



Shire of  
**Wongan-Ballidu**

# COUNCIL POLICY MANUAL

Version 15

(June 2025)

**The contents of this document are as resolved by Council.**

## BACKGROUND TO POLICY MANUAL

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision-making process. Written policies also enable the community to be aware of the reasoning behind administrative and Council decisions, and to be familiar with the philosophy behind individual decisions. Policy statements enable much of the day-to-day business of Council to be handled by the Administration, freeing up the time of the Elected Members in determining major policy and strategic direction.

**It is important to note that this manual contains the policy statements of the Council and does not contain procedural matters.**

The policies contained within this manual are those that project a corporate image and are not controlled by individual directorates. The development of the policies involves input from staff across the organisation and elected members. A current policy manual proves to be a valuable tool in improving the decision-making process.

A policy statement is not binding on Council but provides a guideline for Elected Members and staff in determining individual applications or requests. Generally, policies evolve as issues that have come before Council and should continue to evolve through a process of review and refinement. For this reason, it is important that a review process is in place. It is also possible for members of the community to seek an early review of a specific policy.

This Policy Manual forms part of Shire's public documentation. The policy manual is available for public inspection during office hours, at the Council office, on request.

## POLICY FRAMEWORK

Each policy is developed in order to address specific matters. They relate to objectives to the Shire of Wongan-Ballidu, and, in some instances, as required by legislation. The principles behind the policies are directly related to the Shire's values as an organisation. These are that the Shire:

- will work with the community in a way which is friendly, helpful, professional and inspires confidence;
- believes it is essential that the Council and Council staff are honest, dedicated and show respect for others;
- will aim for equity and fairness in all we do; we will focus on the needs of the customer; and strive for continuous improvement;
- wants the Council to be a dynamic organisation, flexible and innovative, with strong team spirit – a great place to work and a welcoming place for the community to visit;
- is committed to the principles of Freedom of Information.

Essentially, policies developed by the Shire of Wongan-Ballidu are aimed at ensuring and encouraging equity, fairness, access to information and decision making and effective management of community resources.

Each policy includes:

- an objective statement (what the policy aims to achieve);
- a policy statement (what the policy is);
- a nominated person responsible for the policies implementation; and
- the date of commencement, including Council resolution number.

### **POLICY REVIEW PROCESS**

If at the time of review, or at any other time, a policy is found to require amendment, a report is to be prepared for Council consideration detailing the required variation, the reason behind that variation and any recommendations for amendment.

At least triennially, the entire Policy Manual will be reviewed. The Chief Executive Officer will coordinate the review process.

**When a Policy is repealed, it is removed from this Policy Manual and saved securely within the Council Repeal Vault document.**

## DOCUMENT CONTROL – Adopted, Amended

Version	Title	Date
1	<i>Policy 10.28 Lighting Management</i>	27/03/2019
1	<i>Policy 2.4: State Government Department Support</i>	27/05/2020
1	<i>Policy 2.5 Community and Stakeholder Engagement Policy – Public Consultation Outcomes</i>	24/06/2020
1	<i>Policy 4.11 COVID-19 Financial Hardship Policy</i>	24/06/2020
1	<i>Policy 2.6 – Community Resource Centre and Wonga-Balli Boomer Community Support Provision Policy</i>	08/07/2020
1	<i>Policy 5.22 – Attendance at Events and Functions</i>	26/08/2020
1	<i>Policy 10.29 – Verge Management Policy</i>	26/08/2020
1	<i>Policy 5.23 – Elected Member Continuing Professional Development Policy</i>	23/09/2020
1	<i>Policy 2.7 – Privacy of Personal Information Policy</i>	24/02/2021
1	<i>Policy 5.24 – Shire of Wongan-Ballidu Code of Conduct for Elected Members, Committee Members and Candidates 2021</i>	28/04/2021
1	<i>Policy 10.3.0a Minor Plant Disposal</i>	23/02/2022
1	<i>New Policy Implemented – Policy 5.10a Councillors Dress Standards Policy</i>	23/02/2022
6	<i>Policy 10.30 Minor Plant Disposal</i>	23/02/2022
6	<i>New Policy 5.26 – Shire of Wongan-Ballidu Temporary Acting CEO</i>	22/06/2022
6	<i>Policy 10.30 Waste Services and Charging Policy</i>	13/07/2022
7	<i>Policy 5.0 Governance Framework</i>	23/08/2023
8	<i>Policy 5.27 Complaints of Alleged Breach of the Code of Conduct for Council Members, Committee Members and Candidates</i>	23/08/2023
13	<i>Policy 5.28 Legal Representation Costs Indemnification</i>	23/08/2023
13	<i>Policy 5.29 Statement of Business Ethics</i>	23/08/2023
13	<i>Policy 5.30 Community Complaints</i>	23/08/2023
13	<i>Policy 5.31 Risk Management Policy</i>	23/08/2023
13	<i>Policy 5.32 Risk Management Framework and Procedure</i>	23/08/2023
13	<i>Policy 5.33 Compliance and Enforcement</i>	23/08/2023
13	<i>Policy 5.34 Execution of Documents</i>	23/08/2023
13	<i>Policy 5.35 Internal Control</i>	23/08/2023
13	<i>Policy 5.36 Legislative Compliance</i>	23/08/2023
14	<i>Policy 1.9 Recordkeeping</i>	28/02/2024
14	<i>Policy 6.2 Workplace Health and Safety</i>	22/05/2024
14	<i>Policy 5.37 CEO Performance and Remuneration Review</i>	26/06/2024

14	<i>Policy 5.24 Code of Conduct for Elected Members, Committee Members and Candidates 2021</i>	24/07/2024
14	<i>Policy 4.8 Purchasing</i>	21/08/2024
14	<i>Policy 5.31 Risk Management</i>	21/08/2024
14	<i>Policy 5.1 Citizen, Young Citizen, Community Event and Community Group of the Year Awards</i>	27/11/2024
15	<i>Policy 2.3 Community Development Fund Annual Grants Program</i>	23/04/2025

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# 1. ADMINISTRATION

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## 1.1 Bushfire

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Deputy Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>217 November 2005 – 181105</b>
<b>Date of Last Review</b>	<b>27 July 2022 – Resolution 060722</b>

### OBJECTIVE

To promote the establishment and maintenance of a bush fire organisation in accordance with part IV of the *Bush Fires Act 1954* in order to provide adequate fire protection of those areas of Wongan-Ballidu Shire within the Bush Fire District and to carry out an ongoing program of hazard reduction having due regard at all times for the preservation of the natural environment.

### POLICY

See appendix

### RESPONSIBILITY FOR IMPLEMENTATION

The Deputy Chief Executive Officer and the Chief Executive Officer are responsible for the implementation of this Policy.

#### 1. POLICY STATEMENT

The policy of the Council of the Shire of Wongan-Ballidu is to promote the establishment and maintenance of a bush fire organization in accordance with part IV of the *Bush Fires Act 1954* in order to provide adequate fire protection of those areas of Wongan-Ballidu Shire within the Bush Fire District and to carry out an ongoing program of hazard reduction having due regard at all times for the preservation of the natural environment.

This policy may be reviewed as required.

#### 2. POLICY CONTENTS

##### 2.1. INTERPRETATION

- 2.1.1. Chief Executive Officer – is the Chief Executive Officer of the Shire of Wongan-Ballidu
- 2.1.2. DCEO/ Manager, Administration & Financial Services – is the DCEO/Manager, Administration & Financial Services of the Shire of Wongan-Ballidu
- 2.1.3. Manager Works and Services – is the Manager of Work and Services of the Shire

##### 2.2. WONGAN-BALLIDU BUSHFIRE ADVISORY COMMITTEE

Council may form a Committee of Council in accordance with section 5.8 of the *Local Government Act 1995* to administer Council's Policies on matters relating to bush fire prevention, control and extinguishment.

OR,

Council may form a Bushfire Advisory Committee to administer Council's Policies on matters relating to bush fire prevention, control and extinguishment, as provided by Section 67 of the *Bush Fires Act 1954*.

### **2.3. ADMINISTRATION**

- a) The Shire of Wongan-Ballidu shall promote the requirement of the *Bush Fires Act 1954*.
- b) The Wongan-Ballidu Bushfire Advisory Committee will be responsible for administering the provisions of the *Bush Fires Act 1954* where applicable and the Shire Bush Fire Policy.
- c) The Council authorises the Chief Executive Officer or in his/her absence the DCEO/Manager, Administration & Financial Services or in his/her absence the Manager Works & Services upon request from the Officer-In-Charge of the Bush Fire to: -
  - Call out or authorise the use of Shire vehicles, plant and equipment other than that normally used exclusively for firefighting or control.
  - Hire or use, or authorise the hire or use of privately owned vehicles plant or equipment or expend monies from the Municipal Fund to a maximum cost that will from time to time be determined by Council.
- d) The Shire President may expend funds in an emergency in accordance with Section 6.8 (1) (c) *Local Government Act 1995*

### **Infringement Notices**

Only persons authorised to do so by the Shire of Wongan-Ballidu may issue Infringement Notices for Offences under the *Bush Fires Act 1954* and that authority once given, shall remain in force until such time as it is revoked by the Shire.

### **Firebreak Orders**

The Council will forward a copy of its Firebreak Order no later than August 31 each year to all owners and occupiers of land within its district.

After October 13 an Infringement Notice carrying a penalty as per section 33 of the Bush Fires Act 1954 may be served on owners or occupiers of land who have not complied with the Shire's firebreak requirements and compulsory firebreaks may be installed at the owners or occupiers' expense.

### **Fire Occurrence Statistics**

The Chief Bush Fire Control Officer will submit fire reports on the forms provided by Council, to the Manager, Administration & Financial Services and to the Bush Fires Board District Liaison Officer as soon as possible.

## **2.4. BUSHFIRE CONTROL**

### **2.4.1. Roadside Burning**

Persons wishing to carry out roadside burning on roads under Council control must make application to the Shire of Wongan-Ballidu. Upon application an inspection will be carried out by the Manager Works & Services, the Chief Bush Fire Control Officer or the area Bush Fire Control Officer and the applicant. A permit may then only be issued by the area Bush Fire Control Officer.

**All roadside burns are to be the direct responsibility of the Bush Fire Brigade or Bush Fire Control Officer in the area.**

Signs indicating "Roadside Burning Ahead" are to be erected at both ends of the controlled burn. Approval to burn on Main Roads controlled roads is to be given only after consultation between the Main Roads and the Shire of Wongan-Ballidu.

#### **2.4.2. Prohibited and Restricted Burning Times**

##### **Restricted Burning Periods**

The restricted burning periods within the Shire are normally:

**October 13 to November 14**

**February 14 to March 31**

##### **Prohibited Burning Periods**

The prohibited burning period within the Shire is normally:

**November 15 to February 13**

Variations to either prohibited or restricted burning times or conditions may be authorised by the Shire of Wongan-Ballidu. In addition to the statutory requirements of Sections 17 and 18 of the *Bush Fires Act 1954* the Chief Executive Officer shall notify the Bush Fire Control Officers of any such variations as well as advising the public through 6AM Northam and ABC Regional Radio.

#### **2.4.3. Burning of Rubbish Tips**

Council rubbish tips are located at;

- |    |              |  |
|----|--------------|--|
| 1. | Wongan Hills | Reserve 41244 Wongan Hills Koorda Rd   |
| 2. | Ballidu      | Reserve 28108 Ranger Rd                |
| 3. | Cadoux       | Freehold Lot 1 of Location Number 3868 |

#### **2.4.4. Fire Prevention at Tips**

- a) A perimeter strip of 20 metres to be cleared around the areas of rubbish by spraying or other suitable method prior to the prohibited burning period each year.
- b) To minimise fire danger during summer, firing of the rubbish areas is to be carried out prior to the prohibited burning period each year.

#### **2.4.5. Burning During Prohibited Burning Time**

- a) Rubbish tips should not be burnt during this time except in cases of absolute necessity.
- b) On these occasions Ministerial exemption as required under Section 25D of the Bush Fires Act 1954 should be obtained.
- c) Fires started by accident, vandals or internal combustion should be extinguished and/or made safe as quickly as possible.

#### **2.4.6. Burning at Other Times**

Rubbish tips to be burnt only when conditions are suitable. Sufficient firefighting personnel, including a Bush Fire Control Officer to be on hand until the fire is under control.

#### **2.4.7. Prosecutions and Fire Reports**

Bush Fire Control Officers may recommend prosecution when submitting Fire Reports, in the knowledge that they will be called upon to give evidence.

#### **2.4.8. Firebreaks**

The Chief Executive Officer or the relevant Bush Fire Control Officer is authorised to approve or reject applications from landowners for reasonable extensions of time in which firebreaks are to be provided and to approve or reject requests for approval to provide firebreaks in alternative positions. The Chief Executive Officer is to be advised in writing of the approval to provide fire breaks in an alternative position.

Bush Fire Control Officers may notify the Chief Executive Officer or Chief Bush Fire Control Officer when it has been observed that fire breaks have not been constructed in accordance with Council's Firebreak Order.

#### **2.4.9. Burning Off**

**Sunday Burning** – Burning of bush is not permitted on any Sunday occurring during the Restricted or Prohibited Burning Times.

**Public Holidays** – Burning of Bush is not permitted to be carried out on any Public Holiday occurring during the Restricted or Prohibited Burning Times.

#### **Permits to Burn Bush**

- Bush Fire Control Officers to issue permits for their brigade areas.
- Permits to burn are for a maximum of twenty-one (21) days only.

#### **2.4.10. Hazard Reduction Operations**

All hazard reduction operations undertaken by a Bush Fire Brigade shall be authorised by the Shire.

#### **2.4.11. Movement Bans**

Movement bans to cover the whole Shire are to be imposed by the Manager, Administration & Financial Services or Chief Bush Fire Control Officer after phone calls or two-way radio contact with Bush Fire Control Officers to obtain consensus of opinion. The rural section of the ABC and 6AM Northam Radio are to be advised for broadcasting to the public.

Text messaging using Telstra Desktop messaging will be sent to all persons who have nominated to be on the harvest contact list.

**Harvesting on Sundays and Public Holidays** – Harvesting is permitted on all Sundays and Public Holidays other than Christmas Day, Boxing Day and New Year's Day, except where a movement ban is imposed due to extreme weather conditions. This ban takes precedence at all times.

#### **2.4.12. Fire Fighting Equipment**

The Shire may provide and maintain firefighting appliances and equipment pursuant to the powers conferred under Section 36 of the Bush Fires Act 1954.

Maintenance and repair of all Shire owned appliance will be the responsibility of Council.

All replacement parts or equipment for Shire owned appliances will be purchased on an Official Council Order.

Any damage to Shire appliances or equipment shall be reported to Council as soon as practicable after the damage has occurred.

The Council will be responsible for maintaining Shire owned fire-fighting appliances in a roadworthy condition.

The Bush Fire Brigade is responsible for:

- Ensuring that the battery, tyres, water, oil and fuel of the Shire Fire Fighting appliance are checked regularly.
- Firefighting appliances allocated to Volunteer Bush Fire Brigades will be stationed at the Brigade Headquarters or other location nominated in writing by the Brigade and agreed to by the Chief Executive Officer.
- No Shire fire-fighting appliance shall be relocated from the Brigade Headquarters or other nominated location by any persons without the Brigade Captain or another Officer of the Brigade being advised in writing of the intended location of appliances.

The Brigade will at all times keep the Manager, Administration & Financial Services informed of any changes of the day-to-day location and operational status of the brigade appliances.

The driver of any Shire firefighting appliances will hold a current driver's license of the class appropriate for the appliance being driven and be either:

- a) A Council employee
- b) A registered member of the Volunteer Bush Fire Brigade
- c) Any persons authorised by the Chief Executive Officer or Bush Fire Control Officer to do so.

The driver of a Shire firefighting appliance shall at all times observe the provisions of the Road Traffic Code, in particular those applying to emergency vehicles.

#### **2.4.13. SAFETY CLOTHING AND FOOTWEAR**

The Shire will seek to ensure that fire fighters wear protective clothing as recommended by the FESA Standard Operating Procedures.

#### **2.4.14. COMMUNICATIONS**

An efficient two-way radio network will be progressively established and maintained for firefighting communications as recommended by FESA.

#### **2.4.15. INSURANCES**

The Shire will obtain and keep a policy of insurance for fire fighters and equipment as provided pursuant to Section 37 of the Bush Fires Act 1954, which will cover personnel, equipment and vehicles whilst engaged on authorised activities.

#### **2.4.16. STANDARD OPERATING PROCEDURES**

The Standard Operating Procedures as prepared and amended from time to time by the FESA and as adopted by Council forms part of this Policy Document.

#### **2.4.17. POLICY ON SAFETY AND HEALTH IN RELATION TO VOLUNTEER BUSH FIRE FIGHTERS**

The Council of the Shire of Wongan-Ballidu recognises the extremely valuable contribution to the community by the Bush Fire Volunteers.

It is the policy of Council to ensure that Bush Fire Volunteers are provided with safe working equipment, the safest work system practical, and to minimise the frequency of accidents and injury. Council recognises that both the Shire and Bush Fire Volunteers have a responsibility for safety and health.

### **3. COUNCIL RESPONSIBILITIES**

Through Council's Bushfire Advisory Committee all practical efforts will be made to:

- Instruct Bush Fire Volunteers in safe working practices.
- Ensure that Brigade owned equipment is in a safe working order.
- Require the use of a proper standard of protective clothing and equipment appropriate to the task.
- Ensure that volunteers have ready access to first aid facilities.
- Investigate accidents and possible safety and health risk and take appropriate remedial action.
- Provide a mechanism for joint Shire/FESA/Volunteer consultation on safety matters.
- Review the effectiveness of Bush Fire Volunteer training, safety and health policies as necessary.

### **4. VOLUNTEER RESPONSIBILITIES**

1. To maintain a reasonable standard of physical fitness.
2. To acquaint themselves with safe working procedures.
3. To identify safety and health hazards and report these to senior officers.
4. To observe safe working procedures and avoid unnecessary risks and be responsible for their own safety.
5. To ensure that they dress appropriately for firefighting and make proper use of personal protective equipment whenever necessary and when required to do so.

Council acknowledges that the occupational risks inherent in firefighting and other emergency duties undertaken by Bush Fire Volunteers are significant and the possibility of serious injury is high. Strict adherence to safety guidelines and procedures in these circumstances is not always possible, however, it is the intention of Council to develop and implement safety and training policies to minimise the occurrence of injury to Bush Fire Volunteers, both on the fire ground and in the performance of all other duties.

### **5. RESPONSE TO HAZARDOUS MATERIAL FIRES**

*IT CANNOT BE STRESSED TOO STRONGLY THAT TO ACT WITHOUT SPECIALIST ADVICE IS DANGEROUS.*

**Priorities for Action:**

1. Dial 000 – enact Fire and Rescue
2. To provide an initial report of the incident to the Shire of Wongan-Ballidu.
3. To extinguish bush fires that are associated with the incident if it is safe to do so.
4. To assist the Police where possible to render the situation safe.
5. To provide fire protection in the recovery phase. To provide a fire report on the incident at the conclusion.

Reports are important and must be furnished without delay so that specialist advice on how the incident must be handled with safety can be obtained.

Reports must contain information of the location of the fire, volume and direction of the smoke plume, suspected hazardous material involved and details of firefighting equipment available on site.

*Reports must be made to the Shire of Wongan-Ballidu who will pass the information to the Police (who will assume control of the incident) to the Western Australian Fire Brigades Board and the Department of Environmental Protection (who will provide specialist advice) and to the Bush Fires Board Perth (who will arrange firefighting support as required).*

EACH FIRE IS A SEPARATE EVENT TO BE JUDGED ON THE CIRCUMSTANCES THAT SURROUND IT. THEREFORE, EXPERIENCED PROFESSIONAL HELP SHOULD ALWAYS BE SOUGHT AT AN EARLY STAGE TO ENSURE A SAFE AND PROPER RESPONSE.

## **6. BRIGADE STRUCTURE**

### **6.1. Chief Bush Fire Control Officer**

A Chief Bush Fire Control Officer has the following specific functions:

- a) to ensure the Advisory Committee prepares and maintains an Incident Response Plan
- b) to ensure that in the event of a fire or emergency requiring a multi brigade response –
  - i. forward command in the field is established
  - ii. subject to the Act and the direction of the Shire of Wongan-Ballidu, co-ordination and control of the operations of the Brigades is taking place
  - iii. persons who volunteer to assist in fighting the fire or dealing with the emergency are properly tasked
  - iv. liaison with other Chief Bush Fire Control Officers in adjacent areas and any other relevant Officer is occurring
- c) manage, control and co-ordinate all the operations, training and activities of the Brigades in accordance with the powers and duties of the Act, Standard Operations Procedures, this Constitution and directions, guidelines and policies of the Shire and Board.
- d) Act as official spokesperson for and on behalf of the Advisory Committee and Brigades.



## **6.2. Deputy Chief Bush Fire Control Officer**

A Deputy Chief Bush Fire Control Officer must assist the Chief Bush Fire Control Officer in the performance of his or her functions and in the absence of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer shall assume the functions and responsibilities of the Chief Bush Fire Control Officer.

## **6.3. Training Officer**

A Training Officer manages the Brigades Training Programs and is responsible subject to the control and direction of the Chief Bush Fire Control Officer for the following specific functions:

- a) to prepare annual training plan for the Brigades and to organise regular training sessions and exercises, to test individual Brigade and combined brigades' performance and encourage co-operation with fire-fighters with other services and emergency operations.
- b) to ensure that members of the Brigades are:
  - i. trained in accordance with courses approved by the Fire & Emergency Services Authority;
  - ii. assessed to standards approved by the Fire & Emergency Services Authority.
- c) to encourage members of the Brigades to become qualified volunteer instructors.
- d) to represent the Shire at any meeting of training officers held on a regional basis.
- e) to undertake any function assigned by the Shire.

## **6.4. Administration Officer**

A Group Administration Officer is the DCEO/Manager Administration & Financial Services or other nominated person and is responsible subject to the control and direction of the Chief Executive Officer for the following specific functions:

- a) to organise any meeting of the Advisory Committee
- b) to give notice of any meeting to the Advisory Committee members
- c) to prepare an agenda and take minutes for any meeting of the Advisory Committee
- d) to keep Advisory Committee records and to send and receive Advisory Committee correspondence.
- e) to disseminate information to Brigades.
- f) to manage the financial affairs of the Advisory Committee.
- g) to keep financial records in accordance with the ESL requirements.
- h) to liaise with the Administrative Officers of the Brigades in the Group.
- i) to undertake any other function assigned by the Chief Executive Officer.

## **6.5. Bush Fire Control Officer**

The Bush Fire Control Officer is a person who has been nominated by their Brigade through the Advisory Committee and appointed by Council.

The appointment must be notified to the Fire & Emergency Services Authority for publication. The Shire will arrange publication in the Government Gazette and in a newspaper circulating in the Shire.

He / She has wide powers and is not liable for any damage, loss or injury caused as a result of the exercise of these powers, provided they are carried out in good faith.

He / She is a voluntary worker who gives his / her time in furthering the aims of fire prevention and control within the Shire.

The only reward is the satisfaction gained in performing a service of the greatest importance to the individual and community.

His / her duties vary considerably from time to time, but the following is an outline of the duties he / she may be expected to carry out:

- a) to attend Advisory Committee meetings as necessary and participate in the formulation of Policies.
- b) to carry out inspections of firebreaks in his Brigade area and advise the Chief Bush Fire Control Officer or Chief Executive Officer of any non-compliance with the Firebreak Order.
- c) to prevent bush fires and protect life and property in the case of an outbreak of a bush fire.
- d) to demand the name and address of any person committing an offence against the Act and to report such action to the Chief Executive Officer. Any persons refusing to give his name to a Bush Fire Control Officer may be arrested without warrant, under Section 56(2) of the Bush Fires Act 1954.
- e) to notify the Shire Office of the details of a permit to burn as soon as practical after issuing the permit.
- f) to undertake other Bush Fire Control related matters as directed by Council.
- g) issue permits in accordance with the Bush Fire Act 1954.

#### **6.6. Volunteer Bush Fire Brigades**

Bush Fire Brigades may be established and maintained in the various fire areas providing proper and adequate fire protection.

- a) the Shire will encourage members of the Volunteer Bush Fire Brigades to participate in training programmes offered by the Shire and the Fire & Emergency Services Authority.
- b) the Manager, Administration & Financial Services is authorised to approve and record applications for enrolments as Fire Fighting Members, without reference to the Group Fire Management Advisory Committee.

### **7. BRIGADE STRUCTURE**

#### **7.1. Bush Fire Brigade Officers**

##### **7.1.1. The Captain**

- a) is in charge of all fire fighters and members of his or her Brigade.
- b) will obey all lawful directions of the Chief Fire Control Officer on a fire ground.
- c) is responsible for the safety and wellbeing of all personnel under his control when involved in any Bush Fires activities.
- d) is responsible for the co-ordination of Brigade Resources in fire related matters.
- e) needs to be aware of the Brigades area of responsibility, high-risk areas, firebreaks access, water supplies and major landowners.
- f) needs to be aware of the Brigade members skills and abilities and be able to co-ordinate these skills and abilities.
- g) Shall have the ability to liaise with adjoining Brigades and ensure best use of the Brigade and its resources.
- h) May be required to assume the duties and responsibilities of a Bush Fire Control Officer in the absence of the Bush Fire Control Officer.

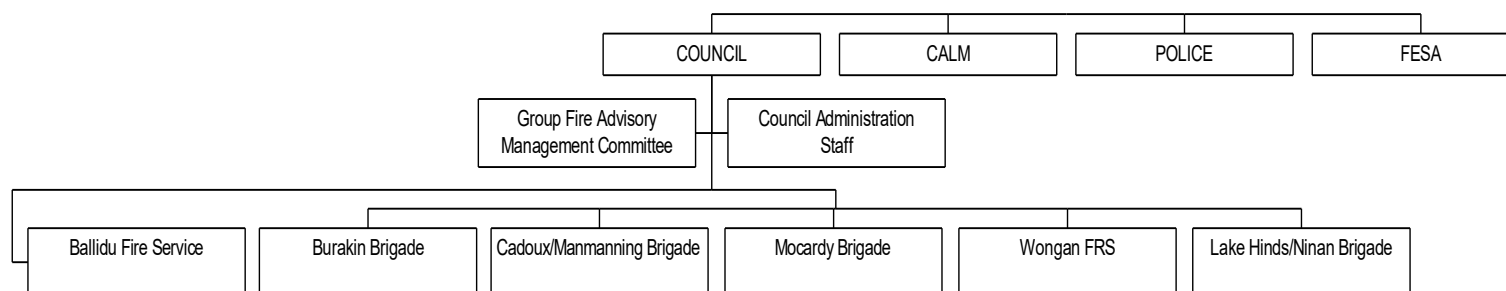
## **7.2. Lieutenants**

- a) Are responsible for the crew and fire equipment in their charge.
- b) Will assume the duties and responsibilities of the Captain in order of seniority in the Captain's absence.
- c) Will carry out instructions given by the Captain
- d) Will carry out instructions given by Bush Fire Control Officer in the absence of the Captain on a Fire Ground.
- e) Will ensure the crew act in a safe manner to minimise danger.

## **7.3. Fire Fighters**

- a) Training for Brigade members engaged in fire suppression, hazard reduction or any authorised activity must be in accordance with Brigades constitution /objectives and Shire of Wongan-Ballidu Bush Fire Policy.
- b) Brigade members are to ensure that they are physically fit carry out the tasks allocated to them and their actions will not jeopardise the safety of fellow members.
- c) As far as possible Brigade members are to carry out any instructions given by the Captain, Lieutenants or on a fire ground a Bush Fire Brigade Officer
- d) Brigade members make a valuable contribution to the Brigade and the community and need to have a commitment to Local and District Fire Protection.
- e) Brigade members should acquaint themselves with Council's Bush Fire Policy and Protection Plans.

## OPERATION FLOW CHART – BUSH FIRE SERVICES IN THE SHIRE



**ACTION CARD 1**

**SHIRE OF WONGAN-BALLIDU**

**ACTION PROCEDURES DURING WORKING HOURS**

1. Shire Office is to be notified of the fire by a responsible Brigade or person.
2. Where possible at least two Brigade members are to proceed to the scene of the fire. The Senior Brigade Member is responsible for the safety of his crew.
3. Assess situation and report to Shire Office on:

Telephone: (08) 9671 1011

Facsimile: (08) 9671 1230

Bush Fire Radio: Channel 36

Manager Works & Services: 0439 469 014

4. If the size and potential of the fire requires more than one Brigade, the Chief Bush Fire Control Officer (or his Deputy) has a procedure to follow. (See Action Card 4)

- a. If an "extreme" or "very high" fire danger forecast has been issued for the district, then advise DFES Northam on:

Telephone: (08) 9690 2300

Facsimile: 1800 207 627 (toll free)

**ACTION CARD 2**

**SHIRE OF WONGAN-BALLIDU**

**AFTER HOURS FIRE CALL OUT PROCEDURES**

To be developed

### **ACTION CARD 3**

#### **SHIRE OF WONGAN-BALLIDU**

#### **FIRE CONTROL HEADQUARTERS (SHIRE OFFICE)**

##### **ACTION PROCEDURES**

In a large fire situation, the Manager, Administration & Financial Services or the person nominated by the Manager Administration & Financial Services (in their absence) will activate fire control headquarters at the Shire Office or alternative suitable base and:

1. Inform the Brigades, implement call-out procedures.
2. Inform the Chief Executive Officer
3. Inform adjoining Local Authorities as necessary.
4. Inform WA Police, Wongan Hills as necessary.
5. Inform DFES Northam Duty Officer on
6. Telephone: 1800 207 627 24 hrs/day in fire season as necessary
7. Inform involved Government bodies as necessary.
8. Maintain his radio on Channel.

##### **SUPPLY**

1. Obtain list of requirements for mutual aid or reinforcements
2. Obtain and dispatch resources according to priorities.
3. Provide feeding and general welfare as required.
4. Contact by telephone:

##### **COMMUNICATIONS**

1. Maintain communications by best available means, e.g., Telephone or radio at fire face.

**ACTION CARD 4**

**SHIRE OF WONGAN-BALLIDU**

**DEPUTIES OF CHIEF/DEPUTY BUSH FIRE CONTROL OFFICER**

**ACTION PROCEDURES**

**1. CONTROL**

- 1.1 Co-ordinate and control operations from base when necessary
- 1.2 Take charge of the fire situation if necessary
- 1.3 Establish a control and communication point at or near the fire, ensure establishment of assembly area for incoming assistance.
- 1.4 Arrange for reconnaissance to be carried out and access PRIORITIES and decide tactics.
- 1.5 Allocate sectors of responsibility, brief and allocate resources as required to sectors.
- 1.6 Forecast fire spread and assess the potential needs, request mutual aid.
- 1.7 Roster relief personnel



## 1.7 Wongan Hills Doctors Practice & Medical Centre

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 02082022</b>

### **OBJECTIVE:**

That Council recognise the value of retaining freehold ownership of its Wongan Hills Medical Centre and control of the Doctor's Practice.

### **POLICY:**

Notwithstanding that a third party might wish to seek permanent ownership of the Medical Centre freehold and or control of the Wongan Hills Doctors Practice, Council is of the view that the current and future interests of its communities are best dealt with by retaining an involvement in the selection of any replacement GP, owning the practice and premises provides this involvement.

Previous experience has demonstrated that Council and the Community can be powerless to influence the continuation or closing of the practice or the timely installation of a Doctor where the practice is privately owned.

To overcome this potential, it is Councils policy to retain ownership of the freehold of the Wongan Hills Medical Centre and control of the Doctors Practice to ensure that there is continuity of GP and general medical services through a service agreement to give Council some influence in the delivery of General Practitioner services to the community.

Council will continue to offer use of the practice and all of its' records and equipment to a GP chosen by a committee of Council on the basis that the Doctor is not asked to make any financial contribution in order to access use of the practice and Council has no financial commitment to the outgoing Doctor at the end of his or her term in the practice.

An agreement to provide that outcome will be signed by all parties involved.

The intent of this policy is that an incoming Doctor comes in to an equipped and working consulting rooms, runs the business as his or her own and on leaving hands back the business, including all records, to Council in order that Council may offer it to a new Doctor.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.

## 1.9 Recordkeeping

Policy Owner	Administration
Person Responsible	Deputy Chief Executive Officer
Date of Adoption	23 February 2022
Date of Last Review	28 February 2024

### OBJECTIVE

Good documents and records support effective business practice and improves organisational accountability and efficiency. As such, documents and records are a vital organisational asset and a cornerstone of the Shire of Wongan Ballidu's (the Shire) governance.

The Shire has a legislative obligation, under the *State Records Act 2000* (the Act) to create, capture, retain and manage documents and records that support the Shire's business functions, corporate decisions and activities.

This policy sets out the requirements, roles, and responsibilities to ensure:

- The electronic documents and records management system (EDRMS) is the mandated records system.
- Official documents and records are captured into the EDRMS or line-of-business systems.
- Access and dissemination are appropriate.
- Information integrity is maintained.
- Vital documents and records are identified and managed in accordance with relevant legislation to ensure business continuity.
- Unauthorised tampering or destruction of documents and records is an offence under the Act and severe penalties may be applied for a breach of the Act.

This policy will support the Shire in meeting its strategic plan directions and priorities and adapt to changing business environments and promote efficiencies.

The policy reflects the legislated document and records management requirements under the *State Records Act 2000*, *Local Government Act 1995*, and *Freedom of Information Act 1992*.

### SCOPE

The Shire will ensure that corporate documents and records are created, captured, retained, and managed in accordance with legislative and operational requirements; and are authentic, reliable,

useable, and capable of supporting business functions and activities for as long as they are required.

This policy applies to the official corporate documents and records of the Shire.

This policy applies to all corporate information, records, and data regardless of media and format (including but not limited to hard copy documents, electronic documents or file, email, handwritten notes, digital data, and multimedia) received or created in the conduct of Shire business.

This policy applies to all business applications used to create, manage, and store information (records management systems, databases, line-of-business systems, email, websites, social media, and messaging applications) managed in-house and offsite.

## ROLES AND RESPONSIBILITIES

All Shire employees, elected members, contractors, consultants, and providers of outsourced services are responsible and accountable for creating, capturing, and managing Shire documents and records related to their work activities in accordance with this policy and supporting procedures.

The extent of those responsibilities will vary according to individual roles.

Role	Responsibilities
Chief Executive Officer	Ensure the effective implementation of this policy directive within the offices of the Shire.
Managers (Includes Deputy Chief Executive Officer)	<p>Implement this policy directive in their areas of responsibility.</p> <p>Ensure that official documents and records will only be altered, deleted, archived, stored, and destroyed in a manner compliant with this policy, the Act and best practice principles.</p> <p>Ensure employees within their area of responsibility comply with digitisation requirements in accordance with this policy and its supporting procedures.</p> <p>Routinely monitor business rules, procedures, and devices to ensure the integrity of digitised electronic record versions and compliance with this policy; and taking corrective action accordingly.</p>
Deputy Chief Executive Officer	<p>Manage the policy (including feedback, review, document and records management requirements, update policy versions and removal of revoked policy).</p> <p>Provide policy direction and assistance, including interpreting policy requirements.</p> <p>Manage the design, configuration, implementation, and maintenance</p>

Role	Responsibilities
	<p>of the EDRMS.</p> <p>Ensure that archiving, storage, and destruction of records complies with this Policy, the Act and best practice principles.</p> <p>Responsible for ensuring document and records management roles, responsibilities and capabilities are incorporated into role descriptions, performance agreements, legal agreements, and employment and outsourcing contracts.</p> <p>Assign resources to develop, implement, communicate, train, monitor and oversee digitisation business rules or procedures.</p>
Employees, elected members, contactors, consultants, and providers of outsourced services	Comply with this policy when performing their duties.

## POLICY

### CREATION

Documents and records are created as part of day-to-day business activities of the Shire. The purpose of the record is to document evidence of business transactions, to comply with legal requirements, to record decisions made and actions taken and to maintain a record of communications sent or received.

Documents and records need to be complete, suitable, and meaningful to the purpose for which they are created and kept.

Content to be published on the Shire of Wongan Ballidu website and Facebook page will be created and approved (where required by the Chief Executive Officer) in a document external to the platform before publication.

### CAPTURE

Every document or record relating to Shire business activities and transactions that is received, created, or held in any form (voice recordings, physical or electronic) will be registered into the EDRMS unless an exemption is in place. Exemptions may be sort from the Deputy Chief Executive Officer.

All documents and records must be accessible and unencrypted (i.e., not password or copy protected or converted into a code that would prevent access), as soon as practicable after the event. This includes business emails, attachments, calendar/diary appointments, tasks and notes relating to Shire

business activity which are received, created, sent, or held in an email messaging system.

The Shire's website and Facebook content, including the approval to post (where required by the Chief Executive Officer), must be captured to the EDRMS before it is uploaded. In addition, all documents published on the Shire's Facebook page or website must be copied, and the original documents must be saved to the Shire's EDRMS.

## **VALIDATION**

Shire documents and records created, received, or held will be capable of being validated as accurate, complete, and reliable. An audit trail will be maintained to track and verify all changes to, and activities performed on Shire documents and records.

## **OWNERSHIP AND INTELLECTUAL PROPERTY**

Documents and records created or received by employees, elected members, contractors, consultants, and providers of outsourced services during the conduct of Shire business activities will be managed as information assets owned by the Shire (except where otherwise agreed in contracts or copyright agreements).

## **CLASSIFICATION AND NAMING CONVENTIONS**

The Shire has adopted a pragmatic approach to naming records. The information architecture imposed in the EDRMS solution supports efficient and effective records use supporting quick, easy retrieval of information assets to support accurate, timely reporting.

## **METADATA**

Documents and records created, received, or held in the Shire's EDRMS will contain appropriate recordkeeping metadata describing their context, content, and structure in accordance with the State Records Commission Standard 8. This metadata will facilitate and control the creation, capture, identification, classification, access, security, storage, preservation, retention and disposal of documents and records.

## **ACCESS CONTROLS AND SECURITY**

Shire access controls and security are applied to documents and records at the time of creation, receipt and capture. This is to ensure that they - and any related confidential, private, sensitive, or intellectual property information - are protected from inappropriate access, usage, disclosure, or alteration. Multifactor authentication on all environments is in place to prevent unauthorised access.

The controls and protocols applied will also need to comply with legally enforceable rights of access to information embodied in the *Freedom of Information Act 1992* to support openness and accountability.

Public access rights determinations will also be made when archival documents and records are transferred to State Records of WA or approved records storage providers for storage or permanent archiving in accordance with the State Records Commission Standard 7.

## **STORAGE, LOCATION, AND SPACE MANAGEMENT**

Documents and records will be stored in an unencrypted, open and enduring format in the EDRMS, on appropriate media or in managed storage locations that ensure their preservation, security, accessibility, and integrity over time.

This policy outlines seven principles to be considered when storing physical records in a facility under the direct control of the Shire or by a third-party:

- Location: sites, facilities and areas for records storage should be located away from known hazards and be convenient to user needs.
- Environmental control: records should be stored in environmental conditions that are appropriate to their format and retention period.
- Shelving and packaging: the shelving, equipment and containers for records storage should ensure that records are secure, accessible, and protected from deterioration.
- Maintenance and security: records storage facilities, areas and records should be maintained to safeguard their security, condition, and accessibility.
- Protection from disaster: disaster management programs should be established and maintained to ensure that risks to records are minimised and managed appropriately.
- Careful handling: the retrieval and use of records in storage areas should be subject to controls that prevent damage and deterioration.
- Accessibility: records should be stored and controlled in facilities where they can be identified, located, and retrieved easily.

## **RETENTION, DISPOSAL, AND DESTRUCTION**

Documents and records will be systematically retained, stored, and archived for at least the minimum length of time stipulated by the relevant current records disposal authority approved by the State Records Office of Western Australia.

Documents and records will only be altered, destroyed, or deleted in accordance with the provisions of the Act. Sentencing of records must be actioned by a trained records officer and disposal of records must be authorised by Executive management before disposal takes place.

Records subject to a Freedom of Information request, legal action or State Records disposal freeze must not be destroyed even if the minimum retention period has been reached.

## **DIGITISATION**

Physical documents converted to digitised electronic record versions will be:

- digitised via a multi-function device or document scanner connected to the Shire network which meets Shire minimum digitisation specification requirements; and
- managed and disposed of in accordance with the State Records Office Guideline Records Retention and Disposal Instructions and General Disposal Authority for Source Records (RD 2016002).
- Digitised electronic record versions of source physical documents will be captured, managed, archived, and disposed of within the EDRMS as electronic records in accordance with this policy, and the minimum length of time stipulated by the relevant current disposal authority approved by the State Records Office.

## **SEARCH AND RETRIEVAL**

Documents and records will be created, captured, named, classified, appropriately secured, version controlled and managed in the EDRMS to enable them to be quickly and easily searched and retrieved, via EDRMS search and retrieval tools, to improve business processes and service delivery unless an exemption is approved.

This includes tracking the movement, transfer and current location of all documents and records in the EDRMS, including those stored offsite, at State Records of WA and at approved temporary records storage providers.

## **VITAL RECORDS AND RECORDS DISASTER MANAGEMENT PLAN**

Vital documents and records created, received, or held will be identified, managed, and protected by the development and implementation of a vital records plan.

Business continuity plans for electronic and physical documents and records will also be developed, regularly tested, and implemented in the event of a disaster to minimise the loss of Shire information assets and ensure business continuity.

## **DESIGN OF BUSINESS INFORMATION SYSTEMS.**

Document and records management requirements and controls documented in this policy and State Records Commission Standards will be considered and built into the specifications, design, development, modification, upgrade, documentation, and implementation of all new or modified business systems and information and communication technology (ICT) processes relating to documents, records, and information assets.

Document and records management processes related to the design of business systems and ICT processes will include the analysis of business activities, assessments of existing systems and business processes, identification of recordkeeping and metadata standard requirements and controls, migration strategies, and requirements for integration with the EDRMS.

All new line of business systems will consider the State Records Commission Standards and Guidelines, and the Act.

## **CONTRACTING AND RECORDS MANAGEMENT REQUIREMENTS.**

Where contractors or external service providers are engaged by the Shire, the Shire's Records Management Policy requirements, roles and responsibilities will be addressed in the contract or agreement provided to engage the service.

## **INDUCTION AND TRAINING.**

All new employees and elected members are required to complete records management training. Records handling training will be completed by all users as appropriate to their role and responsibilities. A record of training completed must be retained.

Shire managers are required to provide access to records management training to employees, contractors, consultants, and elected members appropriate to their role in document and records management responsibilities.

## **DEFINITIONS**

In the context of this document:

A document or record means:

- written, graphic or pictorial matter; or a disk, tape, film, or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).
- information in any format, both analogue and digital (including paper, micro-form, audio-visual, graphic and electronic media).
- Documents are created by planning what needs to be done.
- Records are created when something is done.
- An official document or record means: a document or record made or received by the Shire in the conduct of its business, including drafts of final versions or materials with a continuing reference value.
- Documents and records that are not considered to be official include documents or records received that were intended for another recipient agency or individual.
- Vital documents and records mean documents or records in any format that contain information essential to the survival of an organisation.



## RELATED DOCUMENTS

### State Records Office

State Records Policies, Guidelines and Disposal Authorities:

- Australian Standard on Records Management AS ISO 15489-2002
- Born Digital: Managing Government Information and Data
- Directions for Keeping State Archives Awaiting Transfer
- General Retention and Disposal Authority for Local Government Information 2023-005.
- General Disposal Authority for Source Records (RD 2016002).
- Guidance for Identifying and Retaining Records which may become relevant to an Actual or Alleged Case of Child Sexual Abuse
- State Records Commission Policy – Local Government Elected Members records.
- State Records Commission directive 29 August 2019 Records relevant to Royal Commissions
- State Records Commission Standards 1 to 8 inclusive.

### Legislation

Including but not limited to:

- Criminal Code 1913
- Electronic Transactions Act 2003
- Evidence Act 1906
- Freedom of Information Act 1992
- Local Government Act 1995
- State Records Act 2000
- Privacy Act 1988 (Fed.)

### Other Publications

- Western Australian Auditor General Records Management in Local Government Report
- Australian Standard, AS 4390 – 1996, Records Management

## 2. COMMUNITY DEVELOPMENT

## 2.3 Community Development Fund Annual Grants Program

<b>Policy Owner</b>	<b>Community Development</b>
<b>Person Responsible</b>	<b>Manager Community and Customer Services</b>
<b>Date of Adoption</b>	<b>23 April 2025 – Resolution 070425 New Policy</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To provide clear guidance and consistency in the administration of the Community Development Fund Annual Grants Program, supporting local not-for-profit community, sporting, and cultural groups with funding for initiatives that enhance community wellbeing, participation, and local infrastructure within the Shire of Wongan-Ballidu.

### Funding Objectives:

- Reflect our community's priorities and vision, as set out in Council's Strategic Community Plan.
- Strengthen communities and provide opportunities for enhanced participation in public life and community groups.
- Provide benefits to the local community and;
- Contribute to the social, cultural, environmental and economic development of our community.

### POLICY

This policy applies to all eligible not-for-profit groups seeking financial support from the Shire for projects that deliver tangible community benefit. It guides the assessment and allocation of annual grant funding and applies to both Council and applicants.

### ELIGIBILITY

To be eligible for funding, applicants must:

- Be a not-for-profit organisation, club, or community group based in the Shire of Wongan-Ballidu.
- Be incorporated or auspiced by an incorporated organisation. (The Shire will not act as an auspice for this purpose.)
- Demonstrate your project provides community benefit and alignment with the Shire's strategic objectives.
- Provide evidence of sound financial management and capacity to deliver the project.

- Have appropriate insurance cover, including public liability.
- Be up to date with any previous Shire funding obligations and reporting.
- The applicant must be ABN registered

The program supports initiatives such as:

- Community events and programs.
- Minor capital works on Council land (with prior approval).
- Equipment and facility upgrades.
- Capacity building and volunteer support initiatives.

Funding will not be provided for:

- Ongoing operational or administrative costs (e.g. wages, utilities).
- Projects that duplicate existing services or facilities.
- Retrospective funding for projects already completed or underway.
- Individuals or for-profit entities.
- Activities of a political or religious nature are ineligible. Religious organisations may apply; however, the project or activity seeking funding must be non-religious and demonstrate broad community benefit.

## **APPLICATION PROCESS**

- The program opens annually in July for a period of four weeks. Key dates will be promoted via the Shire website, Wonga-Balli Boomer, and Shire social media channels.
- Applicants must complete the application form and include all required supporting documents as outlined in the guidelines.
- Applications can be submitted via the Shire website portal or by email/post, addressed to the Manager of Community and Customer Services.
- Incomplete or late applications will not be accepted.
- Applications must not be submitted directly to Councillors and will not be accepted.
- Applications will be assessed and prioritised by Council, in accordance with the published guidelines, at the next Ordinary Meeting of Council.
- All applicants will be notified of the outcome in writing within four weeks of the Council decision.

## **GRANT CONDITIONS**

Successful applicants must:

- Sign a Grant Agreement outlining terms and responsibilities.
- Use funds only for the approved purpose and within the agreed timeframe.
- Acknowledge Shire support in promotional materials.
- Provide acquittal documentation, including a project report, financial summary, and photographs (where applicable), within 60 days of project completion.
- Return unspent funds or funds used for non-approved purposes.

## GRANT DISBURSEMENT

- Payment of grants will be made upon receipt of a valid tax invoice and a signed Grant Agreement.
- Larger grants may be paid in staged instalments, subject to achievement of agreed project milestones.
- Council reserves the right to withhold or request repayment of funds if the project differs significantly from the approved application.
- All grant funds must be expended within 12 months of the approval date.
- Unspent funds must be returned to the Shire within 60 days of either the project's completion or the end of the financial year, whichever comes first.

## RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

## APPENDIX

Community Development Fund Annual Grants Program – Guidelines

## Shire of Wongan-Ballidu Community Development Fund Annual Grants Program

The Shire of Wongan-Ballidu has a proud history of working in partnership with the community. One of the ways Council supports and empowers community groups is through the annual Community Development Grants program, which delivers funding for projects that:

- Reflect our community's priorities and vision, as set out in Council's Strategic Community Plan.
- Strengthen communities and provide opportunities for enhanced participation in public life and community groups.
- Provide benefits to the local community and;
- Contribute to the social, cultural, environmental and economic development of our community.

CDF grants are provided to support participation and facilitate projects, events and improve facilities in alignment with the recreational, social and cultural needs of our community. Council invests significantly in this annual program and is proud to have supported projects that deliver to our community through the CDF Program.

### GUIDELINES

These guidelines provide a clear framework for applicants seeking funding through the Shire of Wongan-Ballidu's Community Development Fund Annual Grants Program. They outline eligibility, funding categories, limits, assessment criteria, and applicant responsibilities to ensure a fair and transparent process.

