reimbursed if employee leaves prior to completing 12 month tenure. Allowing Council to be invoiced will allow removalists to quote on commercial rates and will allow Council to utilise its own transit insurance resulting in reduced removal costs overall.

Amendment to increasing the value of removal costs covered from \$3,000 to \$5,000.

### **11.3 Shire Accommodation – Rental charges**

Introduction

Objective

History	Former Policy	2.1.3
	Adopted	18 October 1982
	Amended	15 April 1996
	Amended	21 June 2007
	Amended	27 July 2011
	Amended	19 March 2014

#### **Policy Statement**

1. Rental charges for all accommodation is to be reviewed annually, and the charges adopted by Council in the annual Budget
2. Rubbish removal charges on Shire owned accommodation are to be incorporated in the overall rental structure, rather than be levied on the tenant as a separate item.

*– End of Policy*

#### **COMMENT**

Nil

## **11.4 Superannuation**

Introduction	Local Governments often provide additional superannuation benefits to attract and retain employees
Objective	To promote and encourage superannuation benefits to employees
History	Former Policy 1.3.6
	Adopted 20 September 1993
	Amended 15 April 1996
	Amended 21 June 2000
	Amended 15 February 2006
	Replaced 27 July 2011
	Amended 19 March 2014
	Amended 21 September 2022

### **Policy Statement**

1. The Shire will contribute towards an employee's personal superannuation as follows –
  - a) the compulsory Superannuation Guarantee Levy
  - b) where an employee chooses to contribute additional voluntary superannuation contributions, Council shall maintain a matching contribution rate equivalent to a maximum of 5% unless Contract of Employment stipulates otherwise
2. Consistent with Australian Tax Office Guidelines, payment of the superannuation guarantee is to be paid on –
  - all usual/standard earnings of all staff, pre-tax, pre-salary sacrifice, including overtime payments where usually worked and forming part of the standard working hours,
  - applicable earnings are as defined by the ATO, therefore including various leave, bonuses etc, but excluding lump sum payments on termination etc.

*– End of Policy*

**COMMENT**

## **11.6 Employees – Housing Allowances**

Introduction	Eligibility for an allowance to be paid to staff living in non-Shire provided housing	
Objective	To recognise savings to the Shire by staff not living in Council provided housing	
History	Former Policy	1.3.12
	Adopted	9 December 2007
	Amended	27 July 2011
	Amended	19 March 2014
	Amended	21 September 2022

### **Policy Statement**

1. That all full time and part time permanent Council employees (i.e. excludes casual staff) not living in a Council provided residence be paid a fortnightly allowance as set by Council in the annual Budget.
2. This allowance is to be paid through the payroll system each pay fortnight and employees remain eligible whilst on leave or during periods of worker's compensation.
3. Employees are not eligible in the following instances;
  - The residence is not within the Shire of Trayning boundary.
  - Where two Council employees are living in one non Council residence only one payment is permitted.
  - The employee has been suspended from employment.
  - The employee is on leave without pay for more than one working day.

*– End of Policy*

### **COMMENT**

Employee group	Eligibility	Conditional on
CEO	Yes	Residence is within the Shire
Contract Staff	Yes	Residence is within the Shire
Admin Staff	Yes	Permanent FT or PT Residence is within the Shire
Works Staff		
Cleaners		
Trainees		
Casual Staff	No	If more than 3 months
	No	If less than 3 months

2014 - Trainees providing their own housing within the Shire should also be eligible as for all intents and purposes they are a permanent employee for the duration of their traineeship.



## **11.8 Leave Accruals – Annual and Long Service**

Introduction

Objective

History	Former Policy	1.3.15
	Adopted	19 December 2007
	Replaced	27 July 2011
	Amended	21 October 2015

### **Policy Statement**

#### 1. Annual Leave accrual –

With the introduction of the Local Government Industry Award by Council resolution in June 2010, effective 1 July 2010 –

- annual leave accrual up to 30 June 2010 inclusive is pro-rata according to the Local Government Officers or Municipal Employees Awards, being 20 days per year excluding CEO
- annual leave accrual as from 1 July 2010 inclusive is 22 days per year, pro-rata, excluding CEO

#### 2. Annual Leave –

As a matter of general policy, staff are to take annual leave entitlements as they become due, notwithstanding that the taking of leave is at the reasonable convenience of the individual, as well as the Shire, subject to –

- unless agreed to in writing by the CEO on application by the employee, accrual of annual leave is not to exceed the entitlement for 2 years service, in addition to the pro-rata accrual for current year of service.

#### 3. Long Service Leave –

Unless specifically agreed to by resolution of Council on application by the employee, long service leave –

- at the request of the employer is deferred longer than 6 months from becoming due, will be paid at the rate of pay applicable to the employee 6 months after becoming due, as per the Regulations,
- is required to be taken within 2 years of becoming due, regardless.

*– End of Policy*

### **COMMENT**

2015 - Amendment inserted to clarify interaction between policy and the Local Government (Long Service Leave) Regulations.

## **11.9 Administration Staff – Rostered Days Off**

Introduction

Objective

History	Former Policy	1.3.8
	Adopted	21 March 2001
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

All full-time office administration staff are to work a nineteen day month, with 8 hours per day to be worked between the hours 8.00 a.m. and 5.30 p.m., subject to the following –

- Unused RDO's are not to accrue beyond five;
- Unused RDO's outstanding at the end of June in any year are to be paid out at ordinary rates of pay unless prior arrangements have been made with the CEO for some or all of the days to be taken;
- Unused RDO's are to be paid at termination at ordinary rates of pay.

*– End of Policy*

### **COMMENT**

Nil

## **11.10 Gratuitous Payments To Employees**

Introduction	<b>Amendments to this Policy must be advertised and submissions considered in accordance with the Local Government Act, prior to being confirmed.</b>	
Objective	To show appreciation to valued employees, who are leaving the Shire's employ and to comply with section 5.50 (1) of the Local Government Act 1995.	
History	Former Policy	1.3.7
	Adopted	15 April 1996
	Amended	21 June 2000
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

1. That for the purpose of section 5.50 (1) of the Act, the following maximum total value may be spent on a presentation gift to employees who retire or resign after a period of satisfactory service -

5-10 years	\$400
10-15 years	\$600
15-20 years	\$800
20 years plus	\$1,000
2. The CEO may at his/her discretion make a presentation gift where an employee leaves prior to 5 years service, at a value not exceeding \$50 for each year of service.
3. The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice must be given.

*- End of Policy*

### **COMMENT**

**Alterations to this policy are required to be advertised for public comment - refer LG Act s.5.50.**

Admin Regulations – Maximum value of gift is \$5,000

## **11.11 Emergency Services – Call Outs Affecting Work Hours**

Introduction	Employees may be involved in the Volunteer Emergency Services Unit or St John's Ambulance, and can be called out to attend an emergency during or after work hours.	
Objective	This Policy is intended to ensure that employees are not penalised for volunteering for emergency services.	
History	Former Policy	1.3.9
	Adopted	19 June 2002
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

1. The National Employment Standards Division 8 Community Service Leave applies, and the following provisions are in addition to the NES where appropriate.
2. So as not to penalise them for their contribution to the community, employees are permitted to leave their workplace to render voluntary emergency assistance to a fire brigade, ambulance service or the FESA, without deduction from that employee's pay whilst so absent on such voluntary service during ordinary time, subject to the following conditions:
  - i) The emergency service is a bona fide organisation, properly constituted for its function and the employee is a registered member of that organisation;
  - ii) The employee recognises and acknowledges that upon leaving his/her workplace, the duty of care of the local government is suspended until such time as he/she returns to the workplace, and that whilst absent he/she is not afforded the protection of the local government's workplace insurances;
  - iii) The local government is indemnified against any claim which may arise by the employee out of his/her voluntary activities;
  - iv) Payment of wages is only applicable for the normal ordinary hours of work during which the employee is absent and engaged in the voluntary emergency service;
  - v) An employee shall not leave their place of employment without notifying their immediate supervisor of departure and indicative time of return. Except as provided by the Award, is no automatic right for an employee to leave the workplace but approval should not be unreasonably withheld.
  - vi) Approval may be withheld in circumstances such as –
    - to ensure a worksite is left safe
    - if the staff member may be required by the Shire to respond to the emergency in a Shire capacity, e.g. loader operator or administrative support
3. Where the employee is called out on a weekend or overnight, the principles of the Award requiring a minimum time off of 10 hours are to apply.