### FUNDING CATEGORIES

The program provides funding across four categories:

<b>A. Community Events and Programs</b>  <b>Maximum Grant Amount:</b> Up to \$5,000	<ul style="list-style-type: none"> <li>• Local festivals, community events, and celebrations</li> <li>• Educational workshops</li> <li>• Arts, culture, and heritage activities</li> <li>• Recreational programs for youth, seniors, or multicultural groups</li> </ul>
<b>B. Capacity Building and Volunteer Support Initiatives</b>  <b>Maximum Grant Amount:</b> Up to \$5,000	<ul style="list-style-type: none"> <li>• Volunteer training and skill development</li> <li>• Leadership or governance workshops</li> <li>• Resources or initiatives that improve group sustainability or collaboration</li> </ul>
<b>C. Equipment and Facility Upgrades</b>  <b>Maximum Grant Amount:</b> Up to \$10,000	<ul style="list-style-type: none"> <li>• Purchase of community-use equipment (e.g. marquees, seating, audio systems)</li> <li>• Safety or accessibility improvements</li> <li>• Kitchen or bathroom upgrades in community facilities</li> </ul>
<b>D. Minor Capital Works on Council Land (<i>with prior approval</i>)</b>  <b>Maximum Grant Amount:</b> Up to \$10,000	<ul style="list-style-type: none"> <li>• Infrastructure enhancements such as shade structures, pathways, or fencing</li> <li>• Improvements to sporting or recreational facilities</li> <li>• Landscaping or beautification project</li> </ul>

## APPLICANT ELIGIBILITY

Applicants must:

- Be a not-for-profit organisation, club, or community group based in the Shire of Wongan-Ballidu.
- Be incorporated or apply under the auspice of an incorporated organisation. (The Shire will not act as an auspice for this purpose.)
- Hold a current ABN.
- Be adequately insured, including public liability.
- Demonstrate capacity to deliver the proposed project.
- Be up to date with any previous Shire grant obligations and acquittals.

## PROJECT ELIGIBILITY

Eligible projects must:

- Provide clear benefit to the local community.
- Align with the Shire's Strategic Community Plan and the programs objectives.
- Fall into one of the four funding categories.
- Be delivered within 12 months of funding approval.
- Not have commenced or been completed prior to the application.

Ineligible projects include:

- Activities of a political or religious nature. Religious organisations may apply, but the funded project must be non-religious and demonstrate broad community benefit.
- Projects for private or commercial gain.
- Retrospective funding for activities already underway or completed.
- Ongoing operational costs, such as staff wages, utilities, or rent.
- Duplications of existing services or infrastructure.

## APPLICATION PROCESS

- The program opens annually in July for four weeks.
- Applications must be submitted via the Shire's online portal or in writing to the Manager of Community and Customer Services.
- Late applications will not be accepted.
- Applications must not be submitted directly to Councillors and will not be accepted.
- Applications are assessed and determined by Council at the next Ordinary Meeting.
- All applicants will be advised of the outcome within four weeks of the Council decision.

## ASSESSMENT CRITERIA

Applications will be assessed on the following:

<b>Community impact</b>	Extent of benefit to the local community.
<b>Alignment</b>	Relevance to Shire priorities and strategic goals.
<b>Planning and capacity</b>	Quality of planning, budgeting, and readiness to deliver.
<b>Value for money</b>	Efficient use of funds and any co-contributions.
<b>Sustainability and risk</b>	Long-term impact, risk management, and insurance.

*Incomplete or late applications will not be considered.*

## FUNDING CONDITIONS

Successful applicants will be required to:

- Sign a Grant Agreement with the Shire.
- Use funds strictly for the approved project.
- Acknowledge the Shire's support in all promotional materials.
- Submit a project acquittal within 60 days of completion, including:
  - Project summary and outcomes
  - Financial report
  - Supporting documentation (e.g., photos, receipts)
- Return unspent funds or funds used for unapproved purposes.

## DISBURSEMENT OF FUNDS

- Funds will be released upon receipt of a valid tax invoice and signed Grant Agreement.
- For larger grants, staged payments may be made upon reaching key milestones.
- Funds must be spent within 12 months of the grant being awarded.
- Any unspent funds must be returned within 60 days of project completion or the end of the financial year, whichever occurs first.



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## 2.4 State Government Department Support Policy

<b>Policy Owner</b>	<b>Community Development</b>
<b>Person Responsible</b>	<b>Manager of Community Services</b>
<b>Date of Adoption</b>	<b>27 May 2020 – Resolution 040520</b>
<b>Date of Last Review</b>	

### OBJECTIVE

The objective of this policy is to provide a clear statement of the instances in which Council will consider providing support to State Government Departments, and to what extent such support may be provided.

### SCOPE

This policy applies to all Shire of Wongan-Ballidu (Shire) staff and contractors that manage projects, plans and initiatives, as well as consultants appointed to manage these on the Shire's behalf.

This policy is not intended to replace legal and statutory obligations. It should, however, guide business unit specific practices and procedures.

### POLICY

The Shire understands that government agencies such as schools, hospitals and police are fully funded core business units of state and federal government and as such are not a fundamental responsibility of local government. The Shire does, however, recognise that as a local government, we have a social and community responsibility to assist and engage with government departments in a manner congruent with facilitating delivery of services for which we are responsible under legislation.

The Shire will consider requests for support to assist government departments with:

- minor works requests
- support requests from community-based assistance groups affiliated with government departments such as Parents & Citizens Associations or Hospital Auxiliary
- in-kind support to allow the government department to carry out their own core duties, which without our in-kind support would not be able to proceed, for example amending our staff working hours to facilitate school in-term swimming lessons
- the offering of subsidised venue hire fees on the Shire's annual Fees and Charges Schedule for government departments
- advocacy for and on behalf of government departments in line with the Shire's Community Strategic Plan
- mutually beneficial working partnerships in community events, project and initiatives

- provision of expertise and support in high level projects such as infrastructure projects (for example the Mocardy Dam Pipeline) or grant funding applications (for example letters of support)

The Shire recognises that government departments would be considered a stakeholder in numerous Shire projects and initiatives, and as such will be engaged with in accordance with the Shire Council's "Community and Stakeholder Engagement Policy".

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

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## 2.5 Community and Stakeholder Engagement Policy – Public Consultation Outcomes

<b>Policy Owner</b>	<b>Community Development</b>
<b>Person Responsible</b>	<b>Manager of Community Services</b>
<b>Date of Adoption</b>	<b>24 June 2020 – Resolution 030620</b>
<b>Date of Last Review</b>	<b>24 June 2020 – New Policy</b>

### OBJECTIVE

The objectives of this policy are to:

- Provide a clear statement of Council's commitment to best-practice community and stakeholder engagement as it applies to decision making;
- Define the guiding principles that will ensure appropriate, effective and inclusive community and stakeholder engagement is achieved consistently across the Shire; and
- Outline the required mechanisms to be established and continually reviewed to ensure best-practice engagement practices are integrated into strategic and operational planning

### SCOPE

This policy applies to all Shire of Wongan-Ballidu (Shire) staff and contractors that manage projects, plans and initiatives that impact stakeholders in our community, as well as consultants appointed to manage these on the Shire's behalf.

This policy applies to the engagement strategies managed through the Shire's traditional methods, and increasingly online engagement as the Shire continues to develop this platform.

This policy is not intended to replace legal and statutory obligations. It should, however, guide business unit specific practices and procedures.

### BACKGROUND

The Shire is committed to openly and inclusively communicating and engaging with our community to make sure they have the opportunity to participate in decision-making processes that impact them. We recognise that this commitment helps us to help our community, shape the future of the Shire.

The Shire supports public participation as a process to make better decisions. Good decisions incorporate both the interests and concerns of affected stakeholders, and the needs of the Shire. While there are many technical, financial and legislative requirements that the Shire must consider when making decisions, every effort will be made to involve affected stakeholders in the decision-making process.

The Shire has adapted the International Association of Public Participation (IAP2) Core Values to shape our commitment to community and stakeholder engagement. Our approach to engagement will build on these principles and will support the development and implementation of engagement processes consistent with recognised international best practice.

## **THE PRINCIPLES GUIDING THE SHIRE'S APPROACH TO COMMUNITY AND STAKEHOLDER ENGAGEMENT**

1. We believe that those affected by a decision have the right to be involved in the decision-making process
2. We will be clear about how participants' feedback and contributions will influence the decision
3. We believe that the best decisions are the ones that recognise and communicate the needs and interests of both the Shire and the stakeholders in our community
4. We will actively identify those affected by or interested in a decision and make every effort to support and encourage participation in the decision-making process
5. We are committed to providing equal access and inclusion for all members of our diverse community. We will understand the diverse range of needs that stakeholders in our community have and choose the methods of engagement within our means that will best support their participation in the decision-making process
6. We will ensure we give the stakeholders in our community the information they need, at the right time and communicated in the best way to support their understanding, so that they can participate in a meaningful way
7. We will keep the stakeholders in our community updated on the progress and let them know how their input affected the decision

The Shire recognises the importance of integrating best practice engagement practices into strategic and operational planning, including business case decision making and project management. We will work towards continual improvement in this area.

## **WHEN THE SHIRE MAY ENGAGE**

Community and stakeholder engagement may occur:

- On developments or changes with potential to impact residents and ratepayers
- When required by Legislative requirements
- To obtain input into long-term and strategic plans of the Shire
- On major projects and strategic issues
- When requested by the community or Council

## **HOW THE SHIRE MAY ENGAGE**

The Shire will take a planned and purposeful approach when engaging with stakeholders and the community and will use tools such as the IAP2 Spectrum (Appendix 1) and internal guidelines and frameworks.

Methods will be appropriate to the purpose, level of engagement, resources available and stakeholders impacted.

## **WHEN FEEDBACK MAY NOT BE SOUGHT**

There are some situations when it may not be effective or appropriate to seek feedback from the community and stakeholders, for example when:

- Legal constraints exist (e.g. confidentiality)
- The Shire is required to act in a timeframe which prevents consultation
- The matter is delivering a policy-driven decision where previous engagement with the community and stakeholders has occurred
- A decision has already been made
- The Shire is not the decision-maker and has no ability to influence the decision
- The matter concerns public safety or is an emergency.

Where it is determined that seeking feedback will not occur, the Shire will provide clear communication to impacted stakeholders explaining why feedback was not sought.

## **ENGAGING WITH AND SUPPORTING GOVERNMENT DEPARTMENTS**

The Shire understands that government agencies such as schools, hospitals and police are fully funded core business units of state and federal government and as such are not a fundamental responsibility of local government. The Shire does, however, believe that we have a social and community responsibility to assist and engage with government departments in a manner congruent with facilitating delivery of services for which we are responsible under legislation.

The manner in which the Shire would offer support to government departments is further prescribed in the Shire Council Policy "State Government Department Support".

The Shire recognises that government departments would be considered a stakeholder in numerous Shire projects and initiatives, and as such will be engaged with pursuant to the operationally appropriate level on the engagement spectrum (Appendix 1).

## **RESPONSIBILITY OF BUSINESS UNITS**

Embedding the principles outlined in this policy will be supported by processes and practices based on the IAP2 Quality Assurance Standard for Community and Stakeholder Engagement and the AA1000 Stakeholder Engagement Standard (SES) 2015.

To provide consistency and ensure that the Shire engages at a level considered as being best practice, Community and Stakeholder Engagement Procedures will be developed for Shire issues that require engagement.

These issues include, but are not limited to, the following:

- Strategic Plans, Frameworks etc. (e.g. Community Strategic Plan)
- Scheduled roadworks, right-of-way construction
- Road closures, traffic calming proposals
- Local Laws
- Changes to services (e.g. changes to service provision i.e. Swimming Pool Operating Hours, closure of services)
- Reactive building maintenance and minor building works

- Public or other building demolitions
- Building upgrades, internal or external building refurbishments
- Playground and park upgrades, replacement and renewal
- Major projects (new regional facilities, parklands etc.)

As a minimum, these Community and Stakeholder Engagement Procedures will include the following areas:

- Legislative requirements, if applicable
- When engagement is to occur
- Situations where feedback may not be sought
- Processes of engagement that will be used
- Minimum requirements for engagement
- How feedback will be used to inform the final decision, and who the decision-maker is
- Method and timing of feedback and communication
- Reporting requirements and format
- How the engagement process will be reviewed and improved on an ongoing basis.

All Community and Stakeholder Engagement Procedures are to be developed within one (1) year of this policy's adoption.

## RESOURCES

Several resources have been developed, and will continue to be developed, to assist Shire staff to implement this policy.

These include, but are not limited to the operational documents:

- Engagement Plan Template
- Project Plan Template
- Community and Stakeholder Framework
- Community and Stakeholder Procedures

## DEFINITIONS

**Shire:** The Shire of Wongan-Ballidu

**Communication:** The imparting or exchanging of information by speaking, writing or via another medium, in consideration of the audience and appropriate for the channel delivered through. Communication is about connecting with people by sending information.

**Community:** Broadly refers to any specific group of people who share a similar location, interest or affiliation within the Shire area. These include, but are not limited to residents, ratepayers, business owners and operators, employees, students, visitors and community groups and organisations.

**Community and stakeholder engagement:** A planned process, which aims to ensure those affected by a decision are given an opportunity to be involved in the decision-making process. It includes a range of activities and strategies to encourage the participation and involvement of

all stakeholders.

**Community consultation:** A subset of community engagement, as defined within the IAP2 Spectrum of Public Participation, it is a level of engagement in which the purpose is to obtain feedback on analysis, alternatives and/or decisions.

**IAP2:** International Association for Public Participation. The leading professional organisation advancing the practice of public participation globally by promoting the right of those affected by a decision to have a say in the decision-making process, highlighting the benefits of this to organisations, governments and individuals, and providing training programs.

**IAP2 Spectrum:** Developed by IAP2, the IAP2 Public Participation Spectrum helps to define the community's role in any public participation or engagement process. The spectrum identifies five levels of engagement based on the engagement purpose or goal and the organisation's promise to the public during the process. The spectrum also includes examples of methods or tools suitable for each level.

**Program:** A group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.

**Project:** An endeavour undertaken to create a unique product, service or result. Projects have a definite beginning and end, and a desired outcome. Projects could be the development of a product/service, change in business structure or process, delivering information technology, construction of infrastructure or enhancing a business practice/policy.

**Public Participation:** Is another term used to describe the process of 'community engagement'. Other terms include 'civic engagement', 'citizen engagement', 'public engagement' and 'public involvement'.

**Our Vision:** The Shire of Wongan-Ballidu will be a caring and supportive community driving sustainability of agriculture, services and the environment.

**Our Mission:** To be leaders in the provision of local government services and infrastructure. - to serve the Shire's diverse community through delivering efficient, responsive and sustainable services.

**Our Values:** leadership; integrity; teamwork; communication; empathy; professionalism; positivity

**Stakeholder:** Individuals, groups or organisations interested in, impacted by or in a position to influence the Shire of Wonga-Ballidu's activities or objectives.

**Statutory:** A legal requirement the Shire must adhere to.

**Sustainability Principles:** Long-term decision making; fairness for all generations; improving lives and human rights; environmentally and socially responsible development; acting with precaution; conserving the natural environment and biodiversity; minimising the impact of operations, goods and services; accountability, transparency and engagement.

## **RELEVANT MANAGEMENT PRACTICES/DOCUMENTS**

- Disability Access and Inclusion Plan
- Strategic Community Plan
- Customer Service Charter
- Legislation/local law requirements
- WA Local Government Act 1995 and Regulations Health Act 1911 and associated regulations
- Local Town Planning Scheme
- Planning and Development (Local Planning Schemes) Regulations 2015
- Heritage of WA Act 1990
- Environmental Protection Act 1986
- Bush Fires Act 1954 and associated regulations
- Occupational Health, Safety and Welfare Act 1984 and associated regulations
- Privacy Act 1998
- Disability Services Act 1993
- Equal Opportunity Act 1984

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.



## APPENDIX 1



### IAP2 SPECTRUM OF PUBLIC PARTICIPATION – ADAPTED FOR USE BY SHIRE OF WONGAN-BALLIDU

International Association for Public Participation: [www.iap2.org](http://www.iap2.org)

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Public participation goal</b>	To provide stakeholders with balanced and objective information to assist them understand the problems, alternatives and/or solutions to enable them to provide meaningful feedback and make informed decisions. <b>NB.</b> Informing happens throughout the process – not only after the final decision has been made	To obtain feedback from stakeholders on options, analysis, alternatives and/or decisions	To work directly with stakeholders throughout the process to ensure that stakeholder issues and concerns are consistently understood and considered	To partner with stakeholders in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place the final decision-making in the hands of the community or public
<b>Our promise to stakeholders</b>	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide
<b>Role of stakeholders</b>	Listen	Contribute	Participate	Partner	Decide
<b>Examples of tools and methods</b>	<ul style="list-style-type: none"> <li>Corporate website</li> <li>Social media – Facebook</li> <li>Wongan-Balli Boomer</li> <li>Media</li> <li>Advertising</li> <li>Email, mail out</li> <li>Corporate publications</li> <li>Displays</li> </ul>	<ul style="list-style-type: none"> <li>Focus groups</li> <li>Surveys</li> <li>Public meetings</li> <li>Ballot</li> <li>Pop up events</li> <li>Listening posts</li> </ul>	<ul style="list-style-type: none"> <li>Vox pops</li> <li>Focus groups</li> <li>Workshops</li> </ul>	<ul style="list-style-type: none"> <li>Citizen advisory/ reference committees</li> <li>Participatory decision-making</li> <li>Meetings</li> </ul>	<ul style="list-style-type: none"> <li>Elected member representation.</li> <li>Ballots</li> <li>Citizen juries</li> <li>Delegated decisions</li> </ul>

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## 2.6 Community Resource Centre and Wonga-Balli Boomer Community Support Provision Policy

<b>Policy Owner</b>	<b>Community Development</b>
<b>Person Responsible</b>	<b>Manager of Community Services</b>
<b>Date of Adoption</b>	<b>08 July 2020 – Resolution 060720</b>
<b>Date of Last Review</b>	<b>08 July 2020 – New Policy</b>

### OBJECTIVE

The objective of this policy is to provide a clear statement of the instances in which Council will consider providing the support of the Wongan Hills Community Resource Centre to community groups, and to what extent such support may be provided.

### SCOPE

This policy applies to the business unit of Community Services and all Shire of Wongan-Ballidu (Shire) staff and contractors that manage projects, plans and initiatives, as well as consultants appointed to manage these on the Shire's behalf.

This policy is not intended to replace legal and statutory obligations. It should, however, guide business unit specific practices and procedures.

The Wongan Hills Community Resource Centre (CRC) currently receives funding by way of an annual agreement with the Department of Primary Industries and Regional Development (DPIRD).

Part of this agreement requires the CRC to deliver a prescribed number of activities, projects and initiatives within the Shire.

One of the ways that the CRC works in community to achieve these service delivery outcomes, is to collaborate and partner with various community groups and external stakeholders. This has the additional benefit of building capacity in community groups and empowering grass roots community development.

The 'Wonga-Balli Boomer' is a 40 to 44-page weekly publication with a circulation of 140; self-published by the CRC on average 43 editions per year. The 'Boomer' is delivered against the service delivery outcome of an 'Annual Local Initiative' in the DPIRD funding agreement.

The 'Boomer' has historically provided some space within the publication free of charge, and this policy seeks to formalise those guidelines.

## **POLICY – COMMUNITY PARTNERSHIPS**

When partnering with a community group or external stakeholder to deliver an event, project or initiative that meets the prescribed outcomes contained in the DPIRD contract, or delivering the CRC has the discretion to not charge a set Council fee and charge up to and including the following limits:

- A total of two pages of editorial content, to be provided by the group, to promote the project prior to commencement - \$114.00 value as at 30 June 2020;
- A total of two pages of editorial content, to be provided by the group, to report on the project after completion - \$114.00 value as at 30 June 2020;
- A total of three separate instances of Boomer advertising up to one A4 colour advert specifically related to the project. This is not transferrable to other sizes (for example 3 x A4 will not be equated to 12 x quarter page) - \$171.00 value as at 30 June 2020;
- A total of two hours of desktop publishing services provided by CRC staff - \$90.00 value as at 30 June 2020;
- A total of \$50.00 of printing and/or photocopying services;
- A total of four instances of promotion on the CRC's Facebook page;
- Assistance in the form of venue hire is subject to formal Council approval as per the Shire's Delegated Authority Register and will be negotiated on a case by case basis;
- Assistance in the form of staff hours is subject to formal CEO approval as per the Shire's Delegated Authority Register and will be negotiated on a case by case basis.

## **POLICY – THE WONGA-BALLI BOOMER**

Historically the Wonga-Balli Boomer, as a community-based publication, has provided a level of community content free of charge. The current prescribed advertising rates for commercial interests are as stated in the current Council Fees and Charges.

The Wonga-Balli Boomer has the discretion to not charge a set Council fee and charge up to and including the following limits:

- All local community notices, sporting results, thank you notices, birthday greetings and news items of community interest are published free of charge;
- Free community notices can be included for a maximum of 3 editions;
- Sport notices (including photographs) are published in black and white, if colour is required, standard advertising rates apply;
- Church notices (including photographs) are published in black and white, if colour is required, standard advertising rates apply;
- Articles will be published dependent on space, content and local interest. Articles without local content are to be a maximum of 2 pages and authors will be limited to one such article per month. Authors are however strongly encouraged to incorporate information relevant to the community in all articles. Local content pertains to place, person or events in the Shire, past or present;
- Any Community items that include ticket prices or the selling of products or services will incur the standard advertising rates;
- Raffle results are free of charge if the original raffle was advertised in the Boomer;
- The Front Cover is reserved for lifestyle images that are generally representative of our Shire and that do not depict specific links to community or sporting groups. However, the first double page opening (ie pages 2 and 3) is available to any recognised community or

sporting group within our Shire wishing to promote a project, event or achievement, and will be printed in colour free of charge.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

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## 2.7 Privacy of Personal Information Policy

<b>Policy Owner</b>	<b>Community Development</b>
<b>Person Responsible</b>	<b>Manager of Community Services</b>
<b>Date of Adoption</b>	<b>24 February 2021 – Resolution 090221</b>
<b>Date of Last Review</b>	<b>24 February 2021 – New Policy</b>

### OBJECTIVE

The responsible handling of Personal Information is a key aspect of governance and the Shire of Wongan-Ballidu (the Shire) is committed to protecting an individual's right to privacy. The policy ensures all reasonable steps are taken to manage all Personal Information held by the Shire and aims to:

- Provide a formal framework for the collection of Personal Information.
- Encourage effective, efficient and accurate collection of Personal Information.
- Personal information is only collected by lawful and fair means.
- Ensure personal information is stored securely and restricted to access by authorised personnel only.

### SCOPE

This policy applies to all Personal Information held by the Shire and is relevant for all employees of the Shire who are granted access to Personal Information in the performance of their duties and through their communications.

#### Collection of Personal Information

- The Shire usually collects Personal Information directly from the individual concerned.
- Personal Information will only be collected by fair and lawful means.
- The Shire will ensure that the collection of Personal Information does not intrude into the personal affairs of the individual.
- Personal Information is collected where it is deemed reasonable to do so for the purpose of the Shire performing one or more of its functions. Reasonable steps will be taken to ensure Personal Information collected is relevant to performing the communication function and not excessive or superfluous.
- The Shire will collect Personal Information from other parties if written consent is given by the authorised individual or if required by law.

#### Quality Management of Personal Information

- The Shire will take reasonable steps to ensure that an individual's Personal Information is accurate before using it.
- The Shire will update Personal Information held when necessary or when advised by an individual that their Personal Information has changed.

## **Security and Storage of Personal Information**

- Reasonable steps have been put in place by the Shire to protect Personal Information held from misuse, modification, disclosure and loss.
- Personal information will not be retained any longer than is necessary and aligns with accepted document disposal procedures.
- When no longer required, destruction of Personal Information held by the Shire will be done securely.
- The Shire employs data protection and security measures including both physical and technological access restrictions.

## **LEGISLATION AND SUPPORTING DOCUMENTATION**

### ***Local Government Act 1995***

The *Local Government Act 1995* section 5.94 lists information held by the local government that can be inspected by any person if they attend the local government's offices during office hours. Section 9.95 limits these rights when information is of a type prescribed as confidential.

## **RELEVANT MANAGEMENT PROCEDURES AND DOCUMENTS**

- Code of Conduct for Employees – CEO Operational Policy Manual
- Record Keeping Policy – Council Policy Manual
- Confidentiality Agreement – CEO Operational Policy Manual
- ICT Use Policy – CEO Operational Policy Manual
- Information Release Policy – CEO Operational Policy Manual
- Integrated SMS Messaging Procedure
- Procedure for Collecting and Storing Personal Data for Subscription Purposes

## **POLICY REVIEW**

This policy will be evaluated and reviewed in line with any legislative changes.

## 3. REGULATORY SERVICES

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## 3.1 Culling of Vermin by Shooting

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Manager of Works and Services</b>
<b>Date of Adoption</b>	<b>08 March 2005</b>
<b>Date of Last Review</b>	<b>23 February 2022 – Resolution 040222</b>

### OBJECTIVE

To minimise concern by local residents and tourists about their own safety or the culling of Corellas or other authorised vermin during authorised (*Department of Environment and Conservation (DEC)*) culling programs.

### POLICY

Council staff will seek Corella permits for the town site of Ballidu and Wongan Hills for a 12-month period where able, and where Corella numbers warrant.

Where Council has received an authorised culling permit for the destruction of vermin by shooting, its authorised shooters will observe the following protocols: -

1. Place an advertisement in a local paper or a local notice board prior to the culling advising of the day(s), time and purpose(s);
2. Advise the local Police of the day and time of the shoot;
3. Wear bright coloured vests;
4. Place at least 2 prominent 'sandwich board' type signs in the main area of the culling saying "Culling in Progress" or similar;
5. Culling will commence early in the breeding season (November) before numbers build up in the townsites;
6. Council will where possible utilise a professional group such as the WA Field and Game Association to assist with the culling;
7. The shoot will, where practical, take place on a hot day and; and
8. Where practical at least 6 shooters will be available to help ensure the Corellas stay 'in the air'.

### RESPONSIBILITY FOR IMPLEMENTATION

The Manager Works & Services is responsible for implementation of this policy.



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## 3.2 Genetically Modified Organisms

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	<b>23 February 2022 – New Policy</b>

### **OBJECTIVE**

To allow those authorities with proper jurisdiction and legislative control to determine the impacts and applicability of Genetically Modified Organisms.

### **POLICY**

The Shire of Wongan-Ballidu believes the use and application of Gene Technology is a matter beyond its jurisdiction and decline to make comment when requests are received from Government or Government Agencies.'

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.

### 3.4 Taking of Wildflowers/Seeds

<b>Policy Owner</b>	<b>Works and Services</b>
<b>Person Responsible</b>	<b>Manager of Works and Services</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	<b>23 February 2022 – New Policy</b>

#### **OBJECTIVE**

Council recognises the value and ecological importance of native flowers and this policy is designed to ensure that this resource is not decimated as a result of commercial activities.

#### **POLICY**

Council does not support the commercial exploitation of taking wildflowers on land under Council's control.

Council on the approval of the CEO supports the collection of native seeds providing the applicant has an appropriate Department of Conservation and Land Management license.

Council does support individuals being members of community organisations with a tourism orientation to cut a small quantity of native blooms to produce small artefacts to sell as souvenirs providing that they have been issued with an appropriate licence from Department of Conservation and Land Management.

#### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for disseminating and applying this policy.

#### **Seed Collection from Road Verges:**

Landowners wishing to collect seed from native vegetation in road verges should refer to Council Policy 1.6 – Taking of Wildflowers/Seeds. A permit for seed collection may also be required from the DBCA. It is the responsibility of the landowner to check they have the relevant approvals in place.

## 4. FINANCE

## 4.1 Accounting Policy

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Deputy Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>June 2009 – Resolution 060609</b>
<b>Date of Last Review</b>	<b>24 August 2022 – Resolution 08082022 - Amendment</b>

### OBJECTIVE

To ensure that all Financial Reports and Budgets are prepared in accordance with the relevant statutory requirements.

### POLICY

**This policy will apply to the presentation of the Shire's:**

Management Accounts  
Monthly Financial Reports  
Annual Financial Reports  
Annual Budgets  
Annual Budget Reviews  
Long Term Financial Plan

The significant accounting policies are detailed below.

#### 1. Basis of preparation

All financial reports will be prepared in accordance with the Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying regulations take precedence over Australian Accounting Standards where they are inconsistent.

#### 2. The Local Government Reporting Entity

All funds through which the Council controls resources to carry on its functions will be included in the financial statements.

In the process of reporting on the Local Government as a single unit, all transactions and balances between those Funds (for example loans and transfers between funds) will be eliminated.

All monies held in the Trust Fund are to be excluded from the Financial Statements, but a separate statement of those monies should appear as a Note to the Statements.

### **3. Actual Balances**

The year-to-date actual balances that are presented in the annual budget are figures based on the accounts as at the time of budget preparation, they will include forecasts where appropriate, but are subject to change between time of budget adoption and the production of the Annual Financial Report.

### **4. Rounding Off Figures**

All figures shown in the financial reports (other than the rates in the dollar), are to be rounded to the nearest whole dollar.

### **5. Comparative Figures**

Where required, comparative figures are adjusted to conform to changes in presentation for the current financial year.

When the Shire applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statement, a statement of financial position as at the beginning of the earliest period is disclosed.

Unless otherwise stated, the budget comparative figures shown in the financial statements is the original budget for the relevant item of disclosure.

### **6. Critical Accounting Estimates**

The preparation of financial reports in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets, liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the result of which forms the basis of making judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

### **7. Goods and Services Tax ("GST")**

Revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the Statement of Financial Position are stated as inclusive of applicable GST.

### **8. Cash and Cash Equivalents**

Cash and cash equivalents in the Statement of Financial Position comprise cash at bank and on hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Statement of Cash Flows, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the Statement of Financial Position.

## **9. Trade and Other Receivables**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that the debt will not be collectible.

## **10. Inventories**

### **(i) Raw materials and stores (fuel stock), work in progress and finished goods**

Raw materials and stores (fuel stock), work in progress and finished goods are stated at the lower of cost and net realisable value. Cost comprises direct materials, direct labour and an appropriate proportion of variable and fixed overhead expenditure, the latter being allocated on the basis of normal operating capacity. Costs are assigned to individual items of inventory on the basis of weighted average costs. Net realisable value is the established selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

## **11. Land held for resale/capitalisation of borrowing costs**

(i) Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, development and borrowing costs during development. When development is completed, borrowing costs and other holding charges are expensed as incurred. Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time when the conditions of a binding contract of sale are met. Land held for resale is classified as current except where it is held as non-current based on the Shire's intentions to release for sale.

## **12. Non-Current Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

## **13. Low Value Assets**

Expenditure on items of equipment under \$5,000 are not capitalised but, where applicable, are placed on the "Minor Assets Register" for reference and maintenance.

## **14. Revaluation**

### **(i) Mandatory requirement to revalue certain non-current assets**

Each asset class is revalued in accordance with the Regulations and the Australian Accounting Standards. The Shire applies a process of rolling revaluations by asset class, providing all assets in a class are valued within the same financial year before the reporting date.

The following is the Shire's non-current asset revaluation cycle:

Financial Year	Asset Group/Class
2021/22	Land, Buildings and Other Infrastructure
2022/23	Infrastructure – Roads, footpaths, drainage, parks & ovals, signage
2023/24	Nil
2024/25	Nil
2025/26	Nil
2026/27	5-year cycle recommences

The *Local Government (Financial Management) Regulations 1996* state that the maximum period of time between revaluations of non-current assets is five (5) years. All plant and equipment type assets are to be held at cost.

Relevant disclosures, in accordance with the requirements of the Australian Accounting Standards, are made in the financial statements as necessary.

#### (ii) Accounting for revaluations

The fair value of land, buildings, infrastructure and investment properties (including vested improvements) is determined at least every five years in accordance with the regulatory framework. At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is in accordance with *Local Government (Financial Management) Regulation 17A (2)(a)* which requires land, buildings, infrastructure, investment properties and invested improvements to be shown at fair value.

Individual assets that are plant and equipment type assets and right-of-use assets are measured using the cost model in accordance with *Local Government (Financial Management) Regulation 17A (2)(b)* and *17A (2)(c)*.

Increases in the carrying amount arising on revaluation of asset classes are credited to a revaluation reserve. Decreases in the carrying amount that offset previous increases of the same asset classes are recognised against revaluation reserve, all other decreases are recognised in the Statement of Comprehensive Income.

### 15. Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner, which reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of acquisition, or in respect of internally constructed assets, from the time the asset is completed and held ready for use. Assets are written off when they fall below the capitalisation threshold in the Asset Register.

Depreciation is recognised on a straight-line basis, using rates which are calculated based on useful life and residual values; these are illustrated below and reviewed each reporting period.

Asset Class	Useful life
Buildings – non-specialised	20 – 80 years
Buildings – Specialised	20 – 80 years
Furniture and equipment	5 – 10 years
Plant and equipment	4 – 8 years
Motor Vehicles	3 – 5 years
Infrastructure – Roads – Surface (sealed)	27 years
Infrastructure – Roads – Surface (unsealed)	10 years
Infrastructure – Roads – Pavement	55 years
Infrastructure – Roads (Subgrade)	Not depreciated
Infrastructure – Footpaths	30 years
Infrastructure - Drainage	70 years
Infrastructure – Parks and ovals	18 – 63 years
Infrastructure – Signs	125 years
Infrastructure - Other	8 – 100 years

## 16. Land under Control and Land under Roads

As a result of amendments to the Regulations, effective from 1 July 2019, vested land, including land under roads, is treated as right-of-use assets measured at zero cost. Therefore, the previous inconsistency with AASB 1051 in respect of non-recognition of land under roads acquired on or after 1 July 2008 has been removed, even though measurement at zero cost means that land under roads is still not included in the statement of financial position.

## 17. Vested improvements

The measurement of vested improvements at fair value in accordance with *Local Government (Financial Management) Regulations 1996 17A (2)(iv)* is a departure from AASB 16 which would have required the Shire to measure the vested improvements as part of the related right-of-use asset at zero cost.

## 18. Gains and losses on disposal of non-current assets

Gains and losses on disposals are determined by comparing proceeds with the carrying amount (written-down value). These gains and losses are included in the Statement of Comprehensive Income. When revalued assets are sold, amounts included in the revaluation reserve relating to that asset are transferred to retained earnings.

## 19. Financial Instruments

### (i) Recognition and derecognition

Financial Instruments, financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions of the financial instrument.

Financial assets are derecognised when the contractual rights to the cash flows from the financial asset expire, or when the financial asset and substantially all the risks and rewards are transferred. A financial liability is derecognised when it is extinguished, discharged, cancelled or expires.

### (ii) Classification and initial measurement of financial assets

Except for those trade receivables that do not contain a significant financing component and are measured at the transaction price in accordance with AASB 15, all financial assets are initially measured



at fair value adjusted for transaction costs (where applicable).

Financial assets, other than those designated and effective as hedging instruments, are classified into the following categories:

- amortised cost;
- fair value through profit or loss (FVTPL); and
- fair value through other comprehensive income (FVOCI).

The classification is determined by both:

- the Shire's business model for managing the financial asset; and
- the contractual cash flow characteristics of the financial asset.

All income and expenses relating to financial assets that are recognised in profit or loss are presented within finance costs, finance income or other financial items, except for impairment of trade receivables which is presented within other expenses.

### **(iii) Subsequent measurement of financial assets Financial assets at amortised cost**

Financial assets are measured at amortised cost if the assets meet the following conditions (and are not designated as FVTPL):

- they are held within a business model whose objective is to hold the financial assets and collect its contractual cash flows; and
- the contractual terms of the financial assets give rise to cash flows that are solely payments of principal and interest on the principal amount outstanding.

This category includes non-derivative financial assets like loans and receivables with fixed or determinable payments that are not quoted in an active market. After initial recognition, these are measured at amortised cost using the effective interest method.

Discounting is omitted where the effect of discounting is immaterial. The Shire's cash and cash equivalents, trade and most other receivables fall into this category of financial instruments.

### **Financial assets at fair value through profit or loss (FVTPL)**

Financial assets that are held within a different business model than 'hold to collect' or 'hold to collect and sell', and financial assets whose contractual cash flows are not solely payments of principal and interest are accounted for at FVTPL. All derivative financial instruments fall into this category, except for those designated and effective as hedging instruments, for which the hedge accounting requirements apply.

Assets in this category are measured at fair value with gains or losses recognised in profit or loss. The fair values of financial assets in this category are determined by reference to active market transactions or using a valuation technique where no active market exists.

### **Financial assets at fair value through other comprehensive income (FVOCI)**

Financial assets are accounted for at FVOCI if the assets meet the following conditions:

- they are held under a business model whose objective is to collect the associated cash flows and sell; and
- the contractual terms of the financial assets give rise to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Any gains or losses recognised in Other Comprehensive Income are reclassified upon recognition of the asset. This category includes listed securities and debentures.

## **20. Classification and measurement of financial liabilities**

Financial liabilities are initially measured at fair value, and, where applicable, adjusted for transaction costs unless the Shire designated a financial liability at fair value through profit or loss.

Subsequently, financial liabilities are measured at amortised cost using the effective interest method except for derivatives and financial liabilities designated at FVTPL, which are carried subsequently at fair value with gains or losses recognised in profit or loss (other than derivative financial instruments that are designated and effective as hedging instruments).

All interest-related charges and, if applicable, changes in an instrument's fair value that are reported in profit or loss are included within finance costs or finance income.

## **21. Impairment of financial assets**

The Shire considers a broad range of information when assessing credit risk and measuring expected credit losses, including past events, current conditions, reasonable and supportable forecasts that affect the expected collectability of the future cash flows of the instrument.

Measurement of the expected credit losses is determined by a probability-weighted estimate of credit losses over the expected life of the financial instrument.

## **22. Fair Value Estimation of financial instruments**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes. The fair value of financial instruments traded in active markets is determined using various valuation techniques. The Shire uses valuation methods and make assumptions that are based on market conditions existing at each balance date. Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting future contractual cash flows at the current market interest rate that is available to the Shire for similar financial instruments.

## **23. Provisions**

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

can be reliably measured. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow, with respect to any one item included in the same class of obligations, may be small.

## **24. Leases**

All Leases, excluding Peppercorn Leases (concessionary leases), are recognised in the Balance Sheet as a liability by capitalising the present value of the minimum lease payments and showing a 'right-of-use' asset, while future lease payments are recognised as depreciation on the 'right-of-use' asset, and interest is charged on the lease liability.

Right-of-use assets are measured using the cost model in accordance with *Local Government (Financial Management) Regulation 17A (2)(c)*. This means that all right-of-use assets (other than vested improvements) under zero-cost concessionary leases are measured at zero cost.

## **25. Impairment**

The Shire's assets, other than inventories, are tested annually for impairment. Where impairment exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 Impairment of Assets and appropriate adjustments made. Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. Impairment losses are recognised in the Statement of Comprehensive Income.

For non-cash generating assets such as roads, drains and public buildings value in use is represented by the asset's written down replacement cost.

## **26. Trade and Other Payables**

Trade and other payables reflect obligations to make future payments in respect of the purchase of goods and services and are carried at amortised cost. The amounts are unsecured and are usually paid within 30 days from the date of receipt of the invoice unless otherwise agreed.

## **27. Loans and Borrowings**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid for the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Shire has an unconditional right to defer settlement of the liability for at least 12 months after the Statement of Financial Position date.

Borrowing costs are recognised as an expense when incurred, except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

## **28. Employee Benefits**

Provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave and rostered days off and are calculated as follows:

### **Annual Leave, Long Service Leave and Rostered Days off (Short-term benefits)**

The provision for employees' benefits including; annual leave, long service leave and rostered days off expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees' services provided to balance date. The provision is calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

### **Long Service Leave (Long-term benefits)**

The liability for long service leave is recognised as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date, using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on state government bonds with terms to maturity and currency that match as closely as possible the estimated future cash outflows.

Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

## **29. Superannuation**

Contributions to employee defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

## **30. Interests in Joint Arrangements/Joint Ventures**

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method.

Joint operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements

## **31. Rates, Grants, Donations and Other Contributions**

Revenue recognition is determined based on what the customer expects to be entitled to (rights and obligations), while measurement encompasses estimation by the entity of the amount expected to be entitled for performing under the contract or in the case of Rates, when the relevant rateable year commences.

AASB 1058 Income of Not-for-Profit Entities is considered where AASB 15 does not apply to a transaction. The timing of income recognition will depend on whether a transaction gives rise to a performance obligation, liability or contribution by owners.

### 32. Contract Liabilities (Prepaid Income)

When an amount of consideration is received from a customer / fund provider prior to the Shire transferring a good or service to the customer, the Shire presents the funds which exceed revenue recognised as a contract liability. The contract liability remains until the Shire's obligations have been met.

### 33. Contract Assets

When a performance obligation is satisfied by transferring a promised good or service to the customer before the customer pays consideration or before payment is due, the Shire presents this as a contract asset, unless the rights to that amounts of consideration are conditional, in which case the Shire recognises a receivable.

### 34. Current and non-current classifications

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operation cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months. An exception exists for land held for resale, where it is held as non-current based on the Shire's intentions to release for sale.

### 35. Intangible assets

Costs associated with maintaining computer software programs are recognised as an expense as incurred. Development costs that are directly attributable to the design and testing of identifiable and unique software products controlled by the Shire are recognised as intangible assets where the following criteria are met:

- It is technically feasible to complete the software so that it will be available for use;
- Management intends to complete the software and use or sell it;
- There is an ability to use or sell the software;
- It can be demonstrated how the software will generate probable future economic benefits;
- Adequate technical, financial and other resources to complete the development and to use or sell the software are available; and
- The expenditure attributable to the software during its development can be reliably measured
- Directly attributable costs that are capitalised as part of the software include employee costs and an appropriate portion of relevant overheads.
- Capitalised development costs are recorded as intangible assets and amortised from the point which the asset is ready for use.

### 36. Materiality

The Shire has adopted the amendment to AASB 2018-7. The change includes additional explanation to expand the definition of what information may be considered material in nature and how

presentation may also be an influence. Information is material if omitting, misstating or “obscuring” it could reasonably be expected to influence decisions that the primary users of general purpose financial statements make on the basis of those financial statements, which provide financial information about a specific reporting entity.

#### **RESPONSIBILITY FOR IMPLEMENTATION**

The Deputy Chief Executive Officer is responsible for the implementation and operation of this Policy.

## 4.3 Asset Management

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>26 June 2014 – Resolution 040614</b>
<b>Date of Last Review</b>	<b>28 June 2017</b>

### PURPOSE

To provide the Shire with a framework to sustainably manage its asset portfolio to ensure a continuity of service delivery. To ensure a corporate approach to asset management and ensure adequate provision is made for the long-term replacement of major assets.

### SCOPE

This policy describes the way in which the Shire, as an organisation, will approach the asset management of its infrastructure to ensure maximum return on investment. This policy applies to Elected Members of Council, all employees and all consultants engaged by the Shire.

### OBJECTIVE

The key objective of this policy is to ensure that services delivered by the Shire of Wongan-Ballidu continue to be delivered in a sustainable way by ensuring that the Assets used to support the service delivery continue to function to the level of service determined by Council.

It will also provide clear direction as to how Council, as custodians of community assets, will manage those assets within an Asset Management Framework.

### POLICY STATEMENT

The Shire delivers a variety of services to the community and in doing so, must ensure that the assets supporting these services are managed in a way that promotes maximum performance for the most cost-effective 'whole of life' cost.

The Shire is committed to the responsible management of its assets and to deliver services that meets community expectations of time, quality, and value for money.

The Shire's assets include physical features within the Shire and include items such as roads, drainage, buildings, parks, pathways, natural areas and playgrounds and represent a substantial investment to support modern living in our community. It is imperative that the Shire employs best practice management skills and practices to ensure that Shire services are delivered economically and in a sustainable manner.

This policy applies to the Council and all employees of the Shire, Committees of Management and the Community involved in the operation, maintenance, refurbishment, renewal, upgrading and development of the Shire's existing and new assets.

## POLICY DEFINITIONS

**"Asset"** means "A physical component of a facility which has value, enable services to be provided and has an economic life of greater than twelve (12) months." (International Infrastructure Management Manual).

A physical item that is owned or controlled by the Shire and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual, and non-tangible assets).

Infrastructure Assets include buildings, drainage, footpaths, street furniture, parks and landscape, property, reserve equipment, and roads.

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

**"Asset Management Plan"** means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

The Asset Management Plan establishes for each Asset Category:

1. Levels of Service
2. Future Demand
3. Risk register
4. Life Cycle Management Plan
5. Financial Projections;
6. Asset Management Practices
7. Performance Monitoring and Improvement.

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

### **"Capital Upgrades"**

Projects (including land purchase) for the extension or upgrading of assets catering for growth or additional levels of service. Capital upgrades include:

- Works that improve an asset beyond its original size or capacity.
- Upgrade works that increase the capacity of an asset.
- Works designed to produce an improvement in the standard and operation of the asset beyond its original capacity.

**"Council"** means the elected council (comprising Elected Members) of the Shire of Wongan-Ballidu.



**“Infrastructure Assets”** are fixed assets that support the delivery of services to the community. These include the broad asset classes of Roads, Drainage, Buildings, Parks and Play Equipment.

**“Level of Service”** means the combination function, design and presentation of an asset. The higher the Level of Service, the greater to cost to deliver the service. The aim of asset management is to match the asset and level of service of the asset to the community expectation, need and level of affordability.

**“Life Cycle”** means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

**“Life Cycle Cost(s)”** means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

**“Maintenance”** means regular ongoing work necessary to keep asset operating and to achieve its optimum life expectancy. Maintenance may be preventative or reactive.

**“Operations”** means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

**“Operating Costs”** have no effect on asset condition but are necessary to keep the asset properly utilised. It is the active process of utilising an asset and consumes resources such as manpower, energy, chemicals or materials.

**“New”** means works or acquisitions (including land purchase) that create an asset that did not exist in any shape or form, for the purpose of meeting additional service level requirements.

**“Predictive Modelling”** means the use of asset deterioration models and condition monitoring to predict failure and asset rehabilitation and renewal.

**“Resources”** means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).

**“Renewal”** means work to restore, rehabilitate, or replace and existing asset to its original equivalent capacity or performance capability. This may include the fitting of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use. This includes:

- The renewal and rehabilitation of existing assets to their original size and capacity.
- The replacement of the entire asset with the equivalent size or capacity.
- The replacement component of capital works that restores the assets to their original size and capacity.

**“Risk”** means probability and consequence of an event that could impact on the Council’s ability to meet its corporate objectives.

**“Shire”** means the collective Shire of Wongan - Ballidu organisation. The Chief Executive Officer of the Shire of Wongan - Ballidu is responsible for ensuring the Shire’s obligations and commitments are met.

**“Stakeholders”** are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

**“Upgrade”** means enhances existing asset to provide higher level of service.

**“Useful Life”** means the period over which an asset is expected to be used.

## POLICY

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

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will prepare an Asset Management Improvement Strategy that will guide the implementation of Asset Management practices across the organisation with the major outcome being the adoption by Council of a Service & Asset Management Plan for the following classes of infrastructure assets;

- Roads
- Drainage
- Buildings
- Parks & Reserves
- Playground Equipment.

Service & Asset Management Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery when it comes to considering the need to acquire new assets, renew existing assets, upgrade existing assets or dispose of existing assets to support service delivery.

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

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

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

- Philosophy of renewing assets before acquiring new assets and where possible, rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the intended service for which the asset was originally acquired.
- Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:
- Need for facility (short and long term);
  - Legislative requirements;

- Opportunities for rationalisation;
- Future liability including ultimate retention/disposal;
- Opportunities for multiple use;
- All capital projects will be evaluated in accordance with a Capital Evaluation model and take into account capital cost, ongoing cost of maintenance, refurbishment, replacement and operating cost ("whole of life" cost assessment).
- Manage its assets utilising a team approach supported by the multi discipline cross-functional asset management working group.
- Developing and implementing a 10 year "rolling" financial plan that incorporates those infrastructure renewal requirements as identified within various Service & Asset Management Plans.

The Shire of Wongan–Ballidu is committed to determining the Level of Service required for infrastructure assets in a collaborative manner with asset stakeholders.

## RESPONSIBILITY AND REPORTING

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

- Asset Management Policy
- Asset Management Strategy
- Asset Management Plans
- Strategic Resource Plan
- Long Term Financial Plan

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

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

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

**Service & Asset Management Working Group (SAMWG)** – the SAMWG is made up of the Managers of the Shire of Wongan – Ballidu who may from time to time co-opt other staff from within the work force to assist them and is responsible for ensuring that Council's Asset Management Improvement Strategy is achieved, and that Service & Asset Management Plans are prepared and maintained in line with Council's Policy on Asset Management. Where changes to Council's AM Policy, Improvement Strategy or Plans are identified, the SAM Working Group is responsible for reporting this to the CEO for consideration. Where aspects of Council's Policy, Improvement Strategy or Plans are not being achieved or adhered to, the SAM Working Group is responsible for reporting non-compliances to the CEO for corrective action. The Asset Management Working Group reports to the Finance and Audit Committee on all matters relating to Asset Management.

**Deputy Chief Executive Officer/Manager Administration and Finance (DCEO/MAFS)** – is responsible for resource allocation (from Council approved resources) associated with achieving Council's Asset Management Improvement Strategy. The Manager Administration and Financial Services reports to the CEO in relation to Asset Management resource allocation.