*Example – if after a callout, the employee does not get back to town until 2.00am, they are not expected to commence work until midday, thus giving them a break of 10 hours. As the works crew commences work at 7.00 am, the time between 7.00am and midday would be paid as though worked.*

1. Where employees may be called out for other emergency purposes (e.g land search, flood evacuation etc), the CEO is to make a determination as to whether the principles of this policy, are to apply.
2. Should the CEO withdraw or stand-down employees, this does not prevent the person continuing as an unpaid volunteer in their private capacity.

*- End of Policy*

**COMMENT**

Nil

## **11.12 Staff - Secondary employment**

Introduction

Objective To ensure no conflict of interest with primary employment

History Former Policy 1.3.16  
Adopted 19 December 2007

### **Policy Statement**

Staff may engage in remunerated work outside their ordinary employment with the Shire of Trayning, subject to –

- there being no conflict of duties or interest and
- written consent of the Chief Executive Officer.

*– End of Policy*

### **COMMENT**

The new Local Government Industry Award 2010 does not place a prohibition on secondary employment as per old Awards.

Conflict of interest is covered by the Local Government Act, and applies to all employees. In addition, staff under contract generally have specific provisions included in the contract of employment.

### **11.13 Designated Staff**

Introduction

Objective To ensure continuity of authority in the unexpected absence of CEO.

History Adopted 20 April 2011

#### **Policy Statement**

In accordance with the Local Government Act s.5.37, the following positions are Designated Staff as defined –

- i) Chief Executive Officer, as required by the Local Government Act,
- ii) Manager of Works

*– End of Policy*

#### **COMMENT**

Legislative implications include –

- Local Government Act –
  - s.5.37 –
    - (1) Council may designate a particular employee or class of employees to be senior employees.
    - (2) Council is to approve the employment or dismissal of designated employees
  - s.5.39 –
    - (1) Designated employees must be under contract
    - (1a) Separate contract not required for an employee acting as CEO, ie: the CEO cannot authorise a person to take on the duty to use the delegations made to CEO in the Delegations Register.

There are a range of factors in relation to designated staff or otherwise –

Employee class	Council involvement	Committee involvement	CEO involvement
CEO	<u>Required</u> to appoint, but may delegate selection and interview to a Committee.	<u>Permitted</u> to interview and recommend to Council. <u>Not permitted</u> to appoint, manage or direct.	As directed by Council, but usually none or very limited (to process, research, reporting).
Designated staff LG Act s.3.57	<u>Required</u> to consent to appointment or dismissal. <u>Not permitted</u> to manage or direct.	<u>Permitted</u> to interview and comment on recommendation of CEO to Council <i>(view not supported by DLG)</i> <u>Not permitted</u> to appoint, manage or direct.	<u>Required</u> to recommend appointment or dismissal. <u>Statutory</u> function to manage and direct.
	Interview & recommendation can be done by CEO alone or with Council/or input.		

	DLG recommends no Councillor involvement, other than consent to appointment/dismissal.		
EHO	<u>If designated senior officer</u> – as above and Commissioner’s approval <u>In all cases</u> – approval of Commissioner for Health required for appointment or dismissal.		
Other (non-designated) staff	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Statutory</u> function to appoint, manage, direct etc.



### **11.15 Property Purchased by Staff**

Objective	To provide clarity as to the process of purchasing residential properties from the Shire of Trayning by employees. To provide an incentive to attract and retain employees.  To proactively turnover the Shire of Trayning residential assets.
History	Adopted 14 December 2016

#### **Policy Statement**

The Shire of Trayning is willing to sell residential properties to any of the employees. Following is the process that will apply and any conditions attached to same.