**All Managers** – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Working Group. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

## OUR COMMITMENT

Within our organisation, we will:

- Adopt a continuous improvement approach to asset management
- Undertake to provide an agreed level of service for all asset classes in an economically sustainable manner.
- Ensure budgeting priority be given to the maintenance and renewal of existing assets and services.
- Provide adequate resources to manage these assets in a cost effective and timely manner.
- Ensure assets are reviewed on a regular basis to ensure ongoing relevance and community need. Where no need is identified, assets will be rationalised.

As part of the Shire's consideration of asset management, we will undertake the following key steps:

- Develop and maintain industry standard asset management plans for all major asset classes and incorporate the results into the Shire's Long-Term Financial Plan (LTFP)
- Prior to consideration of any major works for renewal or improvement to an asset, undertake a critical review of the need for that asset.
- Consider the "whole of life" cost for all new assets and for any major renewal or improvements and ensure those costs are incorporated in the Shire's LTFP
- Where appropriate, involve and consult with the community and key stakeholders on determining levels of service
- Manage the Shire's assets utilising a multi discipline cross-functional Asset Management Continuous Improvement Team (AMCIT)
- Ensure asset information is accurate and current allowing informed decision making to occur.
- Allocate appropriate resources to ensure appropriate asset management practices can be undertaken including the timely maintenance and renewal or upgrade of those assets so that "life cycle" costs are optimised.
- Continually seek opportunities for multiple uses of assets.
- Implementation of asset management as an organisational philosophy that will be guided by the Asset Management Framework, Asset Management Continuous Improvement Strategy and Asset Management Plans.
- Develop and maintain an Asset Management Continuous Improvement Strategy to drive continuous improvement in asset management practices.

## Related Documents

- Asset Management Policy
- Asset Management Strategy

- Asset Management Plans
- Strategic Resource Plan
- Long Term Financial Plan

## RESPONSIBILITY

**Elected Members** are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.

The Chief Executive Officer has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

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## 4.4 Contiguous Rating

<b>Policy Owner</b>	<b>Audit, Finance and Risk Committee</b>
<b>Person Responsible</b>	<b>Deputy Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>07 February 2002 – Resolution 2406</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To ensure that Council concurs with the Valuer Generals policy in regard to contiguous rating for Rural, Residential, Industrial, Commercial and other properties within the Shire and to ensure maximum land availability for both business and residential purposes whilst acknowledging that if properties are used and occupied as one they are entitled to be rated as one holding.

### POLICY

That Council support the policies put in place by the Valuer Generals Office in regard to contiguous rating of land as follows:

#### Rural

Rural properties should be valued as one holding for rating purposes if they are:

- contiguous (touching, adjoining or adjacent), and;
- held in the same ownership, and;
- used for the same purpose.

#### Residential – Wongan Hills

Residential land within the Wongan Hills townsite, shall only be rated contiguously if:

- contiguous (touching or adjoining), and;
- held in the same ownership, and;
- used for the same purpose, fenced/landscaped as one, and;
- one or both of the lots are not being actively marketed or advertised for sale as able to be purchased individually.

#### Industrial/Commercial

Land used for business within the whole of the Shire may be rated contiguously to allow for the expansion of business, should the whole of the land be used for the purpose of carrying on that business and if;

- contiguous (touching or adjoining), and;
- held in the same ownership, and;

- used for the same purpose, fenced/landscaped as one, and;
- one or both of the lots are not being actively marketed or advertised for sale as able to be purchased individually.

### **Rural Townsite – Ballidu and Cadoux**

Residential land within the townsites of Ballidu and Cadoux shall be allowed to be rated contiguously if;

- contiguous (touching or adjoining), and;
- held in the same ownership, and;
- used for the same purpose, fenced/landscaped as one, and;
- one or both of the lots are not being actively marketed or advertised for sale as able to be purchased individually.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Deputy Chief Executive Officer is responsible for implementing this policy.

## 4.5 Insurance Excess – Buildings

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Deputy Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>15 October 2005</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 08082022</b>

### OBJECTIVE

To ensure that sporting and not-for-profit groups are not discouraged from making insurance claims due to high excess payable on Councils property insurance.

### POLICY

Council is responsible for insuring all buildings on its Asset Register, with the Municipal Property Scheme which has an excess of \$1,000 on all claims. Sporting and not-for-profit groups will only pay the first \$500 of any excess payable on an insurance claim.

It is the responsibility of the group making the claim to submit all details of the claim to Council staff including:

1. Specific details of damage
2. Date of damage
3. Quotes for repair
4. Photos of damage
5. Police report NUMBER if applicable

### RESPONSIBILITY FOR IMPLEMENTATION

The Deputy Chief Executive Officer is responsible for implementing this policy.



## 4.6 Investment

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Deputy Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>25 June 21014 – Resolution 050614</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 08082022</b>

### OBJECTIVE:

To invest the Shire's surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

The objectives of the policy are threefold in terms of preservation of capital, liquidity and the return on investment.

- The preservation of capital is the primary objective of the Shire's investment to ensure the safety and security of the investment made in relation to the credit risk of the borrowers and interest rate on offer.
- The investment of the Shire's funds should ensure there is sufficient liquidity to meet the operational cash flow requirement as when they fall due without incurring additional cost to the Shire.
- The investment made should achieve a predetermined return on investment taking into account the market condition and risk profile of the borrowers.

### LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- *Local Government Act 1995* - Section 6.14
- *The Trustees Act 1962* - Part III Investments
- Local Government (Financial Management) Regulations 1996 - Regulations 19, 28 and 49
- Australian Accounting Standards

### SCOPE

This policy applies to all officers involved in the investment of Council funds.

### POLICY

#### Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's investment to senior finance staff subject to regular reviews.

**Prudent Person Standard**

Investments are to be managed with the care, diligence and skill that a “prudent person” (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this investment Policy, and not for speculative purposes.

**Ethics and Conflicts of Interest**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council’s investments. Where there is a conflict of interest, it should be disclosed to the CEO as soon as possible.

**Approved Investments**

All investment must be denominated in Australian dollars. Without Council approval, investment of the Shire funds is limited to: -

- State/Commonwealth Government Bonds;
- Interest Bearing Deposits;
- Bank accepted/endorsed bank bills;
- Bank negotiable Certificate of Deposits; and

**Prohibited Investments**

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

**Risk Management Guidelines**

Investments obtained are to comply with three key criteria (described below) relating to:

- Portfolio Credit Framework - to limit overall credit exposure of the portfolio
- Counterparty Credit Framework - to limit exposure to individual counterparties/institutions
- Term to Maturity Framework - limits based upon maturity of securities

**a) Overall Portfolio Limits**

To control quality on the entire portfolio, the following framework limits the percentage of the portfolio exposed to a particular credit rating category:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

**b) Counterparty Credit Framework**

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited as detailed in the table below:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments in Negotiable Bank Instruments are not to be greater than 12 months and investments in Guaranteed Government Bonds are not to be greater than 3 years.

**c) Term to Maturity Framework**

The following maturity constraints will apply under Section 19C of the Local Government (Financial Management) Regulations 1996.

**Negotiable Bank Instruments Maturity Limits (Term Deposits)**

Bank Instruments % < 3 months	100% Max
Bank Instruments % < 6 months	80% Max
Bank Instruments % < 9 months	60% Max
Bank Instruments % < 12 months	40% Max
Authorised Deposit Institution Limits	12 months
Non- Authorised Deposit Institution Limits	Not Allowed

**Guaranteed Government Bonds Maturity Limits**

Government Bonds % < 1 year	100% Max
Government Bonds % > 2 year	60% Max
Government Bonds % > 3 year	25% Max

Note: Authorised Deposit Institutions are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

**Investment Guidelines**

Municipal funds will be invested for short to medium terms, and reserve funds for medium to long terms. To maintain accountability and transparency, municipal funds and reserve funds are to be invested in separate accounts.

For the purposes of this policy:

- "Long term" refers to a term of up to 12 months or more.
- "Medium term" refers to a term of up to 6 months.
- "Short term" refers to liquid investments (at call) or up to 3 months or less that is readily convertible to cash with no impairment to the original value of the investment.

Appendix B - Investment Policy checklist from Local Government Operational Guidelines - Number 19 - Investment Policy (February 2008) shall be used to assess each new investment. The form shall be retained as evidence. Three quotes will be obtained when investing any funds. Once the rate is finalised the investment must be approved by two signatories to the bank account.

### **Investment Strategy**

An Investment Strategy will run in conjunction with this investment policy. The investment strategy will be presented to Councils Finance Committee every six months. The Strategy will outline:

- Council's cash flow expectations
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure and
- Appropriateness of overall investment types for Council's Portfolio

### **Investment Advisor**

Any Investment Advisor be appointed must be approved by Council and be licensed by the Australian Securities and Investment Commission. The advisor appointed must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

### **Approved Borrowers**

The following are approved by Council as financial institutions in which the Shire's funds may be invested.

- Westpac Banking Corporation (WBC)
- Australia and New Zealand Bank (ANZ)
- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- St George Bank
- Bankwest of WA

From time to time, new parties emerge wanting to participate in the Shire's investment program they will be assessed, evaluated and recommended to Council for approval. Their inclusion in the above listing is subject to approval by the Council.

### **Reporting and Review**

A monthly report must be provided to Council detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value (if applicable). The report will also detail investment income earned against budget.

Documentary evidence must be held for each investment and details thereof maintained in an investment register. For audit purposes, certificates will be obtained from financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

This policy should be reviewed if there is a marked change in the economic landscape affecting financial markets and interests and / or if there are state or federal legislative changes affecting the movement and investment of Council funds.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Deputy Chief Executive Officer is responsible for implementing this policy.

## 4.8 Purchasing

Policy Owner	Audit and Risk Committee Corporate Services
Person Responsible	Deputy Chief Executive Officer
Date of Adoption	21 August 2024 Resolution 070824
Date of Last Review	21 August 2024 Resolution 070824

### PURPOSE

To ensure that the Shire of Wongan-Ballidu's (Shire's) procurement practices and processes are compliant with all relevant legislation and best practice.

### OBJECTIVE

The objectives of this Policy are to ensure that all purchasing activities:

- Demonstrate that value for money is attained for the Shire;
- Are compliant with relevant legislation, codes and standards, including the *Local Government Act 1995 (Act)*, and the *Local Government (Functions and General) Regulations 1996 (Regulations)*;
- Are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire;
- Demonstrate probity by establishing consistent processes that promote transparency, fairness and equity to all potential suppliers;
- Ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Ensure that goods and services to be procured are necessary and fit for purpose;
- Properly evaluate and consider the safety and health characteristics of any goods and/or services prior to being introduced into the Shire's workplaces;
- Are supported by the necessary budget provisions or comply with section 6.8(1) of the Act; and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

### RESPONSIBILITY FOR IMPLEMENTATION

All officers involved in a purchasing process must adhere to this Policy. The Deputy Chief Executive Officer is responsible for ensuring this Policy is adhered to.

## POLICY

### 1. ETHICS & INTEGRITY

All officers and employees of the Local Government must have regard for the Code of Conduct and 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 local government 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 local government by a supplier shall be treated as commercial in confidence and should not be released unless authorised by the supplier or relevant legislation.

### 2. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that is the difference between the total benefit derived from a good or a service against its total cost, when assessed over the period the goods or services are to be used.

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

- An initial needs assessment to determine the ongoing relevance and necessity for the procurement and mode of delivery.
- All relevant whole-of-life costs and benefits 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 sustainability and viability of the supplier(s) to ensure risk of default is as low as possible.

- Competency of supplier(s) to provide the goods and/or services (technical, managerial, compliance).
- 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.
- Providing opportunities for local businesses within the shire to provide quotations for goods and services wherever possible.
- The safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- Purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility.

### **3. SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing goods 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 in accordance with the Shire's sustainability objectives.

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

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



#### **4. LOCAL SUPPLY**

Where the supply of goods or services can be undertaken by a business that has a registered address in the Shire of Wongan-Ballidu or in an adjoining district and it is for the supply of goods and/or services where in the opinion of the Manager (must have delegated purchasing authority) it is not practical to obtain the required quotations as outlined under section 7.4 of this Policy, the Manager may approve the purchase.

#### **5. ABORIGINAL AND TORRES STRAIT ISLANDER BUSINESSES**

The Shire is committed to ensuring that all Aboriginal and Torres Strait Islander businesses have full, fair, and reasonable access to procurement opportunities. To achieve better outcomes in attracting, supporting, and procuring Aboriginal and Torres Strait Islander businesses and to increase contracting opportunities, therefore supporting employment and business opportunities for the Aboriginal community, where a value for money assessment of multiple offers has an equal result, then preference will be given to procure goods and/or services from Aboriginal and Torres Strait Islander businesses.

#### **6. DISABILITY ENTERPRISES**

The Shire is committed to working toward equity for all community members including people with disability, their family members and carers. The Shire values diversity and believes that supporting participation and inclusion for all makes a stronger, more vibrant community. In recognition of the potential for procurement processes to assist in supporting this vision, the Shire, where practicable, where a value for money assessment of multiple offers has an equal result, then preference will be given to procure goods and/or services from Disability Enterprises and Disability owned or run businesses. Such businesses include Charities and Not for Profits whose core business is providing services for people with a Disability.

#### **7. GENDER EQUALITY**

In recognition of the Shire's commitment to promoting workplace gender equality, the Shire, where practicable, will not procure any goods and/or services from employer's listed on the Workplace Gender Equality Agency's Non-Compliant List.

#### **8. PURCHASING REQUIREMENTS**

##### **8.1 VALUES**

Purchasing that is \$250,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 7.4 of this Purchasing Policy.

Purchasing that exceeds \$250,000 in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tendering exemption, as stated under section 7.6 of this Policy is not deemed to be suitable.

Purchase Value Threshold	Purchasing Requirement Open Market	Purchasing Requirement Pre-Qualified Suppliers
Up to \$2,000	<p>Direct purchase from the open market with zero (0) quotations required.</p> <p>This purchasing method is suitable where the purchase is in a known market or is very low risk and where the cost of seeking quotes would be unreasonable on a cost to benefit analysis basis.</p>	<p>Purchase directly from:</p> <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the Shire; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program (PSP) or State Government Common Use Arrangement (CUA);</li> </ul> <p>with zero quotations required.</p>
Over \$2,000 and up to \$5,000	<p>Direct purchase from open market.</p> <p>A minimum of one (1) quotation is required.</p> <p>When a verbal quote is received the Officer must provide a written record of the quote details.</p>	<p>Purchase directly from WALGA PSP or CUA.</p> <p>A minimum of one (1) written quotation is required.</p>
Over \$5,000 and up to \$20,000	<p>Seek two (2) written quotes from the open market.</p> <p>It is recommended to use professional discretion and occasionally undertake market testing with a greater number of quotations to ensure best value is maintained.</p>	<p>Purchase directly from WALGA PSP or CUA.</p> <p>A minimum of one (1) written quotation is required.</p>
Over \$20,000 and up to \$100,000	<p>Seek three (3) written quotations from the open market including a brief scope of works outlining the specified requirement.</p>	<p>Purchase directly from:</p> <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the Shire; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA;</li> </ul> <p>requiring two written (2) quotations including a brief scope of works outlining the specified requirement.</p>

Over \$100,000 and up to \$250,000	<p>Seek at least three (3) written quotations from the open market by formal invitation under a Request for Quotation (RFQ), containing pricing schedule and detailed specification of goods and services required.</p> <p>Contract required upon award of the RFQ.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations, both qualitative and quantitative, in accordance with the definition stated within this Policy.</p>	<p>Seek three (3) written quotations from a pre-qualified panel of suppliers (whether administered by the Shire, through the WALGA preferred supply program, or State Government CUA).</p> <p>A formal Request for Quotation (i.e. Shire of Wongan-Ballidu template, WALGA Template or State Government CUA template) must be used.</p> <p>Contract required upon award of the RFQ.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations, both qualitative and quantitative, in accordance with the definition stated within this Policy.</p>
Over \$250,000	<p>Conduct a public Request for Tender process in accordance with Part 4, Division 2 and 3 of the <i>Local Government (Functions and General) Regulations 1996</i>, this Policy, and the Shire's tender procedures.</p>	<p>Conduct a public tender process in accordance with Part 4, Divisions 2 and 3 of the <i>Local Government (Functions and General) Regulations 1996</i>, and this Policy.</p> <p>As per Regulation 11(2) of the <i>Local Government (Functions and General) Regulations 1996</i>, if any of the legislated tender exemptions can be met, utilising the most applicable exemption will negate the requirement to conduct a public tender. Refer to section 7.6 of this Policy.</p>

## 8.2 PURCHASING VALUE DEFINITION

Determining purchasing value is to be based on the following considerations:

- Exclusive of Goods and Services Tax (GST).
- The actual or expected value of the contract over the full contract period, including all options to extend, or the extent to which it could be reasonable expected that the Shire will continue to purchase a particular category of good and/or service and what total value is or could be reasonably expected to be purchased.
- If a purchasing threshold would be reached within three years for a particular contract for procurement, then the purchasing requirement under the relevant threshold (including the tender threshold) would need to be considered.

### 8.3 PURCHASING FROM EXISTING CONTRACTS

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows.

### 8.4 PURCHASING THRESHOLDS

The below table prescribes the purchasing process to be complied with based on each purchasing value bracket, and this includes contracts that are to deliver goods and/or services over an extended period.

### 8.5 SOLE SOURCE OF SUPPLY

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.

Once determined, the justification for a sole source of supply must be endorsed by the Chief Executive Officer or Manager, prior to a contract being entered into, or a purchase order raised.

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.

### 8.6 TENDERING EXEMPTIONS

The Shire limits the discretion from the requirements to call for public tenders as provided under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*, to the values of \$250,000. Accordingly, tenders do not have to be publicly invited for contracts over \$250,000 if the following exemptions can be evidenced:

- The supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the *Local Government Act 1995*; or
- The supply of goods or services is associated with a state of emergency or a COVID-19 declaration; or
- The supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
- The supply of the goods or services is to be obtained through the State Government Common Use Arrangement (CUA); or
- The supply of the goods or services is to be obtained from a Regional Council or another Local Government; or
- The purchase is from a pre-qualified supplier under a Panel established by the Shire; or

- Any of the other exclusions under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996* apply.

## 8.7 QUOTATION EXEMPTIONS

The Shire limits the discretion from the requirement to call for quotations to all purchasing threshold (excluding over \$250,000) for the following goods/services:

- Subscriptions;
- Association and professional memberships;
- Conferences, seminars and training programs;
- Government gazette advertising (regulatory requirement – local government act section 3.12);
- Government rates;
- Non-contestable utility services;
- Banking fees and costs;
- Insurance premiums with LGISWA;
- Proprietary consumables, parts and maintenance for existing equipment where there is no substitute or warranty is voided if a substitute is used;

## 8.8 ACCEPTING TENDERS/QUOTATIONS

For any tenders publicly invited as per Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996*, an agenda item will be presented to Council to seek formal approval of accepting the tender and awarding the contract for goods and services.

In all other cases, either whereby the value is under \$250,000 or whereby an exemption to public tender was evidenced as per Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*, the local government employee(s) can accept the quotation and award contracts for goods and services. Notwithstanding that the individual employee delegated purchasing authority limits still apply. The expenditure must also be authorised through the annual budget or approved in accordance with section 6.8(1) of the *Local Government Act 1995*.

## 8.9 TENDER PROCESS

The Shire of Wongan-Ballidu shall comply with the complete tender process, as legislated through Regulations 14 to 24 of the *Local Government (Functions and General) Regulations 1996*.

## 9.0 ANTI-AVOIDANCE

The Shire of Wongan-Ballidu shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000, thereby avoiding the need to publicly tender.

## 10.1 VARIATIONS TO SCOPE OF GOODS OR SERVICES REQUIRED PRIOR TO ENTERING CONTRACT

As per Regulation 20 of the *Local Government (Functions and General) Regulations 1996*:

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If –
  - a. The chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
  - b. The local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

That the tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

- (3) In subregulation (1) –

**Minor variation** means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

## 10.2 VARIATIONS TO AWARDED CONTRACTS FOR THE SUPPLY OF GOODS AND SERVICES

As per Regulation 21A of the *Local Government (Functions and General) Regulations 1996*:

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless –

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j), (ja) or (jb).

## 10.3 COST VARIATIONS

Contract variations that would result in the procurement of additional goods or services where the value of those additional goods or services would exceed the initial contract price by more than 10% to a maximum of \$50,000 may, in exceptional circumstances, be approved by the Chief Executive Officer, subject to the variation not being contrary to the requirements of clause 10.2 above, and the reasons for the variation being documented and registered as a corporate record.

When approving an invoice for payment, if the amount of the invoice exceeds the amount of the corresponding purchase order for the goods or services by more than 10% to a maximum of \$50,000, payment of the invoice is to be authorised by the Chief Executive Officer.

## 11.0 RECORDS MANAGEMENT

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000* (WA), the Shire's Recordkeeping Policy and associated procurement procedures.

## 4.9 Debt Collection (Rates and Sundry Debtors)

Policy Owner	Administration and Financial Services
Person Responsible	Deputy Chief Executive Officer
Date of Adoption	01 February 2005 – Resolution 040906
Date of Last Review	26 October 2022 Resolution 061022 – Amendment

### OBJECTIVE

The purpose of this policy is to outline the Shire of Wongan-Ballidu's process for efficient and effective management of outstanding Rates and Sundry Debtor Accounts.

### POLICY SCOPE

The Shire of Wongan-Ballidu will exercise its debt recovery powers, as outlined in Part 6 of the Local Government Act 1995, in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- ensuring that debt collection procedures are carried out in a fair and equitable manner;
- making the processes used to recover outstanding debt clear, simple to administer and cost effective;
- transparency by making clear the obligations of its ratepayers and sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- equity by having regard to providing the same treatment for ratepayers and sundry debtors with similar circumstances;
- flexibility by responding where necessary to changes in the local economy;
- ensuring the Shire of Wongan-Ballidu is compliant with all regulatory obligations;
- promoting effective governance and definition of roles and responsibilities;
- upholding recognition from the public and industry for the Shire of Wongan-Ballidu practices that withstand probity.

### Definitions

**Debtor** an individual, organisation or other party that transacts with the Shire where goods or services are provided, use of facilities are made available, fines and license fees are levied and any other transaction that results in an expected future payment to the Shire.

**General Procedure Claim (GPC)** means the claim lodged with the Magistrates Court where the value of the claim or the relief claimed does not exceed \$75,000.

**Property Seizure and Sale Order (PSSO)** is a court order that authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially.

**Financial Hardship** A person in a situation of vulnerability may have low income or, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of 'payment difficulties' or 'financial hardship'.

## POLICY

### 1. Recovery of Sundry Debtor Accounts

The recovery of outstanding sundry debtors will be collected in a fair and timely manner. Sundry debts are due for payments 21 days from date of issue. The process for sundry debt collection is as follows:

- (a) Sundry debtors will be issued an invoice as soon as possible after the amount is known, providing 21-day payment terms.
- (b) Statements will be issued to all sundry debtors within five (5) working days of the start of each month, as a reminder for all outstanding amounts owing to the Shire.
- (c) At the end of each month, invoices that are overdue will be followed up by a phone call and email to the sundry debtor, requesting immediate payment is made.
- (d) If, after 14 days no payment has been received, a statement with final notice of account and a copy of the outstanding invoices will be sent by post to the debtor.
- (e) If, after 7 days no payment has been received, communication will be issued advising that legal action may be taken without further warning should the debt remain outstanding for a further 7 days.

Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended, or services limited, and legal action may be commenced.

### 2. Recovery of Rate and Service Charges

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the *Local Government Act 1995*.

**Amounts that remain outstanding past the prescribed due date may have interest applied**, up to a maximum interest rate as legislated and imposed annually by Council as part of the Annual Budget. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Wongan-Ballidu. This includes overdue amounts where the rate payer has elected to pay by an instalment option.

#### **Accounts unpaid by the due date shown on the Rate Notice**

Where accounts remain outstanding after the prescribed due date, a Final Notice shall be issued requesting full payment within fourteen (14) days (this to be commenced within two weeks of accounts falling due).



If payment has not been received after the 14-day period prescribed on the Final Notice, the rates debtor will be contacted, and requested to make payment in full.

Accounts that remain outstanding after the above process has been carried out will be issued with a Final Demand Letter requesting full payment within seven (7) days (to be commenced within a week of accounts falling due).

Accounts with eligible persons registered to receive a pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992 will not be subjected to the above recovery process, however those accounts with service charges or rates that are unable to be deferred (Seniors) from the previous year will be subject to a communicate requesting payment of overdue charges.

### ***Accounts unpaid after the expiry date shown on the Final Demand***

Where amounts remain outstanding after the expiry date shown on the Final Demand and no communication has been entered into, recovery action will commence.

Accounts will be sent to the Shire's debt collection agency for issuance of a Final Demand (Agency Letterhead) with a due date of fourteen (14) days. The demand is to be issued by mail and email (if an email exists). Those accounts with existing action carried over from the previous year will receive a demand from the Shire's solicitors.

### ***Seizure of Rent for Non-Payment of Rates***

Where the property owner of a leased or rented property on which Rates and Service Charges are outstanding cannot be located or refuses to settle Rates and Service Charges owed, a Notice 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 Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid. The Shire will not be liable for the maintenance and repairs of the property whilst seizing the rent from the property owner.

### ***Options to recover rates debt where rates remain unpaid***

Under the guidance of the Shire's debt collection service provider, legal action may be undertaken to recover outstanding rates and charges. This action may include General Procedure Claims and Property Seizure and Sale Orders (Goods). Any costs incurred in undertaking legal action in a Court of competent jurisdiction are recoverable from ratepayers under section 6.56 of the Local Government Act 1995.

### ***Options to recover rates debt where rates are in arrears for in excess of three (3) years.***

Lodging a Caveat on the Title for Land

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years a caveat may be registered on the title for the land, under the provisions of Section 6.64 (3) of the Local Government Act 1995. The approval of Council is required before this course of action is undertaken.

Sale of Property

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years, Council may take possession of the land under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is required to be obtained before this course of action is undertaken.

### 3. Write off Debts

The power to write off debt is contained in the Local Government Act 1995, under section 6.12(1)(c). The local government may write off any amount of money which is owed to the local government. This requires a resolution of Council. All debt write offs will be presented to Council prior to writing the debt off.

### 4. Financial Hardship

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike. The Shire will consider a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment.
- Sickness or recovery from sickness.
- Low income or loss of income.
- Unanticipated circumstances such as caring for and supporting extended family.

Ratepayers will be required to provide information about their individual circumstances that may be relevant. This includes demonstrating a capacity to make some payment where possible and entering into a formal payment arrangement. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with all statutory responsibilities.

Where a ratepayer meets the Financial Hardship Criteria, payment arrangements will incur a \$0 administration fee and the Shire reserves the right to waive late penalty interest, excluding the late payment interest and Service Charges applicable to the Emergency Services Levy.

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

### 5. Payment Arrangements

Payment arrangements are facilitated in accordance with Section 6.49 of The Local Government Act 1995 and will be offered to rate payers in circumstances evident of financial hardship. A payment arrangement must be negotiated to reflect a ratepayer's capacity to repay outstanding rates and contain the details of the agreed repayment schedule.

#### **These payment arrangements will include the following:**

1. It is the responsibility of the ratepayer to ensure that the agreed payment amounts are paid on or before the agreed due date.
2. The Shire of Wongan-Ballidu requires full payment of the outstanding rates by the end of the financial year.
3. If a ratepayer requires an extension on this timeframe an end date must be negotiated and approved by the Deputy Chief Executive Officer.

4. The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardizes the agreed repayment schedule.

For the purpose of recovering rates and service charges, where a ratepayer defaults on more than two repayments, the payment arrangement will become void and be subject to the Shire's debt recovery procedures outlined in this policy.

## **6. Supplementary Provisions**

- a. All costs involved in recovery actions (including legal proceedings) will be charged against the property and deemed recoverable;
- b. At the end of each month, any amount owing less than \$1.00 will be classified as a small balance and subsequently written off;
- c. Overpayments are to be credited against future years rates accounts, ratepayers can only pay up to a maximum of one financial year of rates billing in advance;
- d. Any interim rates that are calculated at less than \$15.00 is not to be charged to the assessment.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Deputy Chief Executive Officer is responsible for the implementation and operation of this policy.

## 4.10 Regional Purchasing

<b>Policy Owner</b>	<b>Finance, Audit and Review Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>19 February 2004 – Resolution 9.4.1</b>
<b>Date of Last Review</b>	<b>26 October 2022 – Resolution 061022 – No change</b>

### OBJECTIVE

The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire.

The Shire has a responsibility to achieve value for money in its procurement of goods and services.

### POLICY

#### Preamble

The Local Government (Functions and General) Regulations 1996 provide opportunity for local government to establish Regional Price Preference.

This policy should be considered and is related to the Purchasing & Procurement policy.

This preference provides the opportunity for local authorities to apply a percentage reduction to tenderers for goods and/or services as follows:

- Up to 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000;
- Up to 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- Up to 10% - where the contact is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Regional Preference can include any area but must include the entire district of the local government and cannot include a part of the Metropolitan Area.

#### Statement of Intent

The Shire of Wongan-Ballidu intends to utilise this policy to be known as the 'Shire of Wongan- Ballidu Regional Price Preference Policy' for the acquisition of goods and services where deemed possible.

The purpose of this policy is to maximise potential expenditure arising from the Shire of Wongan- Ballidu to the community and to businesses located in the Shire, and in other areas as defined as the region, for the purposes of this policy.

In undertaking the development of this policy, the Shire is attempting to maximize the commercial viability of businesses with its' community and to provide maximum opportunity for the creation of locally or regionally based employment.

The Shire is committed to increasing and promoting a sustainable community. To achieve this, where practical, the Shire will endeavour to support business and industry within the Shire.

### Issues

Value for money is an important consideration in the determining of contracts and purchasing of goods and services. Purchasing decisions will be based on the total cost of the product over its serviced life, considering factors such as quality, service standards, timely delivery, local back up, benefits and risk.

Suppliers within the Shire can actively seek business with the Shire by:

- Actively promoting goods and services to the Shire of Wongan-Ballidu;
- Offering competitive prices, the first time;
- Supplying quality goods and services; and
- Seeking information about proposed purchases to be made by the Shire of Wongan-Ballidu.

Where practical, the Shire shall seek to support business and industry within the Shire. The Shire will ensure that businesses and industry within the Shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering value for money decisions, the benefits of purchasing goods and services from local suppliers shall be considered.

In considering a value for money decision, the following considerations will be included when analysing purchasing from local business and industry:

- *Local Government Act 1995* tender regulations;
- National Competition Policy principles;
- *Trade Practices Act*;
- The social and economic impact of major contract decisions on local businesses;
- Possible flow on effect to local businesses;
- The potential for local product demonstrations and references, with consequently reduced risk in the decision-making process;
- More convenient communications and liaison;
- Local backup, spare parts, warranty and quality of servicing;
- Ability of local businesses to meet specified time frame;
- Benefits in attracting more business to the Shire, thereby increasing economic activity;
- Assists in increasing employment in the region;
- Conformity with tender bid requirements; and

- Ability to meet the Shire needs.

The Shire will support and assist local business and industry by:

- Recognising the benefits of purchasing from local business and industry;
- Advertising all tenders and expressions of interest locally; and
- Where requested, provide feedback to unsuccessful tenderers highlighting how bids can be improved to be more competitive.

## Definitions

Region A – is to be understood as that area defined as the Shire of Wongan-Ballidu.

Region B – is to be understood as that area as identified by the local authority boundaries of Goomalling, Koorda, Moora, Dalwallinu, Dowerin and Victoria Plains.

## Application

Whilst the Local Government (Functions and General) Regulations 1996, provide specific powers for local government to create Regional Preference for tenderers, the Shire has chosen to expand this application to include the provision of as many services as possible, where such services are supplied by regional organisations or individuals. These additional services, supplied direct to the Shire, will be coordinated through the use of short-term contractual arrangements.

This policy will be referred to within the body of this contract and any advertising undertaken seeking expressions of interest for this supply of service, and all suppliers will be made aware of the existence of this policy and the manner in which it will applied.

This policy whilst being used to assess Regional Tendering or supply of goods or services, will not necessarily determine the outcome of any tender or expression of interest. The Shire of Wongan- Ballidu advises that price is to be only one of the factors by which the Shire will assess tenders and expressions of interest as received.

## Statement of Policy

In accordance with the Local Government (Functions and General) Regulations 1996, the Shire of Wongan-Ballidu has created a policy to provide Regional Purchasing Preference to regional and local suppliers of goods and services.

This policy has been created to maximise the commercial viability of businesses within its' community and to provide maximum opportunity for the creation of locally or regionally based employment.

This policy will be applied as follows for the provision of all goods and services to the Shire (when so indicated in advertising or contract documentation):

## Tenders Region A Only

Regional Preference will be provided to tenderers by assessing the tender from that regional tenderer as if the bids were reduced by: -

**Part 1:**

- 10% - where the contract is for goods or services, up to a maximum price reduction of \$10,000.
- 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$5,000.
- 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$50,000, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

**Part 2:**

Although goods or services that form a part of a tender submitted by a tenderer (as per definitions on page 2 of this policy) may be:

- Wholly supplied from regional source; or
- Partially supplied from regional sources, and partly supplied from non-regional sources.

Only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form part of the assessments of a tender when a regional price preference policy is in operation.

**Region B Only**

Regional Preference will be provided to tenderers by assessing the tender from that regional tenderer as if the price bids were reduced by: -

**Part 1:**

- 5% - where the contract is for goods or services, up to a maximum price reduction of \$5,000.
- 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$2,500.

**Part 2:**

Although goods or services that form a part of a tender submitted by a tenderer (as per definitions on page 2 of this policy) may be:

- Wholly supplied from regional sources; or
- Partly supplied from regional sources, and partly supplied from non-regional sources,

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form part of the assessments of a tender when a regional price preference policy is in operation.

**Supply of Goods and Services (other than by tender)**

Regional Preference will be provided to suppliers of goods and services by assessing the expressions of interest received on contracts to supply, from that regional price provider, as if the price bids were reduced by: -

### **Region A Only**

- 10% - where the contract is for goods or services up to a maximum price reduction of \$1,000.
- 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$1,000.

### **Region B Only**

- 5% - where the contract is for goods or services, up to a maximum price reduction of \$1,000.
- 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$500.

In utilising this Regional Price Preference, the Shire will refer to the existence of this policy and its method of application within the body of any contract or expression of interest documentation and any advertising undertaken seeking expressions of interest.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer and relevant Managers are responsible for ensuring that this policy is carried out.



## 5. GOVERNANCE

## 5.0 Governance Framework

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer and Shire President</b>
<b>Date of Adoption</b>	<b>23 August 2023 – Resolution 100823 – New Framework</b>
<b>Date of Last Review</b>	



## GOVERNANCE FRAMEWORK

## 1. Introduction

**While good governance doesn't guarantee success, poor governance guarantees failure.**  
**John McKechnie QC, CCC Commissioner**

Good governance is about the processes for making and implementing decisions. It is not about making "correct" decisions, but about the best possible process for making those decisions.

Good decision-making processes have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality processes, elected member and employee conduct, role clarification and good working relationships.

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for residents and service users. Good governance enables Shire of Wongan-Ballidu to pursue its vision effectively as well as underpinning that vision with mechanisms for control and the management of risk.

This Governance Framework examines the principles and practices of good governance at the Shire of Wongan-Ballidu.

## 2. Definitions

Term	Meaning
Act	The <i>Local Government Act 1995</i> .
Administration	The employees and contractors of the Shire of Wongan-Ballidu
CCC	Western Australia's Corruption and Crime Commission
CEO	The Chief Executive Officer, who is the most senior employee in the organisation. The CEO is appointed by and directly accountable to the Council.
Community	The entire population within the Shire of Wongan-Ballidu district. It includes those who work or invest in the district or visit the area for recreational or similar reasons.
Committee member	A member of a committee appointed by the Council but does not include an elected member.
Council	The elected members meeting as a Council under the Act.
Councillor	An individual elected member.
Committee	A Committee of Council established by the Council under the Act and constituted of elected members, employees and/or members of the public.
Council meeting	A meeting of Council conducted in accordance with the Act.
CPA Australia	Certified Practising Accountants of Australia
District	The area of the State prescribed by legislation that a local government is required to control.
Elected member	The Shire President, Deputy Shire President and Councillors of the Shire.
Local government	A body corporate established under the Act.
Regulations	The <i>Local Government (Administration) Regulations 1996</i> .
Senior Management Group	The CEO and Senior Officers. Can be abbreviated as SMG.
Senior Officer	A senior position in the organisation engaged by and directly responsible to the CEO.
Shire	The local government of the Shire of Wongan-Ballidu. Includes the Council and the administration.
Shire employees	People employed by the CEO to undertake activities to achieve the objectives of the Shire of Wongan-Ballidu.
Shire President	Elected member elected by the Council from amongst elected members.
Strategic Community Plan	The overarching plan that provides strategic direction for all activities and guides the development and provision of the Shire's services and programs.

### 3. Local Government Defined

Local government in Western Australia is established under the Act and is the third sphere of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community. As the level of government often seen as the 'closest' to the community, local government activities relate to matters that are fundamental to people's lives and impact strongly on their quality of life.

Under section 2.5 of the Act each local government throughout the state is established as a corporate body, with perpetual succession and a Common Seal. It has the legal capacity of a natural person which means that it can sue and be sued. However, the State government may dissolve, suspend or amalgamate local governments and may override Council decisions.

#### **2.5. Local governments created as bodies corporate**

- (1) When an area of the State becomes a district, a local government is established for the district.
- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.
- (4) The corporate name of the local government is the combination of the district's designation and name.

Example:

City of (*name of district*)

- (5) If the district's name incorporates its designation, the designation is not repeated in the corporate name of the local government.

Example:

district's name : Albany (Town)

corporate name : Town of Albany

- (6) Proceedings may be taken by or against the local government in its corporate name.

A local government consists of a Council – the Shire President and Councillors are the Shire's elected members and form the Council, and an organisation – consisting of the CEO and employees.

In accordance section 2.7 of the Act, Council's role is to govern the local government's affairs and be responsible for the performance of the local government's functions. Council must oversee the allocation of the local government's finances and resources and determine the local government's policies.

The following principles apply:

- Elected Members are able to exercise decision-making authority as a member of Council after they are elected and formally sworn in and when they meet as a Council.
- All lawful decisions are made at Council meetings or through delegations that are formally made by Council to the CEO (or a committee). The CEO can also sub-delegate his/her decision-making authority to other employees.

## **2.7. Role of council**

- (1) The council —
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

*[Section 2.7 amended: No. 17 of 2009 s. 4.]*

The CEO is the only employee appointed by Council and is therefore ultimately accountable to Council. The role of the CEO is detailed in section 5.41 of the Act.

All Shire employees are accountable to the CEO.

### **5.41 . Functions of CEO**

*The CEO's functions are to —*

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

### 3.1 Functions of Local Government

In order to understand good governance in the context of local government, it is necessary to understand the functions of local government, including the following:

#### **Strategic Planning**

Planning for the development and wellbeing of the community is a critical role for a local government. The Act requires local governments to develop and adopt a “plan for the future”, consisting of two key documents - Strategic Community Plan and Corporate Business Plan – which are informed by resourcing and delivery strategies such as the Long-Term Financial Plan, the Workforce Plan and Asset Management Plan. These plans drive the development of the local government’s annual budget and provide the direction for the ongoing management of Shire activities.

#### **Lawmaking and enforcement**

Local government makes decisions in areas over which it has legislative authority but cannot duplicate or contradict state or federal law. Laws made by local governments are called local laws and cover such issues as the activities permitted on public land, animal management and use of local government infrastructure. Local laws are enforced by Shire employees.

Local government is also responsible for administering and enforcing state legislation under which it has authority, such as the *Local Government Act 1995*, *Building Act 2011*, *Planning and Development Act 2005*, *Dog Act 1976*, *Cemeteries Act 1986*, *Bush Fires Act 1954*, *Cat Act 2011*, *Caravan Parks and Camping Grounds Act 1995* etc. and associated regulations.

Decisions made by local government must be based on relevant considerations and facts, be procedurally fair and follow the principles of natural justice.

#### **Stewardship of public assets**

Effective stewardship of public assets is a key element in ensuring that local government optimises the use of its financial, physical and intellectual resources for the benefit of its residents and ratepayers.

#### **Policy development**

An important role of Council is to make policy decisions on behalf of the community, in accordance with its role of providing strategic direction. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs and allocating appropriate resources. A policy is a decision of Council and sets out agreed views and direction concerning a particular area of responsibility.

## Representation

Elected members represent the interests of and are accountable to all electors, which encompasses ratepayers and residents of the Shire.

## Advocacy

Local governments have a role advocating on behalf of their community to state and federal levels of government, statutory authorities and private interests whose activities may have an impact on the community.

## Service delivery

Local governments must ensure that services are delivered in the most efficient and effective manner. The Act provides a degree of autonomy to local governments to determine policies, in consultation with their community, about the nature and level of services provided. A local government should ensure the equitable delivery of quality services for which it has responsibility.

### 3.2 Community Defined

When discussed in connection with good governance the term “community” is often used as if it is a homogenous entity and assumes that there is a single community interest, community demand or community need.

The population of the Shire of Wongan-Ballidu consists of a diverse range of communities, for example, the resident community, the business community, the visitor community, the seniors community, youth community, indigenous community etc.

Often these various communities do not share the same aspirations, goals and interests. One of the challenges for local government is how to govern so that different and often competing interests are recognised, addressed and managed.

When “community” is referred to in this Framework, it means all groups, individuals and interests represented within the Shire of Wongan-Ballidu.

## 4. Governance in Local Government

### 4.1 Definition of Governance

Whilst the definitions of governance can vary between the public and private sector, CPA Australia in its publication *“Excellence in Governance for Local Government”* defines governance as follows:

*“Governance is the process by which decisions are made and implemented; the process by which organisations go about achieving their goals and producing their outputs and the process by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, ethics, values and culture within the organisation.”*



*Excellence in governance occurs when it is underpinned by accountability, integrity and openness. It involves a focus on clarity of roles and responsibilities, robust systems which support both internal and external accountability and public access to decision-making and information" (CPA 2005).*

## 4.2 Good Governance in Local Government

Shire of Wongan-Ballidu plays a key role in leading its community as well as ensuring the delivery of high quality services to its community. Good governance is important for several reasons: it not only gives the local community confidence in its Council, but it also improves the faith that elected members and employees have in their own local government and its decision-making processes.

### Characteristics of Good Governance

#### **Accountable**

Local government has an obligation to report, explain and be answerable for the consequences of decisions it makes on behalf of the community it represents.

#### **Transparent**

The community should be able to follow and understand the decision-making process and the reasons for the decision.

#### **Follows the Rule of The Law**

Decisions are consistent with legislation and are within the powers of Council.

#### **Responsive**

Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

#### **Equitable and Inclusive**

Community members should be satisfied that their interests have been considered with opportunities provided for all to participate.

#### **Effective and Efficient**

Includes developing the capacity and capability of elected members to be effective and ensuring employees have the capacity and capability and are provided the opportunity to deliver effectively.

#### **Participatory**

Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision.

### Benefits of Good Governance:

- Promotes community trust and confidence;
- Leads to better decisions for the benefit of the community;
- Encourages elected members and Shire officers to be confident;
- Helps the Shire to meet its legislative responsibilities;
- Supports ethical decision making.

## 5. Governance Principles

For the purposes of the Shire of Wongan-Ballidu's *Governance Framework*, the principles contained in the '*Excellence in Governance in Local Government*' developed by CPA Australia have been adopted. The principles provide the foundation for good governance and a means for assessing the extent to which good governance is applied at the Shire.

### Principle 1 - Culture and Vision

There is a clear **vision** and a *Strategic Community Plan* that is produced through a comprehensive and inclusive process, which is owned by all sectors of the community.

There is a positive **culture** and value system in place that promotes trust, openness and honesty, in which constructive and respectful questioning is encouraged and accountability is clear.

### Principle 2 - Roles and Relationships

There is clarity about the roles of local government and there exists a sophisticated approach to defining and implementing these.

There are effective working relationships that are promoted and supported within and between the Shire President, Councillors, Chief Executive Officer and employees.

### Principle 3 - Decision-Making and Management

There are effective **decision-making processes** in place that reflect the transparency and accountability which underpin excellence in governance.

There should be robust and transparent **financial management** established and maintained to meet Shire's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.

An effective approach to the identification, assessment, monitoring and **management of risks** should be established and maintained.

Effective **delegations** should be implemented and maintained to enable Council to focus on strategic issues.

### Principle 4 - Accountability

Local government must account for its activities and have systems and processes that support this **accountability**.

There should be an active **performance management** system in place that enables elected members and the administration to be openly accountable for their performance.

Local governments should establish internal structures that provide for **independent review** of processes and decision-making to assist the Council to meet its accountability to stakeholders.

**Consultation** should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made and feedback should be provided to those who participated.

## 6. Principle 1 – Culture and Vision

### 6.1 Vision

In accordance with section 5.56 of the Act and regulations 19C – 19D of the *Local Government (Administration) Regulations 1996*, the Shire is required to implement an Integrated Planning and Reporting Framework. This involves the development of three key documents and other informing strategies that reflect the priorities and vision of the community.

#### **5.56. Planning for the future**

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The *Strategic Community Plan (SCP)* outlines the strategic directions and priorities for action over a ten year period. Developed with the input of the community, Elected Members and Shire officers, the Plan articulates the community's vision and values.

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *(a) In making or reviewing a strategic community plan, a local government is to have regard to—  
the capacity of its current resources and the anticipated capacity of its future resources; and  
(b) strategic performance indicators and the ways of measuring its strategic performance  
by the application of those indicators; and  
(c) demographic trends.*

- (6) *Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
*\*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

The *Long Term Financial Plan (LTFP)* outlines how the priorities outlined in the SCP will be financed over the ten year period. The Shire's *Corporate Business Plan (CBP)* is a business planning tool that translates Council's priorities into operations within the resources available and informs the annual budget process.

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

- (4) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (5) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (6) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

The Shire of Wongan-Ballidu Plans contain the following:

**Vision:** Inclusive communities and thriving places, offering a vibrant future for all.

**Mission:** To provide the foundations for community and business to lead and flourish into the future.

**Community Values:** We value highly:

- Professionalism
- Empowerment
- Resourcefulness
- Integrity
- Diversity

## 6.2 Culture

A positive culture promotes openness and honesty, makes accountability and responsibility clear and encourages debate on important issues. It assists the organisation to retain high calibre employees who want to work and participate in the activities of the Shire.

## 6.2.1 Organisational Values

The following values are characteristic of a positive culture:

<b>Professionalism</b>	<ul style="list-style-type: none"> <li>• We get things done in a timely and thorough manner.</li> <li>• We maintain a positive attitude and demeanour.</li> <li>• We are flexible and cooperative.</li> <li>• We are organised and punctual.</li> <li>• We listen diligently.</li> <li>• We respect the privacy and boundaries of others.</li> <li>• We communicate and share information ineffectively, openly and thoroughly.</li> </ul>
<b>Resourcefulness</b>	<ul style="list-style-type: none"> <li>• We contribute actively to new ideas and ways of doing things.</li> <li>• We constantly look for ways to do things more effectively.</li> <li>• We have mindsets that encourages us to find a way through our problems.</li> <li>• We plan carefully and avoid waste.</li> <li>• Asking for help is not a weakness but a sign of a resourceful individual.</li> <li>• We are not afraid to operate outside our comfort zone to discover the best for ourselves and our organisation.</li> <li>• We are fluid and flexible in our working arrangements, bringing the best teams together to get the job done.</li> </ul>
<b>Integrity</b>	<ul style="list-style-type: none"> <li>• We serve with honesty, pride and loyalty.</li> <li>• We engender trust in our colleagues and those we serve.</li> <li>• We are responsible for our own actions and accountable for our mistakes.</li> <li>• We practice and encourage open and honest communication.</li> <li>• We lead by example and live our values.</li> <li>• We respect other's opinions, even if we don't agree with them.</li> </ul>
<b>Diversity</b>	<ul style="list-style-type: none"> <li>• We value diversity in our community our team, our ideas, experience and skills.</li> <li>• We are agile in the face of change.</li> <li>• We recognise that every team member contributes to our success.</li> <li>• We are forward thinkers.</li> </ul>
<b>Empowerment</b>	<ul style="list-style-type: none"> <li>• We empower others by being respectful and non-judgemental.</li> <li>• We value each other's skills and abilities.</li> <li>• We focus on individual strengths and abilities.</li> <li>• We support and encourage involvement in decision making.</li> <li>• We provide objective feedback in a supportive, non-critical way.</li> </ul>

### 6.2.2 Ethical Behaviour and The Code of Conduct

For people to have faith in those who govern and participate in the governance process, they must have trust that governments are acting for the common good. They must believe that governance is characterised by honesty and integrity and that those in government will behave accordingly.

In June 2020, a review of the *Local Government Act 1995* resulted in the introduction of priority reforms under the *Local Government Amendment Act 2019*. On 2 February 2021, as part of these reforms, the *Model Code of Conduct Regulations 2021* were gazetted prescribing a Model Code of Conduct for Council Members, Committee members and candidates, with effect from 3 February 2021.

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

The *Shire of Wongan-Ballidu Code of Conduct for Council Members, Committee Members and Candidates 2021* outlines the principles, values and behaviours that the community is entitled to expect of all elected members, committee members and candidates for election. These are to:

- act with reasonable care and diligence
- act with honesty and integrity
- act lawfully
- identify and appropriately manage any conflict of interest
- avoid damage to the reputation of the Shire
- be open and accountable to the public
- base decisions on relevant and factually correct information
- treat others with respect and fairness
- not be impaired by mind affecting substances.

This should be read in conjunction with the *Shire of Wongan-Ballidu Standing Orders Local Laws (2010)*.

Council has adopted policy *5.27 Complaints of alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates* which outlines the Shire's approach to the management of such complaints.

### 6.2.3 Reporting serious misconduct to the Corruption and Crime Commission

Both elected members and the CEO have a mandatory duty under section 28 of the *Corruption Crime and Misconduct Act 2003* to report to the CCC any reasonable suspicion of serious misconduct on the part of elected members or employees. Serious misconduct is the type of conduct which involves the misuse of an elected member's or employee's position to obtain a financial advantage; bribery and corruption where money or gifts are provided to coerce an elected member or employee to make a decision in a certain way; stealing from the Shire, lying, fraudulent behaviour and other criminal type behaviours.

**28. Certain officers obliged to notify serious misconduct**

- (1) *This section applies to the following persons —*
- (a) the Parliamentary Commissioner;*
  - (b) the Inspector of Custodial Services;*
  - (c) the principal officer of a notifying authority;*
  - (d) an officer who constitutes a notifying authority.*
- (2) *Subject to subsections (4), (5) and (6), a person to whom this section applies must notify the Commission in writing of any matter —*
- (a) which that person suspects on reasonable grounds concerns or may concern serious misconduct; and*
  - (b) which, in the case of a person referred to in subsection (1)(c) or (d), is of relevance or concern to that person in his or her official capacity.*
- (3) *The Commission must be notified under subsection (2) as soon as is reasonably practicable after the person becomes aware of the matter.*

#### 6.2.4 Comprehensive Induction Programs

The Shire 's positive culture is passed on to new elected members and employees through effective induction programs.

New elected members come from a variety of backgrounds and may not have experience in governance, local government, organisational behaviour or other fields that are relevant to their roles as elected members. Induction should help elected members to operate in the unique environment of local government to produce good outcomes for their communities.

The Shire's induction programs for elected members and employees focus on:

- the differing and complementary roles and functions of elected members and employees
- communication and working relationships between elected members and employees
- decision-making processes
- responsibility, accountability and delegations
- Code of Conduct, including organisational values and culture
- access to information and confidentiality.
- Council shall ensure adequate resources are allocated in each Council Election year in the Shire Budget to provide for external qualified organisation/persons to undertake the formal induction process of Elected Members.

The Shire of Wongan-Ballidu also invests in and actively encourages training for both elected members and employees to assist in the development of skills required to fulfil their roles.



## 7. Principle 2 – Roles and Relationships

### 7.1 Roles

An understanding and acceptance of the different roles of Council, the Shire President, Councillors, the Chief Executive Officer and employees, together with strong cooperation between all parties, underpins good governance at the Shire of Wongan-Ballidu. While elected members are responsible for strategy and policy, the administration (Chief Executive Officer and employees) is responsible for advice, implementation and operations. This separation of roles is essential for local governments to govern effectively.

While each element of local government has its own role, each may also have a legitimate interest in the role of the others. For instance, while the management structure is the responsibility of the Chief Executive Officer, elected members will have an interest in the management structure and whether it achieves the Council's goals. While the Chief Executive Officer takes the ultimate decision, an astute Chief Executive Officer will always consult the Council before establishing or making significant changes to the management structure.

Similarly, while policy and strategy are elected members' roles, the Chief Executive Officer and employees should be consulted and offer advice when policy or strategy is being developed.

#### 7.1.1 Shire President

At the Shire of Wongan-Ballidu, Council elects the Shire President by secret ballot immediately after local government elections held every two (2) years.

Section 2.8 of the Act outlines the responsibilities of the Shire President which recognises the role of Shire president to represent the Shire at civic and ceremonial functions and to preside at Council meetings.

**2.8. Role of mayor or president**

- (3) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
  - (d) *speaks on behalf of the local government; and*
  - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
  - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*
- (4) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

A very specific role for the Shire President is to represent and advocate the decisions of Council and speak on behalf of the Shire. The position of Shire President is pre-eminent and when speaking on behalf of the Shire, the Shire President should set aside personal views and articulate the views and decisions of Council.

The Shire places great importance on the role of the Shire President as the Presiding Member of Council to facilitate good decision-making. It is therefore important that the Shire President has a good knowledge of the *Shire of Wongan-Ballidu's Standing Orders Local Law*.

The Shire President's leadership role is very important when it comes to good governance. While the Shire President has no statutory authority over other elected members in such areas as behaviour or adherence to Council policy, the Shire President is to ensure that all elected members are part of the decision-making process and are well and equally informed. The Shire President must reinforce the need for elected members to represent the interests of the whole community, not just the constituents in specific areas or interest groups.

The Shire President should also facilitate good relationships between elected members and the administration and help to create an environment where good communication thrives.

Section 5.34 of the Act states that the Deputy Shire President may perform the functions of the Shire President if that office is vacant or the Shire President is not available or unwilling to perform the functions of Shire President.

**5.34. When deputy mayors and deputy presidents can act**

If —

(a) the office of mayor or president is vacant; or

(b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

## 7.1.2 Council and Elected Members

As outlined in Part 3 above, Section 2.7 stipulates the role of the Council.

While these powers include responsibility for defining the policy and setting the overall strategic direction of the Shire, Council is not responsible for the day-to-day running of the business of the Shire. Such operational matters are the responsibility of the CHIEF EXECUTIVE OFFICER.

The role of elected members is defined the Act as follows:

#### **2.10. Role of councillors**

*A councillor —*

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

Elected members are elected for a four (4) year term at elections held every two (2) years. There is no limit on the number of times they can be re-elected.

Elected members sitting formally as Council make and are accountable for all decisions taken at Council level.

Decisions are made through formal Council meetings.

Individual elected members do not have any powers to make decisions.

#### **7.13 Chief Executive Officer (CEO)**

The Chief Executive Officer has a statutory responsibility to manage the organisation through the implementation of the goals and strategies that have been endorsed by Council. The Chief Executive Officer plays a critical role in achieving excellence in governance through the development of a culture that sees Council as the peak decision-making body, supported and advised by the administration.

The Chief Executive Officer's promotion and personal adoption of the Shire's culture and vision set the standards which permeate the whole organisation.

A key accountability of the Chief Executive Officer is financial management: ensuring that the Shire is soundly managed from a financial perspective and regularly reporting the results and performance to Council.

The functions of the Chief Executive Officer are outlined in section 5.4.1 of the Act:

#### **5.41. Functions of CEO**

*The CEO's functions are to —*

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

## **7.2 Working Relationships**

Effective working relationships are an important part of good governance and decision-making and should be promoted and supported within and between Shire President, Councillors, Chief Executive Officer and employees. At times, the very nature of local government business leads to conflict. How this conflict is addressed has implications for good governance and should be underpinned by principles of respect, courtesy and goodwill.

### **7.2.1 Relationship between Shire President and Councillors**

The important aspects of this relationship are summarised as follows:

- the relationship needs to be based on mutual respect;
- the Shire President should facilitate an inclusive approach to decision-making and involvement in Council activities, ensuring that each elected member has access to the same information prior to making their decision;
- the Shire President should assist Councillors to have their issues considered by Council;
- the Shire President should take some responsibility for elected member training and development and should work with the CHIEF EXECUTIVE OFFICER (CEO) to ensure that elected members receive appropriate training opportunities; and
- the Shire President is responsible for facilitating resolution of any conflict between elected

members.

### 7.2.2 Relationship between Shire President and Chief Executive Officer

The Shire President as leader of the Council, and the Chief Executive Officer as leader of the administration, are required to work closely together, often dealing with pressing and potentially controversial issues, when they may not have known each other before they were drawn together to lead the Shire.

The Act requires each to liaise with the other on the Council's activities and its performance. However, the relationship between both roles is much more complicated than this, involving an inevitable intersection of roles.

The essential principles for an effective Shire President / Chief Executive Officer relationship are:

#### **Communication**

- Both parties brief and inform the other about information each is privy to and which would assist the other in their job. Agreement about what information is important and what should be passed on to each other is well understood and constantly negotiated.
- Regular meetings and electronic communications, as well as meetings called to progress unexpected and important matters, will enhance planning and communication.
- The "no surprises" principle ensures that neither the Shire President nor the Chief Executive Officer is caught off guard in any circumstance.

#### **Role clarity**

- The Shire President and Chief Executive Officer understand and respect one another's role.
- The Shire President and Chief Executive Officer work within the bounds of their authority. The Shire President has status and leadership capacity at Council and in the district. The CHIEF EXECUTIVE OFFICER (CEO) has statutory authority under the Act and leadership of the Shire workforce.

#### **Effective relationship**

- The relationship is symbiotic. The Shire President and the Chief Executive Officer put conscientious effort into making the relationship successful for the good of the Shire.
- The relationship between the Shire President and the Chief Executive Officer aims to facilitate involvement and inclusion amongst elected members and administration rather than concentrating power in the relationship.

At Shire of Wongan-Ballidu, the Shire President and Chief Executive Officer communicate on a regular basis, at least monthly but more frequently depending on emerging issues, either in person, by phone or email.

### 7.2.3 Relationship between elected members

Elected members need each other to achieve their individual and collective goals. Effective relationships between elected members help to promote a successful Council, a pleasant working environment and a Council with public credibility.

Features of an effective relationship are:

- While they may have different views, elected members treat each other with respect and courtesy.
- Disagreements are expressed in ways that are not personal attacks and do not cause detriment to individual elected members or Council as a whole.
- Elected members are not to undermine each other, either within the Shire or in public.
- Elected members have effective working relationships in order to succeed individually and collectively.

### 7.2.4 Relationship between elected members and Chief Executive Officer

The relationship between elected members and Chief Executive Officer is critical to good governance.

Elected members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard but appreciate that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer complaints and queries to the relevant area for resolution, and responsive services and processes all assist in furthering good governance.

Elected members must have a clear understanding that the role of the Chief Executive Officer is to implement Council's goals, policies, strategies and services and to advise and support Council.

The Chief Executive Officer is accountable to elected members when they sit as Council. Elected members, sitting as Council, are responsible for the performance management of the Chief Executive Officer.

Features of an effective relationship are as follows:

- goodwill and trust
- a good understanding of each other's role
- good communication
- agreed processes and protocols
- an appreciation of legislative requirements
- clear delegations.

### 7.2.5 Relationship between elected members and employees

The fundamental role difference between Council and the administration underpins this relationship. Elected members should focus on strategy, policy and outcomes, while the administration's role is to

focus on advice, implementation and operations.

In light of these role differences, the features of an effective relationship are highlighted below:

- the role of elected members is one of strategic leadership, not management or administration;
- the Chief Executive Officer is responsible for implementing the decisions and policies of Council;
- employees are responsible to the Chief Executive Officer and the Chief Executive Officer is responsible to Council;
- elected members do not direct or instruct employees;
- elected members do not undertake a task that contributes to the administration of the Shire, unless the activities are undertaken in relation to a meeting or the express authority of Council or the Chief Executive Officer has been obtained prior to undertaking the task;
- elected members undertake their day-to-day communications with the Shire directly through the Chief Executive Officer, unless the Chief Executive Officer has established a protocol for communications on particular matters to occur directly with specified employees;
- when entering a Shire business location, elected members seek approval from the Chief Executive Officer before engaging in discussion with employees; and
- an employee undertakes direct communication with an elected member only when the employee is acting within the functions and responsibilities of their position or is acting under the direction of the Chief Executive Officer.

## 8. Principle 3 – Decision-Making and Management

### 8.1 Effective Decision-Making

Decision-making is the most important activity undertaken by the Shire, both by Council and by employees. Effective decision-making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community.

Good processes will also mean that decisions will be owned and that individual elected members, even though they may be on the losing side of an issue, should not be able to find fault with the way in which the decision was made.

Good decision-making requires that:

- decisions must be those which the local government can lawfully make;
- decisions must be consistent with and in accordance with legislation;
- relevant Council policy/policies should be considered during the decision-making process;
- elected members should have all the relevant information before them in order to make a considered and informed decision;
- elected members should be impartial, objective, free from bias and act in the public interest of Shire residents;
- decisions should be made on a reasonable basis.

Decisions made at meetings are recorded in the form of resolutions which are binding on the Council until they are formally amended or repealed. Resolutions, once recorded, take effect immediately.

### 8.2 Decision-Making Meetings and Processes

#### 8.2.1 Council Meetings

The Council meeting is the formal debating and decision-making forum of Council. Elected members, Chief Executive Officer and Managers attend all Council meetings. Under section 5.23(1) of the Act, Council meetings are required to be open to the public.

**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public—
- (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.

However, when any of the matters listed in section 5.23(2) of the Act are to be considered, Council may resolve to close the meeting and proceed behind closed doors. In order to promote the transparency and accountability required for good governance, the closure of meetings should be applied prudently and as infrequently as possible.



**5.23**

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—*
- (a) a matter affecting an employee or employees; and*
  - (b) the personal affairs of any person; and*
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) a matter that if disclosed, would reveal —*
    - (i) a trade secret; or*
    - (ii) information that has a commercial value to a person; or*
    - (iii) information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) a matter that if disclosed, could be reasonably expected to —*
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) endanger the security of the local government's property; or*
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;**and*
  - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Examples of matters that may require the meeting to be closed to the public:

- Chief Executive Officer annual performance reviews, contract renewals, remuneration reviews, (s.5.23(2)(a)) a matter affecting an employee or employees);
- Reports discussing legal advice obtained or to be obtained in relation to the subject of the report (s.5.23(2)(d)) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting);
- Nomination of elected members eligible for WALGA Honours (s.5.23(2)(b)) the personal

affairs of any person);

- Planning reports that could affect the value of neighbouring properties (s.5.23(2)(e)(ii)) a matter that if disclosed would reveal information that has a commercial value to a person).

Good decision-making at a Council meeting is enhanced when the meeting is well run. This requires a clear and informative agenda, good chairing and facilitation and adherence to meeting procedures and to statutory requirements. It is the fundamental statutory obligation and duty of an elected member to vote on every item of business discussed at a Council meeting.

At Council meetings and where Council has granted a Committee delegated authority, Council can make a decision or pass a resolution.

Council has adopted the *Standing Orders Local Law (2010)* which provides a set of enforceable meeting procedures and rules to –

- ensure better decision-making processes during Council and committee meetings;
- assist in the orderly conduct of meetings dealing with Council business;
- provide a better understanding of the process of conducting meetings; and
- allow a more effective and efficient use of time at meetings.

Shire of Wongan-Ballidu Council meetings are not livestreamed or recorded. The written agenda and minutes can be accessed from the Shire website a few days after each Council meeting.

### 8.2.2 Council Meeting Schedule

Council operates the following monthly meeting cycle:

- fourth Wednesday of the month: ordinary council meeting;
- third Friday of the month: agenda is released
- Councillors may submit requests for further information or clarification to Chief Executive Officer

In December, the Ordinary Council Meeting is held on the third Wednesday with the Councillor request for more information moves forward accordingly.

No Ordinary Council meeting is held in January.

### 8.23 Councillor Requests for More Information or Clarification

For proper decision making, Councillors must have the opportunity to fully understand any issue that is being presented for decision. While officers' reports should contain all of the relevant information, the complexity of some issues means that Councillors need to be given the opportunity to ask questions, request information and seek further clarity regarding an agenda item.

Councillors are at liberty to submit written requests to Chief Executive Officer for further information or clarification of an agenda item prior to the Ordinary Council Meeting.

#### 8.24 Council Forum/Workshop

Council forums provide an opportunity for two-way communication between elected members and the Chief Executive Officer on strategic or complex issues. Forums are open to all elected members, the Chief Executive Officer, Managers and other employees designated by the Chief Executive Officer as required. No decisions are made at Forums, which are relatively informal and are not open to the public.

At Council Forums elected members and staff can propose, discuss, and formulate philosophies, ideas, strategies and concepts for the development of the Shire.

Forums often involve projects that are in the early planning stage and are some time away from being presented to Council for decision.

Matters listed on the agenda of the Council meeting are not to be discussed during a Council Forum.

In discussing such issues, employees are looking for guidance from elected members to assist in researching the matter and drafting the report. Elected members and employees are also looking to present ideas and concepts for future consideration.

Council forums are held every fourth Wednesday of each month directly after the Ordinary Council Meeting.

Council workshops are held as and when required as agreed between Chief Executive Officer and Elected Members.

#### 8.25 Committee Meetings

To assist with its decision-making responsibilities, Council may establish committees in accordance with section 5.8 of the Act. When Council establishes a committee, it must determine in clear terms of reference the purpose, reporting and other accountability requirements that will apply in relation to that committee. Committees report to Council and are subject to the requirements of the Act.

##### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

Current committees of Council are listed below:

- Audit and Risk Committee (a requirement under section 7.1A of the *Local Government Act 1995*)
- Bush Fire Advisory Committee (as described under section 67 of the *Bush Fires Act 1954*)
- Local Emergency Management Committee (a requirement under section 38 of the *Emergency Management Act 2005*)
- The Regional Road Group (RRG) – Wheatbelt North Moora Subgroup
- Doctors Agreement Committee
- Works and Services Committee
- Sports Ground Management Agreement Committee

Committees meet as and when required and make recommendations to Council. However, where a committee has delegated authority for some of its functions, it is able to make a decision in its own right:

*Note: Council has not delegated any authority to any Committee.*

## 8.26 Council Representatives to Government/Local Government Organisations

Following local elections Council is required to renominate representatives to each of the organisations and committees that it has representation on.

These organisations and groups include:

### Innovation Central Midlands Incorporated

An organisation formed by the Shires of Dalwallinu, Moora and Wongan-Ballidu for the purpose of Economic Development. Its members are made up of Councillors and/or community members who may provide expertise and guidance in local government. Usually one or two Councillors may be appointed from each Shire.

### Avon Midland Zone of The Western Australia Local Government Association

The WA Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia, advocating on behalf of WA's 139 Local Governments. WALGA is not a government department or agency.

The WALGA governance structure comprises of the State Council and Zones. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam, Toodyay, Victoria Plains, Wongan-Ballidu and York.

The nominated Councillors attend Zone meetings which are held quarterly.

### Regional Road Group – Wheatbelt North Subgroup

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a sub-group or technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs importantly provide Local Government with a voice in how the State Government's contribution to local roads is spent. RRG members serve a vital and valuable role in ensuring road funding decisions maximise community benefits and preserve and improve the public road network across Western Australia.

Council nominates two elected members as representatives to Regional Road Group – Wheatbelt Subgroup.

### 8.27 Agendas and Minutes

The most important records produced by a local government are the agendas that drive council meetings and the minutes that record the decision-making process and the actual decisions.

Matters to be considered at meetings of Council or Committees are presented in a formal agenda prepared by the Chief Executive Officer.

Agendas comprise of reports prepared by officers. Reports are structured to include information on the background, financial, strategic, legislative, policy, risk and workforce implications of the proposal under consideration. All reports include the professional advice of the officer who has authored the report and contain recommendations as to the most appropriate course of action to take, based on the information presented.

Managers are responsible for authorising the reports from their department. Once finalised, all reports are reviewed by the Chief Executive Officer. The Chief Executive Officer should be satisfied and confident that all aspects of the matter which is the subject of a report have been suitably covered in such a way that the report can be included in the agenda and released to elected members and the public.

The agenda and supporting documents are distributed five (5) days before the Council meeting date. Distribution includes posting on Shires' website, emailing to elected members and Executive Team, emailing to registered members of public and display at Administration Building, Ballidu and Cadoux.

The minutes of a meeting comprise all reports considered at the meeting and also include attendance, all motions, movers and seconders, the results of the motions and the decisions that have been made.

*5.33. Decisions made at electors' meetings*

*(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

*(a) at the first ordinary council meeting after that meeting; or*

*(b) at a special meeting called for that purpose, whichever happens first. (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Unconfirmed Ordinary Council Minutes must be made available for public inspection no later than ten working days after the meeting (five working days for committee meeting minutes). At the next meeting of Council or a committee these minutes will be confirmed as a correct and accurate record of the proceedings. Minutes may be amended to correct any identified inaccuracy prior to being confirmed.

## 8.28 Information Bulletin

An Information Bulletin is to be distributed to Elected Members of Council prior to the Ordinary Council Meeting. The information bulletin will contain:

1. Chief Executive Officers Report
2. Council Calendar - Ordinary Council Meetings, Compliance Deadlines and Council Events.
3. Policy Review Timetable
4. Finance and Administration - Deputy Chief Executive Officer Report
5. Regulatory Services - Manager of Regulatory Service Report
6. Works and Services – Manager of Works and Services
7. Community Services – Manager of Community Services

## 8.29 Elected Members' Meeting Preparation

Preparation before attending a meeting is critical: all reports should be read thoroughly, and the main points well understood. If anything is not clear, the elected member may seek further clarification and raise any concerns with the Chief Executive Officer or the responsible Manager, preferably well in advance of a meeting. Asking questions of a complex or technical nature at a Council meeting is to be avoided, as employees present may not be able to respond adequately off the cuff, there is a risk of a factually incorrect answer being given or the question may have to be taken on notice.

Reports affecting Shire planning, finance or legal matters can be quite complex and clarification of points prior to the meeting is essential. The Chief Executive Officer or relevant Manager should be emailed at the earliest opportunity to enable a written reply to be provided in advance of the meeting. This reply will be provided to all elected members, not just to the enquiring elected member.

The decision to adopt, amend or reject a recommendation rest with Council. Where a Council decision is different to the recommendation, reasons for that decision must be stated and recorded in the minutes in accordance with Local Government Act 1995 Administration Regulation 11(da)

A decision to defer a matter should be seen as a last resort and occur only where it is clear that additional information is required or where circumstances have come to light after the agenda was distributed. A failure to consult with the community or key stakeholders may also give cause to defer a matter.

### 8.3 Local Government Rules of Conduct

The Local Government (Rules of Conduct) Regulations 2007 (Rules of Conduct) provide a disciplinary framework to deal with individual misconduct by Elected Members. The Rules of Conduct provide a mechanism to take action against individual Elected Members where they do not comply with the 'rules' or they contravene particular laws applying to them in legislation.

The Rules of Conduct prescribe uniform rules of conduct for Elected Members in relation to:

- Standards of general behaviour
- Use of confidential information
- Securing personal advantage of advantaging/disadvantaging others
- Misuse of local government resources
- Prohibition against involvement with the organisation
- Relations with employees
- Disclosing interests that may affect impartiality
- Receipt and disclosure of gifts of a prescribed value

The Rules of Conduct do not limit the provisions within the Shire's Code of Conduct, however, the Rules of Conduct, the Regulations as well as the Shire's Local Law relating to meeting procedures are enforceable and disciplinary action can be taken for any breach.

### 8.4 Decisions on Land Use Planning and Development

#### 8.4.1 Quasi-Judicial Role

Quasi-judicial functions are those which involve the making of a decision by Council in the exercise of a discretionary power. Elected members (and employees when acting under delegated authority) perform quasi-judicial functions when deciding to approve or refuse applications for planning or development approval and for other approvals, licences, consents and permits. They must therefore act in a judicial manner ("judge-like").

To act in a quasi-judicial manner, elected members must apply the principles of natural justice and without bias or conflict of interest make decisions in a judicial manner based on:

- The law and the relevant Shire policies as they exist, specifically the Shire's Local Planning Scheme and Planning Policies; and
- The facts and merits of the case.

Applicants submitting documents for approval may attempt to persuade individual elected members in favour of their proposals; however elected members must remain objective and deal impartially with applicants or affected persons.

Determining applications must be based on sound legislative rationale and not on specific public perception. The role of an elected member in the decision-making process is to determine the application on the information and recommendation provided by the Shire's employees. The role of the employee is to assess the application and provide an impartial, professional opinion and recommendation to elected members. To avoid prejudicing the eventual decision, elected members must not make up their minds about a development application until they have read the employee's report, clearly understood the relevant facts and law, and heard all the meeting debate.

Elected members must not lose sight of the fact that when making decisions on development applications they have to apply the rules and discretions as they exist, not as they might want them to be.

Elected members must be aware of the Shire's adopted procedures for dealing with a development application to ensure a clear distinction between the role of the employee assessing the application and the role of Council determining the application. There should be no opportunity for the two roles to be confused and no opportunity for those determining applications to unduly influence those carrying out the assessment and viceversa.

An elected member acting when biased and without disclosing an interest affecting impartiality may breach the Rules of Conduct Regulations. Non-compliance with quasi-judicial principles could result in Council decisions being invalidated.

#### 8.4.2 Conflict of Interest

Conflict of interest is about being transparent. Understanding what this means in the context of local government is essential to good governance.

The Act defines the specific circumstances that lead to a conflict of interest and describes what elected members and employees must do if they believe there is a conflict. This includes direct and indirect interests, disclosure requirements, exemptions, provision of advice and registers of interest.

#### 8.4.3 Conflict of Interest in Local Government

Elected members and employees should always be aware of the potential for conflict of interest. They have been entrusted to govern on behalf of the community and as such they must ensure that they do not gain personal benefit from their position with the Shire.

If they have personal interests in any of the decisions that they are part of, they must declare their interests and withdraw, if necessary, from the decision-making process. It is very important for elected members and employees to understand and adhere to the legislative requirements (sections 5.59 to 5.73 of the Act).



#### 8.4.4 Good Governance and Conflict of Interest

The following points are important for good governance.

Individuals must make their own decisions.

Elected members and employees must individually take responsibility for assessing whether they have conflicts of interest in any matter relating to their formal roles. If the answer is yes, then they must act appropriately. This includes making a proper disclosure and not participating in the relevant decision-making process.

Seeking advice is appropriate.

Elected members and employees should seek assistance or advice from the CHIEF EXECUTIVE OFFICER (CEO), Shire President or fellow elected members when they think they may have a conflict of interest. In some circumstances elected members may need to obtain their own independent legal advice.

Individuals are accountable.

Elected members or employees must ultimately assess whether they have a conflict of interest. Each elected member or employee is accountable for that assessment and the obligation to make the relevant declaration. This is regardless of any assistance or advice they may have received.

Conflict of interest is not a political weapon.

Elected members should not use conflict of interest as a weapon against each other. No elected member can determine that another elected member has a conflict of interest. That is for the individual alone to decide. Using conflict of interest inappropriately compromises its importance as a principle of good conduct and natural justice.

#### 8.4.5 Conflict of Interest and Community Representation

Sometimes elected members will be in a position where they are required to declare a conflict of interest even though their community expects them to participate in a decision. For example, an elected member may have a conflict of interest in a local planning decision which the community feels strongly about.

Because conflict of interest can impact on governance and perceptions of governance, it is important that –

- elected members ensure they thoroughly analyse the situation (and seek appropriate advice) to determine what is required by the legislation;
- elected members clearly explain the situation to their community; and
- Council and administration provide support to elected members, when required, to explain conflict of interest requirements to the community.

Elected members should not, however, hide behind conflict of interest as a way of avoiding a vote on difficult issues in which they don't have a conflict.

#### 8.4.6 Protection from Liability

Elected members, unlike state and federal members of parliament do not have parliamentary privilege. An elected member can be subject to civil action by a person who considers that the elected member has defamed them or has acted in a way that improperly harms them, whether this occurs in the council chamber or not.

Section 9.56 of the Act protects elected members, committee members and employees for any actions that they have, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. This however does not relieve the Shire of liability for the actions of elected members, committee members and employees.

Elected members should be careful, especially in the heat of a Council debate, not to make defamatory statements which could give rise to a civil action.

If an elected member is subject to civil action, they will have to deal with the matter as an individual, even if the Shire is paying the legal costs. In some cases, the Shire's insurers may refuse to provide indemnity for the elected member's actions or statement if it is considered not to have occurred in the course of performing a council duty or to be done in good faith.

For further guidance, please refer to Shire's policy [5.28 – Legal Representation Costs Indemnification](#).

#### 8.4.7 Decisions by Delegation

Delegations form part of the Shire's decision-making approach. Delegations entrust certain types of decisions to the Chief Executive Officer. The Chief Executive Officer may on-delegate certain types of decisions to officers. Delegates exercise the delegated decision-making function in their own right; in other words, they have discretionary decision-making powers.

The use of delegated authority means that a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership.

The Shire's Delegations Register contains all current delegations from Council to the Chief Executive Officer and committees and from the Chief Executive Officer to employees. It sets out unequivocally which statutory power and functions are delegated, which part of the legislation allows such delegation and what the conditions and policy compliance requirements are.

Section 5.43 of the Act outlines those powers or duties that may not be delegated to the Chief Executive Officer (CEO). The Shire's Delegations Register is reviewed by Council on an annual basis.

#### **5.43. Limits on delegations to CEO 28**

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

## 8.5 Financial Management

### 8.5.1 Role of The Chief Executive Officer

The Chief Executive Officer is accountable to Council for the financial performance of the Shire and must ensure that certain fundamentals are in place, including but not limited to:

- appropriate financial systems, plans, strategies and protocols;
- adequate resources to support the Shire's activities and financial monitoring and performance;
- suitable internal review and audit mechanisms;
- an organisational culture where responsibility and accountability are clearly delineated and understood; and
- adherence to and compliance with legislative provisions.

### 8.5.2 Financial Management Planning and Principles

Council is ultimately responsible for the financial management of the Shire. Good financial management requires both Council and the administration to play their role.

As part of the Integrated Planning Framework, the Shire has developed its Long Term Financial Plan (LTFP). The Plan is consistent with the strategic initiatives in the Strategic Community Plan (SCP) and includes:

- projected income and expenditure, balance sheet and cash flow statements;
- planning assumptions underlying the plan;
- an analysis of the factors and/or assumptions that are most likely to affect the plan;
- modelling for alternative financial scenarios; and
- methods of monitoring financial performance.

The Plan outlines the Shire's approach to delivering infrastructure and services to the community in a financially sustainable way that minimises the financial impact on the Shire's ratepayers. It is the primary planning tool for future Shire budgets.

### 8.5.3 Annual Budget

One of the responsibilities of Council under section 6.2 of the Act is to prepare, set and adopt the Shire's Annual Budget. Based on the leadership of Council, it determines the Shire's priorities for the year ahead and the allocation of resources to achieve those priorities.

The annual budget must be reviewed before 31 March each year, taking into account changes in the operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

#### **6.2. Local government to prepare annual budget**

*(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

*(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of  $\frac{3}{4}$*

*(a) the expenditure by the local government;*

*(b) the revenue and income, independent of general rates, of the local government; and*

*(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

*(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

*(4) The annual budget is to incorporate  $\frac{3}{4}$*

*(a) particulars of the estimated expenditure proposed to be incurred by the local government;*

*(b) detailed information relating to the rates and service charges which will apply to*

*land within the district including  $\frac{3}{4}$*

- (i) the amount it is estimated will be yielded by the general rate; and*
- (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
- (c) the fees and charges proposed to be imposed by the local government;*
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
- (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
- (g) such other matters as are prescribed.*

*(5) Regulations may provide for  $\frac{3}{4}$*

- (a) the form of the annual budget;*
- (b) the contents of the annual budget; and*
- (c) the information to be contained in or to accompany the annual budget.*

*[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]*

#### 8.5.4 Other Management Plans

**Asset Management Plans** provide strategic direction in the management of Shire assets. Good governance requires the Shire to manage its assets in a financially viable, efficient and sustainable manner.

The **Workforce Management Plan** was developed to provide a strategic framework for organisational workforce planning and management. It guides the Shire in attracting and retaining a suitable, committed and professional labour force that is structured to achieve the priorities of the Strategic Community Plan and to deliver quality services to the community.

The **Recordkeeping Plan** sets out the matters about which records are to be created and how the Shire must keep and maintain its records in accordance with the *State Records Act 2000*. It applies to elected members, employees and contractors.

The **Risk Management Policy and Procedure** contains practical guidelines to develop the Shire's capacity to appropriately manage risk. Risk management is critical to the organisation's ability to achieve the strategic objectives contained in its Strategic Community Plan and Corporate Business Plan. By fostering a dynamic risk management culture that encourages all employees to systematically apply the procedures outlined in this framework, the Shire seeks to minimise resource waste and ensure that all Shire events, activities and projects are undertaken with properly managed risk to employees and the general community.

## Principle 4 - Accountability

### 9.1 Accountability

Excellence in governance is based on the principle that those who are involved in governance, both elected members and employees, are held to account for what they do, the decisions they make and their performance in undertaking their role. The public trust that elected members and officers act in the public interest.

Accountability systems that provide disclosure and review of decision-making processes are integral to good governance and are reflected through –

- Open and transparent government, so that the community can follow decision making processes and outcomes;
- Consultation and engagement, so that the community has confidence that it is being heard; and
- Good communication processes so that the community is kept informed.

The fundamental importance of accountability though comes from the fact that the Shire exists to govern for and on behalf of its community. Systems and values must reflect this accountability. Key systems are outlined in the following sections.

#### 9.1.1 Performance Management

Council is accountable for monitoring the Shire's performance in the achievement of its strategic direction, goals and financial outcomes, which are set through the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

Managing and reporting the Shire's performance is achieved in several ways.

#### 9.1.2 Strategic Reporting

Key performance indicators, derived from the Strategic Community Plan, help drive the Corporate Business Plan. The Shire's Corporate Planning System captures all Corporate Business Plan projects.

Performance against each of the Strategic Themes in the Strategic Community Plan is reported in the Annual Report.

#### 9.1.3 Financial Reporting

The Shire undertakes its financial reporting as follows:

- The monthly Financial Activity Statement and List of Payments are prepared and presented to Council; and
- The audited Annual Financial Report is considered by the Audit and Risk Committee before being submitted to Council for adoption and inclusion in the Annual Report.

#### 9.1.4 Annual Report

The Shire's *Annual Report* provides detailed information to the community and the Shire's stakeholders about how the Shire intends to operate in a sustainable manner whilst addressing the many challenges it faces. The report reviews the Shire's key achievements and progress made against the many initiatives outlined in the Strategic Community Plan. The Annual Report is reviewed by elected members at a workshop before being adopted by Council for presentation to the electors of the Shire at the Annual Electors' Meeting.

#### 9.1.5 Chief Executive Officer Performance Review

Council is accountable for managing the Chief Executive Officer's performance and is responsible for setting the Chief Executive Officer's performance plan and monitoring the Chief Executive Officer's performance. Council is to communicate its expectations to the Chief Executive Officer's and is required to seek independent professional advice when undertaking the annual performance evaluation of the Chief Executive Officer's.

#### 9.1.6 Employee Performance Review

In accordance with the Act the performance of all employees must be reviewed at least once a year.

**5.38. Annual review of employees' performance**

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- (3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

Individual performance reviews and identification of development needs are formally carried out in August each year. The process involves a review of progress against the previous year's targets and plans the setting of new ones for the coming year.

During each performance review, recommendations for training and development programs to either complement existing skills or to develop new skills will be made. In addition, staff will have performance indicators set during the first few months of employment to monitor progress against goals and objectives.

Council has adopted policy *5.25 Model Standards for Chief Executive Officer (CEO) Recruitment and Selection, Performance and Termination*.

### 9.1.7 Compliance Audit Return

Regulation 14 of the *Local Government (Audit) Regulations 1996* that the Shire conducts an annual audit of its compliance with statutory requirements and responsibilities placed on it under the Act.

- 14. Compliance audits by local governments**
- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
  - (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
  - (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
  - (3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*
    - (a) presented to the council at a meeting of the council; and*
    - (b) adopted by the council; and*
    - (c) recorded in the minutes of the meeting at which it is adopted.*

The Department of Local Government's Compliance Audit Return (CAR) comprises a checklist of the Shire's statutory obligations in areas such as local laws, tenders, meeting procedures, disclosures of financial interests and financial management.

The CAR is completed by the Deputy Chief Executive Officer with input from the Executive Management Group. The completed return is then reviewed by the Audit and Risk Committee and presented for adoption by Council. A certified copy must be forwarded to the Department no later than 31 March of each year.

### 9.1.8 Audit and Risk Committee

The Act requires Council to establish an Audit Committee to guide and assist Council on matters of internal and external audit, risk management and the Shire's compliance functions. The Shire's Audit and Risk Committee meets regularly and in accordance with Regulation 16 of *Local Government (Audit) Regulations 1996*.



**Functions of audit committee**

*An audit committee has the following functions —*

- (a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and*
  - (ii) its functions relating to other audits and other matters related to financial management;**
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act*
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
  - (i) report to the council the results of that review; and*
  - (ii) give a copy of the CEO's report to the council;**
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - (i) regulation 17(1); and*
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);**
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and*
  - (ii) has stated it has taken or intends to take in a report prepared**

Council has adopted a *Shire of Wongan-Ballidu Finance Review Terms of Reference* which guides the operation and responsibilities of the Audit and Risk Committee.

#### 9.1.9 Community Consultation and Engagement

A Community Engagement Framework has been developed which formalises the Shire's approach to engagement and affirms its commitment to delivering meaningful, best practice community engagement as an integral part of its strategic priorities.

Council policy [2.5 Public Consultation Outcomes](#) currently provides guidance to officers on Council's expectations regarding how and when to undertake engagement activities.

#### 9.1.10 Customer Service Charter

Council has adopted a [Customer Service Charter](#) which outlines the customer service standards the community can expect from the Shire.

### 9.1.11 Statement of Business Ethics

A *5.29 Statement of Business Ethics* has been adopted which outlines what the Shire expects from its suppliers and what its suppliers can expect from the Shire.

### 9.1.12 Complaints Management

Council has adopted a *5.30 Community Complaints* policy to provide a framework and basis for all complaints relating to Shire services, processes or decisions to be resolved in a consistent, fair, and structured manner.

### 9.1.13 Access to Information

Under section 5.94 of the Act any member of the public can access certain information held by the Shire. Other documents – subject to their sensitivity – may be obtained through the Freedom of Information (FOI) process under the provisions of the Freedom of Information Act 1992.

*5.94. Public can inspect certain local government information*

*5.95.*

*A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and if it is current at the time of inspection —*

- (a) any code of conduct; [(aa) deleted]*
- (ab) any register of complaints referred to in section 5.121;*
- (b) any register of financial interests; (ba) any register of gifts;*
- (c) any annual report;*
- (d) any annual budget;*
- (e) any list of fees and charges imposed under section 6.16;*
- (f) any plan for the future of the district made in accordance with section 5.56;*
- (g) any proposed local law of which the local government has given local public notice under section 3.12(3);*
- (h) any local law made by the local government in accordance with section 3.12;*
- (i) any regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government;*
- (j) any text that —*
  - (i) is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or*
  - (ii) would be adopted by a proposed local law of which the local government has given local public notice under section 3.12(3);*

- k) any subsidiary legislation made or adopted by the local government under any written law other than under this Act;*
- l) any written law having a provision in respect of which the local government has a power or duty to enforce;*
- m) any rate record;*
- n) any confirmed minutes of council or committee meetings;*
- o) any minutes of electors' meetings;*
- p) any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —*
  - (i) tabled at a council or committee meeting; or*
  - (ii) produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;*
- (q) any report of a review of a local law prepared under section 3.16(3);*
- (r) any business plan prepared under section 3.59;*
- (s) any register of owners and occupiers under section 4.32(6) and electoral rolls; [*
- (t) deleted]*
- (ta) a report on a supplementary audit prepared under section 7.12AH(1);*
- (u) such other information relating to the local government —*
  - (i) required by a provision of this Act to be available for public inspection; or*
  - (ii) as may be prescribed.*

All elected members and staff should be aware of the FOI implications when creating internal or external documents. As a general rule, any written material generated by elected members or employees may become public knowledge and may become the subject of an FOI request.

## Council and Elected Member Self-Assessment

### 10.1 Council Self-Assessment and Evaluation

To assess whether the governance principles are being enacted, a self-assessment tool has been included in the Governance Framework. The questionnaire was originally developed by WALGA for use by the WALGA State Council. It is intended that the results are used to develop action plans to improve governance performance.

The self-assessment aims to:

- assess what level of performance has been achieved in the period under review;
- assist in the development of a better understanding of individual Elected Member performance and the Council's objectives;
- focus on strategic goals;
- assist in the developing of a better understanding of performance orientated relationships;
- develop an action plan for improvement;
- encourage a program of ongoing personal and professional development for Elected Members.

The self-assessment tool has two components, being:

1. The Council Self-Assessment
2. Elected Member Self-Assessment.

Elected Members as a group should complete the Council Self-Assessment annually in September/October and the results used to assess the Council's performance as a whole against the governance principles. This should assist the Council in developing an action plan to improve performance (including the ongoing training and development program for Council).

The Elected Member Self-Assessment should also be completed by individual Elected Members to provide an assessment of that individual's contribution to good governance and assist in the development of an individualised training and development program.

## 10.2 Council Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree

2. Disagree

3. Unsure

4. Agree

5. Strongly Agree

Question	Rating				
1. The Council has been effective in setting the overall direction of the Shire to achieve the objects and purpose of the Shire	1	2	3	4	5
2. The Council is effective in considering and determining all major policy issues	1	2	3	4	5
3. The Council monitors appropriate financial and non-financial performance indicators	1	2	3	4	5
4. The Council has a clear understanding of business risk	1	2	3	4	5
5. The Council does not become drawn into operational management matters	1	2	3	4	5
6. Roles of the Shire President, Councillors and the CEO are clearly defined and understood	1	2	3	4	5
7. The Council understands the Shire's vision, mission, values, philosophy and plans	1	2	3	4	5
8. The Council regularly inputs into strategy development and review	1	2	3	4	5
9. The CEO and employees have commitment, capacity and enthusiasm	1	2	3	4	5
10. The Shire has relevant and reliable internal reporting and compliance systems	1	2	3	4	5
11. Elected Members are aware of the Shire's responsibilities to regulators and external stakeholders	1	2	3	4	5
12. The Council communicates effectively with its community	1	2	3	4	5
13. Elected Members bring valuable experience and skills to the Council	1	2	3	4	5
14. The Council has legitimacy and retains confidence in the eyes of the community	1	2	3	4	5
15. The Shire President ensures that meetings are chaired and matters are discussed / debated in a structured and effective way	1	2	3	4	5
16. The Shire President makes sure that the Council addresses all of the appropriate strategic issues	1	2	3	4	5
17. The Shire President makes sure there is sufficient time to discuss the important issues on the agenda	1	2	3	4	5
18. The Shire President encourages contributions by Elected Members to get the best out of them	1	2	3	4	5
19. The Shire President liaises effectively with the CEO	1	2	3	4	5
20. The CEO is receptive to the Council's input	1	2	3	4	5
21. The CEO assists Elected Members in meeting their governance obligations	1	2	3	4	5

Question	Rating				
22. The Council is effective in monitoring and evaluating the performance of the CEO	1	2	3	4	5
23. The Council papers, including agenda, minutes and briefing notes are timely, accurate and informative	1	2	3	4	5
24. The Council meetings address the key issues facing the community	1	2	3	4	5
25. The duration of meetings of the Council are appropriate	1	2	3	4	5
26. Elected Members come to meetings well prepared and participate effectively in debate and discussions	1	2	3	4	5
27. The Council adheres to effective governance practices	1	2	3	4	5
28. Appropriate records from Council meetings are documented in Minutes	1	2	3	4	5
29. The relationship between the Shire President and Elected Members is effective in enabling the Council to fulfil its duties and responsibilities	1	2	3	4	5
30. The relationship between the Council and the CEO is effective in enabling Council to fulfil its duties and responsibilities	1	2	3	4	5
Additional comments on the performance of the Council?					

Thank you for completing this questionnaire.

The information provided will not identify your individual response, but it will be used to assist Council to identify areas and actions for improvement and the priorities for training and ongoing development. Individual questionnaires will be treated in the strictest of confidence and will be destroyed once the information has been aggregated.

## 10.3 Elected Member Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree      2. Disagree      3. Unsure      4. Agree      5. Strongly Agree

Question		Rating			
1. I understand my roles, duties and responsibilities as an Elected Member of the Shire of Wongan-Ballidu	1	2	3	4	5
2. I come to the Council meetings fully prepared	1	2	3	4	5
3. I understand the mission, vision, values, philosophy and strategy of the Shire	1	2	3	4	5
4. I participate in and enhance discussion and debate at the Council meetings	1	2	3	4	5
5. I have made a significant personal contribution to the Council achieving the objects for the Shire	1	2	3	4	5
6. I encourage openness and candour and ensure that others have a reasonable opportunity to put forward their views	1	2	3	4	5
7. I challenge those who sidetrack discussions or dwell on minutiae	1	2	3	4	5
8. I am a team player	1	2	3	4	5
9. I listen to and consider other people's views on issues	1	2	3	4	5
10. I am open and willing to change my views	1	2	3	4	5
11. I accept challenge from others without being defensive	1	2	3	4	5
12. I have the courage to say what is on my mind	1	2	3	4	5
13. I keep myself free from conflicts of interest and understand when a conflict may arise	1	2	3	4	5
14. The Council has legitimacy and retains confidence in the eyes of the community	1	2	3	4	5
15. I exercise independent judgement when considering or voting on any matter	1	2	3	4	5
16. I am responsive to requests from the Presiding Member that aim to ensure the orderly and good- spirited conduct of meetings	1	2	3	4	5
17. I understand and focus on the key issues of the Shire's business	1	2	3	4	5
18. I consider the viewpoints of all stakeholders in forming a position on an issue	1	2	3	4	5
19. I carry a fair workload when compared with my fellow Elected Members	1	2	3	4	5
20. I regularly liaise with the Shire President and other Elected Members of the Council outside of Council meetings	1	2	3	4	5
21. I regularly liaise with the CEO and senior employees outside Council meetings	1	2	3	4	5

Question	Rating				
22. I have adhered to all of the behavioural and ethical requirements of the Council <i>Code of Conduct</i>	1	2	3	4	5
23. Outside the Council meeting and when acting in my capacity as an Elected Member, I support Council decisions that have been made	1	2	3	4	5
Are you satisfied with the level of support you are provided in undertaking your role as an Elected Member of the Shire of Wongan-Ballidu? Are there any areas that can be improved?					
Are there any specific areas in which you would like professional development to enhance your effectiveness as an Elected Member of the Shire of Wongan-Ballidu?					
Are you satisfied with the process of evaluating performance as an Elected Member of the Shire of Wongan-Ballidu? Are there improvements you consider could be made?					

Thank you for completing this questionnaire.

The information provided will not identify your individual responses, but it will be used to assist Council to identify areas and actions for improvement and the priorities for training and ongoing development. Individual questionnaires will be treated in the strictest of confidence and will be destroyed once the information has been aggregated.



## Sources and References

This Governance Framework has been compiled with reference to documents previously produced regarding the concept and practice of good governance. The following documents have been used in the development of the Shire of Wongan-Ballidu Governance Framework.

*Governance Framework – Shire of Toodyay 2021*

*Governance Framework – Shire of Mundaring 2019*

*City of Joondalup Governance Framework 2020 City of South Perth Governance Framework 2016*

*A Guide to Meetings – Department of Local Government and Communities WA 2013.*

*Council Members' Self-Assessment Tool – Local Government Association of SA 2004. Excellence in Governance for Local Government – CPA Australia 2007.*

*Good Governance Guide – Municipal Association of Victoria (MAV) 2012.*

*Local Government Operational Guidelines – Department of Local Government WA. Public Sector*

*Governance Better Practice Guide – Australian National Audit Office 2014.*

*State Council performance assessment questionnaire – WA Local Government Association*

## 5.1 Citizen, Young Citizen, Community Event and Community Group of the Year Awards

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer and Shire President</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	<b>27 November 2024 – Resolution 031124</b>

### OBJECTIVE

To outline the criteria for the annual recognition of individuals, groups and events in the Shire of Wongan-Ballidu who have made a noteworthy contribution to the community and development of the Shire. The Policy also provides the protocols around nominations and selection of award winners.

### POLICY

#### **Eligibility**

The Wongan-Ballidu Citizen of the Year Award shall be open to any person who has resided in the district for a period of not less than twelve months. Shire Councillors shall be ineligible while holding office.

The Wongan-Ballidu Young Citizen Award shall be open to any person under the age of 36 on the closing of the nominations who has resided in the district for a period of not less than twelve months. Shire Councillors shall be ineligible while holding office.

Any person who has made a noteworthy contribution to the district during the current year and/or given outstanding service to the local community over several years shall be eligible.

#### **Process**

The Shire Council shall invite nominations for the Award in the first week of October, with a closing date no later than the first Friday in December. The opening of the Award nominations shall be published through the Boomer, all social media platforms, the Shire website, all townsite noticeboards, and by direct circular to substantial organisations.

Individuals as well as organisations may submit nominations. Only one person or event may receive each Award.

The Selection Panel reserves the right not to present an award if there are insufficient nominations or nominations received are not of a sufficient standard.

The Award is to be announced at the Australia Day Breakfast held on January 26, each year.