#### **Vendor Finance**

Vendor finance is when the Shire of Trayning provides the finance to purchase a property. Vendor finance will only be available to employees whom have worked at the Shire of Trayning for a minimum of two (2) years.

Employees with less than two years employment at the Shire of Trayning are still able to purchase properties from the Shire however will have to source funding in the traditional manner.

#### **Properties for Sale**

The only residential properties that are able to be purchased are those that are greater than ten (10) years old and are either vacant or they are the property that the employee resides within. For clarity, an employee may not make an offer for a Shire of Trayning property that is currently tenanted by another person or persons.

#### **Process for Purchase**

1. Employees make an offer to purchase in writing to the Shire of Trayning.
2. The Shire of Trayning will have the property valued by a licenced valuer at the shires expense.
3. Providing the purchase price offered is greater than or equal to the valuation the Shire of Trayning will consider selling the said property subject to a suitable financial arrangement being agreed.
4. See paragraph below for acceptable financial arrangements.
5. The Shire of Trayning will advertise the "Disposal of Property" in accordance with the statutory requirements of the Local Government Act and Regulations at that time, at the Shire of Trayning's expense.
6. Settlement to be effected in the traditional manner utilising settlement/conveyancing professionals.

## **Suitable Financial Arrangements**

### Traditional Finance

Employees make arrangements with a lending institution and organises finance in accord with the lending institutions practises and methods.

### Vendor Finance

Vendor finance will be offered on the following basis:

- a) A twenty percent (20%) deposit in cash will be required.
- b) Any fees and charges maybe capitalised or paid for in cash.
- c) Interest to be charged on the balance will be the fixed interest rate that prevails with the Westpac Banking Corporation or the FBT Benchmark interest rate, whichever is the greater, at the time the loan is extended.
- d) The Shire of Trayning will hold a mortgage on the property until such time as all repayments plus fees, charges and property fees are paid in full.
- e) The maximum length of any loan will be five (5) years.
- f) The costs of registering a mortgage and any other loan documents will be equally shared between the Shire of Trayning and the employee (borrower).
- g) Settlement costs to be borne by each party.
- h) Agreed repayments are to be deducted from the employees' wages or salary package fortnightly until the debt is paid in full.
- i) In the event that an employee leaves the Shire of Trayning employment a direct debit repayment arrangement is to be entered into or the debt repaid in full.

### **Allocation of Proceeds**

All monies received as a result of any arrangement entered into to purchase property as a result of the application of this policy (deposits, repayments, interest earned, etc) are to be deposited into Council's residential building reserve fund.

*- End of Policy*

## **12.1 Shire Plant, Vehicles and Equipment**

Introduction

Objective

History	Former Policy	3.1.1 and 3.1.3
	Adopted	15 April 1996 and 16 May 1988
	Amended	21 June 2000
	Amended	21 August 2003
	Amended	21 June 2006
	Amended	13 December 2006
	Amended	19 December 2007
	Replaced	27 July 2011

### **Policy Statement**

1. Any Councillor or staff member may be permitted to use a Council passenger vehicle (i.e. sedan or utility) anywhere on Council business, when available.
2. An employee having private use of a passenger vehicle, whether as an employment condition or temporary approval, is responsible to ensure that it is –
  - a) appropriately garaged, secured or supervised at all times
  - b) is not driven by a person without a valid motor vehicle licence
  - c) is not driven by any person who is not an employee of the Council, unless the responsible employee is a passenger in the vehicle,
3. The CEO may permit other employees temporary limited private use of a passenger vehicle should circumstances appear to necessitate, under such conditions as is appropriate, including –
  - a) appropriately garaged, secured or supervised at all time
  - b) fuel contribution may be required
  - c) the employee is the only person authorised to drive the vehicle
4. Notwithstanding the limitations of 3(c) and 4(c) above, in exceptional circumstances the CEO may approve strictly limited use of a vehicle by a person who is not a spouse or partner, provided that –
  - a) the employee accepts responsibility for the other person's use of the vehicle
  - b) such use is closely linked to the business purposes of the Shire or provisions of the employment contract
  - c) the use is of minimal duration, time and distance

*Examples –*

  - *ferrying a vehicle to/from repairs if the employee is unavailable*
  - *delivering or picking up an employee from a commitment*
5. Large plant (e.g.) trucks, graders, backhoe, sweeper, front end loader and the like, only be provided to use by either –
  - a) an employee, with approval from the CEO or Works Supervisor or
  - b) a person approved by Counciland, that the use be restricted to –
  - Shire owned property and improvement thereof
  - a community purpose approved by the CEO, and
  - a suitably qualified operator is operating the plant.