### **Selection Panel**

The Selection Panel shall be determined by the Shire President and Deputy President. The Panel shall consist of five (5) community representatives, who will vote to determine the award winners. There shall be two (2) proxy community representatives who are to replace a primary voting representative in the instance whereby a primary voting representative is unable to participate. The Shire President and Deputy President shall not participate in the voting. The community representatives will be selected jointly by the Shire President and Deputy President upon the closure of the nomination period to avoid conflicts of interest between the Panel and nominees.

There shall be no set assessment criteria for determining the Award winners. Notwithstanding this, quality of service will be more important than duration of service.

Nominations shall be kept confidential.

### **Awards Ceremony**

In addition to the official announcement of award winners at the Australia Day Breakfast held on January 26 each year, Council will host a Community Awards Ceremony event no later than 30 April of each year. All winners of the current year's award will be invited, and winners of the Citizen and Young Citizen of the Year will have the opportunity to extend this invitation to family and friends, with numbers limited.

Previous winners will also be invited to this event, however representation for previous winners of the Community Event and Community Group of the Year awards will be limited to one. If a previous winner has become deceased, an invitation will be extended to their spouse/partner, this is not extended to general family.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer, in conjunction with the Shire President, is responsible for implementing this Policy.

## 5.3 Common Seal

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	

### OBJECTIVE

This policy covers the proper use of Council's common seal, on what documents it can be applied and under what circumstances. In addition, the policy streamlines the decision-making process relating to the affixation of the seal by not requiring such use to be presented to Council on all occasions when the sealing of a document may be necessary.

### POLICY

The Chief Executive Officer is to have charge of the common seal, and it is to be responsible for the safe custody and proper use of it.

The Shire President and Chief Executive Officer are authorized to sign and affix the common seal to documents where such action is necessary to protect Council's interest, to give effect to a Council resolution, or to complete a legal document.

In the absence of the Shire President and Chief Executive Officer, as the case may be, and the Deputy President and a senior employee authorized by the CHIEF EXECUTIVE OFFICER (CEO) are authorized to affix the common seal on their behalf.

Details of all transactions where the common seal has been affixed shall be recorded in a register and this is to include the date on which the common seal was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

Details of the use of the common seal shall be reported to the Council at the next ordinary meeting of Council and the register shall be available for inspection by Councillors upon request to the Chief Executive Officer during normal office hours.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer shall be responsible for ensuring that the Common Seal is affixed to documents and this policy is properly carried out.

## 5.5 Council Meetings – Rotation

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 – Resolution 040222</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To ensure that Cadoux and Ballidu townsites have a Council meeting on a rotational basis from time to time.

### POLICY

That Council convene an Ordinary Meeting in Cadoux or Ballidu once per year in alternate years.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for the implementation of this policy.

## 5.7 Credit and Fuel Cards

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>18 October 2012 Resolution 031012</b>
<b>Date of Last Review</b>	<b>23 September 2022 Resolution 080922 Amendment</b>

### OBJECTIVE

To provide details for the use, allocation, control and safe custody of corporate credit cards.

### POLICY

#### Definitions

"Credit Card" is defined as a facility allowing the cardholder to pay for goods and services on credit.

"Fuel Card" is defined as a facility allowing the cardholder to pay for fuel on credit.

"Business Expense" is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee's contract of employment with the Shire or relevant Council policies.

"Personal Expense" is defined as any expense not of a business nature.

The following policy statements govern the issue and use of corporate credit cards:-

1. Credit Cards may be issued to the following members of staff:
  - Chief Executive Officer,
  - Deputy Chief Executive Officer
  - Manager Works and Services
  - Manager Regulatory Services
  - Manager Community Services
- a) The use of credit cards by employees is restricted to business expenses only. The use of corporate credit cards for any item of personal expenditure is expressly disallowed.
- b) Corporate credit cards are issued with a credit facility of \$20,000, individual card limits are as follows;

<b>Chief Executive Officer</b>	<b>\$10000</b>
<b>Deputy Chief Executive Officer</b>	<b>\$2500</b>
<b>Manager of Works and Services</b>	<b>\$2500</b>
<b>Manager of Regulatory Services</b>	<b>\$2500</b>
<b>Manager of Community Services</b>	<b>\$2500</b>

- c) The use of credit cards by employees is restricted to business expenses only.
  - d) The Chief Executive Officer is to ensure that operational procedures are to be put into place to manage the use of the cards and detail authorisation procedures for the purchase of goods or services using the Corporate Credit Cards.
  - e) All purchases must be made in accordance with the conditions of the Shire's Procurement Policy.
2. Fuel Cards may be issued to the following members of staff:
- i) Chief Executive Officer, Fuel and Expense Card
  - ii) Deputy Chief Executive Officer, Fuel Card Only
  - iii) Manager Works and Services, Fuel Card Only
4. The use of fuel cards for any item of personal expenditure is expressly disallowed.
5. The Chief Executive Officer is permitted to utilise his fuel card for his personal vehicle under the following circumstances.
- i) Periods of leave
  - ii) If impracticable to utilise the Shire provided vehicle

#### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

## 5.9 Elected Member/Staff Conferences

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>08 March 2005</b>
<b>Date of Last Review</b>	<b>25 May 2022 – Resolution 020522 Amended</b>

### OBJECTIVE

To ensure a procedure is in place for the expeditious nomination of Council delegates to Conferences and to ensure the prescription of allowable expenses.

### POLICY

All Councillors/Staff are to complete a Training/Conference Application form before having their application considered.

The Chief Executive Officer may endorse the recommendation of Managers in respect of staff attendance at Conferences, subject to associated expenditure being contained within the relevant year's Budget allowance.

In the event of one only nomination being forthcoming from Councillors, the Chief Executive Officer, be authorised to register the Councillor at the relevant Conference, subject to associated expenditure being contained within the relevant year's budget allowance.

In the event of more than one nomination being forthcoming from Councillors, the matter be referred to the following Ordinary Meeting of Council for determination.

A list of conferences available for attendance by Councillors and staff, be provided to Councillors on a regular basis. Should any Councillor wish to be considered for attendance at a conference and the matter has not been subject to the above process, the Councillor is to advise the Chief Executive Officer, as far as possible in writing to enable the details to be placed on the Agenda for the following Ordinary Meeting of Council.

An appropriate officer will be responsible for ensuring all delegates registered by that officer are supplied with an assessment form and 'details of expenditure incurred' form, together with instructions sheet and a recording mechanism to ensure all assessments and expenditure details are returned within a reasonable time.



Expenses to be met by Council are:

**Conference (where overnight Accommodation for Councillors is Approved by Resolution of Council or in case of Staff, by the Chief Executive Officer)**

- Registration Fees (including conference dinner and official delegate hours)
- Accommodation and travel costs
- All reasonable expenses including meals and refreshments, all cab fares between accommodation and conference venue.

**Conference (where overnight Accommodation for Councillors is Approved by Resolution of Council or in case of Staff, by the Chief Executive Officer)**

- Registration Fees (including conference dinner and official delegate hours)
- Accommodation and travel costs
- All reasonable expenses including meals and refreshments, all cab fares between accommodation
- and conference venue.

**Conference (No Overnight Accommodation)**

- Registration fees (including Conference dinner and official delegate hours)
- Travel costs to and from conference venue
- Cost of lunch if not provided
- All reasonable expenses and cab fares (cab charge may be used).
- Conference when Accompanied by Spouse
- Breakfast and dinner, if required
- Accommodation
- Conference Dinner
- Spouse Activity Tours

Once approval is given for a Councillor/Staff Member to attend a conference in accordance with this policy, an appointed officer will coordinate all travel arrangements.

The officer will contact the Councillor/Staff member concerned to determine what arrangements need to be made regarding travel and accommodation and make the necessary bookings and delivery tickets to the person travelling.

This officer will also advise the Manager Administrative and Financial Services as to what arrangements are required regarding payment of appropriate allowance and method of payment.

On any occasion when a Council delegate is unable to attend a conference, the Chief Executive Officer be delegated the authority to substitute another Councillor delegate, following consultation with the President.

The Shire of Wongan-Ballidu supports and encourages Councillors to attend the annual Local Government Week Conference.

The Shire of Wongan-Ballidu supports and encourages senior staff members to attend professional development conferences, i.e.: LGMA conference.

All Councillors/Staff are to complete an Evaluation Report (refer appendix) after attending the conference. In addition, it is expected that a report be written so that the information derived from the Conference is disseminated to other members/staff.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

## 5.10 Freeman of the Shire of Wongan-Ballidu

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>07 February 2005</b>
<b>Date of Last Review</b>	<b>25 May 2022 Resolution 020522 Amendment</b>

### OBJECTIVE

To provide a policy on the awarding of the title of Honorary Freeman of Shire of Wongan-Ballidu, including how, why and to whom it should be awarded.

### POLICY

The Shire recognises that from time to time members of the community demonstrate outstanding commitment and contribution to the Shire and that this contribution should be recognised. It will do this by in special circumstances that meet the criteria of this policy, award an individual the title of "Honorary Freeman of the Shire".

This honour will not be awarded annually but only on rare and exceptional occasions.

#### Residency Eligibility

Nominees should have lived within the Shire for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.

#### Service

The nominee should have given extensive and distinguished service to the community that goes beyond the local government concerns (eg: service to other organisations, voluntary and community groups) in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire such that the nominee's contribution can be seen to stand above the contributions made by most other people.

#### Outcome

The nominee's specific achievement must be of a nature, which would encourage the Shire to nominate that person for an honour under Australian honours system.

#### Nomination Procedure

Nominations must be made in the strictest confidence without the nominee's knowledge.

Any resident or elector of the Shire may make a nomination, but an elected member must sponsor it.

Nominations must be made in writing to the Chief Executive Officer. On receipt of a nomination, the nomination shall be circulated to all elected member for a confidential, informal discussion. If an elected member expresses an objection to the nomination, that elected member must give reasons for the objection. If no elected member objects, it shall be assumed that all agree to the nomination.

If the elected members agree that the nominee should be made an Honorary Freeman of the Shire, then the nomination shall be put before Council and a formal vote taken.

### **Entitlements**

Any person declared an Honorary Freeman of the Shire may designate him/herself "Honorary Freeman of the Shire of Wongan-Ballidu".

The award shall be made at a ceremony, which will be decided by the President. The recipient shall be awarded a plaque to commemorate receiving the award.

Any Honorary Freeman of the Shire of Wongan-Ballidu shall be invited to all subsequent civic events and functions.

A photograph of the recipient will be displayed in the Shire Administration Centre.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.

### **Freeman of the Shire of Wongan-Ballidu:**

*Irwin Barrett-Lennard OAM JP*

*David George Silver Hood JP*

## 5.11 Councillor Dress Standards

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 Resolution 060222</b>
<b>Date of Last Review</b>	

### POLICY STATEMENT

The standard of dress for Councillors of the Shire of Wongan-Ballidu may vary according to the activity or role and safety requirements. This policy provides guidelines in relation to appropriate types of clothing, standards of dress and related matters.

### COMMITMENT

The Shire of Wongan-Ballidu is committed to presenting itself in a professional manner as well as maintaining a safe and healthy working environment for all in the organisation. This policy aims to fulfil such a commitment by providing clarity in relation to personal clothing.

### COUNCILLOR - ACCEPTABLE STANDARDS OF DRESS

Councillors are requested to present for formal elected member duties in a professional manner and be suitably attired for their responsibilities.

#### Council Meetings

The standard for both men and women is Smart Business Dress.

Smart Business Dress for council meetings **does not include** low cut or sheer tops, tops that expose the midriff, shorts that expose the buttocks, thongs, bare feet, singlets, jeans, board shorts, T-Shirts, tracksuit pants and tops, windcheaters, or other items of clothing deemed unsuitable by the Shire President.

#### Committee Meetings

Smart Casual Dress for committee meetings may include Smart Business Dress (inclusions and exclusions above), as well as Smart Casual shirts, blouses (long and short sleeve) polo shirts, Chino pants, Jeans and casual shoes including sneakers.

#### Bus trips

Smart Casual Dress as outlined above.

Smart Business Dress may be required if attending a formal event, otherwise it is not a required standard.

#### Ministerial Visits

Smart Business Dress or Smart Casual Dress as outlined above.

#### Official Openings

Smart Business Dress or Smart Casual Dress as outlined above.

### **Cultural Exemptions**

The following items may be acceptable provided they do not pose any possible hazard to health and safety at work or deviate significantly from the standards required.

- Clothing worn to comply with cultural or religious practices;
- Tattoos or body piercings; and
- Jewellery.

### ***Additional requirements relating to protective clothing***

A Councillor may be requested to wear protective clothing by an appropriate officer during site visits and bus trip/road trips. Councillors will be issued vests and other protective clothing by the Shire of Wongan-Ballidu where and if required (excluding footwear). A Councillor must not modify, alter, or change protective clothing under any circumstances unless they are directed to do so by an appropriate officer.

### **VARIATION TO THIS POLICY**

This policy may be cancelled or varied from time to time by Council. Councillors will be notified of any variation to this policy by the normal correspondence method.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Shire President is responsible for implementing this policy.

## 5.13 Media Activity

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Shire President and Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>08 March 2005</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To be more pro-active with the media in ensuring full and complete details of all issues relating to Council activities are fairly promoted to the community.

### POLICY

All public statements on behalf of the Council shall be issued by the President or the Chief Executive Officer or their designated spokesperson.

Statements made by Elected Members are to be identified as their opinions only and do not necessarily represent the position of Council.

The Chief Executive Officer shall handle routine Media Activity. Routine Media Activity shall include but not be restricted to:

- Pro-active Press Releases of departmental activities
- Liaison with Journalists to provide background information of activities already being handled by the media.
- Follow-up of material printed in newspapers by other sources such as letters to the Editor.
- Liaison with printed and electronic Media as required to best promote Council and Community activities.
- Retain a friendly culture with the local printed media by way of hospitality and other offered assistance.

The Chief Executive Officer shall be the primary contact for journalists and Media personnel who attend Council and other meetings. This will include but not be restricted to:

- Provide local press with Minutes and Agenda papers.
- Assist members of the Media with follow-up information from Council meetings, in consideration of their deadlines.
- Liaise with Media related personnel (such as contract photographers) and provide them with the support and contacts required for a specified task.

Specified Media activities where the President and/or Chief Executive Officer will work in tandem include but are not restricted to:

- Any item of a controversial nature, being dealt with by Council, or potentially an issue to be

- dealt with by council.
- Matters before a committee, which are being pursued by the Media.
- Major pro-active announcements on Council direction/s.

Departmental Managers will assist the process of Media liaison by:

- Ensuring information and support is available to the Chief Executive Officer when researching material required by the media.

Media especially local press to be included on guest lists where their presence could have a supportive or relationship building effect. For example.

- Liaise with President for Media attendance at relevant functions.
- Professional body's awards, launches, accreditations etc.
- Citizenship ceremonies.

Media Activity will support and compliment Councils public image and promotion of services for residents.

The following strategy shall apply for day-to-day dealings with the local press, in association with the overall Media Activity policy.

- Forward by mail or other means, appropriate documents to Journalists in readiness for Council meetings.
- The President, Chief Executive Officer to be available to receive requests and provide appropriate background and follow-up to Journalists on current issues.
- Requests from Journalists will be responded to promptly and where possible, not delaying the information sharing process by lengthy waits on meeting outcomes.
- Elected Members and staff will at all times endeavour to project a truthful, positive and informative response to enquiries, in accordance with existing procedures and protocols.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The President and the Chief Executive Officer are responsible for implementing and applying this policy.



## 5.18 Retirement of Elected Members – Gifts & Functions

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>07 February 2005</b>
<b>Date of Last Review</b>	<b>22 June 2022 – Resolution 030622</b>

### OBJECTIVE

To show appreciation to Elected Members who have served the Council and the Community.

### POLICY

Upon retirement of a Elected Member, an official presentation and function shall be held to recognise the Elected Member's service to the Council.

A gift shall be presented to the Elected Member;

<b>0-4 Years</b>	Certificate of Service and a gift to the value of \$100
<b>5-8 Years</b>	Certificate of Service and a gift to the value of \$300
<b>9+ Years</b>	Certificate of Service and gift to the value of \$500
<b>President</b>	Certificate of Service and a gift to the value of \$1000

The President is to be consulted to determine a suitable gift for Elected Member service.

End of Term Dinner is held after each election in November/December. Existing Councillors, newly elected Councillors and Executive Staff are to be invited to this event. When a President does not complete their term, the previous President will be invited to the formal End of Term Dinner.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for ensuring that the necessary arrangements are made to ensure that this policy is enacted.

*Note: Minister for Local Government Regional Director's exemption from Financial Interest provision required.*

## 5.22 Attendance at Events and Functions

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>26 August 2020 – Resolution 020820 – New Policy</b>
<b>Date of Last Review</b>	

### PURPOSE

The Shire of Wongan-Ballidu is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer.

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 Elected Members, the Chief Executive Officer (CEO) and all Employees of the Shire.

### OBJECTIVE

The policy provides guidance to Elected Members and Employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge.

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/or 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.

### POLICY

This policy applies to Elected Members, the Chief Executive Officer and all Employees of the Shire (the Shire) in their capacity as an Elected Member or Employee of the Shire.

Elected Members, the Chief Executive Officer and Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event, or a ticket/invitation may be gifted in kind, or indeed it may be to a free/open invitation event for the community in general.

Provision of tickets to events

#### 1. INVITATIONS

- 1.1 All invitations or offers of tickets for an Elected Member, CEO or employee to attend an event should be in writing and addressed to the CEO.
- 1.2 Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and

must be disclosed in accordance with the gift and interest provisions in the Act.

- 1.3 A list of events and attendees authorised by the local government in advance of the event is at Annexure A – Pre-Approved Events and Annexure B – Example Register.

## 2. APPROVAL OF ATTENDANCE

- 2.1 In deciding on attendance at a non-pre-approved 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 Elected 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.

- 2.2 Decisions to attend non- pre-approved events in accordance with this policy will be made by simple majority of Council.

## 3. PAYMENTS IN RESPECT OF ATTENDANCE

- 3.1 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 determines attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Annexure A, the Council will determine whether it is in the best interests of the local government for an Elected Member, CEO or another Officer to attend on behalf of the Council.
- 3.3 If the Council determines that an Elected 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.
- 3.4 Where partners of an authorised local government representative attend an approved event, any tickets for that person will be paid by Council.

## GUIDELINES

*Local Government Act 1995 S50.9A*

### Definitions

Elected Members includes the Shire President and all Elected Members.

In accordance with Section 5.90A of the *Local Government Act 1995* an event is defined as a:

- Concert
- Conference

- Function
- Sporting event
- Occasions prescribed by the Local Government (Administration) Regulations 1996.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

[Annexure A – Pre-Approved Events](#)

[Annexure B – Example of Register of Events Approved by Council \(by Simple Majority decision\)](#)

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## Annexure A – Pre-Approved Events

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire: -

- (a) Advocacy lobbying or Ministerial briefings (Elected Members and the Chief Executive Officer only);
- (b) Meetings of clubs or organisations within the Shire of Wongan-Ballidu;
- (c) Any free event held within the Shire of Wongan-Ballidu;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by Clubs or Not for Profit Organisations within the Shire of Wongan-Ballidu to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
- (f) Shire hosted ceremonies and functions;
- (g) Shire hosted events with employees;
- (h) Shire run tournaments or events;
- (i) Shire sponsored functions or events;
- (j) Community art exhibitions;
- (k) Cultural events/festivals;
- (l) Events run by a Local, State or Federal Government;
- (m) Events run by the Wongan Hills District High School;
- (n) Major professional bodies associated with local government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Shire of Wongan-Ballidu;
- (p) Recognition of Service events
- (q) RSL events; and
- (r) Where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

**Annexure B – Register of Events Approved by Council (by Simple Majority decision)**

<b>Event</b>	<b>Date of Event</b>	<b>Approved Attendee/s</b>	<b>Approved local government contribution to cost</b>	<b>Date of Council resolution</b>

## 5.23 Elected Member Continuing Professional Development Policy

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 September 2020 – Resolution 020920</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To ensure that Elected Members of the Shire of Wongan-Ballidu (the Shire) understand their obligations as Elected Members, make well informed decisions and effectively represent their constituents, and that the Shire provides support for Elected Members to attend conferences, seminars, training and other professional development opportunities in order to develop and enhance their knowledge pertaining to their role.

### SCOPE

This policy applies to all Elected Members of the Shire.

### POLICY

The *Local Government Act 1995* requires all Elected Members to undertake compulsory training within 12 months of being elected. The Shire is required under the *Local Government Act 1995* to adopt and report on compulsory training, and additionally, continuing development for Elected Members of the Shire.

It is policy that –

#### Compulsory Elected Member Training

All Elected Members of the Shire have significant and complex roles that require a diverse skillset.

In accordance with section 5.126 of the *Local Government Legislation Amendment Act 2019* all Elected Members are to undertake and successfully complete the following prescribed professional development training modules titled “Elected Member Essentials” within the period of 12 months from the day the Elected Member was elected, unless a prescribed exemption applies:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

All modules and associated costs will be paid for by the Shire and completed within the 12 months following election. The training is valid for 5 years.

Additionally, the Shire will publish, on the Shire’s website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to the *Local Government Act 1995*.

It is Council's preference that the training is undertaken via the eLearning method which is the more cost-efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

Non-compliance with the requirement to complete training is an offence under the Act punishable by a fine not exceeding \$5,000. Elected Members have a responsibility to complete training in accordance with legislation.

### Ongoing Professional Development

The professional development of Elected Members is an important activity of the Shire to ensure that its decision making is of the highest standard and is the product of informed and ethical debate by well trained and committed Elected Members acting in the best interest of all of the community.

In accordance with section 5.128 of the *Local Government Legislation Amendment Act 2019*, Elected Members are encouraged to nominate to attend other conferences or training opportunities to enhance and broaden their knowledge of local government issues to support the community.

### Eligible Formal Training Events

The formal training events to which this policy applies is limited to those conducted by, or organised by, any of the following organisations or individuals:

- The West Australian Local Government Association (WALGA);
- Local Government Professionals WA;
- Accredited training organisations offering training which directly related to the role and responsibilities of Elected Members;
- Information sessions organised by the Department of Local Government, Sport and Cultural Industries; or
- Seminars, training and/or information sessions provided by individuals with a demonstrably strong knowledge of local government in Western Australia.

### Approval of Professional Development

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of elected members both individually and as a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Elected Member Essentials, which are deemed to be approved, are to be assessed as follows:

- Events for the Shire President must be approved by the Deputy Shire President, in conjunction with the CEO; and
- Events for Elected Members must be approved by either the Council or the Shire President, in conjunction with the CEO.



### Travel Arrangements

Where travel is approved and as provided for in each year's budget, it is to be undertaken in accordance with Policy 5.9 Elected Member/Staff Conferences.

### Expenses

Expenses relating to conferences and training as approved and as provided for in each year's budget, will be in accordance with Policy 5.9 Elected Member/Staff Conferences.

### Reporting and Publishing

The Shire is required to report annually on training undertaken by each Elected Member. Completed training for that financial year is to be published on the Shire's website within one month of the end of the financial year. This is to include the Elected Member Essentials Course and any continuing professional development undertaken by Elected Members.

## RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for the implementation of this policy.

## 5.24 Shire of Wongan-Ballidu Code of Conduct for Elected Members, Committee Members and Candidates 2021

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>28 April 2021 – Resolution 050421</b>
<b>Date of Last Review</b>	<b>24 July 2024 – Resolution 040724</b> new attachments

### PURPOSE

The purpose of the Model Code is to guide the decisions, actions and behaviours of Elected Members, both in Council and on Council committees, and of candidates running for election as an Elected Member. One of the key changes to the *Local Government (Model Code of Conduct) Regulations 2021* is their application to individuals who have nominated as a candidate in a local government election, as they are also required to demonstrate professional and ethical behaviour during their election campaign.

### BACKGROUND

An outline of the amendments to the Act and the new regulations and actions required by Council are set out below:

To enable the Shire to be compliant with the legislation changes and be able to process complaints made under Division 3 of the Model Code of Conduct the Shire must:

- appoint a person to receive and withdraw complaints and
- approve a form for complaints to be lodged.

The form that is proposed to be used (Attachment) has been created using a template provided by the Department of Local Government, Sport and Cultural Industries.

Local Government (Model Code of Conduct) Regulations 2021

On 3rd February 2021, the Local Government (Model Code of Conduct) Regulations 2021 introduced a mandatory code of conduct for Elected Members, committee members and candidates. The Local Government (Model Code of Conduct) Regulations 2021 repeals and replaces the Local Government (Rules of Conduct) Regulations 2007 and also replaces the previous statutory requirement to develop and implement an individual code of conduct for Elected Members and committee members.

The Local Government (Model Code of Conduct) Regulations 2021 are now in effect and Elected Members and Committee Members should familiarise themselves with the principles, behaviours and complaints required to be managed by Council and the rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Further information and guidelines are available on the DLGSC website.

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>

Elected Members must comply with the provisions in the Model Code Regulations in fulfilling their roles and responsibilities in Council and on Council committees, as set out in the Act.

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in Council and on Council committees, and of candidates running for election as an Elected Member. One of the key changes to the Local Government (Model Code of Conduct) Regulations 2021 is their application to individuals who have nominated as a candidate in a local government election, as they are also required to demonstrate professional and ethical behaviour during their election campaign.

#### **POLICY/LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995*

Local Government Legislation Amendment Act 2019

Local Government (Administration) Amendment Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021



## **Code of Conduct For Council Members, Committee Members and Candidates**

### **July 2024**

# CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

## INTRODUCTION

The Council of the Shire of Wongan-Ballidu is the elected body responsible for the administration of the Shire in the best interests of its residents. The Council is committed to providing open, responsive and accountable government.

The Local Government Act 1995 in conjunction with the Local Government (Model Code of Conduct) Regulations 2021, requires every Western Australian local government to prepare and adopt a code of conduct to be observed by Council Members, Committee Members and candidates (code).

The code provides Council Members, Committee Members and candidates in the Shire of Wongan-Ballidu with the minimum standard of professional conduct and behaviour in carrying out their functions and responsibilities. The code addresses ethical responsibility and encourages greater transparency and accountability. It encourages a commitment to ethical and professional behaviour and outlines principles upon which individual and collective local government behaviours are to be based.

The Shire also has a Governance Framework which complements this code. The framework functions as an overarching framework for good governance. It is endorsed by Council and reflects the practices and principles Elected Members and staff will adhere to when making decisions and delivering services. The framework reinforces and expands on legislative requirements, policy statements and established practices.

The Shire of Wongan-Ballidu Governance Framework can be found under Governance Policy 5.0 of the Council Policy Manual. A copy of this policy is also attached to this document.

## Division 1 - Preliminary provisions

### 1. Citation

This is the Shire of Wongan-Ballidu's 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; and
  - (c) must ensure they are as informed as possible about matters relating to their role.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not intimidate, 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; and
- (f) must treat others with respect and fairness.

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; and
- (g) must base decisions on relevant and factually correct information.

#### 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) 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.

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

Name of person who is making the complaint:	
Given Name:	Family Name:
Contact details of person making the complaint:	
Address:	
Contact number:	Email:
Name of the local government concerned:	Shire of Wongan-Ballidu
Name of council member, committee member, candidate alleged to have committed the breach:	
State the full details of the alleged breach. Attach any supporting evidence to your complaint form.	
Date of alleged breach:	/ /
Date:	Complainant's Signature



<b>Received by Authorised Officer:</b> Chief Executive Officer	
<b>Signature:</b>	
<b>Date received:</b>	
<b>Forward to:-</b>	<a href="mailto:shire@wongan.wa.gov.au">shire@wongan.wa.gov.au</a>  <b>Shire of Wongan-Ballidu</b> <b>PO Box 84</b> <b>Wongan Hills WA 6603</b>  <b>ATT: COMPLAINTS OFFICER</b>

**NOTE:**

1. A complaint about an alleged breach must be made:-
  - (a) in writing in the form approved by the local government;
  - (b) to an authorised person; and
  - (c) within one month after the occurrence of the alleged breach.
2. This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct.
3. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

## 5.25 Model Standards for CEO Recruitment and Selection, Performance and Termination

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>28 April 2021 – Resolution 060421</b>
<b>Date of Last Review</b>	<b>22 June 2022 – Resolution</b>

### OBJECTIVE

New legislation requires all local governments to adopt mandatory minimum Standards that cover the recruitment and selection, performance review and early termination of local government Chief Executive Officers.

### POLICY

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards) bring into effect Section 22 of the Amendment Act by introducing mandatory minimum Standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Model CEO Standards provide a framework for local governments to select a Chief Executive Officer in accordance with the principles of merit, probity, equity and transparency.

These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

### POLICY/LEGISLATIVE REQUIREMENTS:

*Local Government Act 1995*

#### 5.39A. Model standards for CEO recruitment, performance and termination

- 1) Regulations must prescribe model standards for local governments in relation to the following —
  - a) the recruitment of CEOs;
  - b) the review of the performance of CEOs;
  - c) the termination of the employment of CEOs.
- 2) Regulations may amend the model standards.

*[Section 5.39A inserted: No. 16 of 2019 s. 22.]*

#### 5.39B. Adoption of model standards

- 1) In this section —

**model standards** means the model standards prescribed under section 5.39A(1).

- 2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt\* standards to be observed by the local government that incorporate the model standards.  
\* *Absolute majority required.*
- 3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend\* the adopted standards to incorporate the amendments made to the model standards.  
\* *Absolute majority required.*
- 4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- 5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- 6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- 7) Regulations may provide for —
  - a) the monitoring of compliance with adopted standards; and
  - b) the way in which contraventions of adopted standards are to be dealt with.

*Local Government (Administration) Amendment Regulations 2021*

*Local Government (Administration) Regulations 1996*



## **Shire of Wongan-Ballidu**

### **Standards for CEO Recruitment, Performance and Termination**

#### **Local Government (Administration) Regulations 1996**

#### **(Reg 18 FA & Schedule 2)**

## Shire of Wongan-Ballidu Standards for CEO Recruitment, Performance and Termination

### Policy Purpose:

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

### Division 1 — Preliminary provisions

#### Citation

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

#### Terms used

In these standards —

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

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

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

**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 *Shire of Wongan-Ballidu*;

**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.

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

### Overview of Division

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

### Application of Division

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.

This Division does not apply —

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

### Determination of selection criteria and approval of job description form

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.

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 —

- the duties and responsibilities of the position; and
- the selection criteria for the position determined in accordance with subclause (1).

### Advertising requirements

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.

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.

### 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 —

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

### Establishment of selection panel for employment of CEO

In this clause —

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

- a council member;
- an employee of the local government;
- a human resources consultant engaged by the local government.

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.

The selection panel must comprise —

- council members (the number of which must be determined by the local government); and
- at least 1 independent person.

### Recommendation by selection panel

Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

- a summary of the selection panel's assessment of each applicant; and
- 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.

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 —

- that a new recruitment and selection process for the position be carried out in accordance with these standards; and
- the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

The selection panel must act under subclauses (1), (2) and (3) —

- in an impartial and transparent manner; and
- in accordance with the principles set out in section 5.40 of the Act.

The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

- assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
- verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
- 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.

The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

#### Application of cl. 5 where new process carried out

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.

Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

- clause 5 does not apply to the new recruitment and selection process; and
- 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.

#### 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 —

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

#### Variations to proposed terms of contract of employment

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).

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.

#### Recruitment to be undertaken on expiry of certain CEO contracts

In this clause —

**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

This clause applies if —

- upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
- 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
- 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
- the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.



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.

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.

### 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

### 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.

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

The local government and the CEO must agree on —

- the process by which the CEO's performance will be reviewed; and
- any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

The matters referred to in subclause (1) must be set out in a written document.

### Carrying out a performance review

A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

The local government must —

- 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
- review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

### 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.

### 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 —

- the results of the review; and
- 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

### 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.

### General principles applying to any termination

The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

- informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
- notifying the CEO of any allegations against the CEO; and
- giving the CEO a reasonable opportunity to respond to the allegations; and
- genuinely considering any response given by the CEO in response to the allegations.

### Additional principles applying to termination for performance related reasons

This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

The local government must not terminate the CEO's employment unless the local government has —

- 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
- informed the CEO of the performance issues; and
- given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
- determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

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.

### 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.

### Notice of termination of employment

If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

The notice must set out the local government's reasons for terminating the employment of the CEO.

## 5.26 Shire of Wongan-Ballidu Temporary Acting CEO

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>22 June 2022 – Resolution 050622</b>
<b>Date of Last Review</b>	

### OBJECTIVE

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

### POLICY

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

### POLICY/LEGISLATIVE REQUIREMENTS:

#### *Local Government Act 1995*

#### 5.39C. Policy for temporary employment or appointment of CEO

(1) 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 —

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

(2) A local government may amend\* the policy.

\* *Absolute majority required.*

(3) The CEO must publish an up-to-date version of the policy on the local government's official website.

*[Section 5.39C inserted: No. 16 of 2019 s. 22*

# Temporary Employment or Appointment of CEO

## Policy Objective

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

## Policy Scope

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

## Policy Statement

### Definitions:

**Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

**Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

## Acting and Temporary CEO Requirements and Qualification

When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Deputy Chief Executive Officer is considered suitably qualified to perform the role of Acting or Temporary CEO.

A person appointed to act in the position of Deputy Chief Executive Officers is not included in the determination set out in Clause 3 (2).

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

The CEO is authorised to appoint the Deputy Chief Executive Officer in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Deputy Chief Executive Officers performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

**The CEO must appoint an Acting CEO for any leave periods greater than 2 weeks and less than 6 weeks.**

The CEO is to immediately advise all Council Members when and for what period of time the Deputy Chief Executive is appointed as Acting CEO.

If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:

- The Deputy Chief Executive Officer will be appointed as Acting CEO;
- Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

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

This clause applies to the following periods of extended leave:

Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and

Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:

- Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
- Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).

The Shire President will liaise with the CEO, or in their unplanned absence the DCEO to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Deputy CEO.

### Appoint Temporary CEO – Substantive Vacancy

In the event that the substantive CEO's employment with the Shire of Wongan-Ballidu is ending, the Council when determining to appoint a Temporary CEO may either:

- by resolution, appoint the Deputy Chief Executive Officer as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
- following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

The Shire President will liaise with the DCEO to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the DCEO.

### Remuneration and conditions of Acting or Temporary CEO

Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% of the cash component only of the substantive CEO's total reward package.

Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Document Control Box			
Document Responsibilities:			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Chief Executive Officer
<b>Reviewer:</b>	Chief Executive Officer	<b>Decision Maker:</b>	Council
Compliance Requirements:			
<b>Legislation:</b>	<a href="#">Local Government Act 1995</a> Contracts for CEO and senior employees Local Government Act 1995 s.5.39C Policy for temporary employment or appointment of CEO Principles affecting employment by Local Governments		

## 5.27 Complaints of alleged breach of the Code of Conduct for Members and Candidates

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### INTRODUCTION

and Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations).

### OBJECTIVE

To outline the Shire of Wongan-Ballidu's' approach regarding the management of complaints of alleged breaches of the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

### SCOPE

This policy applies to Members, Committee Members and Candidates.

Complaints that are inappropriate under this policy are:

- (a) Complaints made with the intent of addressing personal grievances or disagreements;
- (b) Complaints made to express dissatisfaction with a Member, or Committee Member's, lawfully made decisions or performance of their role;
- (c) Complaints made where behaviour occurred at a Council or Committee Meeting and the behaviour was dealt with at that meeting;
- (d) Minor breach matters of Members, Committee Members or Candidates;
- (e) Serious breach matters of Members or Committee Members; or
- (f) Allegations of Minor Misconduct.

## Definitions

Term	Definition
Act	Local Government Act 1995.
breach	means a minor breach; or a serious breach (as defined below).
Candidate	an individual is considered a candidate once their nomination for election is accepted, by a Returning Officer, under s.4.49 of the Act. The Code of Conduct applies to the individual from that point. Any alleged breach of the Code of Conduct may only be addressed if and when the individual is elected as a council member.
CEO	Chief Executive Officer
Code	Code of Conduct for Council Members, Committee Members and Candidates under Division 9 of the Act that guides the decisions, actions and behaviours of Council Members, Committee Members and Candidates.
Committee member	under the Regulations, a 'committee member' includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.
Complaint	means a complaint made under clause 11(1) of the Code of Conduct.
Complaint Form	The Shire's approved Complaint About Alleged Breach Form, as a form to be used when making a complaint through this policy.
Complaints Officer	means the person who is the complaints officer under section 5.120 for the local government concerned;
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the Local Government Act 1995 and under the Shire's Standing Orders Local Law 2008.
Evidence	references to 'evidence' in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Code has occurred.
Investigator	is a suitably qualified person or organisation appointed by the Chief Executive Officer to review and consider complaints.



Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
<b>Term</b>	<b>Definition</b>
Minor Breach	has the meaning given in section 5.105(1), and it includes a recurrent breach;
Minor misconduct	Allegations of Corruption, Crime or Misconduct (s.4(d) of the <i>Corruption, Crime and Misconduct Act 2003</i> )
Model Code	means the model code of conduct prescribed for the purposes of section 5.103(1);
Other Terms Used	Other terms used in this policy that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.
Party	when used in connection with a complaint, means — (a) the person who made the complaint; or (b) the person against whom the complaint was made.
Primary Standards Panel	means the standards panel established under section 5.122(1);
Recurrent Breach	has the meaning given in section 5.105(2);
Regulations	Local Government (Model Code of Conduct) Regulations 2021
Rule of Conduct	means a provision of the model code that is specified in the model code to be a rule of conduct;
Serious Breach	has the meaning given in section 5.105(3);
Shire	the Shire of Wongan-Ballidu.
Shire President	means a president elected by the Council from amongst the councillors.
Standards Panel	means a standards panel established under section 5.122(1) or (2).
Suitably Qualified:	an independent person or organisation with demonstrated previous experience and expertise in investigating and reviewing complaints and/or legislative breaches.

## POLICY STATEMENT

This policy is limited to complaints about breaches of Division 3 of the Shire's Code. A person may make a complaint, in accordance with the Code, alleging a breach of a requirement set out in Division 3 of the Code.

### 1. Cost of Complaints Process

No fee will be charged to lodge a complaint under this policy.

An Investigator will charge the Shire a fee to cover the costs of dealing with a complaint. This fee is charged for each complaint, whether or not a breach is found.

Council shall ensure adequate resources are allocated annually in the Shire's Annual Budget to provide for the Complaints Officer of the Shire to engage Investigators to deal with a complaint.

### 2. Complaint Process

#### 2.1 Complaint Initiated

Any person may make a complaint alleging a breach of Division 3 of the Code as follows:

- (i) A complaint must be made in writing using the Shire's Complaint Form;
- (ii) The complainant lodges the Complaint Form together with supporting evidence for the complaint with the Shire's Complaints Officer;
- (iii) The complainant must provide details in their complaint with supporting information and evidence;
- (iv) The alleged complaint must be lodged within 1 month of the occurrence of the alleged breach;
- (v) Complaints must be submitted by the person making a complaint;
- (vi) Complaints cannot be submitted anonymously;
- (vii) The complainant must provide contact details (address or email).

#### 2.2 Complaint Received

The Complaints Officer will, within fifteen working days:

- (i) Contact the complainant acknowledging that the complaint has been received;
- (ii) as part of the acknowledgment process, provide the complainant with a copy of the Shire's Complaints of alleged breach of the Code;
- (iii) provide the Member who is the subject of the complaint with a copy of the complaint form and the Shire's Complaints of alleged breach of the Code, including the name of the complainant; and
- (iv) send the Complaint with supporting evidence to the investigator.

## 2.3 Complaints Addressed

Complaints will be addressed and considered based on the order in which they are received. Complaints relating to Candidates will only be addressed if and when the individual is elected as a Member.

## 2.4 Appointment of Investigator

The Shire's Complaints Officer must appoint an independent investigator to review complaints.

## 2.5 Mediation

An Investigator will offer mediation to both parties as the first option before progressing with the complaint. If issues raised in the complaint are resolved to the satisfaction of both parties, the complainant must lodge a withdrawal of complaint in writing to the Complaints Officer.

# 3. Investigator Making a Finding

Before making a finding in relation to a complaint, the investigator must provide the Member who is the subject of the complaint with an opportunity to respond to the allegations in the complaint and an opportunity to provide their own comments and evidence for consideration within ten working days of the notification of the complaint.

After reviewing a complaint, the investigator, must make a finding as to whether the alleged breach of the Code has or has not occurred.

## 3.1 Report on Findings

The Investigator must provide details of their assessment to the Complaints Officer within twenty working days from the receipt of a complaint form from the Complaints Officer.

Should the Investigator make a finding on the alleged breach of the Code, they must inform the Complaints Officer by providing the reasons for the finding and outcome in their written report.

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.

Should the Investigator make a finding on the alleged breach of the Code, the Investigator must, within their report, include a recommendation if further action is required and if that is the case, prepare an action plan to address the behaviour of the person to whom the complaint relates.

The Investigator may also recommend to Council that the complaint be dismissed in accordance with clause 11 of the *Local Government (Model Code of Conduct) Regulations 2021*.

### 3.2 Action Plans

When preparing an action plan the Investigator must consult with the person about whom the complaint was made.

The Member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.

The action plan may include a requirement for the person about whom the complaint was made to do one or more of the following:

- i. engage in mediation;
- ii. undertake counselling;
- iii. undertake training; or
- iv. take other action the local government considers appropriate.

An action plan should be designed to provide Members, Committee Members, or Candidates, with the opportunity and support to demonstrate the professional and ethical behaviour expected.

The plan should outline:

- i. the behaviour(s) of concern;
- ii. the actions to be taken to address the behaviour(s);
- iii. who is responsible for the actions; and
- iv. an agreed timeframe for the actions to be completed.

### 4. Withdrawing a Complaint

A complainant may withdraw their complaint at any time before Council considers it. The withdrawal of a complaint must be in writing and addressed to the Complaints Officer.

### 5. Informing Council

The Complaints Officer is responsible for informing Council.

If Council are required to make a decision in regard to the complaint, the Complaints Officer will submit to Council, a confidential report that includes information received from the Investigator.

The recommendation in the report would ask Council to:

- i. dismiss a complaint; or
- ii. decide that the alleged breach has not occurred; or
- iii. decide that the alleged breach has occurred and resolve to adopt an action plan.

### 6. Written Notice

The Complaints Officer must give the complainant, and the person about whom the complaint was made a written notice of the finding and the reasons for the finding and a copy of Council's decision including any reasons for the decision that were not part of the Council report.

## 7. Confidentiality

It is an offence for a person to disclose that a complaint has been made and/or any details of a complaint unless Council have made a formal finding of a breach in respect of the complaint.

## 8. Follow up and Further Action

The Complaints Officer is responsible for monitoring the actions and timeframes set out in the action plan adopted by Council.

Where a Member, Committee Member or Candidate does not undertake the actions required by the Council following a breach of the Code, they would be breaking the rule of conduct, which is considered a minor breach, as defined in the Act.

The Complaints Officer for the Shire of Wongan-Ballidu will comply with s.5.106 and s.5.107 of the Act in respect to an alleged minor breach.

## Reference Information

- *5.28 - Legal Representation and Costs Indemnification Policy ;*
- *Shire of Wongan-Ballidu Customer Service Charter;*
- *Shire of Wongan-Ballidu Code of Conduct for Council Members, Committee Members and Candidates;*
- *5.31 Risk Management Policy*
- *5.32 Risk Management Procedure*

## Legislation

*Local Government Act 1995 (Division 9 Conduct).*

*Local Government (Model Code of Conduct) Regulations 2021.*

*Local Government (Administration) Regulations 1996 [Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))].*

## Associated documents

Complaint About Alleged Breach Form (Appendix 1).



## Complaint About Alleged Breach

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

*Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021*

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made in accordance with Council's Policy Complaints of Alleged Breach of Code of Conduct for Members and Candidates.

Name of person who is making the complaint:	
_____	_____
Given Name(s)	Family Name

Contact details of person making the complaint:
Address:
Email:
Contact Number:

Name of council member, committee member, or candidate alleged to have committed the breach:	
_____	_____
Given Name(s)	Family Name

Completed and signed complaint form is to be forwarded to:	
Post:	Complaints Officer, Shire of Wongan-Ballidu PO Box 84 Wongan Hills WA 6603
Email:	Attention: Complaints Officer - <a href="mailto:shire@wongan.wa.gov.au">shire@wongan.wa.gov.au</a>
By Hand:	Shire of Wongan-Ballidu, Admin Centre, Cnr Quinlan and Elphin Crescent, Wongan Hills WA 6566

**State the full details of the alleged breach.**

*Attach any supporting evidence to your complaint form.*

**Date of alleged breach:**

Date:            /            / 20           

**Signed:**

Complainant's Signature:

Date of signing:            /            / 20           

**Received by Authorised Officer:**

Authorised Officer Name:

Authorised Officers Signature:

Date received:            /            / 20

## 5.28 Legal Representation Costs Indemnification

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### INTRODUCTION

This policy is designed to protect the interests of Elected Member and Shire Officers (including past Members and former Shire Officers) where they become involved in legal proceedings due to their official functions.

s.9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything an Elected Member or Shire Officer has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

s.6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a Council can expend funds to provide legal representation for Members and Shire Officers, as long as it believes that the expenditure falls within the scope of the local government's function.

### OBJECTIVE

To provide transparency where Council makes a determination as to whether assistance will be given to Members or Shire Officers with legal costs and other liabilities.

The Shire's approval to pay legal representation costs incurred by an individual Councillor or Shire Officer will rely on the determination that it is reasonably concluded that the expenditure provides for the good governance of the district.

This policy does not apply to legal advice and representation that is obtained by the Shire in the normal course of fulfilling the functions and exercising the powers of a local government.

### SCOPE

This policy applies to Council and the Shire; providing guidelines regarding any financial assistance that may be provided by Council or the Shire in making determinations as to whether assistance will be provided to Members and/or Shire Officers for legal representation, including costs and other liabilities.

This policy will:

- clarify what issues Council will offer financial assistance for; and
- ensure that all requests for financial assistance are treated equitably.



## DEFINITIONS

Term	Definition
Act	<i>Local Government Act 1995.</i>
Approved lawyer	<ol style="list-style-type: none"> <li>1. a 'certified practitioner' under the Professions Act 2008;</li> <li>2. approved in writing by the Council or the CEO under delegated authority.</li> </ol>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Senior Manager	<p>Means the Managers as defined in the Corporate Management Structure:</p> <ul style="list-style-type: none"> <li>• Manager - Finance and Administration</li> <li>• Manager - Works and Services</li> <li>• Manager - Regulatory Services</li> <li>• Manager – Community Services</li> </ul>
Legal proceedings	May be civil, criminal or investigative.
Legal representation	<p>the provision of legal services, to or on behalf of a Member or Shire Officer, by an approved lawyer that are in respect of:</p> <ol style="list-style-type: none"> <li>1. a matter or matters arising from the performance of the functions of the Member or Shire Officer; and</li> <li>2. legal proceedings involving the Member or Shire Officer that have been, or may be, commenced.</li> </ol>
Legal representation costs	the costs, including fees and disbursements, properly incurred in providing legal representation.
Legal services	includes advice, representation or documentation that is provided by an approved lawyer.

Term	Definition
Member	means a current or former Council Member in the Act; Elected Member; or Councillor. In respect to this policy, it also means a non-elected member of a council committee.
Payment of Costs	Means payments by the Shire of legal representation costs either by a direct payment to the approved lawyer (or the relevant firm) or a reimbursement to the Member or Shire Officer.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Wongan-Ballidu
Shire Officer	means a current or former Employee of the Shire.
Shire President	means a Mayor or President elected by the Council from amongst the councillors.

## POLICY STATEMENT

Council shall ensure adequate resources are allocated annually in the Shire's Annual Budget to provide legal representation and costs indemnification to assist a Member or Shire Officer in meeting reasonable expenses and any liabilities incurred in relation to legal proceedings subject to the following:

### 1. Payment Criteria

There are four major criteria for Council determining whether the Shire will pay the legal representation costs of a Member or Shire Officer as follows:

- (i) the legal representation costs must relate to a matter that arises from the performance, by the Member or Shire Officer, of his or her functions;
- (ii) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (iii) in performing their functions, to which the legal representation relates, the Member or Shire Officer must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (iv) the legal representation costs do not relate to a matter that is of a personal or private nature.

### 2. Examples of legal representation costs that may be approved

If the criteria in Clause 1 of this Policy is satisfied the Shire may approve the payment of legal representation costs:

- (i) where proceedings are brought against a Member or Shire Officer in connection with his or her functions - for example:
  - an action for defamation or negligence arising out of a decision made or action taken by the Member or Shire Officer; or
  - where a Member or Shire Officer seeks a restraining order against a person using threatening behaviour); or
  - where a decision of Council or a Shire Officer has aggrieved another person (e.g. refusing a development application); or
  - where the conduct of a Member or Shire Officer in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions).
- (ii) to enable proceedings to be commenced and/or maintained by a Member or Shire Officer to permit them to carry out their functions. For example, where a Member or Shire Officer seeks to take action to obtain a restraining order against a person using threatening behaviour to the Member or Shire Officer; or

- (iii) where exceptional circumstances are involved - for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Members or Shire Officers.

Council, nor the Shire, will approve the payment of legal representation costs for a defamation action; or a negligence action; instituted by a Member or Shire Officer, unless under exceptional circumstances.

### 3. Application for Payment

A Member or Shire Officer who seeks assistance under this policy is to make an application, in writing, to Council or the CEO.

#### 3.1 Written Application

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

- (i) the matter for which legal representation is sought;
- (ii) how that matter relates to the functions of the Member or Shire Officer making the application;
- (iii) the lawyer (or law firm) who is to be asked to provide the legal representation;
- (iv) the nature of legal representation to be sought, including (but not limited to): advice; representation in court; preparation of a document; et cetera;
- (v) an estimated cost of the legal representation; and
- (vi) why it is in the interests of the Shire for payment to be made.

A Member or Shire Officer 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 Act.

#### 3.2 Declaration by Applicant

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

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

### 3.3 Signed Written Statement

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

- (i) has read, and understands, the terms of this policy;
- (ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 of this policy and any other conditions to which the approval is subject; and
- (iii) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7 of this policy.

### 3.4 Agreement

In relation to clause 3.3(iii), when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of the policy.

### 3.5 Preparation of Council Report

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

## 4. Legal Representation Costs – Limit

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

A Member or Shire Officer may make a further application to Council in respect of the same matter.

## 5. Council's Powers

Council may:

- (i) refuse;
- (ii) grant; or
- (iii) grant subject to conditions,

an application for payment of legal representation costs.

The above conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

### 5.1 Assessment of Application

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

## 5.2 Revoking or Varying an Approval

Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs, subject to Part 15 'Revoking or Changing Decisions' of the *Shire of Wongan-Ballidu Standing Orders Local Law 2010*.

## 5.3 Determination

Council may, subject to clause 5.4, determine that a Member or Shire Officer whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- (i) not acted in good faith, or has acted unlawfully in a way that constitutes improper conduct;
- (ii) or given false or misleading information in respect of the application.

## 5.4 Conditions

A determination under clause 5.3 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

## 5.5 Legal Representation Costs

Where the Council makes a determination under clause 5.3, the legal representation costs paid by the Shire are to be repaid by the Member or Shire Officer in accordance with clause 7.

## 6.0 Delegation to Chief Executive Officer

Where there is a need for the provision of urgent legal services before an application can be considered by Council; e.g. in cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of Council, any of the powers of the Council under clause 5, 5.1 and 5.3, to a maximum of \$10,000 in respect of each application provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Act.

An application approved by the CEO under clause 5 is to be submitted to the next Ordinary Council Meeting. Council may exercise any of its powers under this policy, including its powers under clause 5.2.

## 7. Repayment of Legal Representation Costs

A Member or Shire Officer whose legal representation costs have been paid by the Shire is to repay the Shire:

- (iv) all or part of those costs - in accordance with a determination by the council under clause 5.5;
- (v) as much of those costs as are available to be paid by way of set-off - where the Member or Shire Officer receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

## Reference Information

- Local Government Operational Guideline;
- L5.18 Local Government Payments and Gifts to Members
- 5.33 Compliance and Enforcement Policy ;
- 5.34 Execution of Documents Policy ;
- 5.37 Council Delegates Roles and Responsibilities Policy ; and
- 5.31 Risk Management – containing the Risk Matrix tables.

## Legislation

### *Local Government Act 1995*

- s.2.7 Role of Council;
- s.5.99A. Allowances for council members in lieu of reimbursement of expenses;
- s.5.100A. Gifts to council members.

### *Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)*

- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3));
- r.35. Training for council members (Act s. 5.126(1)).

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

- r.5 CEO's duties as to financial management;
- r.12 Payments from municipal fund or trust fund, restrictions on making;
- r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

## Associated Documents

Expense Reimbursement Form.

## 5.29 Statement of Business Ethics

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### OVERVIEW

This Statement of Business Ethics provides guidance for all sectors of the community when conducting business with the Shire of Wongan-Ballidu (Shire). It outlines the Shire's ethical standards and our expectation that goods and service providers will comply with these standards in all their dealings with the Shire. This Statement also outlines what goods and service providers can expect of the Shire.

### OUR KEY BUSINESS PRINCIPLES





### PROFESSIONALISM

- We get things done in a timely and thorough manner
- We maintain a positive attitude and demeanour
- We are flexible and cooperative
- We are organised and punctual
- We listen diligently
- We respect the privacy and boundaries of others
- We communicate and share information effectively,
- openly and thoroughly

### RESOURCEFULNESS

- We contribute actively to new ideas and ways of doing things
- We constantly look for ways to do things more effectively
- We have a mindset that encourages us to find a way through our problems
- We plan carefully and avoid waste
- Asking for help is not a weakness but a sign of a resourceful individual
- We are not afraid to operate outside our comfort zone to discover the best for ourselves and our organisation
- We are fluid and flexible in our working arrangements, bringing the best teams together to get the job done

### INTEGRITY

- We serve with honesty, pride and loyalty
- We engender trust in our colleagues and those we serve
- We are responsible for our own actions and accountable for our mistakes
- We practice and encourage open and honest communication
- We lead by example and live our values
- We respect other's opinions, even if we don't agree with them

### DIVERSITY

- We value diversity in our community, our team, our ideas, experience and skills
- We are agile in the face of change
- We recognise that every team member contributes to our success
- We are forward thinkers

### EMPOWERMENT

- We empower others by being respectful and non-judgmental
- We value each other's skills and abilities
- We focus on individual strengths and abilities
- We support and encourage involvement in decision making
- We provide objective feedback in a supportive, non-critical way

## What you can expect from the Shire

The Shire will ensure that all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with industry leading practice and the highest standards of ethical conduct.

Our employees are bound by the Shire's Code of Conduct. When doing business with the private sector, Shire employees are accountable for their actions and are expected to:

- Use public resources effectively and efficiently.
- Deal with all individuals and organisations in a fair, honest and ethical manner.
- Avoid any conflicts of interests (actual perceived or potential).
- Never seek gifts or other personal benefits.

In addition, all Shire procurement activities are guided by the following core business principles:

- All suppliers (whether invited to make a submission through tender or through direct quotation process) will be treated with impartiality and fairness and given equal access to information to assist with quotations, tendering or supply.
- All procurement activities and decisions will be fully and clearly documented by the Shire to provide an efficient audit trail and to allow for an effective performance review of contracts.
- All contracts that involve services to the public will be undertaken in a manner consistent with the Shire's Disability Access and Inclusions Plan (DAIP) 2020-2025.
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible taking into account best value for money considerations.
- Tenders will not be called unless the Shire has a firm commitment to proceed to contract although the Council reserves the right not to proceed with any tender or quotation so advertised.
- The Shire will not disclose confidential or proprietary information.

## What we ask of you

The Shire requires all private sector providers of goods and services to observe the following principles when doing business with the Shire:

- Comply with all laws applicable in Western Australia.
- Gain an understanding of the Shire's policies, guidelines and procedures relating to purchasing, including an understanding of this Statement (all available on the Shire's website).
- Provide accurate and reliable advice and information when invited or required.
- Declare actual, perceived or potential conflicts of interests as soon as you or your employees become aware of the conflict.
- Act ethically, fairly and honestly in all your dealings with the Shire.
- Take all reasonable measures to prevent the disclosure of confidential Shire information.
- Do not engage in any form of collusive practice, including offering Shire employees or Elected Members inducements or incentives designed to improperly influence the conduct of their duties.
- Do not discuss Shire business or information in the media.
- Assist the Shire to prevent unethical practices in business relationships by reporting such practices.

## Why is compliance important?

By complying with the Shire's Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Shire suppliers of goods and services are required to comply with this Statement, compliance will not disadvantage you in any way.

You should also be aware of the consequences of not complying with the Shire's ethical requirements when doing business with the Shire. Improper or unethical conduct could lead to termination of contracts or loss of future work with the Shire. Overall, any business reputation can also be detrimentally affected if corrupt and criminal behaviour is made public.

Complying with the Shire's business principles will also prepare your business for dealing with the ethical requirements of other local governments and public-sector agencies should you choose to do business with them.

## Guidance Notes

### Incentives, gifts and benefits

The Shire's employees and Elected Members do not expect to receive, or be the recipients of gifts, benefits or incentives as a result of our business relationship with goods or service providers. Goods and service providers are requested to refrain from offering such incentives, gifts or benefits to employees or Elected Members. The Shire's Code of Conduct provides for the type of incentives, gifts and benefits that can be received by Elected Members and employees. If wanting to give a gift, please check with the proposed recipient as to whether a gift can be accepted, or alternatively view the Shire's Code of Conduct.

### Conflicts of Interest

All Shire Employees and Elected Members are required to disclose any actual, or perceived potential conflicts of interest. The Shire extends this requirement to all Shire business partners, contractors and suppliers.

### Confidentiality

All Shire information must be treated as confidential unless otherwise indicated. The Shire will maintain appropriate confidentiality and not disclose propriety information unless legally obligated to do so.

### Safety

The Shire of Wongan-Ballidu strives for continuous improvement while creating a strong safety and health culture within all aspects of Shire activities. This commitment to safety is the Shire's highest priority and will not be compromised. All employees, including volunteers and contractors, are required to take all reasonable care to ensure their own safety and that of others in the workplace.

### Communications Between Parties

All communications should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship. Canvassing of Elected Members during a tender process will disqualify bids from further consideration and contact with Elected Members during work for the Shire is prohibited unless expressly authorised by the Shire.

### Use of Shire Equipment, Resources and Information.

All Shire equipment, resources and information should only be used for its proper official purpose.

### Contracting Employees

All contracted and sub-contracted employees are expected to comply with this Statement. If you employ sub- contractors in your work for the Shire, you must make them aware of this Statement. All contractors and sub- contractors will be required to undertake an annual induction process prior to commencing business with the Shire.

### Secondary Employment

Employees are not permitted to engage in private work with any person that has an interest in a proposed or current contract with the Shire.

### Intellectual Property Rights

In business relationships with the Shire, parties respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

### Who to Contact?

If you have any questions regarding this Statement or to provide information about suspected corrupt conduct, please contact the Shire via the details below.

#### **Chief Executive Officer**

Shire of Wongan-Ballidu  
1 Wongan Road (PO Box 84)  
WONGAN HILLS WA 6603

**Phone:** (08) 9671 2500  
**Fax:** (08) 9671 2509  
**Email:** [shire@wongan.wa.gov.au](mailto:shire@wongan.wa.gov.au)  
**Website:** [www.wongan.wa.gov.au](http://www.wongan.wa.gov.au)

Persons reporting corrupt behaviour or misconduct are protected by the *Corruption and Crime Commission Act 2003* and other 'Whistle-blower' protection laws such as the *Public Interest Disclosure Act 2003*. These laws protect persons disclosing corruption related matters from reprisal or detrimental action and ensure disclosures are properly investigated and dealt with.

## 5.30 - Community Complaints Policy

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### INTRODUCTION

The Shire recognises that from time to time, members of the community may not be satisfied with Shire services, processes or decisions and that there needs to be a clear and accountable process available for people to lodge and receive a response to their complaint.

It is also recognised that complaints can be an important tool to ensure accountability and promote continuous improvement.

### APPLICATION

This policy applies to employees, volunteers and contractors of the Shire of Wongan-Ballidu.

### POLICY INTENT

To establish an effective complaints handling system that will provide a framework and basis for all complaints relating to Shire services, processes or decisions to be resolved in a consistent, fair, and structured manner.

#### 1. Definitions

- (a) A **complaint is** an expression of dissatisfaction about the standard of service provided, or an action or inaction by the Shire of Wongan-Ballidu, its employees, volunteers and contractors.
- (b) A **complaint is not:**
- A first request for action or service (eg reporting a nuisance dog, request for footpath or pothole repair).
  - A request for information or explanation of Council decisions, practices or procedures.
  - A request for action or service that is outside the Shire's jurisdiction or is provided by other agencies.

- (c) A complaint is considered **anonymous** when the complainant declines to provide their name and/or contact details.
- (d) A complaint is considered **malicious** when its intent is to negatively affect another person's career, reputation, or livelihood.
- (e) A **vexatious** or **frivolous** complaint is where there is no evidence to support the complaint and/or there is evidence that the complaint is intended to cause inconvenience, harassment or financial burden.
- (f) A **volunteer** is a person who contributes time, effort and talent for the benefit of the Shire of Wongan-Ballidu without financial gain.
- (g) A **contractor** is a person, business or organisation contracted to provide products and/or services to the Shire for financial consideration.

## 2. Principles for Handling Complaints

- (a) **Customer focus** – complaints are managed in accordance with the *Shire of Wongan-Ballidu Customer Service Charter*.
- (b) **Accessible** – the process for making complaint and investigating it is easy for complainants to understand.
- (c) **Responsive** – complaints are acknowledged, addressed according to urgency and the complainant is kept informed.
- (d) **Objective and Fair** – complaints are dealt with in an equitable, objective and unbiased manner. Unreasonable complainants do not become a burden
- (e) **Confidentiality** – personal information related to complaints remains confidential.
- (f) **Continuous Improvement** – complaints are used as a source of improvement.

## 3. Lodgement of Complaints

- (a) Complaints can be made in writing or by telephone.
- (b) Complainants are encouraged to lodge their complaint in writing. If they insist on lodging the complaint verbally, the complainant must provide their name and contact details along with details of the complaint which are to be recorded by a Shire officer.
- (c) Written complaints are facilitated by completing Customer Service Charter – Feedback Form which is available on the Shire's website [www.wongan.wa.gov.au](http://www.wongan.wa.gov.au) or Shire Administration Building, Cnr Quinlan Street & Elphin Crescent, Wongan Hills WA 6603.
- (d) Customer Service Charter – Feedback Forms can be lodged via:
  - i. Facsimile: 08 9671 2509
  - ii. Email: [shire@wongan.wa.gov.au](mailto:shire@wongan.wa.gov.au).

iii. In person: by completing a *Customer Service Charter – Feedback Form*

- (e) All complaints will be registered by the officer receiving the complaint at the first point of contact.
- (f) Where complaints are made directly to Councillors, the complainant should be encouraged to contact the Shire office. However, Councillors may lodge a complaint on behalf of the complainant.
- (g) Frontline staff are responsible for receiving, registering and resolving minor complaints in an efficient and effective manner. The majority of complaints can be resolved immediately by acknowledging the customer's dissatisfaction, apologising where appropriate, and taking corrective action.

## **2. Complaints that will not be considered**

- (a) The complaint is anonymous unless the matter could be in breach of statutory provisions or the Shire of Wongan-Ballidu's Code of Conduct.
- (b) The complaint contains offensive language or is discriminatory in nature.
- (c) The complaint is malicious, vexatious or frivolous.
- (d) Notwithstanding parts (a) to (c) of this clause, all complaints received will be acknowledged.

## **3. Investigation and Referral**

- (a) Where the complaint cannot be resolved at the initial contact, the complaint will be referred to the appropriate officer for investigation.
- (b) The complaint will be referred to the relevant Manager when:
  - The complaint is outside the authority or expertise of the receiving officer;
  - The officer is unable to reach a resolution;
  - The customer remains dissatisfied;
  - The nature of the complaint warrants authority at a higher level.
- (c) The complaint will be escalated to the Shire of Wongan-Ballidu Complaints Officer where the Manager is unable to reach a resolution.
- (d) The complaint may be referred to an external agency when determined by the Shire's Complaints Officer.



#### 4. Unresolved Complaints

- (a) The Shire of Wongan-Ballidu recognises that not all complaints may be resolved within the above process and that complainants may not receive the outcome they seek.
- (b) If a customer is dissatisfied with the complaint resolution provided, other avenues for resolution include:
- (c) Making a request to have the matter considered at a more senior level.
- (d) The Ombudsman of Western Australia is an independent officer of Parliament who investigates complaints about state government departments, most statutory authorities and local governments. The Ombudsman can be contacted at:
  - Level 2, Albert Facey House
  - 469 Wellington Street
  - Perth WA 6000
  - Ph: (08) 9220 7555
- (e) Other legal advice or remedy.
- (f) Complainants are encouraged to allow the Shire of Wongan-Ballidu to investigate complaints prior to referral to an external agency.

#### REFERENCE INFORMATION

**Related Documents**      Shire of Wongan-Ballidu Code of Conduct  
Shire of Wongan-Ballidu Customer Service Charter  
Guidelines on Complaint Handling – Ombudsman Western Australia

**Related Legislation Associated**      *Local Government Act 1995 (WA)*  
*Local Government (Rules of Conduct) Regulations 1996*

**Forms and Attachments**      Customer Service Charter – Feedback Form

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## 5.31- Risk Management

<b>Policy Owner</b>	<b>Audit and Risk Committee Office of CEO</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023</b>
<b>Date of Last Review</b>	<b>21 August 2024</b>

### PURPOSE

The purpose of this Policy is to state the Shire of Wongan-Ballidu's (Shire's) intention to identify potential risks before they occur, so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles. The Policy outlines the Shire's risk management approach and the risk management responsibilities of Council and Administration to ensure that all strategic and operational activities are undertaken in accordance with best practices as per AS/NZS ISO 31000:2018.

### OBJECTIVES

The objectives of this Policy are to:

- Provide transparent oversight of risks to enable effective decision making;
- Provide guidance on acceptable risk versus return associated with the Shire's projects, services and programs;
- Embed appropriate and effective controls to manage risk; and
- Ensure that the Shire adheres to its statutory and regulatory obligations.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for overseeing the implementation and ensuring organisational adherence to this Policy.

### KEY POLICY DEFINITIONS

**Risk:** The effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and

practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

## **POLICY**

The Shire will develop and implement effective risk management systems and processes, as further defined in the Shire's Risk Management Procedure, that:

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

## **ROLES AND RESPONSIBILITIES**

The CEO is responsible for:

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

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

## **RISK ASSESSMENT AND ACCEPTANCE PROCEDURES**

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

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

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

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

## **MONITOR & REVIEW**

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

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

Shire of Wongan-Ballidu Risk Assessment and Acceptance Criteria

Rating (Level)	People (WHS)	Service Interruption	Reputational	Compliance	Property	Natural Environment	Financial
<b>Insignificant (1)</b>	Near miss. Minor first aid injuries	No material service interruption <3 hours	Unsubstantiated, isolated individual's issue-based complaint with no media coverage	No noticeable regulatory or statutory impact	Inconsequential damage.	Contained, reversible impact managed by on- site response	Less than \$10,000
<b>Minor (2)</b>	Medical -type injuries	Short-term temporary interruption – backlog cleared <1 day	Unsubstantiated, low impact, restricted to small group of community or area with little to no media coverage	Some temporary non-compliances	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	\$10,000 - \$50,000
<b>Moderate (3)</b>	Lost-time physical or mental injury <30 days / Multiple staff morale problems	Medium-term temporary interruption – backlog cleared by additional resources <1 week	Either substantiated or unsubstantiated public comments resulting in reduced confidence in the Shire	Short term non- compliance but with significant regulatory requirements imposed	Localised damage requiring internal & external resources to rectify	Contained, reversible impact managed by internal & external agencies	\$50,001 to \$250,000
<b>Major (4)</b>	Lost-time physical or mental injury >30 days / Widespread staff morale problems	Prolonged interruption of services – additional resources required; performance affected <1 month	Substantiated. Considerable and prolonged negative community impact, publicly expressed resulting in significant reduction in confidence in the Shire and widespread media attention.	Non-compliance results in termination of services or imposed penalties	Significant and/or widespread damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	\$250,001 to \$500,000

Rating (Level)	People (WHS)	Service Interruption	Reputational	Compliance	Property	Natural Environment	Financial
<b>Catastrophic (5)</b>	Fatality, permanent disability.  Shire no longer an employer of choice. Loss of key staff.	Indeterminate prolonged interruption of services – non- performance >1 month	Substantiated. Significant adverse community impact and significant loss in confidence in the Shire's abilities to carry out their roles and responsibilities. Significant widespread media attention.	Non-compliance results in litigation, criminal charges, significant damages and/or penalties	Extensive damage requiring prolonged period of restitution  Complete loss of plant, equipment & building	Uncontained, irreversible impact	>\$500,000

		Shire of Wongan-Ballidu Measures of Likelihood			
Level	Rating	Likelihood Description	Likelihood frequency	Probability	Control Effectiveness
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 15 years	<5%	Controls are very strong and operating as intended. There is no scope for improvement
2	Unlikely	The event could occur at some time (<10% chance)	At least once in 10 years	5-25%	Controls are strong and operating as intended
3	Possible	The event should occur at some time (20% chance)	At least once in 3 years	25-75%	Controls are operating as intended, but there is scope for improvement
4	Likely	The event will probably occur in most circumstances (>50% chance)	At least once per year	75-95%	Controls are operating; however, inadequacies exist
5	Almost	The event is expected to occur in	More than once	>95%	Controls are weak, do not exist, or are not being

			Shire of Wongan-Ballidu Measures of Likelihood		
Level	Rating	Likelihood Description	Likelihood frequency	Probability	Control Effectiveness
	<b>Certain</b>	most circumstances (>90% chance)	per year		complied with

**Consequence X Likelihood = Risk Rating**

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

Shire of Wongan-Ballidu Existing Control Ratings		
Rating	Foreseeable	Description
<b>Fully Effective</b>	There is no scope for improvement with all available resources.	Controls are operating as intended and aligned with policies and procedures. Controls are documented, up to date, understood by users, not forgotten or components missed, does not expose the organisation to theft or fraud and is delivered consistently within statutory or service delivery standards. Controls are subject to ongoing monitoring. Controls are reviewed and tested regularly.

Shire of Wongan-Ballidu Existing Control Ratings		
Rating	Foreseeable	Description
<b>Adequate</b>	There is some scope for improvement.	Controls are generally operating as intended; however, inadequacies exist. Limited monitoring of controls. Controls are reviewed and tested, but not regularly.
<b>Inadequate</b>	There is a need for improvement or action.	Controls are not operating as intended. Controls do not exist, or are not being complied with. Controls have not been reviewed or tested for some time.



Shire of Wongan-Ballidu Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
Low (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
Moderate (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Executive Management
High (10-19)	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	CEO & Executive
Extreme (20-25)	Unacceptable in most circumstances	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous documented monitoring	CEO & Council

**\*\*Extreme risks require a risk treatment plan which is reported to the CEO (via the Executive Management Team) and to the Audit and Risk Committee until the risk rating is at an acceptable level.**

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## 5.33 - Compliance and Enforcement

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### INTRODUCTION

This policy ensures that the Shire follows a consistent approach to any compliance and enforcement actions undertaken in accordance with the *Criminal Procedure Act 2004*.

### OBJECTIVE

The Shire has a duty to investigate compliance issues and an obligation to enforce the requirements of legislation, including fulfilment of its responsibilities under Prescribed Acts, Regulations and the Shire's local laws.

The Shire will ensure that where any compliance or enforcement actions are undertaken the principles of transparency, procedural fairness and natural justice will apply.

### SCOPE

This policy applies to any Shire Officers who have responsibilities under delegated authority for ensuring compliance on behalf of the Shire of Wongan-Ballidu.

### DEFINITIONS

<b>Term</b>	<b>Definition</b>
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.

Natural justice	The principles of natural justice should be free from bias and parties should be given fair opportunity to be heard and all the reasons and decision taken by the court should be informed by the court to the respective parties.
Prescribed Act	Means an Act that is prescribed by the regulations made under the <i>Criminal Procedure Act 2004</i> .
<b>Term</b>	<b>Definition</b>
Prescribed Offences	Means an offence prescribed under section 5(1) of the <i>Criminal Procedure Act 2004</i> .
Procedural justice	There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.
Regulations	made under a prescribed Act that may prescribe an offence under the prescribed Act, or under any regulations made under the prescribed Act, to be an offence for which an infringement notice may be issued.
Shire	the Shire of Wongan-Ballidu.
Transparency	Transparency, as used in the humanities and in other social contexts, is operating in such a way that it is easy for others to see what actions are performed. Transparency implies openness, communication, and accountability.

## Policy Statement

To investigate and resolve offences for breaches of legislation including failure to comply with terms or conditions of Notices, Approvals, and Orders; and appeals arising out of proceedings brought by the Shire.

### 1. Principles

The Shire will:

- (a) administer its statutory responsibilities in a fair, unbiased and equitable manner in the interest of public health, interest, safety and amenity.
- (b) prioritise, consider, investigate, and assess any allegation of a breach, or an offence, on the merits of each case.
- (c) not investigate or respond to anonymous allegations.
- (d) endeavour to protect the private details of complainants, within the parameters of the legislative framework.
- (e) make decisions regarding enforcement in a manner that is in proportion with the

seriousness of the alleged breach, or offence.

- (f) only proceed with enforcement action where the CEO (or delegate) has considered the prospects of achieving a conviction; satisfied that prosecution is warranted.
- (g) Inform Members of any legal proceedings, anticipated costs, progress and outcomes brought against any party by the Shire.
- (h) discontinue investigations where the CEO (or delegate) reasonably considers that the allegation(s) are unsubstantiated; mischievous; vexatious; pertaining to a civil matter; has previously been investigated; and/or concluded; or is likely to result in disproportionate costs being incurred.

## 2. Limit of Authority

The CEO is authorised to seek legal advice and engage or procure legal representation to an amount not exceeding \$5,000 for any single matter. If legal costs are anticipated to exceed \$5,000, the CEO will submit a report to Council for approval, prior to proceeding with legal action.

### Reference Information

- 5.28 Legal Representation Costs Indemnification
- Purchasing and Procurement Policy (4.8);
- Compliance (REG5); and
- 5.31 Risk Management Policy
- Delegation Authority – Chief Executive Officer

### Legislation

*Local Government Act 1995 and its subsidiary legislation.*

*Animal Welfare Act 2002 and its subsidiary legislation.*

*Biosecurity and Agriculture Management Act 2007 and its subsidiary legislation.*

*Building Act 2011 and its subsidiary legislation.*

*Building Services (Complaint Resolution and Administration) Act 2011 and its subsidiary legislation.*

*Caravan Parks and Camping Grounds Act 1995 and its subsidiary legislation.*

*Cat Act 2011 and its subsidiary legislation. Cemeteries*

*Act 1986 and its subsidiary legislation.*

*Control of Vehicles (Off Road Areas) Act 1978 and Regulations and its subsidiary legislation.*

*Criminal Procedure Act 2004 and its subsidiary legislation. Dog*

*Act 1976 and its subsidiary legislation.*

*Fines, Penalties and Infringement Notices Enforcement Act 1994 and its subsidiary legislation.*

*Food Act 2008 and its subsidiary legislation.*

*Liquor Control Act 1988 and its subsidiary legislation.*

*Litter Act 1979 and its subsidiary legislation.*

*Local Government (Miscellaneous Provisions) Act 1960 and its subsidiary legislation.*

*Planning and Development Act 2005 and its subsidiary legislation.*

*Public Health Act 2016 and its subsidiary legislation.*

*Shire of Wongan-Ballidu Local Laws.*

#### **Associated documents**

Nil

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## 5.34- Execution of Documents

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### INTRODUCTION

This policy ensures that documents are executed, and the Common Seal is used, in accordance with legislative provisions contained in Division 3 of the *Local Government Act 1995* (the Act).

### OBJECTIVE

To provide guidance to all workers as to who can sign various types of documents representing the Shire of Wongan-Ballidu (the Shire), including when to apply the Common Seal.

### SCOPE

This policy applies to the Chief Executive Officer (CEO), Shire Officers and Authorised Agents; preparing documents for execution and/or who have been authorised either by a specific resolution of Council, or through the provisions of delegation, to execute documents on behalf of the Shire of Wongan-Ballidu.

### DEFINITIONS

<b>Term</b>	<b>Definition</b>
Act	<i>Local Government Act 1995.</i>
Authorised Agent	The Shire's legal advisor(s) or settlement agent(s), as appointed from time to time, who are authorised to the extent described within a written instruction approved by Council to execute documents on behalf of the Shire.
Common Seal	The official stamp of the Shire of Wongan-Ballidu, confirming the Shire's consent to the provisions contained in the document to which it is affixed.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .

Term	Definition
Delegated Officer	means an Officer of the Shire who has the appropriate delegated authority to execute documents on behalf of the Council.
Document	<p>means, in accordance with the <i>Freedom of Information Act 1992</i>:</p> <ul style="list-style-type: none"> <li>(a) any record; or</li> <li>(b) any part of a record; or</li> <li>(c) any copy, reproduction or duplicate of a record; or</li> <li>(d) any part of a copy, reproduction or duplicate of a record.</li> </ul> <p>The above includes any written paper or electronic document including Notices, flyers, letters, memorandums and emails that:</p> <ul style="list-style-type: none"> <li>i. Convey a decision; or</li> <li>ii. Establish an obligation on the Shire; or</li> <li>iii. are ceremonial.</li> </ul>
Execute	Doing all that is ready to make the deed, agreement or document operative.
Senior Employee	means an employee designated as a Senior Employee by Council under s.5.37 of the <i>Local Government Act 1995</i> including the CEO and Senior Management Group.
Shire	Shire of Wongan-Ballidu
Shire Officers	means an employee of the Shire who has the appropriate authorisation to sign a document on behalf of the Shire.
Workers	Employees, contractors and volunteers are now all classed as workers as per the WHS legislation and regulations.

## Policy Statement

This Policy covers four categories of documents as outlined below and is supported by way of an Instrument of Delegation ES2 – Execution of Documents in the Shire’s Register of Delegations.

### 1. Category One Documents - documents requiring both the CEO and the Shire President to execute

These types of documents will require a specific resolution of Council to enter into an agreement as well as an authority to affix the common seal to that type of document in accordance with s.9.49A (2) of the Act.

The Shire President and CEO will execute documents under the provisions of s.9.49A(3) of the Act.

Documents may be executed by another Shire Officer or an agent of the local government in accordance with s.9.49A(4) provided that there has been authority given by way of a Council Resolution or through an instrument of delegation.

### 2. Category Two Documents – documents requiring the CEO only to authorise

Under s.9.49A (4) of the Act Council authorises the CEO, listed in the Instrument of Delegation ES2 Execution of Documents, to sign documents and/or deeds on behalf of the Shire.

Documents may be executed by another Shire Officer or an agent of the local government in accordance with s.9.49A(4) provided that there has been authority given by way of a Council Resolution or through an instrument of delegation .

Category 2 documents can be described as documents arising out of a matter that:

- Requires Council approval;
- Arises out of delegated authority from Council; or
- Are operational in nature and due to its significance should only be signed by the CEO, as a delegated representative of the Shire.

The CEO is permitted, through this policy, to execute documents that:

- Have an unlimited \$ value subject to “Budget constraint;”
- Have a commitment period that is specifically resolved by Council or in any other case, no greater than a seven-year period; and/or
- Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.

### 3. Category Three Documents - documents within Delegated Authority

Under s.9.49A(4) of the Act Council authorises Delegated Officers, listed in the Instrument of Delegation ES2 Execution of Documents, to sign documents and/or deeds on behalf of the Shire. These Delegated Officers only have authority where the documents are related to their area of responsibility.



Category 3 documents can be described as documents arising out of a matter that:

- Requires Council approval;
- Arises out of delegated authority from Council; or
- Are operational in nature and due to its significance should only be signed by a Senior Employee as defined in the Act.

The positions and document execution limits are to be in: Are to the value of \$250,000 or less;

- On delegation Authority Register
- Have a commitment no greater than a five-year period; and/or
- Moderate or lesser level of financial risk, legal complexity or political sensitivity.

#### 4. Category Four Documents - documents operational in nature.

These types of documents will include correspondence relating to day-to-day routine communications or transactions related to the operations of the Shire. They will include documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and procedures.

Category 4 documents do not require specific authorisation through Council as they are subject of s.5.41(d) of the Act which provides that it is the function of the CEO to manage the day-to-day operations of the Shire. Shire Officers undertake such duties "acting through" another person, in accordance with s.5.45 of the Act.

Category 4 documents are to be executed by the CEO, a Manager, or a Shire Officer where the authority and accountability has been extended through an authorisation, policy, procedure, or a position description.

It is therefore important to have a good knowledge of the documents that relate to the team that is responsible for the document.

Shire Officers, with the relevant authority are permitted, through this policy, to execute documents that:

- Are to the value of \$50,000 per annum or less;
- Have a commitment no greater than a two-year period; and/or
- Minor or lesser level of financial risk, legal complexity or political sensitivity.

#### 5. Signing documents (other than by Common Seal) during temporary or unplanned absence of the CEO

A temporary, unplanned absence refers to the CEO being unable to carry out the duties as described in this policy due to but not limited to:

- Delayed travel arrangements;
- Incapacitation due to accident or illness; and
- Personal reasons.

If the temporary, unplanned absence is not expected to exceed 48 hours, the appointment of an Acting CEO via a line of succession shall be in accordance with Appointment of Acting or Temporary CEO Council Policy.

Where:

- The CEO is temporarily unavailable or incapacitated to execute documents requiring the CEO's signature; and
- An Acting CEO has not been appointed by Council

## 6. Consequences

This policy represents the formal policy and expected standards of the Shire. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Shire officers are reminded of their obligations under Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Shire.

## 7. Execution Clause

The correct execution clause for Shire of Wongan-Ballidu documents is below. Officers must ensure the document being executed contains the correct execution clause.

### (a) Executed as an Agreement (Council Resolution)

THE COMMON SEAL OF THE           )  
SHIRE OF WONGAN BALLIDU WAS    )  
HEREUNTO AFFIXED BY            )  
AUTHORITY OF COUNCIL            )  
AND IN THE PRESENCE OF:         )

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Name of Shire President  
(PLEASE PRINT)

\_\_\_\_\_  
Name of Chief Executive Officer  
(PLEASE PRINT)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**(b) Executed as an agreement (non-Council resolution)**

THE COMMON SEAL OF THE )  
SHIRE OF WONGAN-BALLIDU WAS )  
HEREUNTO AFFIXED IN THE )  
PRESENCE OF: )

---

Chief Executive Officer

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Shire President

**8. Roles and Responsibilities & Documents Table**

The roles and responsibilities of the Shire President, CEO, Senior Managers and Shire Officers with respect to the execution of documents are outlined in the table below.

It is the responsibility of the executing parties to ensure they fully understand what they are executing on behalf of the Shire and any queries are addressed before this process is completed.

On the occasions where a Common Seal is required of the Shire, it is the responsibility of all executing parties to ensure that the Common Seal Register is updated and the Shire is notified of its application as part of the Council Information Bulletin.

Relevant Council Policies ought to be referred to as consideration must be given to the potential risks exposed to the Shire of Wongan-Ballidu when executing a document. This includes the potential financial, service commitments, service interruption, environmental, reputation and compliance implications.

<i>Other documentation not listed in the Appendix.</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Adoption, Amendment or Repeal of a local law	1	√	√	x	x
Any document where the Common Seal is requested by other party or legally required	1	√	√	x	x
Deeds in respect to sale, or purchase relating to property including equitable interests	1	√	√	x	x
Documents of a ceremonial nature (where affixing the common seal is for posterity rather than a legal requirement).	1	√	√	x	x
Documents that enable compliance with a local government statutory obligation which, if not signed, constitutes a possible risk to the Shire.	1	√	√	√	x
Easements and the surrender or modification of easements.	1	√	√	√	x
Offer and Acceptance forms and associated documents required to enact a decision of Council to purchase or to sell land.  <i>This does not include mortgage and Transfer of Land documents.</i>	1	√	√	x	x

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Other legally binding contracts outside of the normal course of business (eg. Confidentiality, indemnity, licensing, novation and sponsorship agreements)	1	√	√	√	√
Power of Attorney to act for the Shire	1	√	√	x	x
Communication on behalf of the Shire, relevant to the day-to-day operations of the Shire which are the subject of a level of political sensitivity or potential risk to the Shire.	2	x	√	x	x
Memorandum of Understanding	2	√	√	x	x
Authority to sign documents on behalf of the Shire: That are within the scope of an Officer's position description; or That has been extended through a Council decision; That has been extended through an authorised officer appointment; That has been extended through delegated authority or policy.	3	x	√	√	√
Commercial Leases / Peppercorns (including assignment of, extensions, renewals, variations, sub-leases and surrender)	3	x	√	√	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Communications on behalf of the Shire:  To Commonwealth or government ministers; To Commonwealth or government department heads; To Industry representative bodies; Concerning day-to-day operations that are politically sensitive or a potential risk to the Shire.	3	√	√	x	x
Community & User Agreement Licenses or Lease / Peppercorns (including assignment of, extensions, renewals, variations, sub-leases, and surrender)	3	√	√	√	√
Contract documents arising from tenders	3	x	√	√	√
Deeds of Settlement – employee matters	3	x	√	√	√
Documents arising out of instances that require Officers to enact a decision of Council or the Development Assessment Panel	3	√	√	x	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Documents related to approvals for Subdivision, Survey Strata, Strata Title or Development Approvals or provisions of a Structure Plan, Activity Centre Plan or Local Development Plan	3	x	√	√	√
Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority	3	x	√	√	√
Employment Contracts (Managers – casual contracts only)	3	x	√	x	√
Licences to occupy land or premises	3	x	√	√	√
Local Planning Scheme and any Planning Scheme Amendments	3	x	√	√	√
Management statements and withdrawal or variation of management statements	3	x	√	√	√
Enterprise Bargaining Agreements	3	x	√	x	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Land Transaction documents where the Shire is required to sign as a landowner. This includes but is not limited to:  Landgate documents and/or deeds including lodgement, removal, withdrawn, modification or surrender/cancel of documents such as: Notifications in accordance with section 70A of the Transfer of Land Act 1893; Covenants, easements and caveats under the Transfer of Land Act 1893; Reciprocal easements and/or parking agreements; Rights of carriageway agreements; Amalgamations Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985. Documents and/or deeds required in the management of land as a landowner or where the land is a reserve vested to the Shire; and Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests.	3	√	√	x	√



Other documentation not listed in the Appendix		Signatures Required			
Liaise with your Manager or Compliance Officer for advice					
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Mortgages, loans and debenture documents for loans which Council has resolved to raise	3	x	√	√	√
Other statements of intent and terms and conditions such as:  Letters of employment for casual employees; Hire agreements for Shire Facilities; or Higher duties for positions.	3	x	√	√	√
Prosecution notices and court documents	3	x	√	√	√
Regular hire arrangements	3	x	√	√	√
Residential tenancy leases	3	x	√	√	√
Service agreements / Contract as a result of procurement process (above Manager delegation)	3	x	√	√	√
State, Commonwealth or other funding agreements (within delegation)	3	√	√	√	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
When a responsible officer has a specific role such as applying for and organising receipt of grants, and which required them to sign documents relevant to the grant.	3	x	√	√	√
When a responsible officer is authorised by relevant laws or is delegated authority by Council to issue notices and infringements.	3	x	√	√	√
Agreements in the normal course of business for the purchase of goods or services identified within the department's budget (other than for tenders) and conforming to the requirements for the Shire's Purchasing Policy and other relevant policies.	4	x	√	√	√
Any type of legally binding contract, instrument or service agreement binding the organisation to some form of commitment	4	x	√	√	√
Goods and/or Service agreements / Contracts as a result of procurement process (where total consideration is within delegation).	4	x	√	√	√
Grants applications and Grant funding agreements	4	x	√	√	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Heritage agreements	4	x	√	√	√
Licences	4	x	√	√	√
Lodgement, modification and withdrawal of caveats	4	x	√	√	√
Lodgement, registration, modification, transfer and/or withdrawal of memorials	4	x	√	√	√
Notifications on title and withdrawal or variation of same	4	x	√	√	√
Outgoing general correspondence for a departmental team	4	x	√	√	√
Reciprocal access agreements and withdrawal or variation of reciprocal access agreements	4	x	√	√	√
Restrictive Covenants – under s.129B of the Transfer of Land Act 1893 and any discharge or variation of covenants	4	x	√	√	√
Rights of carriageway agreements and withdrawal or variation of rights and carriageway agreements	4	x	√	√	√

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Letters, correspondence and other documents that reflect an operational or procedural action required in the ordinary course of business.	4	x	√	√	√

## Reference Information

The following Council Policies ought to be referred to as consideration must be given to the potential risks exposed to the Shire of Wongan-Ballidu when executing a document. This includes the potential financial, service commitments, service interruption, environmental, reputation and compliance implications.

All Purchasing and Procurement Policies;

5.31 Risk Management Policy

5.35 Internal Control

5.36 Legislative Compliance;

5.26 Appointment of Acting or Temporary CEO

## Legislation

### *Local Government Act 1995*

- ☐ s.5.41 functions of CEO.
- ☐ s.5.45 Other matters relevant to delegations under Division 4 (local government employees).
- ☐ s.9.49A (1) document executed by person under an authority is permitted to do so by this authorisation.
- ☐ s.9.49 'documents, how authenticated'

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

- ☐ r.34 Common seal, unauthorised use of

### *Interpretation Act 1984*

- ☐ Terms used in written laws - **sign** includes the affixing or making of a seal, mark or thumbprint;

## Associated documents

*Instrument of Delegation: Execution of Documents contained in the Shire of Wongan-Ballidu Register of Delegations.*

*Shire of Wongan-Ballidu Local Law (Standing Orders) 2010.*

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## 5.35 - Internal Controls

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### OBJECTIVES

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

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

### POLICY STATEMENT

The organisation will, through the Chief Executive Officer (CEO), ensure that appropriate and efficient internal controls are in place covering:

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

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## 5.36 - Legislative Compliance

<b>Policy Owner</b>	<b>Administration</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 August 2023 Resolution 090823 New Policy</b>
<b>Date of Last Review</b>	

### OBJECTIVES

To ensure that the Shire of Wongan-Ballidu (the Shire) complies with legislative requirements.

### BACKGROUND

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

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

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

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

### POLICY STATEMENT

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

1. Develop and maintain a system for identifying the legislation that applies to the Shire's activities;
2. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented;
3. Provide training for relevant staff, Councillors, volunteers and other relevant people within the legislative requirements that affect them;
4. Provide people with the resources to identify and remain up to date with new legislation;
5. Establish a mechanism for reporting non-compliance;
6. Review accidents, incidents and other situations where there may have been non-compliance; and
7. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

## **ROLES & RESPONSIBILITIES**

### **1. Councillors & Committee Members**

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

### **2. Senior Management**

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified.

Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within their financial capacity to do so.

### **3. Employees**

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

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

### **4. Implementation of Legislation**

The Shire will have procedures in place to ensure that when legislation



changes, steps are taken to ensure that future actions comply with the amended legislation.

## **LEGISLATIVE COMPLIANCE PROCEDURES**

### **1. Identifying Current legislation**

The Shire accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

### **2. Identifying New or Amended Legislation**

#### *Department of Local Government and Communities (DLGC)*

The Shire receives regular circulars from the DLGC on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

#### *Department of Planning*

The Shire receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

#### *Western Australian Local Government Association (WALGA)*

The Shire receives regular circulars from WALGA and these Circulars highlight changes in legislation applicable to local government. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

### **3. Obtaining Advice on Legislative Provisions**

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DLGC, WALGA or the relevant initiating government department for advice.

### **4. Informing Council of Legislative Changes**

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

The Shire's format for all its reports to Council meetings provides that all reports have a section headed 'Statutory Implications' which shall detail relevant Sections of any Act, Regulation or other relevant and/or applicable legislation.

## **5. Review of Incidents & Complaints of Non-Compliance**

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

## **6. Reporting of Non-Compliance**

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

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

The CEO will then take all necessary steps to improve compliance systems.

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## 5.37 CEO Performance and Remuneration Review

<b>Policy Owner</b>	<b>Governance</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>26/06/2024 Resolution 050624</b>
<b>Date of Last Review</b>	<b>26/06/2024 Resolution 050624</b>

### OBJECTIVE

Section 5.38 of the *Local Government Act 1995* requires Council to review the performance of the Chief Executive Officer (CEO) at least once each year. Conducting this review is an important function of Council as the CEO is its only employee.

As part of this review, the Council will conduct an annual review of the CEO's remuneration package and Key Performance Indicators (KPIs).

The performance review process is to

- Be objective;
- Be conducted in a fair and reasonable manner based on agreed performance indicators;
- Support and facilitate CEO development; and
- Recognise achievement and support performance improvement.

### SCOPE

Application of this Policy is to be in conjunction with all relevant legislation, including the Model Standards for CEO Recruitment, Performance and Termination and the Departmental Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination and all other relevant policies, procedures, and processes of the Shire.

The Salaries and Allowances Tribunal (SAT) determines the parameters for local government CEO Total Remuneration Packages, and all components of the CEO's remuneration need to comply with the relevant SAT requirements.

The SAT has classified the Shire of Wongan-Ballidu as a Band 4 local government.

Any changes to the CEO's performance agreement or performance plan, such as changes to the KPIs, must be discussed and agreed by both the Council and the CEO.

This policy also applies to the CEO's probation review.

## **POLICY**

This Policy applies to the annual performance and remuneration review of the Shire of Wongan-Ballidu CEO.

### **1 Performance Review Process**

#### **1. CEO Performance and Remuneration Review Panel**

- 1.1 Council is to appoint a CEO Performance and Remuneration Review Panel (the Review Panel) following every local government election.
- 1.2 The Chair of the Review Panel will be the Shire President. The Review Panel will include between three and five elected members (inclusive of the President).
- 1.3 The Council authorises the appointed Review Panel to undertake the CEO Performance and Remuneration Review and report findings and recommendations to the Council.
- 1.4 The primary functions of the Chief Executive Officer Review Panel are to:
  - Support the engagement by the Shire, of an appropriately experienced independent consultant for the purposes facilitating the performance and remuneration review process, in consultation with the CEO.
  - Oversee and conducting the performance and remuneration review process in accordance with this Policy.
  - Endorse the independent consultant's performance appraisal report and a remuneration review recommendation for consideration by Council.
  - Develop the performance agreement and KPIs with the CEO for approval by Council.
  - Meet regularly to discuss and provide feedback if performance issues are identified.
- 1.5 Membership principles and responsibilities of panel members:
  - Be fair, impartial and undertake the process with integrity.
  - Assessment is made free from bias and based on evidence of the CEO's achievements against the agreed performance criteria.
  - Findings and recommendations are impartial and transparent.
  - Any information received or produced by the Review Panel will be kept confidential.
  - The report for the performance and remuneration review to Council will be presented in confidence in accordance with section 5.23 of the Act.
  - Accurate and comprehensive records of the performance management process will be created and registered within the Shire's Electronic Data Record Management System; and
  - Manage all records in accordance with the Shire's Record Keeping Plan.

- 1.6 The performance and remuneration review process should commence at least 3 months prior to the required completion date.
- 1.7 The Review Panel Chair and independent facilitator will coordinate the review process.
- 1.8 Performance and Remuneration Review Panel Training
  - a. All Council members appointed to the CEO Review Panel must undertake relevant CEO Performance Review training course provided by the Western Australian Local Government Association (WALGA), or similar industry recognised training provider, within six months of appointment to the Review Panel.
  - b. Where external training cannot be sourced within the time frame noted in 1.8(a) above, the Shire will provide in house training to address the processes and skills required for Council members to contribute effectively to the annual appraisal of the CEO.
  - c. The training is valid for five years therefore a re-elected Panel member is only required to undertake the training at every second election.

## **2. Independent facilitator**

- 2.1 The Shire will engage the Panel supported independent consultant (facilitator) to assist with the process of the CEO performance and remuneration review and the development of a performance agreement (inclusive of KPIs).
- 2.2 The independent consultant will have extensive experience in performance and remuneration reviews of senior executives and local government experience.
- 2.3 The independent consultant should not have any personal interest in, conflict of interest or relationship (other than professional or contractual) with, the Council, the Shire or the CEO. In this policy and for clarity, interest:
  - means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - includes an interest arising from kinship, friendship, relationship or membership.
- 2.4 The facilitator may be required to:
  - Collect 360-degree performance evidence (including from all Councillors and direct organisational reports)
  - Write the performance appraisal report
  - Facilitate meetings for the Panel.
  - Assist with the provision of feedback to the CEO
  - Formulate plans to support improvement (if necessary)
  - Provide industry/sector remuneration related information to the Panel if requested; and
  - Provide an objective view regarding any performance management-related matters between the concerned parties.

- 2.5 The independent facilitator services must be secured in accordance with the Shire's Purchasing Policy.
- 2.6 Council employees will not be involved in the CEO's performance review, except as part of the 360-degree assessment process or if requested by the Panel or the Council to prepare agendas and take minutes, or to assist the independent facilitator in any relevant administrative matter. Any request will be made through the Chief Executive Officer.

### **3. Performance criteria**

- 3.1 Ongoing permanent performance criteria for the purpose of reviewing the CEO's performance must be as included in the CEO's employment contract [the Act s.5.39(3)].
- 3.2 The Council may agree with the CEO additional performance criteria.
- 3.3 Additional criteria may include performance indicators relating to specific projects, Council priorities and service delivery targets from the Strategic Community Plan and Corporate Business Plan. It is important that these performance indicators relate to the selection criteria used in selecting the CEO (e.g. if the CEO is selected to improve the local government finances, then indicators regarding improved revenue may be appropriate).
- 3.4 The agreement on additional criteria provides flexibility for both the Council and CEO in response to changing circumstances and priorities.
- 3.5 Together the contractual performance criteria and any additional agreed criteria form the Key Performance Indicators (KPI's).
- 3.6 It is important that the agreed KPI's are specific, measurable, achievable, relevant and time based.
- 3.7 The KPI's, how they will be assessed, and any professional development goals of the CEO will form the annual performance agreement between the Council and CEO.
- 3.8 The annual performance agreement must be negotiated, documented and agreed upon by the CEO and the Council. Adjustments may be initiated by either the CEO or the Council throughout the performance review period.