6. Small plant (e.g.) whipper snippers, lawn mowers, and the like be allowed for use by Shire Staff only for maintenance at Shire owned property
7. All private use of vehicles, plant, equipment etc, terminates immediately on conclusion of employment, unless specifically agreed by Council or CEO.
8. Smoking is not permitted in any Council vehicle or item of plant.

*- End of Policy*

**COMMENT**

Nil

## **12.2 Plant – Security During Roadworks**

Introduction

Objective

History	Former Policy	3.1.2
	Adopted	16 October 1972
	Amended	15 April 1996
	Amended	21 June 2000

### **Policy Statement**

That the Manager of Works approach adjoining land holders where roadworks are carried out and request permission to leave Council plant on the properties near habitation.

*– End of Policy*

### **COMMENT**

Nil



### **12.3 Works Depot - Security**

Introduction

Objective

History	Former Policy	3.1.4
	Adopted	16 May 1988
	Amended	19 December 2007
	Amended	27 July 2011

#### **Policy Statement**

1. No employee is to be in the Depot Compound outside normal working hours unless with the permission of the Chief Executive Officer, Manager Corporate Services or Manager of Works.
2. The Shire Depot is not to be used for maintenance of private vehicles or other such purposes.
3. Fuels, oils and appropriate stores are to be adequately secured at all times not being accessed.

*- End of Policy*

#### **COMMENT**

Nil

### **13.1 Road Making Materials**

Introduction

Objective

History	Former Policy	3.2.1 and 3.2.2
	Adopted	20 December 1971 and 15 August
	1977	
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	21 August 2002
	Amended	19 December 2007
	Amended	27 July 2011
	Amended	21 September 2022

#### **Policy Statement**

1. A royalty shall be paid for gravel or sand removed from private property as determined in the annual budget process.
2. Gravel shall not be taken from road reserves for the use in road construction and maintenance, and that allocation be made in the Annual Budget for the rehabilitation of exhausted gravel pits.
3. Provision is to be made within each project costing for rehabilitation of gravel pits used that year, as appropriate, should a portion of the pit be exhausted.

*- End of Policy*

#### **COMMENT**

Nil



## **13.2 Provision of Crossovers**

Introduction

Objective

History	Former Policy	3.2.3
	Adopted	10 October 1979
	Deleted	15 April 1996
	Amended	21 June 2000
	Amended	27 July 2011

### **Policy Statement**

1. The Shire will contribute 50% of the cost of a standard crossing, which is a first crossing, to a rateable property.
2. A standard crossing shall be –
  - a) In Town Areas.

A crossing having the same pavement surface as the public road which it joins and, where necessary, having a pipe width of –

    - 4m for residential and commercial premises;
    - 4.5m for light industrial;
    - 6.0m for heavy industrial; and
    - 7.5m for service stations;

each with a 1.5m radius “fishtail” onto the kerb line.
  - b) In Rural Areas

Council will contribute stormwater pipes (if required) to a pipe width of 7.3 metres or deliver 5m<sup>3</sup> of gravel, as its half cost contribution towards the cost of a first crossover.
3. Where a crossing is built to standards greater than a standard crossing, the landholder shall be liable for the additional cost involved.
  1. Council will not be responsible for maintenance of crossovers.
  2. That in construction of roads listed on the programme of works, all entrances are to be provided with crossovers where gateways are already in existence.