### **4. Assessment of CEO performance**

- 4.1 The CEO's performance is to be measured in an objective manner against the KPI's alone. Reviews must be impartial and not skewed by personal relationships between the Review Panel and the CEO.

4.2 Evidence of CEO performance may include:

- Achievement of key business outcomes
- Interactions with the Council and progress that has been made towards implementing the Council's strategic vision
- Audit Committee reports
- Workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate)
- Incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances)
- Organisational survey results
- Relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); or
- Insights from key stakeholders (by way of survey etc.).

4.3 In addition to achievement of the KPI's, as part of the assessment, consideration should also be given to:

- How the CEO has achieved the outcomes. Whether or not their methods are acceptable and sustainable
- The extent to which current performance is contingent upon current circumstances
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.
- What attention has the CEO given to ensuring:
  - o Equal employment opportunity.
  - o Workplace health and safety.
  - o Privacy.
  - o Managing potential conflicts of interest, and
  - o Complying with procurement process requirements.

4.4 It is important that contextual factors, external or otherwise are given appropriate weight. Failure to meet KPI's does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcomes should be considered separately.

4.5 Once the CEO's performance has been completed; the review must be endorsed by resolution of an absolute majority of Council and the CEO must be informed in writing of the results of the review.

## 5. Addressing Performance Issues

5.1 Any performance areas that require attention or improvement must be:

- Identified
- Discussed with the CEO; and
- A constructive plan agreed and put in place to address the issues.

- 5.2 The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.
- 5.3 Appropriate courses of action in addressing the performance issues may include:
- Professional development courses
  - Training
  - Counselling
  - Mediation
  - Mentoring; or
  - Developing new work routines to ensure specific areas are not neglected.
- 5.4 Regular discussion and ongoing feedback on the identified performance issues should be scheduled to ensure improvements are being made.

## **6. Misconduct**

- 6.1 In the event of any potential wrongdoing (misconduct) or suspected serious misconduct as defined in section 4 of the Corruption Crime and Misconduct Act 2003 are identified, the matter must be referred to the Public Sector Commission or the Corruption and Crime Commission (CCC). This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

## **7. Remuneration Review**

- 7.1 The Council shall periodically (not less than annually) review the salary for the CEO to assess whether and what increase in salary and allowances are to be made.
- 7.2 The CEO remuneration range is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the Shire of Wongan-Ballidu.
- 7.3 The outcome of the CEO performance review may form part of the considerations for the CEO remuneration review.
- 7.4 The Panel may request the independent facilitator to gather and provide remuneration comparison information to assist in this review process.

## **8. Further Guidelines**

- 8.1 The Council shall refer to relevant publications to guide the review and remuneration process such as the Department of Local Government Sport and Cultural Industries (DLGSC) Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination (March 2021).
- 8.2 The Council must also consider legal requirements provided by the Fair Work Commission and the Fair Work Ombudsman.



## 6. HUMAN RESOURCES

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## 6.1 Equal Employment Opportunity

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>07 February 2005</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 02082022</b>

### OBJECTIVE

To ensure every person shall have equal opportunity for employment, training and advancement. The criteria for providing such opportunities will be based solely on the principle of merit.

### POLICY

The Shire of Wongan-Ballidu (the Shire) is committed to maintaining and promoting an equal opportunity program whereby the objective is to ensure that none of the grounds that are recognised as being discriminatory under the Equal Opportunity Act are contravened by Elected Members, Management or any employee of, or contractor engaged by the Shire.

No discrimination shall take place on the basis of:

- Gender
- Marital Status
- Pregnancy
- Race
- Disability
- Age
- Religious conviction
- Political conviction
- Sexual orientation
- Family responsibility or family status

All offers of employment within the Shire will be directed towards providing equal opportunity to prospective employees provided their relevant experience; skills and ability meet the requirements for engagement.

All promotion opportunities will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the requirements for such promotion.

An employee who feels they have been discriminated against is encouraged to make a complaint in accordance with the Shire's complaints/Grievance Procedure.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer, all Managers and Supervisors are responsible for ensuring that this policy and provisions contained within the Equal Opportunity Act 1984 are adhered to.

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## 6.2 Workplace Health and Safety

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 – Resolution 131211</b>
<b>Date of Last Review</b>	<b>22 May 2024 – Resolution 070524</b>

### **POLICY**

The Shire of Wongan-Ballidu (the Shire) believes that the safety, health and wellbeing of people employed by us, or people affected by our work, is a priority and must be considered during all work performed by us or on our behalf.

The Shire will establish, implement, maintain and continually improve Workplace Health and Safety management systems, policies, procedures and work instructions to legislative compliance in order to ensure the safety of workers and others affected by its activities including members of the public, contractors, suppliers and visitors.

### **OBJECTIVE**

The objectives of this policy are to, as far as reasonably practicable:

- Achieve a safe and incident free workplace.
- Provide adequate training, instruction and supervision to enable employees to perform their work safely and effectively.
- Involve workers and contractors in the decision-making process through regular communication and consultation.
- Ensure workers and contractors identify and control risks in the workplace.
- Provide and maintain workplaces, plant and systems of work in a way that workers are not exposed to hazards.
- Investigate efficiently and effectively reported incidents and initiate any workplace changes that are required in order to prevent further incidents.
- Provide an effective Injury Management Program for all workers.

The success of our Workplace Health and Safety performance depends on:

- The commitment of all persons.
- Allocation of resources to achieving the policy objectives.
- Planning work activities with due consideration given to Workplace Health and Safety.
- Undertaking the risk management process in an effective manner.
- Communicating and consulting with our workers and contractors.

We are committed to fulfilling the objectives of this policy and expect the same of all workers and contractors working on our behalf.

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## 6.3 Sexual Harassment

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>07 February 2005</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 02082022</b>

### OBJECTIVE

To facilitate the prevention of harassment in the workplace.

### POLICY

The Shire of Wongan-Ballidu (the Shire) strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Shire, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

Council recognises sexual harassment to be an unlawful and unacceptable form of behaviour, which will not be tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and /or sexist nature (whether physical, verbal or non verbal), which is unwelcome and unsolicited, rejection of which may disadvantage (or be perceive to disadvantage) a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public.

1. Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
2. Subtle or explicit demands for sexual activities or molestation.
3. Intrusive enquiries into a person's private life.
4. Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
5. Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.
6. Electronic mail messages, graphics and documents of a sexual nature that are sent by computer.

Council recognises that sexual harassment can undermine health; performance and self-esteem of an individual and has the potential to create a hostile and intimidating environment.

Council is therefore committed to any action, which ensures the absence of sexual harassment in the

workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated.

Any person/s making claim of sexual harassment will be protected at all time. No transferring of staff or face-to-face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

Any employee who has a complaint/grievance of sexual harassment nature should refer to Council's Complaints/Grievance Policy –and take the necessary steps to resolve the complaint.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer, Managers and Supervisors are responsible for ensuring that this policy is adhered to.

## 6.4 Staff Superannuation

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 November 2006 – Resolution 141106</b>
<b>Date of Last Review</b>	<b>23 August 2022 – Resolution 02082022</b>

### OBJECTIVE

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff. The policy applies from the first pay period on or after 1 July 2022.

### POLICY

#### Superannuation Ceiling

The Shire of Wongan-Ballidu (the Shire) employer contribution to staff superannuation shall not exceed a maximum of 16.5% (10.5% plus 6%) from 1 July 2022. This contribution is inclusive of the Superannuation Guarantee Levy and is limited by the following table.

#### Voluntary Contributions

The Shire will match voluntary employee contributions in accordance with the following table:

<b>Staff Contribution</b>	<b>Matching Council Contribution</b>	<b>Qualifying Period – Permanent Employees Only</b>
1%	1%	At commencement with the Shire of Wongan-Ballidu
2%	2%	At commencement with the Shire of Wongan-Ballidu
3%	3%	At commencement with the Shire of Wongan-Ballidu
4%	3%	At commencement with the Shire of Wongan-Ballidu
5%	3%	At commencement with the Shire of Wongan-Ballidu
6% or over	3%	At commencement with the Shire of Wongan-Ballidu
6% or over	4%	After 3 years with the Shire of Wongan- Ballidu
6% or over	5%	After 5 years with the Shire of Wongan- Ballidu
6% or over	6%	After 10 years with the Shire of Wongan- Ballidu

### **Employment Contracts**

Employment contracts shall not contain any provisions which exceed or contravene this policy.

### **Salary Sacrifice**

All employees shall have the option to salary sacrifice their contributions or any additional nominated percentage of their salary to superannuation but there is no obligation on the Shire to match employee contributions other than in accordance with the table.

### **Variation to Policy**

At its absolute discretion, the Council may vary this policy from time to time with respect to legislative change and any other mitigating circumstances.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for this policy.

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## 6.5 Workplace Bullying

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 – Resolution 131211</b>
<b>Date of Last Review</b>	<b>26 October 2022 – Resolution 021022 - Amendment</b>

### OBJECTIVE

The Shire of Wongan-Ballidu (the Shire) believes all employees should be able to work in an environment free of bullying. Managers and Supervisors must ensure employees are not bullied.

### POLICY

The Shire considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.

The Shire has a grievance and investigation procedure to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

The Shire encourages all employees to report workplace bullying. Managers and Supervisors must ensure employees who make complaints, or witnesses are not victimised.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The cost of removal of Caveats over the properties owned by persons holding power line agreement be borne by the landowner. Caveats to be removed automatically upon the instruction from the landowner provided the last payment under the power lines agreement has been received.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer and the Deputy Chief Executive Officer are responsible for this policy.



## 7. EMPLOYEES

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## 7.2 Employee Gratuity/Farewell

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>2009 – 12.01/07</b>
<b>Date of Last Review</b>	<b>26 October 2022 – Resolution 021022</b>

### **OBJECTIVE**

To give recognition to valued employees ceasing Councils employ.

### **POLICY**

In accordance with Section 5.50(1) of the *Local Government Act 1995* the Shire of Wongan-Ballidu (the Shire) hereby adopts the following policy in relation to the recognition of service when an employee leaves its service.

CEO has discretionary power to select a suitable gift (and farewell party) for presentation on behalf of Shire of Wongan-Ballidu to employees whose service is finishing.

The Shire recognises that that the length of service of an employee does not necessarily equate to the value of their contribution to the Shire, but seeks a balanced approach to recognise the loyalty, contribution and length of service.

In using the discretionary power, the following will be used as a guide;

### **COUNCIL GRATUITY/GIFT DETERMINATION FORMULA**

That the Shire apply a gift/gratuity on termination of employment (resignation or death by an employee) excepting on the grounds that the resignation was a result of pending disciplinary or possible fraudulent or illegal behaviour of that employee on the following basis:

- a) = The employees' final cash annualised salary exclusive of overtime.
- b) = % to be applied depending upon length of service
- c) = number of years of continuous service
- d) = average weighting to be applied after assessment by the relevant staff/Elected Members
- e) = payment to be made as a gratuity or gift.

Measure of performance		Factor/weighting		
Inadequate or Marginal (below standard)		0.5		
Satisfactory or as expected (average)		1		
Exceeds requirements or excellent (above average)		2		
Outstanding and exceptional				
Length of service % to apply		Factor Weighting		
0-4.99 completed years of service		0.050%		
5-9.99 completed years of service		0.060%		
10 or over completed years of service Formulae for calculation = a x b x c x d = e		0.075%		
Examples of Calculations				
Cash component annualised salary	%	Length of service in years	Weighting for performance	Gratuity/Gift Value \$
A	B	C	D	E
25,000	0.050%	4	2	100.00
25,000	0.060%	8	1	120.00
25,000	0.075%	20	2	750.00
40,000	0.050%	4	2	160.00
40,000	0.060%	8	0.5	96.00
40,000	0.075%	20	2	1,200.00
60,000	0.050%	4	2	240.00
60,000	0.060%	8	0.5	144.00
60,000	0.075%	20	1	900.00
88,000	0.050%	4	2	352.00
88,000	0.060%	8	0.5	211.20
88,000	0.075%	20	1	1,320.00

Performance Weighting is undertaken of the employee by:

- Their Line Manager and the CEO;
- Where the employee leaving is a senior officer of Shire, the CEO;
- In the case of the CEO leaving, the Elected Members will perform the assessment.

In assessing performance, the assessors will take into account the employees' value to the employer and their demonstrated commitment and impact to their work when compared to what might be considered by the assessor as an 'average employee' (factor of 1).

Elected Member Assessment Example	Factor/Weighting
Cr 1	2
Cr 2	2
Cr 3	2
Cr 4	0.5
Cr 5	1
Cr 6	2
Cr 7	2

Average weighting rounded to nearest integer – 1

Officer Assessment Example	Factor/Weighting
Line Manager	2
Shire President	0.5
CEO	1
Average weighting rounded to nearest integer	

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 will be given.

## STATUTORY REQUIREMENTS

Section 5.50(1) of the *Local Government Act 1995* states that Local Government is to cause local public notice to be given in relation to the Policy.

Accordingly, this Policy on Gratuity Payments was last reviewed 2009.

### Local Government Administration Regulations Section 19A Payment to Employee in addition to contract or award – s.5.50(3)

- (1) the value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total–
  - (a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or
  - (b) in all other cases, \$5,000.

(2) In this regulation –

**“final annual remuneration”** in respect of a person means the value of the annual remuneration paid or payable, to the person by the local government which employed that person immediately before the person’s employment with the local government finished

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer are responsible for the implementation of this policy.

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## 7.3 Employee Use of Council Plant & Equipment – Non-Work Related

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Manager of Works and Services</b>
<b>Date of Adoption</b>	<b>08 August 2012 – Resolution 080812</b>
<b>Date of Last Review</b>	<b>22 June 2022 – Resolution 070222 – No change</b>

### OBJECTIVE

That employees of the Shire be permitted to utilise (*Plant and Equipment*) P&E owned or controlled by the Shire for their own private purposes, without charge, on the following basis:

### POLICY

Permission being granted by the CEO or Manager of Works for each day of use.

The employee having the appropriate licences, training and / or induction in its use and operation of the P&E by a suitably trained employee;

1. The use of the P&E being within the Shire, with the exception of trailers, unless exceptional circumstances are warranted and authorised by the CEO or Manager of Works;
2. This policy does not apply with respect to vehicles, mobile phones or other items of P&E expressed permitted under a lawful contract of employment;
3. The P&E is not required by other employees for work purposes;
4. Any damage or loss being the responsibility of the user and reported immediately to the CEO or Manager of Works;
5. Nothing in this policy permits anyone other than staff to utilise the P&E;
6. Nothing in this policy prevents shire employees utilising P&E for community volunteer purposes authorised under any other Council Policy;
7. The usage does not involve the exchange of goods, services or monetary consideration of any form;
8. The volume of usage not being considered excessive or prolonged in the opinion of the CEO or Manager of Works;
9. The P&E being utilised on the employers, employees or another Council employees land or buildings.

10. Any P&E (not including item 12) requiring fuel to operate being returned with a full tank;
11. Chainsaws are not to be lent out to any employee under any circumstance
12. Items of P&E not permitted to be utilised without charge for private employee purposes include:
  - a. Graders
  - b. Loader
  - c. Backhoe
  - d. All trucks and light vehicles
  - e. Tractors
  - f. All heavy trailers (>5 tonne)
  - g. All tractor attachments (Gang mowers / slashers etc)
  - h. Community Transport Vehicles (Bus, Transport Van and Bus Trailer)
13. Items identified in clause (12) may be hired, at internal charge out rates at the discretion of the Chief Executive Officer or Manager of Works.

## **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for the implementation of this policy.

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## 7.4 No Smoking in Council Premises/Vehicles

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 – Resolution 131211</b>
<b>Date of Last Review</b>	<b>22 June 2022 – Resolution 060622</b>

### OBJECTIVE

This policy prevents any employee, Elected Member or contractor from smoking in Council premises and in Council vehicles. It is designed to ensure that those who work for Council do so in a clean and safe environment.

As a major employer, the Shire of Wongan-Ballidu (the Shire) has a responsibility to ensure the health, safety and welfare of employees and where possible our ratepayers and members of the general public.

### POLICY

As an employer the Shire has a duty under the Occupational Health, Safety and Welfare Act 1984 to provide a safe working environment and to protect the health of all employees from hazards in the workplace.

Based on a current medical and following a landmark judgement in the Federal Court of Australia, it has been shown that passive smoking may affect a person's health.

In accordance with the Occupational Health Amendment Regulations (No 2) 1999, SMOKING IS NOT PERMITTED AT ANY TIME IN ANY SHIRE INTERNAL WORK LOCATIONS.

Specifically:

- All Council buildings or sections regularly used by Council Staff;
- Dealing personally with members of the public
- Passageways and common areas, including toilets;
- Lunchrooms and tea/coffee preparation areas
- Council meetings and other meetings
- Meeting, training, interview or conference rooms
- Council vehicles and plant;
- Foyers;
- Council lounge, Council chambers
- Employees are not generally permitted to leave their workstations at any time during working hours (including overtime) for smoke breaks. However, if this cannot be adhered to, only reasonable time should be allowed.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for the implementation of this policy.



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## 7.5 Relocation Expenses – Employees Joining Council Workforce

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>08 March 2005</b>
<b>Date of Last Review</b>	<b>26 October 2022 – Resolution 021022 – Amendment</b>

### OBJECTIVE

The objective of the relocation subsidy is to assist with attracting employees to the Shire of Wongan-Ballidu (the Shire). The high cost of relocation can be a significant disincentive to apply for positions.

### POLICY

At the Chief Executive Officer discretion, the cost of relocation and removal expenses is negotiated when employing new staff.

Council will reimburse an employee who has negotiated removal expenses subject to:

1. A maximum amount payable of \$3,000;
2. Reimbursement of 50% of the removal expenses after 3 months service;
3. Reimbursement of the remaining 50% of the removal expenses after completion of 9 months service;
4. Receipts must be produced to claim reimbursement.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for applying this policy.

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## 7.6 Staff Housing Rental

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>08 March 2005</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To provide housing or a housing subsidy to certain category of employees for the purpose of attracting and retaining those employees.

### POLICY

Council will provide the following type of houses and housing conditions for certain levels of employees. Rent is able to be salary sacrificed subject to this being at no additional cost to the employer (subject to applicable Fringe Benefit Tax legislation).

#### CEO Category

Negotiated rent in accordance with employment contract but based on the principal of being 33% of the current market rent. The house to a modern well-appointed 4 by 2 plus study, executive design. Rent to be determined annually during the budget process from year to year. Water consumption allowance of 400kl pa.

#### Manager Category

Negotiated rent in accordance with employment contract but based on the principal of being 33% of the current market rent. The house to a modern well-appointed 4 by 2 executive design. Rent to be determined annually during the budget process from year to year. Water consumption allowance of 400kl pa.

Employees that this category relates to;

1. Manager Administration & Financial Services
2. Manager Works & Services
3. Environmental Health Building Surveyor

#### Leading Hand Category

Rent based on the principal of being 50% of the current market rent. The house to be of reasonable age, good condition, minimum 3 by 1 design. Rent to be determined annually during the budget process from year to year. Water consumption allowance of 400kl pa.

Employees that this category relates to;

1. Development Officer
2. Supervisor Mechanical Services
3. Team Leader Construction
4. Team Leader Maintenance
5. Team Leader Horticulture
6. Supervisor Building Services

### **Housing Subsidy for Employees in their own home**

If employees falling into the above categories own their own home, or occupy a non-Council supplied house and that home is within the Shire, then Council will pay that employee an allowance, currently \$3,000 pa, (based on 50% of the market rent of a leading hand category house and reviewed annually during the budget process) in lieu of rent and water consumption subsidies (payable fortnightly and subject to income tax).

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for applying this policy.

## 8. TOURISM POLICIES

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## 8.1 Area Promotion

<b>Policy Owner</b>	<b>General Purposes Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>04 April 2005</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 021022</b>

### **OBJECTIVE**

To ensure the appropriate use of Council's Tourism motto.

### **POLICY**

That the Council maintain copyright on the slogan "Only a Picnic Away" and the use of this slogan on tourist promotional material by outside organizations be on the approval of Council or the CEO.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for applying and monitoring this policy.

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## 8.2 Mt O'Brien Road

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Manager of Works and Services</b>
<b>Date of Adoption</b>	<b>December 2011 Resolution 101211</b>
<b>Date of Last Review</b>	<b>22 June 2022 Resolution 070622</b>

### **OBJECTIVE**

This policy is designed to ensure the gravel road leading to Mt O'Brien is maintained at Council's cost as Mt O'Brien is situated on private property.

### **POLICY**

That Council maintains the gravel road, which leads to the Mt O'Brien Lookout.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for applying and monitoring this policy.

## 9. TOWN PLANNING

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## 9.2 Temporary Accommodation While Building on Rural Residential Zoned Property

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 December 2010</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To provide guidelines to Council staff to assist prospective owner/builders wishing to reside in temporary accommodation on their property during construction of a permanent residence.

### POLICY

Council recognizes that in some situations an owner/builder may wish to reside on his property while constructing his own permanent dwelling.

Permission could be granted for short term temporary accommodation to an owner/builder during the construction of a permanent residence provided it meets the following criteria:

- Only applies to property zoned rural residential.
- Only applies to the owner/builder and immediate family.
- Is for a maximum period of twelve months with any extension of time at the discretion of the CEO.
- Applies to a shed, caravan or motor home situated on the property in a position satisfactory to Council's Building Surveyor.
- An approved apparatus for the treatment of sewage, complete with a conforming water closet, is to be installed to the satisfaction of Council's EHO prior to the owner/builder taking up temporary residence.
- The site is to be maintained in an orderly and tidy condition at all times.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer, Building Surveyor and EHO are responsible for applying this policy.



## 10. WORKS AND SERVICES

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## 10.1 Construction Works Affecting Private Properties

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Manager of Works and Services</b>
<b>Date of Adoption</b>	<b>01 February 2005</b>
<b>Date of Last Review</b>	<b>22 June 2022 Resolution 070622</b>

### **OBJECTIVE**

To ensure appropriate consultation is undertaken between Council staff and landowners when works will affect their properties.

### **POLICY**

Where construction works will affect an adjoining property then the landowner is to be consulted prior to the works commencing.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Manager Works & Services is responsible for applying this policy.

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## 10.2 Council/MRWA Advertising Hoardings

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>20 July 2006 Resolution 040706</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022 – No Change</b>

### OBJECTIVE

To manage its risks and to also ensure protection of visual amenity, pedestrians on footpaths, Council liability and vehicle traffic whilst ensuring the public is informed and businesses can adequately and safely promote themselves and their wares.

### POLICY

That with respect to roadside advertising by commercial enterprises that address Council or MRWA roads the following Policy be adopted and copied to all relevant businesses and the Wongan Hills Business Association;

1. That commercial enterprises that address Council or MRWA roads within the townsites not be permitted to place temporary advertising hoardings, products' or sandwich board signs anywhere other than on their property, or on Councils' adjoining footpath subject to it not constituting a pedestrian or vehicular hazard in the opinion of the CEO.
2. Nothing in this policy prevents a commercial enterprise seeking written application for a permanent sign on Council or Main Roads property which will be assessed in accordance with the Councils' and MRWA requirements and Councils' desire to: -
  - a. maximise through vision by passing traffic to Fenton PI and;
  - b. minimise negative visual amenity such as signs.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.3 Fines and Infringements – Road Traffic Act

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 February 2006 Resolution 190206</b>
<b>Date of Last Review</b>	<b>16 February 2006 Resolution 190206</b>

### OBJECTIVE

To ensure that Council clearly states that it does not condone any action that does not conform to the *Road Traffic Act 1974* and associated codes and regulations, including Local Authority or other Agencies Parking Local Laws.

### POLICY

Council does not condone any action that does not conform to the *Road Traffic Act 1974*, associated codes and regulations including parking or other infringements against other local authorities or agencies local laws, and accordingly do not pay any subsequent fines.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.4 Heavy Vehicles

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>19 April 2013 Resolution 060513</b>
<b>Date of Last Review</b>	<b>19 April 2013 Resolution 060513</b>

### OBJECTIVE

To provide safer roads for all road users and guidelines for heavy transport vehicles within the Shire.

### POLICY

That Council supports the transportation of farm produce, specifically grains, livestock, wool, hay and straw throughout the Shire of Wongan-Ballidu (the Shire) using permit vehicles in accordance with the Main Roads WA's "Restricted Access Vehicle" (RAV) configurations and network.

Road users wishing to access RAV network roads coded with the CA07 condition (*All operators must carry written approval from the Local Government Authority permitting use of the road*) must apply annually for approval. Approvals under the CA07 code are subject to the following conditions:

- Gravel roads are not to be used if heavy rain has fallen in the area. Advice is to be sought from the Shire.
- No operation during school bus hours. Transport operators are to contact the local schools to obtain school bus hours
- Council may review operation and add or remove roads from the approved list, subject to Commissioner of Main Roads discretion.
- All loads must be secured to the standards set out in the Load Restraint Guide under the National Heavy Vehicle Regulations

### CONCESSIONAL LOADING

The Shire does not support unregulated concessional loading and all applications must be presented to Council for approval.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.5 Industrial and Commercial Rubbish Services

<b>Policy Owner</b>	<b>Administration and Financial Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>15 February 2007 Resolution 130207</b>
<b>Date of Last Review</b>	<b>15 February 2007 Resolution 130207</b>

### **OBJECTIVE**

This policy sets out the criteria for rubbish service levies for the townsites of Wongan Hills and Ballidu.

### **POLICY**

That all occupied industrial and commercial premises are charged a minimum of one annual rubbish service levy whether occupiers elect to have the refuse and recycling collection services or not.

That Council exempts the one annual rubbish service levy for all those industrial and commercial occupiers who elect to engage in an authorised skip bin service and whereby Council's Manager Planning & Environmental Services has assessed the occupier as not requiring a putrescibles service.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Manager Environmental & Planning Services and the Manager Administration & Financial Services are responsible for this policy.

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## 10.6 Level of Service – Grading Activities

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 August 2016 Resolution 080816</b>
<b>Date of Last Review</b>	<b>16 August 2016 Resolution 080816</b>

### OBJECTIVE

To ensure that Council clearly identifies the “level of service” it requires for the maintenance of bitumen and gravel roads within the Shire of Wongan-Ballidu (the Shire).

### POLICY

#### Winter Grading:

- Winter grading will commence as soon as optimum soil moisture conditions permit.
- Gravel roads will be double cut from drain invert to drain invert.
- If insufficient material is evident, every effort will be made to import top-up gravel from other areas.
- Formation road widths must be maintained at 9.0m for major arterial roads and 8.0m for minor arterial roads.
- The road cross-section gravel roads where possible will be targeted at between 5% – 6% in order to maintain good road drainage.
- The 1<sup>st</sup> round of grading will include only major and minor arterial roads and bus routes.
- The 2<sup>nd</sup> round of grading will include major and minor arterial roads, bus routes and minor roads.

#### Summer Grading:

- Summer grading will focus on local roads, verge clearing, back slopes and drains (including bitumen roads)
- No planned formation grading will occur on major and minor arterial roads, bus routes and minor roads during summer with the exception of sections of severe corrugations or where damage has been caused by heavy unseasonal summer rainfall.
- Cleared vegetation will only be laid down (larger material will be stabilised) and not carted away with a target of between 100km to 150km per annum.
- In the event of optimum soil moisture conditions due to summer rainfall, the focus will not move away from local roads. Graders may, however, formation grade other roads on the way from local road to local road.

### **Bitumen Shoulder Grading:**

- When grading bitumen shoulders, staff will where practicable use three graders in convoy and commence as close as practicable to 1st July each year.
- Roads with a bitumen width of less than 6.50m wide will be graded once every year.
- Roads with a bitumen width of more than 6.50m wide should be graded once every two years after the completion of roads with the width of less than 6.5m which have priority.
- Grading extents will be from drain invert to drain invert.
- Clearing of back-slopes on bitumen shoulders will be done only in summer.
- Road sweeping will be carried out during bitumen shoulder grading only when required.

### **Bitumen Shoulder Widening:**

- Wherever possible, back slope vegetation will be laid down and stabilised and not removed
- Existing shoulder sub-base / base course material is to be tested by scarifying up to 150mm with a single grader tine. If the material is suitable it will be left in-situ with minimal tinning and topped to shape with suitable imported gravel.

### **Sourcing of Gravel:**

- All gravel for the current works programme be pushed in July, August and September of that year to allow for moisture absorption

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.



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## 10.7 Plant and Equipment Replacement

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 August 2016 Resolution 080812</b>
<b>Date of Last Review</b>	<b>16 August 2016 Resolution 080812</b>

### OBJECTIVE

To provide for the optimum and timely replacement of Councils major road and parks & gardens (works) Plant and Equipment (P&E) in order to;

- Minimising the overall impact on Councils General Purposes Income to finance it through efficient asset management, maintenance and fleet changeovers practices
- Even out annual net cash requirements (minimize the cyclical peaks and troughs) and to;
- Obviate the need for loan borrowings.

### POLICY

That Council adopt and thereafter annually review long term (minimum 5 years) asset replacement programs known as the following;

- 5 Year Major Plant & Equipment Replacement Program and;
- 5 Year Minor Plant & Equipment Replacement program.

That with respect to Councils Plant & Equipment Replacement Program, Council;

- Establish and maintain a "Cash Backed Reserve" for the purpose of financing major and minor plant and equipment purchases (net of trades);
- Meet its annual net cash for P&E purchases from this reserve by annually transferring the net difference between minor and major plant & equipment purchases;
- Annually budget to transfer to reserve the calculated depreciation of that P&E.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.8 Plant Hire

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>21 June 2012 Resolution 080612</b>
<b>Date of Last Review</b>	<b>23 August 2022 Resolution 10082022</b>

### **OBJECTIVE**

To ensure that Council plant is operated by Council employed staff.

### **POLICY**

That plant only be hired out with a Shire Operator unless authorised by the Manager of Works & Services or the CEO.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.

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## 10.9 Powerline Agreements

<b>Policy Owner</b>	<b>Health, Building and Planning</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 Resolution 131211</b>
<b>Date of Last Review</b>	<b>23 August 2022 Resolution 10082022</b>

### **OBJECTIVE**

To provide guidelines for the removal of caveats that has been placed on properties as a result of power line agreements.

### **POLICY**

The cost of removal of Caveats over the properties owned by persons holding power line agreement be borne by the landowner. Caveats to be removed automatically upon the instruction from the landowner provided the last payment under the power lines agreement has been received.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.

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## 10.10 Private Pipeline Under Road Reserves

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>November 2011 Resolution 071111</b>
<b>Date of Last Review</b>	<b>November 2011 Resolution 071111</b>

### OBJECTIVE

To ensure that works under Councils' road are not at the detriment of those roads.

### POLICY

Prior to installing a private pipeline under road reserves an application is to be made on the appropriate form and approval granted by the Chief Executive Officer.

The following conditions apply when approval is granted to install a private pipeline under road reserves.

1. Care to be taken to avoid damage or removal of any existing trees on the road reserve.
2. Council shall not be responsible for the implementation, relocation or maintenance of the pipeline.
3. Council shall not be responsible for any damage to the pipeline at any time.
4. Adequate cover to be provided over the pipeline following installation.
5. Markers indicating the position the pipe crosses the road to be provided at the fence line on either side of the road reserve.
6. The road shall be reinstated to its original condition.
7. Care must be taken to avoid subsidence where the excavation has taken place.
8. The cost of reinstating the road surface to its original condition and provision of markers is to be borne by the applicant.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.11 Private Works

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>15 December 2011 Resolution 101211</b>
<b>Date of Last Review</b>	<b>23 August 2022 Resolution 10082022</b>

### OBJECTIVE

To specify the parameters whereby Council staff can accommodate private works and to minimise the impact on Councils normal operations.

### POLICY

Private works will only be undertaken if the works involved do not compromise the Council's road construction/maintenance program and the plant is in the vicinity of the works.

Before private works are carried out the client must sign a private works authorization form.

Any private works are to be carried out at the discretion and authorization of the Manager Works & Services or the Chief Executive Officer prior to commencement.

Private works within the Shire are to be carried out on the following conditions; The client is responsible for marking out and supervising the work.

- The Shire is not to be held responsible for damage to property, foundations, cables etc caused when working within the client's instructions.
- The Shire is not responsible for any expense, whatsoever incurred through breakdown or delay.
- The time of work and travelling shown are correct and chargeable.
- That the works be charged at the current hire rate as set out in council's Annual Budget (Fees and Charges).
- A minimum of one-half hour hire of any plant will be charged.

Nothing in this policy prohibits council entering into an agreement with an individual(s) or organisations to provide a service with or without goods at a price to be negotiated between the respective parties that is mutually acceptable.

Any person/ organisation applying for private work with a private works account outstanding by thirty (30) days or more is advised that the work will not be undertaken until the amount outstanding has been paid. The application of this portion of the policy is subject to variation only by the Chief Executive officer should appeal circumstances be demonstrated and approved by the Chief Executive officer prior to work commencing.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.12 Rare Flora

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>November 2011 Resolution 071111</b>
<b>Date of Last Review</b>	<b>24 March 2021 Resolution 070321</b>

### **OBJECTIVE**

To ensure that *Department of Water and Environment Regulation (DWER)* Declared Rare Flora areas are defined and that staff are aware of the significance of these rare flora.

### **POLICY**

Declared Rare Flora areas to be identified and the Manager Works & Services is to ensure that all staff are made aware of the need to protect those areas before any works commences.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.

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## 10.13 Removal of Trees Within Town Sites

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>November 2011 Resolution 071111</b>
<b>Date of Last Review</b>	

### **OBJECTIVE**

To provide elected members and staff with a clear set of guidelines when it is considered desirable to remove existing trees.

### **POLICY**

Prior to removal of any trees in townsites Elected Members are to be notified at least three weeks prior to their intended removal.

Where elected members feel it is appropriate, an advertisement shall be placed in the Wonga-Balli Boomer detailing the locality of the tree and the reasons for its removal and request community input prior to the removal of the tree.

All trees that are intended for removal are to be marked with coloured tape or paint at least three weeks prior to removal.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementing this policy.

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## 10.14 Revegetation for Rural Roads and Reserves

<b>Policy Owner</b>	<b>Works and Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 Resolution 101211</b>
<b>Date of Last Review</b>	<b>24 March 2021 Resolution 070321</b>

### OBJECTIVE

The Shire of Wongan-Ballidu (the Shire) acknowledges the social, economic and environmental benefits accorded to the Shire by virtue of retaining the Shire's native vegetation and will therefore minimise the loss of any native vegetation in its procedural, administrative and works practices.

### POLICY

That the Shire only undertake native vegetation removal where legally authorised to do so or required pursuant to an unforeseen or impending emergency (for example bushfire).

Where native or remnant vegetation on rural road verges outside the maintenance zone is destroyed or removed by the Shire or Shire contractors;

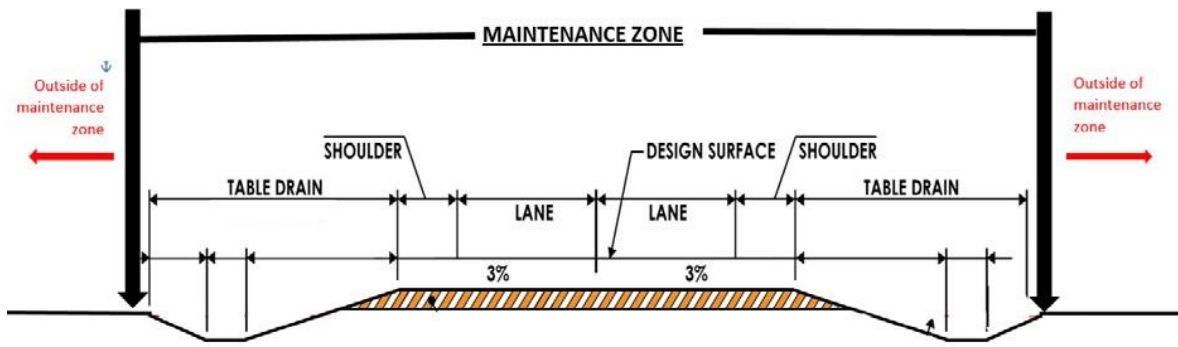
- i. Shire staff will replace the type and quantity of vegetation removed with a similar local type and quantity of vegetation within a reasonable period and in conditions that allow the best opportunity for its survival (i.e. seasonal conditions).
- ii. Shire staff may select another rehabilitation site on reserve(s) or areas within that locality if site conditions require it. Examples of areas currently identified include;
  - Gratton Creek
  - Gratton Heights
  - Shire owned borrow (gravel and sand) pits
  - Shire borrow pits on private land (with landowner approval).
- iii. The Shire will accommodate for this policy in operating expenditure associated with the budget at the time of works and continue to identify areas suitable for rehabilitation.

The Shire will continue to give priority to its road reserves for vehicular safety and maintain these reserves in accordance with accepted roadside corridor codes of practice and maintenance zones and the Department of Water and Environmental regulations.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.





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## 10.15 Road Hierarchy

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>19 April 2012 Resolution 090412</b>
<b>Date of Last Review</b>	<b>19 April 2012 Resolution 090412</b>

### **POLICY**

To ensure that the Roads are constructed and maintained according to Councils standards.

### **OBJECTIVE**

That Council adopt the following Road Hierarchy with regard to rural roads and associated Construction and Maintenance standards:

#### **1: Regional Road Group Roads Type 5**

<b>CONSTRUCTION STANDARD</b>	<b>MAINTENANCE STANDARD</b>
Formation width – 16 metres Pavement width – 11 metres Seal width – 7 metres	Bitumen pavement surface is to be maintained as required. Gravel shoulders are to be winter graded annually on the first round.  Gravel pavement is to be winter graded annually on the first round.  Offshoots and surface drains are to be cleaned out when the shoulders are graded.  Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Elected Members are to be contacted.

## 2: Regional Road Group Roads Type 4

CONSTRUCTION STANDARDS	MAINTENANCE STANDARD
Formation width – 15 metres Width - 9 metres Seal width - 7 metres	Bitumen pavement surface is to be maintained as required. Gravel shoulders are to be winter graded annually on the first round  Gravel pavement is to be winter graded annually on the first round.  Offshoots and surface drains are to be cleaned out when the shoulders are graded.  Roadside furniture is to be maintained as required.  Back-slopes on drains to be maintained as required.  Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Elected Members are to be contacted.

## 3: Major Arterial Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 12-16 metres Pavement width – 9 metres Material depth 120mm – 150mm (depending on sub base)	Bitumen pavement surface is to be maintained as required. Gravel road pavement is to be winter graded annually on the first round.  Gravel shoulders are to be winter graded annually on the first round.  Offshoots and surface drains are to be cleaned out when road pavement is graded.  Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Elected Members are to be contacted.

#### 4: Minor Arterial Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 11-15 metres Pavement width – 8 metres Material depth 120mm – 150mm (depending on subbase)	Bitumen pavement surface is to be maintained as required. Gravel road pavement is to be winter graded annually on the first round.  Gravel shoulders are to be winter graded annually on the first round.  Offshoots and surface drains are to be cleaned out when road pavement is graded  Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Elected Members are to be contacted.

#### 5: Minor Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 11-15 metres Pavement width – 8 metres Material depth 100mm-120mm (depending on subbase)	Gravel road pavement is to be summer graded as required and winter graded on the second round.  Offshoots and surface drains are to be cleaned out and maintained as required when road is being graded Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Elected Members are to be contacted.

#### 6: Local Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Base Formation Only	Gravel road pavement is to be summer graded as required. Back-slopes on drains to be maintained as required.  Roadside furniture is to be maintained as required.

Current bus routes on minor or local roads are of a high priority and should be treated the same as major and minor arterial roads.

## SHIRE OF WONGAN-BALLIDU

### Adopted Rural Road Hierarchy Program and associated Construction and Maintenance Standards

Rd #	Sorted by Road Name	Road Hierarchy Adopted (by Council)
175	Armstrong Rd	Minor Road
77	Bailey Rd	Minor Road
44	Ballermina Rd	Minor Road
3	Ballidu East Rd	RRG 4
4	Ballidu-Bindi Bindi Rd	RRG 5
32	Ballidu-South East Rd	Major Arterial Rd
135	Barrett-Lennard Rd	Local Road
42	Barrow Rd	Minor Road
108	Bauer Rd	Local Road
133	Beilby Rd	Minor Road
125	Bexton Rd	Minor Road
52	Booth Rd	Local Road
136	Bowen Rd	Minor Road
110	Brennan Rd	Local Road
130	Brophy Rd	Minor Road
43	Bunketch-Kulja Rd	Minor Road
57	Burakin East Rd	Minor Road
56	Burakin North Rd	Minor Road
192	Burakin-Wialki Rd	RRG 4
16	Cadoux North Rd	Minor Arterial Rd
119	Cadoux Rifle Range Rd	Minor Road
117	Cadoux South Rd	Minor Road
61	Clarke Rd	Minor Road
68	Cochrane Rd	Local Road
140	Conway Rd	Local Road
165	Cooney Rd	Local Road
58	Corbett Rd	Local Road

<b>Rd #</b>	<b>Sorted by Road Name</b>	<b>Road Hierarchy Adopted (by Council)</b>
131	Cousins Rd	Minor Road
33	Craig Rd	Major Arterial Rd
39	Craske Rd	Minor Road
21	Damboring West Rd	Minor Arterial Rd
151	Danes Rd	Minor Road
45	Davies Rd	Minor Road
47	deGrussas Rd (From Hospital Rd East)	Minor Road
47	deGrussas Rd (From Hospital Rd West)	Minor Road
73	Douglas Rd	Local Road
193	Dowerin-Kalannie Rd	RRG 4
138	Elphin Korralling Rd (Craig To Korralling)	Local Road
138	Elphin Korralling Rd (Waddington To Craig)	Minor Arterial Rd
60	Feedmill Road	Local Road
156	Ffoulkes Rd	Minor Road
186	Finck Rd	Local Road
120	Flat Rocks Rd	Minor Road
137	Fowler Rd	Local Road
106	Freestone Rd	Minor Road
27	Gabalong East Rd	Major Arterial Rd
167	Gaston Rd	Local Road
71	Glenvar Rd	Local Road
115	Griffiths Rd	Local Road
74	Hesford Rd	Local Road
122	Holben Rd	Minor Road
127	Hooper Rd	Local Road
195	Hospital Road	RRG 4
38	Hourigan Rd	Major Arterial Rd
141	Hunt Rd	Local Road
13	Jenkin Rd	Local Road
66	Jenks Rd	Minor Road
54	Johnson Rd	Minor Road

Rd #	Sorted by Road Name	Road Hierarchy Adopted (by Council)
185	Joynes Rd	Local Road
123	Kalajzic Rd	Local Road
11	Kalguddering East Rd	Minor Arterial Rd
36	Kalguddering North Rd	Minor Arterial Rd
191	Kalguddering North Road(East)	Minor Arterial Rd
112	Kalguddering Rd	Minor Road
14	Kalguddering West Rd	Minor Arterial Rd
124	Kalsall Rd	Local Road
24	Kirwan East Rd	Major Arterial Rd
22	Kirwan Rd	Major Arterial Rd
23	Kirwan West Rd	Minor Arterial Rd
18	Kokardine East Rd	Minor Road
17	Kokardine West Rd	Minor Arterial Rd
9	Kondut East Rd	Minor Arterial Rd
31	Kondut South East Rd	Major Arterial Rd
10	Kondut West Rd (East Of Whitewell)	Minor Arterial Rd
10	Kondut West Rd (West Of Whitewell)	Minor Road
34	Koralling Rd	Local Road
29	Lake Hinds North Rd (From Gabalong East)	Minor Road
29	Lake Hinds North Rd (To Gabalong East)	Major Arterial Rd
129	Leahys Rd	Local Road
118	Lego Rd	Minor Road
114	Litchfield Rd	Minor Road
37	Lloyd Rd	Minor Road
70	Mail Route Rd (From Fowler To Bowen)	Minor Road
70	Mail Route Rd (To Fowler Rd)	Local Road
132	Mailey Rd	Local Road
6	Manmanning Rd (Northam-Pithara To Stokes)	Major Arterial Rd
6	Manmanning Rd (Stokes To Jones)	Minor Arterial Rd
150	Mccashney Rd	Local Road
15	Meadows Rd	Major Arterial Rd

Rd #	Sorted by Road Name	Road Hierarchy Adopted (by Council)
46	Millsteed Rd	Local Road
62	Mincherton Rd	Minor Road
116	Mocardy Rd	Minor Road
169	Montague Rd	Local Road
7	Moonijin West Rd (To Litchfield)	Major Arterial Rd
7	Moonijin West Rd (From Litchfield)	Minor Arterial Rd
2	Mountjoy Rd	Local Road
212	Mt Matilda Scenic Walk Rd	Local Road
213	Mt O'Brien Lookout Rd	Local Road
69	Murphy Rd	Local Road
72	Newton Rd	Minor Road
30	Old Ballidu Rd (From Kondut South East To Kondut East)	Local Road
30	Old Ballidu Rd (From Northam-Pithara To Kondut Se)	Minor Road
121	Old Kokardine Rd	Local Road
139	Oliver Rd	Minor Arterial Road
64	Parker Rd	Local Road
184	Phillips Rd	Local Road
49	Podmore Rd	Local Road
40	Quain Rd	Minor Road
25	Rabbit Proof Fence Rd	Minor Arterial Rd
51	Raine Rd	Local Road
55	Reid Rd (Barrow To Hospital)	Local Road
55	Reid Rd (Hospital To Dowerin-Kalannie)	Major Arterial Rd
41	Reynolds Rd	Minor Road
12	Rifle Range Rd	Minor Arterial Rd
109	Robinson Rd	Minor Road
206	Salvare Rd	Local Road
134	Scotney Rd	Local Road
76	Serio Rd	Minor Road
126	Sermon Rd	Minor Road



<b>Rd #</b>	<b>Sorted by Road Name</b>	<b>Road Hierarchy Adopted (by Council)</b>
113	Sewell Rd	Minor Road
20	Sheoak Rd	Major Arterial Rd
48	Silver Rd	Minor Road
67	Smith Rd	Minor Arterial Rd
78	Stickland Rd	Local Road
26	Stokes Rd	Minor Road
152	Strahan Rd	Minor Road
128	Swift Rd	Minor Arterial Rd
59	Tascosa Rd	Minor Road
200	The Lane	Local Road
65	Tootra Fence Rd	Major Arterial Rd
53	Vincent Rd	Minor Arterial Rd
50	Walker Rd	Local Road
174	Ward Rd	Major Arterial Rd
111	Wells Rd	Local Road
19	White Well Rd	Major Arterial Rd
63	Whyte Rd	Minor Road
28	Wilding Rd	Minor Road
177	Wilkins Rd	Minor Road
5	Wilson Rd	Local Road
194	Wongan Hills-Burakin Rd	RRG 4
197	Wongan Hills-Koorda Rd	RRG 4
198	Wongan Hills-Koorda Rd	RRG 4
199	Wongan Hills-Waddington Rd	RRG 4
35	Wongan-Koorda Rd	Major Arterial Rd
8	Yerecoin South East Rd	Major Arterial Rd
135	Barrett-Lennard Rd	Local Road
108	Bauer Rd	Local Road
52	Booth Rd	Local Road
110	Brennan Rd	Local Road
68	Cochrane Rd	Local Road

<b>Rd #</b>	<b>Sorted by Road Name</b>	<b>Road Hierarchy Adopted (by Council)</b>
140	Conway Rd	Local Road
165	Cooney Rd	Local Road
58	Corbett Rd	Local Road
73	Douglas Rd	Local Road
138	Elphin Korralling Rd (Craig To Korralling)	Local Road
60	Feedmill Road	Local Road
186	Finck Rd	Local Road
137	Fowler Rd	Local Road
167	Gaston Rd	Local Road
71	Glenvar Rd	Local Road
115	Griffiths Rd	Local Road
74	Hesford Rd	Local Road
127	Hooper Rd	Local Road
141	Hunt Rd	Local Road
13	Jenkin Rd	Local Road
185	Joynes Rd	Local Road
123	Kalajzic Rd	Local Road
124	Kalsall Rd	Local Road
34	Koralling Rd	Local Road
129	Leahys Rd	Local Road
70	Mail Route Rd (To Fowler Rd)	Local Road
132	Mailey Rd	Local Road
150	Mccashney Rd	Local Road
46	Millsteed Rd	Local Road
169	Montague Rd	Local Road
2	Mountjoy Rd	Local Road
212	Mt Matilda Scenic Walk Rd	Local Road
213	Mt O'Brien Lookout Rd	Local Road
69	Murphy Rd	Local Road
30	Old Ballidu Rd (From Kondut South East To Kondut East)	Local Road

<b>Rd #</b>	<b>Sorted by Road Name</b>	<b>Road Hierarchy Adopted (by Council)</b>
121	Old Kokardine Rd	Local Road
64	Parker Rd	Local Road
184	Phillips Rd	Local Road
49	Podmore Rd	Local Road
51	Raine Rd	Local Road
55	Reid Rd (Barrow To Hospital)	Local Road
206	Salvare Rd	Local Road
134	Scotney Rd	Local Road
78	Stickland Rd	Local Road
200	The Lane	Local Road
50	Walker Rd	Local Road
111	Wells Rd	Local Road
5	Wilson Rd	Local Road

<b>Rd #</b>	<b>Road Name</b>	<b>Sorted by Road Hierarchy Adopted (by Council)</b>
32	Ballidu-South East Rd	Major Arterial Rd
33	Craig Rd	Major Arterial Rd
27	Gabalong East Rd	Major Arterial Rd
38	Hourigan Rd	Major Arterial Rd
24	Kirwan East Rd	Major Arterial Rd
22	Kirwan Rd	Major Arterial Rd
31	Kondut South East Rd	Major Arterial Rd
29	Lake Hinds North Rd (To Gabalong East)	Major Arterial Rd
6	Manmanning Rd (Northam-Pithara To Stokes)	Major Arterial Rd
15	Meadows Rd	Major Arterial Rd
7	Moonijin West Rd (To Litchfield)	Major Arterial Rd
55	Reid Rd (Hospital To Dowerin-Kalannie)	Major Arterial Rd
20	Sheoak Rd	Major Arterial Rd
65	Tootra Fence Rd	Major Arterial Rd
174	Ward Rd	Major Arterial Rd

<b>Rd #</b>	<b>Road Name</b>	<b>Sorted by Road Hierarchy Adopted (by Council)</b>
19	White Well Rd	Major Arterial Rd
35	Wongan-Koorda Rd	Major Arterial Rd
8	Yerecoin South East Rd	Major Arterial Rd
16	Cadoux North Rd	Minor Arterial Rd
21	Damboring West Rd	Minor Arterial Rd
138	Elphin Korralling Rd (Waddington To Craig)	Minor Arterial Rd
11	Kalguddering East Rd	Minor Arterial Rd
36	Kalguddering North Rd	Minor Arterial Rd
191	Kalguddering North Road(East)	Minor Arterial Rd
14	Kalguddering West Rd	Minor Arterial Rd
23	Kirwan West Rd	Minor Arterial Rd
17	Kokardine West Rd	Minor Arterial Rd
9	Kondut East Rd	Minor Arterial Rd
10	Kondut West Rd (East Of Whitewell)	Minor Arterial Rd
6	Manmanning Rd (Stokes To Jones)	Minor Arterial Rd
7	Moonijin West Rd (From Litchfield)	Minor Arterial Rd
25	Rabbit Proof Fence Rd	Minor Arterial Rd
12	Rifle Range Rd	Minor Arterial Rd
67	Smith Rd	Minor Arterial Rd
128	Swift Rd	Minor Arterial Rd
53	Vincent Rd	Minor Arterial Rd
139	Oliver Rd	Minor Arterial Rd
175	Armstrong Rd	Minor Road
77	Bailey Rd	Minor Road
44	Ballermina Rd	Minor Road
42	Barrow Rd	Minor Road
133	Beilby Rd	Minor Road
125	Bexton Rd	Minor Road
136	Bowen Rd	Minor Road
130	Brophy Rd	Minor Road
43	Bunketch-Kulja Rd	Minor Road

<b>Rd #</b>	<b>Road Name</b>	<b>Sorted by Road Hierarchy Adopted (by Council)</b>
57	Burakin East Rd	Minor Road
56	Burakin North Rd	Minor Road
119	Cadoux Rifle Range Rd	Minor Road
117	Cadoux South Rd	Minor Road
61	Clarke Rd	Minor Road
131	Cousins Rd	Minor Road
39	Craske Rd	Minor Road
151	Danes Rd	Minor Road
45	Davies Rd	Minor Road
47	deGrussas Rd (From Hospital Rd East)	Minor Road
47	deGrussas Rd (From Hospital Rd West)	Minor Road
156	Ffoulkes Rd	Minor Road
120	Flat Rocks Rd	Minor Road
106	Freestone Rd	Minor Road
122	Holben Rd	Minor Road
66	Jenks Rd	Minor Road
54	Johnson Rd	Minor Road
112	Kalguddering Rd	Minor Road
18	Kokardine East Rd	Minor Road
10	Kondut West Rd (West Of Whitewell)	Minor Road
29	Lake Hinds North Rd (From Gabalong East)	Minor Road
118	Lego Rd	Minor Road
114	Litchfield Rd	Minor Road
37	Lloyd Rd	Minor Road
70	Mail Route Rd (From Fowler To Bowen)	Minor Road
62	Mincherton Rd	Minor Road
116	Mocardy Rd	Minor Road
72	Newton Rd	Minor Road
30	Old Ballidu Rd (From Northam-Pithara To Kondut Se)	Minor Road
40	Quain Rd	Minor Road

Rd #	Road Name	Sorted by Road Hierarchy Adopted (by Council)
41	Reynolds Rd	Minor Road
109	Robinson Rd	Minor Road
76	Serio Rd	Minor Road
126	Sermon Rd	Minor Road
113	Sewell Rd	Minor Road
48	Silver Rd	Minor Road
26	Stokes Rd	Minor Road
152	Strahan Rd	Minor Road
59	Tascosa Rd	Minor Road
63	Whyte Rd	Minor Road
28	Wilding Rd	Minor Road
177	Wilkins Rd	Minor Road
3	Ballidu East Rd	RRG 4
192	Burakin-Wialki Rd	RRG 4
193	Dowerin-Kalannie Rd	RRG 4
195	Hospital Road	RRG 4
194	Wongan Hills-Burakin Rd	RRG 4
197	Wongan Hills-Koorda Rd	RRG 4
198	Wongan Hills-Koorda Rd	RRG 4
199	Wongan Hills-Waddington Rd	RRG 4
4	Ballidu-Bindi Bindi Rd	RRG 5

## RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.16 Road Naming Within the Shire

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 February 2006 Resolution 210206</b>
<b>Date of Last Review</b>	<b>24 March 2021 Resolution 070321</b>

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### OBJECTIVE

To enable Council to prioritise and determine the allocation of road names to roads that are new or require a new name or named for the first time.