*– End of Policy*

### **COMMENT**

Nil

### **13.3 Private Works**

Introduction

Objective

History	Former Policy	3.2.7
	Adopted	16 April 1996
	Amended	21 June 2000
	Amended	27 July 2011

#### **Policy Statement**

Private works will only be carried out where –

- a) the works and maintenance program will not be adversely affected unless the CEO is of the opinion that the advantages of carrying out the private works justifies some reassessment of the works programme;
- b) full costs including supervision, travel time to and from the project, and administration costs are recovered through private works charge rates to be set annually in the Schedule of Rates and Charges;
- c) agreements for private works are made in writing and signed by the person requesting the works. Where deemed necessary prepayment may be required before the commencement of work.

*– End of Policy*

#### **COMMENT**

Nil

## **13.4 Intersections – Clearing requirements**

Introduction

Objective

History	Former Policy	3.2.8
	Adopted	16 May 2005
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

Clearing of 150 metres, where required, will be provided at intersections, vegetation treatment/clearing is related to ensuring an adequate 'sight line area'

- Sight line area means an area between the edge of a stretch of road and a line of sight necessary for the safe use of the stretch of road.
- 150 metres is acquiescent for Treatment/Clearing on gravel road intersections
- Maintenance and protection of transport corridor infrastructure
- Extent of clearing - Complete clearing to the width and height previously cleared for that stretch of road
- Clearing to the extent necessary –
  - Maintain the efficacy of the infrastructure
  - Provide access to the infrastructure to maintain it.
- Clearing must be done in such a way as to limit damage to neighbouring vegetation.
- Clearing is compliant with all other relevant laws that may relate to clearing. These could include;
  - Environmental Protection Act 1986
  - Conservation and Land Management Act 1984
  - Soil and Land Conservation Act 1945
  - Aboriginal Heritage Act 1972
- The clearing must be done by or with prior authority of, the Shire of Trayning, Main Roads WA, The Public Transport Authority or any other person or legal entity responsible for the designated section of road.
- A 'Permit to Clear' must be applied for and obtained from the Department of Environment and Water Regulation for the clearing of a new sight line, or to extend an existing sight line beyond the extent previously cleared for that area.  
NB: Clearing exemptions apply for existing sight line areas under Schedule 2(1), 2(2) under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

*– End of Policy*

### **COMMENT**

Nil



### **13.5 Intersections – Design Improvements**

Introduction

Objective

History	Former Policy	3.2.9
	Adopted	16 May 2005
	Amended	27 July 2011

#### **Policy Statement**

1. As able, either through general maintenance or specific Budget allocation for significant work, a program of gradual modification to all (sweeping) Y intersections, and the removal of slip lanes at intersections is to be pursued.
2. Angle of intersections should preferably be at 90 degrees, with no intersection being less than 70 degrees.
3. Intersections at “Grade” include those intersections or junctions where two or more roads cross or meet at the same level
4. The objective of 90 degree intersections is to eliminate as many points of conflict for the vehicles negotiating the intersection as possible.
5. Safety is the prime consideration in the modification of Y intersections and the removal of slip lanes.

*– End of Policy*

#### **COMMENT**

Nil

## **13.6 Permit Vehicles – Routes and Conditions**

Introduction

Objective

History	Former Policy	1.1.15
	Adopted	21 June 2000
	Amended	19 September 2001
	Amended	27 July 2011
	Amended	15 October 2014

### **Policy Statement**

This Policy has been developed to align with the MRWA Permit Network System, to ensure that only permitted Restricted Access Vehicles (RAV's) use Council's Road Network, to the conditions specified. The MRWA Permit Network system can be accessed by logging onto the MRWA website at: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au), and clicking on "Heavy Vehicles" in the left hand menu. Operators are responsible for ensuring their vehicle meets the access conditions imposed by MRWA and the Shire of Trayning.

This Policy applies to all RAV's (or Heavy Vehicles) to a maximum width of 2.5m and maximum height of 4.3 m.

Approval is to be sought from MRWA's Heavy Vehicle Operations (HVO) section, to use any RAV on Council's Road Network, that is greater than 2.5m in width, or greater than 4.3m in height, as these RAV's are not covered in this Policy.

The following conditions apply:

### **Conditions**

1. The section of Harrods Road between Bencubbin Kununoppin and Kununoppin Mukinbudin Roads is closed to vehicles exceeding 19m with the exception of local traffic, being vehicles servicing properties located on this section of road with no alternative access.
2. With the exception of Condition 1, the road network detailed on the MRWA Mapping Application has been agreed to by the Shire of Trayning.
3. General conditions of operation on Shire of Trayning roads are -
  - (a) There will be no operation on unsealed road segments when visibly wet;
  - (b) School buses operate on most Local Authority roads. Operators must show all courtesy to school buses and local traffic;
  - (c) Speed limit for permit vehicles is:
    - (i) open unsealed road 80kph;
    - (ii) built up areas 50kph or 10kph under zone limit whichever is the lesser.
  - (d) Council may review operation and add or remove roads from the approved list, subject to Commissioner of Main Roads discretion.

COMMENT

The Commissioner of Main Roads issues permits under the Vehicle Standards Regulations 1977, in consultation with local governments.

Each of the following vehicle types may be used on all roads within the Shire –

Vehicle Type

Road Train	A.2-2-3 T.2-3
Rigid Truck and Dog Trailer	R.2-2 T.2-3
B Doubles	A.2-2-3-3

It is recommended that the road network hierarchy be reviewed to minimise the length of roads that are subject to RAV vehicles. The aim should be to minimise the asset management costs on surplus, low volume or duplicated routes and focus resources on high priority routes to ensure a balance between rate levels and a sustainable road asset base.

## **13.8 Kununoppin Streetscape Development**

Introduction

Objective

History	Adopted	27 July
	Amended	19 March 2014

### **Policy Statement**

1. Development in Wilson St, Kununoppin is to be targeted to the area on the south side of the road, from Glass St to Scaddan St, extending eastwards as able.
2. Further approvals by Council for this area are not required for the following, but any improvements will be subject to removal by Council if considered inappropriate, unsatisfactory or unsafe –
  - planting of trees and shrubs, provided adequate sight distance both now and fully grown is maintained (e.g. minimum 2m from roadways)
  - gardens or garden beds not requiring Shire input for construction or maintenance
  - additional “farm” sculptures, subject to elimination of hazards
  - additional machinery, subject to elimination of hazards
  - basic street furniture – seats, picnic table/bench/roof combinations etc
3. Approval of Council is required for infrastructure or significant works, such as –
  - buildings of all types
  - walls forming display areas, entry statements, memorials etc
  - works of a substantial nature, such as playground etc

*– End of Policy*

### **COMMENT**

Refer Item 9.3.5 From October 2010, resolution 10-2010.187



## **14.1 Relocated buildings**

Introduction

Objective

History	Former Policy	2.5.1
	Adopted	15 April 1996
	Revised	21 June 2000
	Amended	27 July 2011
	Amended	21 October 2015

### **Policy Statement**

1. An application to relocate a building shall only be considered and approved by Council if it is intended to re-erect the dwelling on a residential or industrial area, lot or other locations considered acceptable by Council.
2. The building may be inspected in its existing location. An application for inspection form must be completed and inspection fee as set in the annual Budget is to be paid in advance. If the building is located in an isolated or different locality, a charge based on time and distance may be made.
3. Following approval of the structure as suitable for transportation, plans and specifications must be lodged and a building licence obtained. Normal building fees are payable.

*- End of Policy*

### **COMMENT**

2015 - Was Policy 4.1 - Relocatable Buildings, relocated to Planning section now that Local Planning Scheme has been Gazetted.

## **15.1 Flag – Flying for Funerals**

### Introduction

Objective	As a mark of respect and condolence	
History	Formerly	1.1.6
	Adopted	15 November 1972
	Amended	15 April 1996
	Amended	21 June 2000
	Amended	19 December 2007
	Amended	27 July 2011

### **Policy Statement**

That –

- the flag at the Council Office be flown at half mast for the passing of ex-members of Council on the day of the funeral, and for all local funerals, and
- floral tributes be made in the case of ex-members of the Council and notables of the district, at the discretion of the Shire President.