### POLICY

The Council will, as a general rule, defer to the guidelines adopted by the Department of Land Information's Geographic Names Committee (**appendix**).

Councils preference, in applying the Geographic Names Committee's guidelines, is to utilise historic surnames of Freeman, Chairman of the Road Board, Shire Presidents and Elected Members, and other worthy community nominated names recommended from time to time, based on the following mutually inclusive principals, in order of priority high to low;

1. Road names should not be duplicated within the Shire;
2. Surnames of Freeman of the Shire;
3. Surnames utilised must be of deceased persons (with the exception of Freeman);
4. Surnames of Chairman / Shire Presidents in priority order of length of service;
5. Surnames of Elected Members in priority order of length of service;
6. Surnames of former pioneers whose property was predominately served by a specific historic road reserve.

The attached of Freeman, Chairman, Shire Presidents and Elected Members serves as the basis for prioritising the selection of names for roads in accordance with the above principles.

Preference where possible will be given to locating the name within the general locality that the individual resided or owned land and if no such Freeman, Chair, President or Elected Member exists that satisfies that criteria then the Council may revert to another suitable name satisfying the general principals of the Geographic Names Committee and based upon the original owners surname of the

property that the particular road predominately or solely served.

Nothing in this policy shall prevent Council from determining the recommendation to the Geographic Naming Committee of an alternative name for a road if Council believes the alternative name selected is more appropriate.

#### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.



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## 10.18 Sale of Used Grader Blades, Batteries, Oil and Scrap Metal

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>19 April 2012 Resolution 090412</b>
<b>Date of Last Review</b>	<b>24 March 2021 Resolution 070321</b>

### OBJECTIVE

To encourage recycling and use the proceeds to benefit those Shire employees who are members of the Shire of Wongan-Ballidu Social Club.

### POLICY

That:

- All old grader blades and other cutting edges, batteries, oil and scrap metal produced by the Shire Works operations are to be sold.
- The proceeds of these sales are to be donated to the Shire of Wongan-Ballidu Social Club.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.20 School Bus Stops/Signs

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 – Resolution 101211</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022</b>

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### **OBJECTIVE**

To assist with providing safer areas for school children who use buses to commute to and from school.

### **POLICY**

To provide School bus stop pull off bays if warranted but only after consultation with the relevant School Bus Services Committee. Pull off bays are to be provided while the plant is working in close proximity to the proposed site for the pull off bays. The Chief Executive Officer is authorised to arrange erection of school bus stop signs on request whether a school bus bay has been provided or not, subject to the site meeting the criteria for such signs under Main Roads WA guidelines.

School bus routes and stops to be assessed annually.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.21 Service Provider Road Reinstatements

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>17 May 2012 Resolution 060512</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022</b>

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### OBJECTIVE

To provide costing guidelines when Telstra, Western Power, Alinta Gas, Water Corporation or their Contractor make application to put in new services or put in new services, upgrade existing services or repair existing services on or in land owned or under control of the Shire of Wongan-Ballidu.

### POLICY

Reinstatement works are to be undertaken to a high standard. Roads, footpaths and any other land where services have put in are to be reinstated to their original condition.

The use of drilling in lieu of excavation and the use of stabilising sand products is a mandatory requirement for all works and any variation of the approved method or products requires the written approval of Shire of Wongan-Ballidu prior to works commencing.

When Council undertakes the reinstatement, charges are to be raised on standard Private Works/Plant Hire rate and a further 50% provisional component be added to the charge to compensate for remedial work associated with the reinstatement and Councils exposure to additional liability.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.22 Standpipe Water Charges

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>17 May 2012 Resolution 060512</b>
<b>Date of Last Review</b>	<b>26 October 2022 – Resolution 101022</b>

### OBJECTIVE

To provide guidelines as to charges that can be levied for those organisations/persons using water from Council's Standpipes.

### POLICY

That charges be raised for all standpipe water consumption as follows:

That Council erect signs on all the Council standpipes on road reserve around the Shire stating:



Shire of Wongan-Ballidu Emergency Fire Standpipe Fees  
apply for all use.

For enquiries, reporting of damage or quantity taken (for  
billing) contact the Shire Office on 9761 2500  
during normal office hours

The rate of charge per litre be determined by Council annually as part of the budget process  
and incorporated into the Shire of Wongan-Ballidu Fees and Charges.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.23 Street Lighting

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>December 2011 Resolution 071111</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022 Amended</b>

### OBJECTIVE

To ensure that adequate lighting is provided for security and general purposes whilst appreciating the economic cost of providing this service.

### POLICY

That the streetlights in Fenton Place and Wongan Road be kept on all night while the remaining streetlights in Wongan Hills, Cadoux and Ballidu be turned off at 1.15am.

All other matters relating to street lights in Fenton Place and Wongan Road be managed in accordance with Policy 10.28 Lighting Management Policy

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.25 Use of Council Facilities, Plant and Equipment by Community Organisations

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<b>Policy Owner</b>	<b>Works and Services</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 August 2012 Resolution 080812</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022</b>

### **OBJECTIVE**

To assist Community Organisations and Employees with their activities and programs through occasional use of Council equipment.

### **POLICY**

#### **Community Organisations**

The Chief Executive Officer in conjunction with the Manager Works & Services is authorised to permit the use of Councils plant and equipment, to be used after hours for community purposes at no cost to Council other than running costs provided that the plant and equipment: -

1. Is operated by authorised Shire employees only
2. Is used to facilitate a works undertaking for a local community organisation or sporting club
3. Does not leave the Shire of Wongan-Ballidu
4. Is readily available to the site without the involvement of unnecessary transportation.
5. Use is not prolonged, regular or ongoing

Note refer also to Councils delegation 'Donations of Plant & Equipment.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.26 Vehicle Crossovers

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>16 August 2012 Resolution 080812</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022</b>

### OBJECTIVE

To specify Council's required Standards on the construction of Crossovers and to administer all matters relating to vehicle crossovers within the district of the Shire of Wongan-Ballidu (the Shire).

### POLICY

#### Rural Crossovers

Council will contribute 50% of the cost of one standard crossover to the main property entrance of each property.

When Council is constructing roads the Manager of Works Committee will liaise with the property owner to include standard crossovers at gateways that are in existence.

#### Standard Rural Crossover

Width of 6.5metres

Road to the property boundary Gravel surface

Pipes or culvert (if required) Headwalls (if required)

#### Town site Crossovers

Council will contribute 50% of one standard crossover per lot. Additional costs involved in wider crossovers or additional crossovers to be paid in full by the landowner.

The Manager of Works and Services is to inspect and approve the crossover construction prior to any concrete being poured, pavement sealed, or brick paved.

Crossovers are to be constructed in accordance with Council's specifications (attachment 2) and drawings (CO-01 & CO-02).

#### Standard Town site Crossover

A standard town site crossover is as stipulated in Council's Standard Crossover Specifications and Standard Crossover Drawings.

A standard town site crossover is deemed to be 3 metres in width, with 1.5 metre wings.

A crossover runs from edge of the road to the property boundary.

### **General Conditions**

Future and ongoing maintenance of the crossover shall be the responsibility of the property owner in accordance with the Local Government (Uniform Local Provisions) Regulations 1996.

Should an applicant require a crossover wider than 3 metres, the Chief Executive Officer is empowered to approve the additional width up to 6 metres subject to consideration being given to location, drainage implications and general aesthetic appeal from other landowners' point of view. Council will only make its contribution towards a 3-metre crossover only.

An application to construct a vehicle crossover is to be made prior to construction.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Chief Executive Officer is responsible for implementation of this policy.



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## 10.27 Water Crossing on Gazetted Roads

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>17 May 2012 Resolution 060512</b>
<b>Date of Last Review</b>	<b>24 March 2021 Resolution 070321</b>

### OBJECTIVE

To ensure that earthworks carried out by landholders does not create water hazards on roads and issues for downstream landowners.

### POLICY

It is the responsibility of the landowner to advise the Shire of Wongan-Ballidu of any earthworks near or adjacent to a gazetted road that may contribute in creating water hazard on any part of the gazetted road. Such hazard may be as a result of water being concentrated at a point, or as a result of increased total flow, or a more rapid flow of water.

Where such earthworks are likely to create the need for one or more culverts or floodways to alleviate water hazards, Council will only permit the construction of those earthworks provided:

1. The downstream landowner provides documentation that indicates he or she is willing to accept any water that may cross the road as a result of such earthworks.
2. The upstream landholder agrees to meet all costs associated with the provision of the materials for and the construction of such floodways or culverts, as the Council shall deem necessary;
3. Construction of the culverts or floodways is carried out to an approved design, at the Shire's convenience, and of the landowner, under Shire supervision.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementation of this policy.

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## 10.28 Lighting Management Policy

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>March 2019</b>
<b>Date of Last Review</b>	<b>26 October 2022 Resolution 101022 No change</b>

### OBJECTIVE

The Lighting Management Policy outlines the commitment and objectives regarding management of current and proposed lighting within the Shire as it seeks to develop Astrotourism to diversify the regional economy, grow tourism and create jobs.

### BACKGROUND

The inappropriate or excessive use of artificial light is known as light pollution. The International Dark Sky Association (IDA) states that components of light pollution include:

- Skyglow – brightening of the night sky over inhabited areas
- Glare – excessive brightness that causes visual discomfort
- Light trespass – light falling where it is not intended or needed
- Clutter – bright, confusing and excessive groupings of light sources<sup>1</sup>

Skyglow impacts the view of the night sky. The International Astronomical Union describes that “wasteful light from artificial sources emitted upward (at horizontal angles and higher) is scattered by aerosols such as clouds and fog or small particulates like pollutants in the atmosphere. This scattering forms a diffuse glow that can be seen from very far away. Skyglow is the most commonly known form of light pollution.”<sup>2</sup>

Good lighting design principles are important considerations to manage skyglow to enable Astrotourism development.

The Shire acknowledges Astrotourism activities can be of benefit economically and to the wider community. Astrotourism can:

- Increase visitor numbers, overnight stays and visitor spending;
- Diversify and increase employment;
- Increase regional economic development opportunities for Aboriginal Astronomy enterprise, tourism business and private investment in assets such as accommodation;
- Grow community capacity; and
- Raise the awareness within a community to apply for accreditation through the IDA International Dark Sky Places (IDSP) Program, founded in 2001.

## POLICY

It is the Shire's policy to implement the following good lighting design principles to maintain and improve the quality of the dark night sky in its efforts to develop Astrotourism within the region.

The principles can be applied to any situation where protection and conservation values of the night sky are important. Application of the principles benefit Astrotourism, astronomy, heritage, human health, safety, energy, wildlife, environment and ecology values.

## GOOD LIGHTING DESIGN PRINCIPLES

### 1. Overview

\_\_\_\_\_ This part sets out the design principles that must be considered in \_\_\_\_\_ the preparation, design and assessment of development.

Good lighting design demonstrates adoption of the following principles:

1. Eliminate upward spill light
2. Direct light downwards, not upwards
3. Use shielded fittings
4. Avoid 'over' lighting
5. Switch lights off when not required
6. Use energy efficient bulbs
7. Use asymmetric beams, where floodlights are used
8. Ensure lights are not directed towards reflective surfaces
9. Use warm white colours

### 2. <sup>3</sup>The Design Principles

#### Principle 1 Eliminate upward spill light

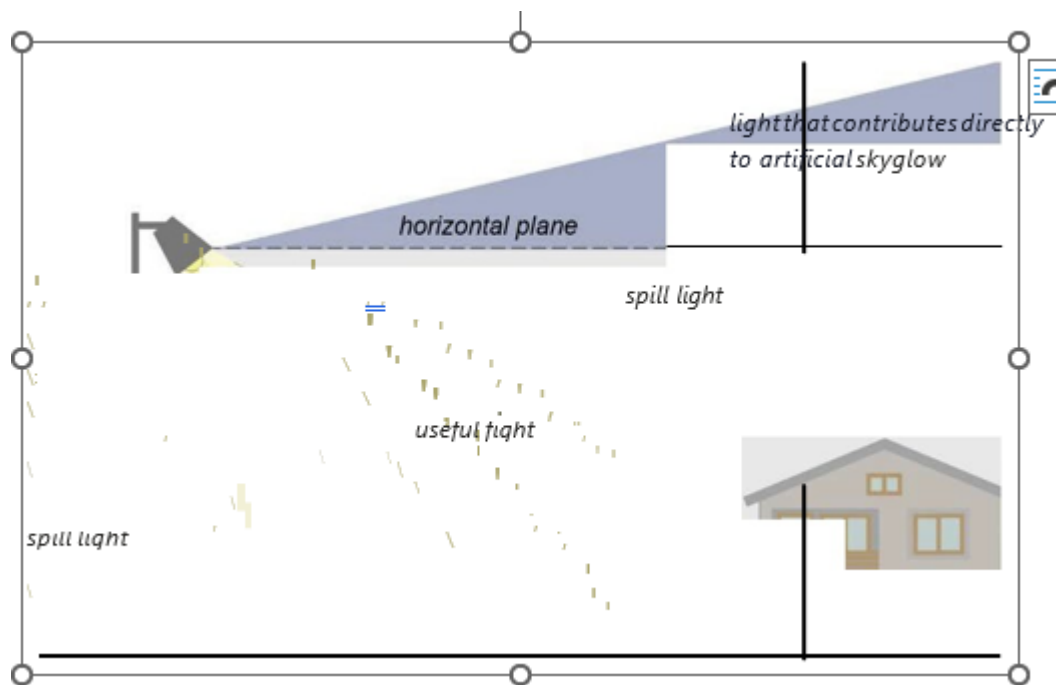
Spill light is light that falls outside the area that is intended to be lit. Spill light from the internal and external lighting of a development can cause glare and wastes energy. Spill light above the horizontal plane contributes directly to artificial skyglow.

All light fittings should be located, aimed or shielded to avoid lighting unintended areas, especially above the horizontal plane of the light fitting (see Figure 1). Light can be prevented from shining above the horizontal plane by:

- installing light fittings with an opaque cover and flat glass, mounted horizontally on both axes, or
- mounting the light under part of a building like an awning, verandah or roof, so that light is blocked from shining above the horizontal plane, and
- designing buildings to internalise light and prevent it from escaping into the night sky.

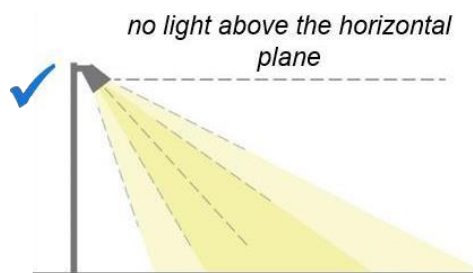
<sup>3</sup> Perth has the highest daily average number of bright sunshine hours in Australia. Its long-term annual average of sunshine is 8.8 hours a day (<http://www.bom.gov.au/watl/sunshine/>)

**Figure 1** Common aspects of light pollution

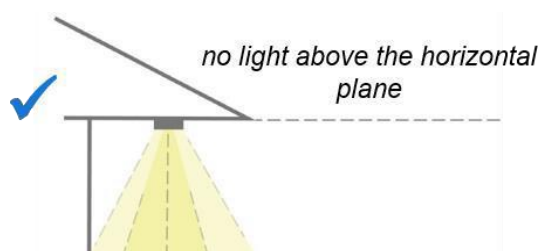


**Figure 2** provides design solutions to minimise light spill above the horizontal plane.

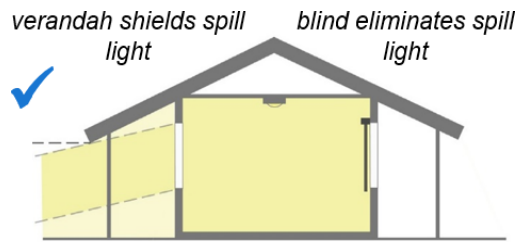
*a. Installing shielded outside light fittings*



*b. Installing outside light fittings under a building element (e.g. awning or eave)*



*c. Using building design e.g. verandahs and block-out blinds to control the spill of internal lighting*



**Figure 2** Design solutions to minimise interior spill light above horizontal plane

Adequate measures to avoid and minimise interior light escaping through windows, roof windows, sliding doors and skylights include full block-out curtains, blinds or shutters.

Suitable conditions should be imposed to manage the spill of internal light into the night sky.

## Principle 2 Direct light downwards, not upwards

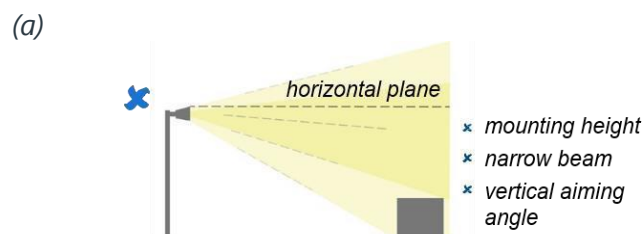
Wherever possible, light should be directed downwards, not upwards. This includes light used for roads, public amenities and the vertical lighting of structures such as advertising boards and building facades. If there are extenuating circumstances requiring up-lighting, it must be demonstrated that the light will not spill into the night sky. This may be achieved by using a wide overhang to the building that stops the light shining directly into the night sky or relocating the lights to shine down the building façade to achieve the same effect.

Directional fittings (for example floodlights, spotlights and sign lights) should be installed so that they do not shine directly into a neighbouring residence, onto a roadway, skyward or outside of a property boundary.

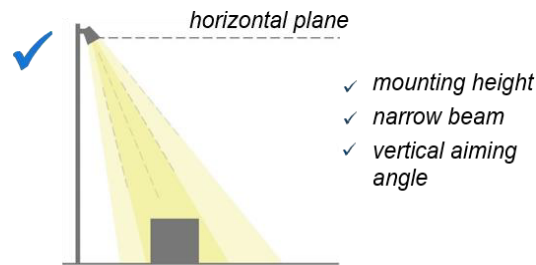
To keep glare to a minimum use higher mounting height that allow lower main beam angles that are closer to vertical.

The lighting of all-night operations such as mines, extractive industries and intermodal hubs will need to be downward facing, of a peach colour and shielded. Where strong light is needed or there are gas flares or burning associated with the development, consultation with the Shire is required to assist in identifying an appropriate way to light the development.

**Figure 3** shows how mounting height, narrow beam and vertical aiming angle reduces light spill.



(b)



**Figure 3** Application of mounting height and vertical aiming angle to control light spill

### Principle 3 Use shielded fittings

Light fittings that are specifically designed to minimise light shining near to or above the horizontal plane should be used.

Shielded fittings are those that do not allow any light above the horizontal plane. Figure 4 shows a fitting with a bulb that is completely exposed allowing light to shine in all directions (a); a bulb that is fitted with a partial shield minimising light above the horizontal plane (b); and a shielded fitting which allows only the downward projection of light (c). The shielded fitting is the preferred design.

The effective light distribution or shielding characteristics of a light fitting can be verified by referring to manufacturer's specifications. These are available from the manufacturer or relevant sales outlet.

(a) non-shielded  
outside light fitting



(b) shielded outside  
light fitting with bulb  
fitted to the top



(c)  
shielded outside  
light fitting

**Figure 4** Shielding characteristics

In some urban locations, particularly within heritage conservation areas, outdoor lights are fitted with a decorative cover. These designs may leave the bulb completely exposed and allow light to shine in all directions. To minimise light spill, the bulb should be fitted into the top of the fitting, allowing only the downward projection of light (see Figure 5).

Lighting suppliers stock a range of shielded light fittings suitable for residential, commercial and industrial applications.

If a supplier is unable to provide a shielded fitting, a shielding device should be applied. Most outside light fittings are equipped with or are capable of being fitted with a baffle, visor or hood to ensure light is appropriately directed. (see Figures 6 and 7).

**Figure 5** Exposed bulb that allows light to shine in all directions and a fitting designed to minimise light spill by only allowing downward projection of light.

**Figure 6** Floodlight fitted with shielding attachment

**Figure 7** Floodlight that incorporates shielding in the fitting design (no attachment necessary)

#### Principle 4 Avoid over lighting

Lighting levels should be appropriate for the activity. To avoid 'over' lighting, select an appropriate bulb type and light the task, rather than the environment.

Improvements in technology mean that many new bulb types produce significantly greater amounts of light while using equivalent or smaller amounts of energy. Halogen bulbs produce more light than standard incandescent bulbs for the same energy use. LED lights produce between two and five times the amount of light as incandescent bulbs. Careful selection of bulb type will ensure the amount of light produced is appropriate for

the activities.

The amount of light produced (lumen), rather than the amount of energy used (watt) is the most important consideration in ensuring that an area is not over lit.



#### What is a light fitting?

A light fitting, or luminaire, is the complete lighting unit. It includes the bulb, elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing and the attached parts.

(a) One light fitting



(b) Two light fittings



Where multiple light fittings are mounted on a single base, as illustrated in (b) above, these are to be counted as additional light fittings. For example, a dwelling house with seven outside light fittings may have three type (a) light fittings and two type (b) light fittings, of which two must be automatic light fittings.

### **Principle 5 Switch lights off when not required**

Lights should be switched off when not required to light a task or an area for safety or security purposes. The concept of a curfew with further limitations on lighting levels between agreed hours is encouraged. Examples include extinguishing or dimming advertising and decorative lighting after 11:00pm. Light fittings with timers that switch on at dusk and switch off by 11:00pm are also encouraged.

The use of automatic light fittings is recommended. Lights that are activated by a sensor and switch off automatically after a period of time reduce the cumulative amount of light emitted from development and reduce energy waste.

### **Principle 6 Use energy efficient bulbs**

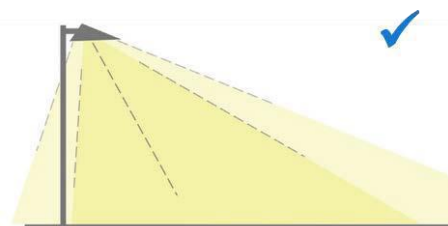
Significantly smaller amounts of energy to Improvements in technology mean that many recently developed bulb types use Energy efficient globes include LEDs, metal, produce the same amount of light. halide, induction bulbs, high pressure sodium, linear and compact fluorescent. High pressure sodium lights emit a peach coloured light and are suitable for a range of applications. They are energy efficient and have a lower impact than white lights.

White lights such as LEDs, modern fluorescent lights and metal halide lights should be used where recognising colour is important, for example at pedestrian crossings, major road intersections and sports grounds. Blue-white mercury bulbs have commonly been used for roadway lighting, but they are no longer permitted in new installations. An Australian Standard (AS/NZS 1158) addresses lighting for roads and public spaces, including parks and gardens and must be applied, where relevant.

### **Principle 7 Use asymmetric beams (when floodlights are required)**

Where floodlights are required, for example sports lighting applications and commercial stock yards, wherever possible use fittings with asymmetric beams that permit horizontal glazing. These are to be kept at or near parallel to the surface being lit, usually the ground and should only light the area that needs to be lit, preventing spill light, see Figure 8.

An asymmetric beam also allows the light fitting to be mounted on the edge of an area.



**Figure 8** *Appropriate floodlighting design includes use of an asymmetric beam*



Principle 8 Ensure lights are not directed towards reflective surfaces

At the design stage, it is desirable that surfaces with a low level of reflectivity be installed in the vicinity of outdoor lighting, compatible with the function of the area.

Illuminance is a measure of the amount of light reflected by a surface and is determined by the reflective properties of the surface.

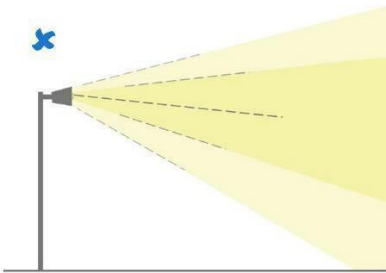
Where a natural grass surface is used the illuminance will be low but may be significant where the surface is relatively light in colour, for example uncoloured concrete, artificial grass with sand infill or light-coloured walls.

Table 2 provides a guide to the reflective properties of common surfaces.

Table 2 Reflective properties of common

and avoids the need for fittings to be tilted upwards. Flat glass light fittings should be installed with the glass horizontal to make efficient use of the brightest part of the beam and to eliminate spill light.

(a) symmetric beam distribution



(b) asymmetric beam distribution

Surface	Reflective properties
Natural grass and vegetation	Low
Painted surface (dark)	Low
Pre-coloured factory metal (dark)	Low
Brick (dark)	Low
Raw or stained timber	Medium
Stone surface	Medium
Uncoloured concrete	High
Painted surface (light)	High
Artificial grass (sand base)	High
Pre-coloured factory metal (light)	High
Brick (light)	High
Zincalume steel (Unpainted)	High

Internally lit signage contributes to the luminance component of artificial skyglow. The internationally accepted limit on illuminated signage should be implemented as provided in Table 3.

**Table 3** *Maximum luminance of illuminated signage*

Illuminated area (square metre)	Maximum luminance at any point (candela per square metre)
More than 10	300
2 to 10	600
0.5 to 2	800
Less than 0.5	1000

**Principle 9 Use warm white colours**

Use warm coloured light bulbs and avoid using cool blue-rich high colour temperature bulbs that are the least sky-friendly.

More information on bulb types and colour temperature is provided in Table 4.

<sup>4</sup> IES/IDA Model Lighting Ordinance (darksky.org)

<sup>5</sup> CIE 150:2017 Standard Guide on the limitation of the effects of obtrusive light from outdoor lighting installations, Second Edition

<sup>6</sup> A brighter sign does not necessarily mean a more visible or readable sign. Informational highway signs have a maximum luminance of 90 cd/m<sup>2</sup>. A survey of hundreds of legacy floodlit billboards in Arizona, USA indicated that most were 50-100 cd/m<sup>2</sup>, with all externally illuminated billboards below 200 cd/m<sup>2</sup>.

## Principle 10 Ensure appropriate luminance levels of electronic message boards.

Luminance levels – During Night hours, which commence no later than one hour after sunset luminance levels shall not exceed:

- (a) In urban areas (Lighting Zone 3 and 4 of the illuminated settings. Model Lighting Ordinance<sup>4</sup> or CIE Environmental Zone E3 or E4<sup>5</sup>): 150 cd/m<sup>2</sup> as measured under the brightest conditions of a full white display.<sup>6</sup>
- (b) In suburban and rural areas (Lighting Zone 1 and 2, Environmental Zone 2): 50 cd/m<sup>2</sup> as measured under conditions of a full white display.
- (c) Electronic message boards should never be located in natural areas (Lighting Zone 0 or Environmental Zone E1).

Curfew - Electronic message boards shall be switched off completely after 11pm (or 30 minutes after the close of business for on- premises signs, whichever is later), and remain off until one hour before sunrise.

Electronic message board applications for traffic and safety information shall be exempt from curfew. Luminance is measured by a Luminance Meter in accordance with manufacturer instructions.

Even in bright city areas, IDA tests in urban areas indicate that sign legibility can be maintained at luminance values well below the 300-400 cd/m<sup>2</sup> that is sometimes cited as lower limit for luminance by the advertising industry. As an everyday reference laptop computer displays can emit up to 100 – 400 cd/m<sup>2</sup> and are typically operated at 100-200 cd/m<sup>2</sup> in indoor illuminated settings.

**Table 4** Common bulb types and associated colour temperature

Bulb type	Colour temperature	Colour appearance	Best lighting
Full spectrum fluorescent	5000K	Cool	Least preferred
Cool white fluorescent	4100K	Intermediate	
Metal halide	4000K	Intermediate	
Soft white fluorescent	3500K	Intermediate	
Warm white fluorescent, tungsten halogen	3000K	Warm	
Standard incandescent	2700K	Warm	
High pressure sodium	2200K	Warm orange/peach	Most preferred

**Note:** With LEDs, any colour temperature can be produced, but warm colours are preferred.

## Glossary

**Artificial skyglow** is the part of the skyglow that is attributable to human-made sources of light.

**Baffle** is an opaque or translucent element to shield a source from direct view, or to prevent light reflecting from a surface like a wall.

**Brightness** is the strength of the visual sensation on the naked eye when lit surfaces are viewed.

**Bulb** is the source of electric light and is a component of a light fitting, not a light fitting on its own.

**Candela** is the unit of intensity of light. A candle emits light with a luminous intensity of approximately one candela

**Colour temperature** is the perceived colour of a light source ranging from cool (blue) to warm (yellow), measured in Degrees Kelvin (K). A low correlated colour temperature such as 2500K will have a warm appearance whilst 6500K will appear cold.

**Horizontal plane**, in relation to the light fitting, means the horizontal plane passing through the centre of the light source (for example the bulb) of the light fitting.

**Illuminance** is the amount of light reflected from a surface.

**Incandescent bulb** is a bulb that provides light by a filament heated to a high temperature by electric current.

**Intensity** is the amount of energy or light in a given direction.

**Light** is the radiant energy that is visible to humans and animals. Light stimulates sight and makes things visible.

**Light fitting** is the complete lighting unit. It includes the bulb, elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and the attached parts.

**Light pollution** means the brightening of the night sky caused by artificial light.

**Lumen** is the unit of luminous flux which is the light emitted by a bulb. Lumens are a measure of light output a bulb. The quantity of lumens produced by a bulb is independent of the wattage. Some types of bulb are more energy efficient than others and produce more lumens watt.

**Luminance** meter is a single element detector that measures photometric brightness (the amount of light that strikes a surface) in lumens.

**Lux** is the unit of measure of illuminance, equal to one lumen per square metre.

**Natural sky glow** is that part of the sky glow which is attributable to radiation from celestial sources and luminescent processes in the Earth's upper atmosphere.

**Mounting height** is the height of the fitting or bulb above the ground.

**Outdoor lighting** is the nighttime illumination of an area by any form of outside light fitting.

**Outside light fitting** means a light fitting that is attached or fixed outside or on the exterior of a building or structure, whether temporary or permanent.

**Reflected light** is light that bounces off a surface. Light coloured surfaces reflect more light than darker coloured surfaces.

**Shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane. If a fitting is to be used which is not a shielded fitting, some form of permanent physical opaque shield be used to provide the shielding requirement. This can be a cover or part of a building. Care must be taken to also shield adjacent surfaces, if they are lightly coloured, to prevent excessive reflected light from adding to sky glow. The shield should be constructed to minimize emissions in the 10 degrees below horizontal.

**Skyglow** is the brightness of the night sky caused by the cumulative impact of reflected radiation (usually visible light), scattered from the constituents of the atmosphere in the direction of observation. Skyglow comprises two separate components: natural skyglow and artificial skyglow.

**Spill light** is light that falls outside the boundaries from the object intended to be lit. Spill light serves no purpose and, if directed above the horizontal plane, contributes directly to artificial skyglow.

**Wattage** is the amount of electricity needed to light. Generally, the higher the wattage, the brighter the light will be and the more lumens it will produce.

## IMPLEMENTATION

The good lighting design principles outlined in this Policy will assist the Shire to consider the impacts of lighting associated with rural, urban or other development including roads, industry and buildings. The Shire may impose conditions in relation to design of light fittings, shielding of light, the design and operation of development and hours of lighting operation to manage contribution to artificial skyglow.

## VARIATION TO POLICY

This policy may be cancelled or varied from time to time at the discretion of Chief Executive Officer. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

**Note:** These lighting management principles and images are reproduced from *The Dark Sky Planning Guideline June 2016* with the permission of the NSW Department of Planning and Environment © State of New South Wales and Department of Planning and Environment, 2016.

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## 10.29 Verge Management Policy

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<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>26 August 2020 Resolution 070820</b>
<b>Date of Last Review</b>	

### OBJECTIVE

To provide guidelines for the effective management of road verges within the Shire of Wongan-Ballidu.

### POLICY

This policy caters for the management of verges under the jurisdiction of the Shire of Wongan-Ballidu. The Shire cannot authorise any private works on road reserves under the control of other authorities (i.e. Department of Main Roads).

### Guidelines: -

### Scope

This policy applies to road verges located in a dedicated road reserve within the Shire.

Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection are the principal consideration.

### Legislation

This legislation is relevant to the Shire, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

- *Environmental Protection Act 1986*
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- *Local Government Act 1995*

### Definitions

### **Designated Maintenance Corridor**

Environmental Protection legislation, in particular Regulation 5, Item 22 "Clearing for maintenance in existing transport corridors" of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated 'maintenance corridor' as shown in Diagram 1.



Diagram 1 Designated Maintenance Corridor

### **Application of Policy**

#### **Road Construction Operations:**

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of the designated maintenance corridor. Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Water and Environment Regulation (DWER) prior to undertaking any road construction. If required, as conditions of the permit, special considerations for declared or threatened flora and/or fauna will be made during works.

Rural road widening is to be carried out according to the requirements of the Council and will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

#### **Road Maintenance Operations:**

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the 'maintenance corridor', which comprises the running surface, shoulder, table drain and batter/ to the top of the backslope/batter.

If major weed control works are to be undertaken, in areas outside the 'maintenance corridor', consultation will occur with the Department of Biodiversity, Conservation and Attractions (DBCA), DWER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation within the designated maintenance corridor will be removed and disposed of offsite.

Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible, this will be minimised.

Drains are usually mechanically cleared and maintained using a grader, and/or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage the use of excavation equipment may be used.

The Council will take all care not to damage any portion of the rural road reserve from the batter/backslope to the fence line.

### **Removal of Dangerous Vegetation:**

Occasionally it is necessary to remove a dangerous tree/vegetation that poses a threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fence line or a roadway. Following inspection by a Shire Officer, tree removal will be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

### **Pruning:**

It may be necessary to prune vegetation that impedes sight distances for motorists or impacts on the performance of drainage. The Shire refers to Austroads Engineering Guidelines to determine road visibility and safety requirements.

The Shire will prune/remove trees that:

- impede sight distances for road users, or
- have been subject to storm damage, and
- have an imminent threat to public safety, in accordance with the *Environmental Protection Act 1986*, or
- are impacting on infrastructure.

### **Services and Utilities:**

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. However, if removal of vegetation is required, it is the responsibility of the service providers to obtain a valid clearing permit from DWER.

All materials are to be removed from the road verge by the utility providers on the completion of works. All trenches, if relevant, are to be backfilled, adequately compacted and trimmed to ensure they are safe.



Gazetted Flora Roads within the Shire currently include Waddington Road. These roads shall be managed to minimise any disturbance to the roadside flora, consistent with the provision of a safe and efficient roadway.

**Unauthorised Clearing and/or Activities within Rural Road Reserves:**

Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection legislation. The *Environmental Protection Act 1986* and Clearing of Native Vegetation Regulations apply to rural residential areas and a permit may be required to remove native vegetation.

Refer to Department of Water and Environmental Regulation for more information or the fact sheet at the following link: [https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact\\_sheets/fs1\\_legislation.pdf](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact_sheets/fs1_legislation.pdf)

No works shall be undertaken in rural road reserves without written approval from the Shire. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

**Seed Collection from Road Verges:**

Landowners wishing to collect seed from native vegetation in road verges should refer to Council Policy 1.6 – Taking of Wildflowers/Seeds. A permit for seed collection may also be required from the DBCA. It is the responsibility of the landowner to check they have the relevant approvals in place.

**Annual Spraying Program**

The Shire's annual spraying program is conducted within town sites and on rural road verges to reduce the amount of flammable material whilst targeting weeds.

Landowners should note that the drains to the top of the backslope/batter will be sprayed if considered necessary to maintain the integrity of the drainage system.

**RESPONSIBILITY FOR IMPLEMENTATION**

The Manager Works and Services is responsible for applying this policy.

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## 10.30a Minor Plant Disposal

<b>Policy Owner</b>	<b>Works Committee</b>
<b>Person Responsible</b>	<b>Chief Executive Officer</b>
<b>Date of Adoption</b>	<b>23 February 2022 Resolution 120222</b>
<b>Date of Last Review</b>	<b>23 February 2022 Resolution 120222</b>

### OBJECTIVE

To provide elected members and staff with a clear set of guidelines when disposal of minor plant according to legislative requirements.

The Local Government Act and regulations require where an acquisition is greater than \$75,000 and any trade in regardless of the value is required to be disposed of in accordance with Section 3.58 of the LGA 1995 (As amended)

### POLICY

- 1) Minor assets are:
  - Assets such as furniture, plant, materials and equipment with a written down or assessed value less than \$50,000 and;
  - Not *Real Property* (land or buildings)
- 2) This policy shall apply to minor assets which are
  - uneconomic to repair
  - surplus to current or future requirements
  - obsolete
- 3) Wherever possible items selected for disposal shall be sold by way of public competition e.g. auction or quotation. Where goods are sold by auction and items have a significant value (expected sale price greater than \$2000) a reserve price shall be set by the CEO or their delegate.
- 4) Any item of significant value disposed of by a method other than public competition shall be reported to Council. The report is to include details of the item, purchaser and price.
- 5) All items are to be sold on an 'as is where is' basis with Council accepting no responsibility for any faults or error of description.

### RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

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## 10.30b Waste Services and Charging Policy

<b>Policy Owner</b>	<b>Regulatory Services</b>
<b>Person Responsible</b>	<b>Manager Regulatory Services</b>
<b>Date of Adoption</b>	<b>13 June 2022 Resolution 130722</b>
<b>Date of Last Review</b>	

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### OBJECTIVE

The purpose of this policy is to state Council's position regarding waste management, service requirements and waste charges within the Shire of Wongan-Ballidu.

The community is encouraged to embrace waste minimization principles and maximise the separation of waste into the appropriate collection streams of recycling and general waste.

### POLICY

The Shire of Wongan-Ballidu provides a standard 2 bin collection system for residential and commercial properties. There are options for variations to the standard services to meet specific requirements or needs of the user at the discretion of the Shire Officers.

Under the Shire of Wongan-Ballidu Health Local Laws clause 4.2.2 states

*An owner or occupier of premises shall –*

*Ensure the premises are provided with a receptacle for the depositing of rubbish or refuse and maintain the receptacle in a serviceable condition*

The following are the key principles of the system:

#### **Kerbside Collection – Wongan Hills and Ballidu Townsites**

All residential dwellings within the Shire will be charged for a standard two bin waste service.

The standard two bin collection system is a weekly 240L general waste service, a fortnightly recycling 240L service.

All commercial properties with the Shire will be charged for a standard two bin service.

The standard commercial collection system is a weekly 240L residual waste service and a fortnightly

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comingled recycling 240L service.

The standard waste collection system must utilise mobile garbage bins supplied by the Shire. The bins are allocated to and are to remain at the property.

Residents may be granted an additional general waste bin and recycling waste bin where it is assessed that there are additional waste needs.

Additional bins attract an additional charge.

Increase requests will be undertaken on a case-by-case basis.

Additional bin charges are calculated pro-rata based on the number of days that the new service is provided in the financial year.

Where additional bins are requested, an application form must be signed by the property owner or their authorised agents. If an additional bin is no longer required, an application to remove the bin must be made in writing by the property owner or their authorised agent. No refund of the Additional Bin Service Charge will be made.

The Rates Notice to provide separate descriptions for the Waste Charge and Additional Bin Charges.

240L mobile garbage bins, inclusive of contents, must not exceed a total weight of greater than 70 kilograms.

Bins damaged through fair wear and tear, which have been vandalized or damaged by the Collection Contractor will be replaced at no cost to the owner.

Customers may report these issues through the Customer Service Officers.

For stolen bins residents must supply the Shire with a copy of a Police Report and may be requested to provide a Statutory Declaration to secure a new bin free of charge and Council may investigate these instances.

### **Free Waste Facility Pass – Wongan Hills Residents Only**

Council shall provide to residents in the townsite of Wongan Hills four (4) waste facility passes for general and Household Waste.

Hazardous waste will not be accepted with a waste facility pass.

- Asbestos
- Clinical waste – generated by medical, nursing, dental, veterinary, pharmaceutical or other related activity which is –
- Poisonous or infectious
- Likely to cause injury to public health
- Contains human tissue or body parts
- Biological waste – septic tank and grease trap waste

- Waste oils
- Other hazardous waste

The following waste is **NOT** accepted at the Wongan Hills waste site.

- Chemicals or chemical containers (except drumMUSTER at Wongan Hills)
- Tyres on the rim
- Gas cylinders

Waste facility passes are only for vehicles as per the following:

- Sedans
- Utilities
- Wagons/vans
- Trailers (maximum 8X6m)
- Trucks (<2 tonne payload)

### **Verge Side Collection – Wongan Hills and Ballidu Townsites**

Council shall provide Wongan Hills and Ballidu townsites verge collections for general and green waste once per year.

Residents shall be advised by way of an advertisement in a newspaper circulating within the district and by public notice board at least two weeks before the collection week.

The advertisement will detail the day of the pickup. All rubbish is to be on the verge by 6.00am of the morning of the pickup.

Occupiers of residential premises disposing of general and green waste on their front verge for collection must comply with the following requirements:

#### *General Waste*

- Place rubbish out on street verge in a tidy pile ready for collection.
- Acceptable types of waste that qualify as general waste for the purpose of pick up are old furniture, timber, and general waste, including white goods and scrap metal.

#### *White goods and other scrap metal*

- The white goods and other scrap metal should be stacked separately, so this material can be recycled.
- White goods shall have doors removed or be sealed, so children do not get trapped.

#### *Green Waste*

Acceptable types of green waste include tree and shrub pruning's, leaves and lawn clippings in bags.

Please stack material neatly so that it can be accessed by the loader.

The maximum length of material should not exceed 1.5 metres, or it may not be able to be loaded and will be left behind.

Material greater than 25 centimeters in diameter should be cut into lengths of 0.5 metres.

Please place loose material e.g. Weeds, leaves in cardboard boxes or paper bags.

Unacceptable types of Waste that will not be removed and should not be placed on the verge for collection are:

- Chemicals, paints, oil etc.
- Commercial business waste
- Bricks, sand, concrete, tiles, gyprock, hardiflex, supersix fencing, etc.
- Car bodies, engines, tyres, doors etc.
- Asbestos cement products
- Foodstuff or household waste
- Glass

### **Provision of free general and green waste drop off at the Wongan Hills waste facility – Wongan Hills Residents excludes commercial and industrial properties**

Council is to provide the residents of Wongan Hills, Ballidu and Cadoux with two additional delivery passes for general waste and green waste.

Passes will be able to be handed into the Wongan Hills Waste Facility site for delivery of items as per the Verge Side Collection perimeters.

Unacceptable types of Waste that will not be accepted on free days at the waste facility: -

- Chemicals, paints, oil etc.
- Commercial or industrial business waste
- Bricks, sand, concrete, tiles, gyprock, hardiflex, supersix fencing, etc.
- Car bodies, engines, tyres, doors etc.
- Asbestos cement products
- Foodstuff or household waste
- Glass

### **Public Recycling Area**

Council will provide an area for the general public and travelers to dispose of general waste, recycling and cardboard waste.

The location for this service is corner Patterson Street and Northam Pithara Road Wongan Hills. Waste will be collected on a fortnightly rotation in line with Councils verge collection service.

### **Community Events**

Council shall provide additional bins and the rubbish trailer for Harvest Festival and Reynoldson

Reserve Festival.

### **Pricing**

Western Australian Local Governments have the right to impose different types of charges in relation to services beyond the raising of a general rate, including a waste collection rate (section 66) or a receptacle charge (section 67) under the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

The Local Government Act 1995 deals with fees and charges from sections 6.16 to 6.19.

In summary, a local government may impose a fee or charge for any goods or services it provides.

Recovery of the cost of disposing of waste from collection should preferably be recovered through the waste collection charges. Effective subsidization of waste services by general rates is not seen as equitable.

The Shire sets rubbish service charges based on full cost recovery.

The schedule of fees and charges are calculated, and are to be reviewed annually and adopted by Council as part of the annual budget process.

### **RESPONSIBILITY FOR IMPLEMENTATION**

The Manager Regulatory Services is responsible for implementation of this policy.