– End of Policy

### **COMMENT**

Australian Government flag protocol –

#### *Flying flags at half-mast*

*Flags are flown at half-mast as a sign of mourning.*

*The half-mast position will depend on the size of the flag and the length of the flagpole. The flag must be lowered to a position recognisably half-mast to avoid the appearance of a flag which has accidentally fallen away from the top of the flagpole. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.*

*There are times when direction will be given by the Australian Government for all flags to be flown at half-mast. The Commonwealth Flag Network can notify you of these occasions by email.*

*Flags in any locality can be flown at half-mast on the death of a local citizen or on the day, or part of the day, of their funeral.*

*When lowering the flag from a half-mast position it should be briefly raised to the peak and then lowered ceremoniously.*

*The flag should never be flown at half-mast at night even if it is illuminated.*

*When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.*

Reference - <http://www.itsanhonour.gov.au/symbols/flag.cfm#halfmast>  
January 2011

## **15.2 Acquisition and Disposal of Land**

Introduction

Objective

History                      Adopted                      27 July 2011

### **Policy Statement**

1. Although enquiries may be made prior in accordance with Council's interests and general direction, all proposals to purchase or sell land, even if disclosed in the Budget are to be referred to Council for direction, prior to any commitment being given, as required by Delegation 2.2 clause (4).
2. All leasing or rental of property for more than 12 months to be referred to Council for decision, except for –
  - a) staff in Shire owned housing
  - b) residents of the Seniors Units or the Joint Venture housing.
3. The CEO may determine leases, licences or rental of land or property for periods of less than 12 months or less, in accordance with any guidelines or conditions as set by Council from time to time.

*– End of Policy*

### **COMMENT**

Nil

### **15.3 Mobile Still Surveillance Cameras**

Introduction	As the result of a series of vandalism and thefts, a number of surveillance cameras were purchased in 2011. The cameras are not part of a CCTV network.	
Objective	To record unauthorised activity for appropriate action.	
History	Adopted	15 February 2012

#### **Policy Statement**

1. Purpose of use –
  - a) The purpose of the cameras is to record unauthorised activity, not just illegal activity. There may be occasions that activity is recorded which is inappropriate, although not unauthorised or illegal. In the rare event that inappropriate activity requires some action, it is to be handled in accordance with these instructions.
  - b) The cameras are not permitted to be used as a tool for the general management of staff.
2. Placement of cameras –
  - a) The positioning of cameras may be in, around or to view –
    - fixed locations – e.g. office, depot, swimming pool, town dam, information bay etc
    - mobile locations – e.g. plant parked at job site. materials stockpiles etc
  - b) Cameras should be placed in unobtrusive positions covering the area of concern or to be protected.
  - c) Under no circumstances whatsoever, is any camera to be placed inside toilets or change rooms, residences, or in such a position as to view inside these premises.
3. Review and retention of images –
  - a) The images that have been recorded should be reviewed to confirm no unauthorised activity, and unless there is a valid reason for further review, the images are to be deleted and no record kept in any medium (print out, memory card, CD, work or personal computer etc.).
  - b) Valid reasons for further scrutiny may be a reported theft, vandalism, trespass or anti-social behaviour etc, in the area covered by the camera.
  - c) Images that do indicate some unauthorised activity, either through a record of that activity or due to interference with the camera, are to be referred to the CEO. Once receipt of the image is confirmed by the CEO, all other copies of the images are to be deleted, and no record kept in any medium.
  - d) The CEO will retain the images and any associated information in a secure, confidential location that is not part of any shared computer system.
4. Confidentiality –
  - a) Image information or data recorded is to be discussed only with the CEO, or Deputy CEO.
  - b) Other than to Police, no information regarding the location of cameras or images recorded is to be released or discussed with any other person, except with the approval of the CEO.
5. Penalties –

Contravention of this policy, is subject to the following actions –

2(c) – Violation of this instruction will be considered to be gross misconduct, and also reported to Police. A breach will be subject to disciplinary action, possibly including instant dismissal, and may be liable to criminal charges.

1(a) and 3(a)(c) – a breach will be subject to appropriate disciplinary action

4(a)(b) – a breach may be subject to appropriate disciplinary action

*– End of Policy*

#### COMMENT

Nil