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# Shire of Mukinbudin

# Policy Manual

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### Locations of the Current Policy Manual

| <b>Copies</b> | <b>Locations</b>   |
|---------------|--|
| 1             | CEO Office   |
| 2             | Administration Manager Office  |
| 3             | Council Chambers   |
| 4             | Website - <a href="http://www.mukinbudin.wa.gov.au">www.mukinbudin.wa.gov.au</a> |
| 5             | Public Library – Administration Office   |

| <b>Date</b>       | <b>Review / Changes</b>                               |
|-------------------|---|
| 18 June 2014      | Version 1, Reviewed 18 June 2014                      |
| 17 June 2015      | Version 2, Reviewed 17 June 2015                      |
| 18 May 2016       | Version 3, Reviewed 18 May 2016                       |
| 17 May 2017       | Version 4, Reviewed 17 May 2017                       |
| 16 May 2018       | Version 5, Reviewed 16 May 2018                       |
| 19 June 2019      | Version 6, Reviewed 19 June 2019                      |
| 19 May 2020       | Version 7, Reviewed 19 May 2020                       |
| 25 May 2021       | Version 8, Reviewed 25 May 2021                       |
| 14 September 2021 | Amended Policy 5.4; 7.7; New Policy 2.10; 2.11 & 7.10 |
| 17 May 2022       | Version 9, Reviewed 17 May 2022                       |



## FOREWORD

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The *Local Government Act 1995* envisaged the separation of the roles of the Council and the Chief Executive Officer.

In summary the *Local Government Act 1995* envisaged that the roles would be as follows:

### **COUNCIL**

Responsible for decision making and policy.

### **CHIEF EXECUTIVE OFFICER**

Responsible for day to day management under those policies.

The roles of the Council and the Chief Executive Officer are complimentary and focused at achieving the strategic objectives of the Local Government.

Effective role separation provides several benefits to the organisation and promotes effective local government. In particular it achieves:

- A focus by the Council on the strategic issues;
- A real need for Council to identify policy issues and address decision making on key issues.



## INTRODUCTION

This Policy Manual is intended as a guide to elected members, staff and the public on the normal practices and activities of the Shire of Mukinbudin. The policies do not require absolute adherence, but may be changed as circumstances dictate, in accordance with Council's directions and amended by Council from time to time.

Staff are expected to comply closely with the spirit and intention of the policies and to use care and discretion in implementing the policies to ensure the best possible outcome, whether or not a particular event complies totally with the stated policy. Implementation must be fair, consistent and effective, with the emphasis on guidance and assistance rather than compulsion and inspection.

Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly or in part or not at all, any or all of the policies without notice.

This document does not stand alone, but is part of a "hierarchy", which comprises (in order of priority) –

- **Legislation** – Acts of Parliament, Regulations etc.
- **Common Law** – legal precedent, interpretation and decisions made by courts.
- **Delegated legislation** – local laws, town planning policy
- **General policy** – administrative policy

To aid in understanding the complexity of the administrative process, the following information is provided to address the subjects of policy, procedures and delegations.

### Definitions

The *Local Government Act 1995* has not defined the term "delegation" or "delegated power", however:

- s5.16 refers to "... the exercise of any of its powers and duties..."
- s5.42 refers to "... the exercise of any of its powers or the discharge of any of its duties..."

The term "policy" is not defined anywhere in the *Local Government Act 1995*.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with enabling legislation.

"*Authority*" means the permission or requirement for a committee or the CEO to act in accordance with:

- the *Local Government Act 1995* or other legislation or regulation;
- a delegation made by Council;
- a policy made by Council; or
- a specific decision of Council.

"*Delegation*" means the authority for a committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organizational review.

"*Policy*", as the context requires, means either:

- a procedural direction to officers to implement Council's wishes or instructions in a particular way; or



- the authority for officers to act, where that authority is not considered to be a delegation, but more procedural in nature.

*“Instruction”*, means the requirement for a staff member to act in accordance with a direction given by a senior officer of Council.

### **Head of Power**

Unless stated otherwise, the *Local Government Act 1995* constitutes the head power for Council to make policies.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to assign responsibilities and authority to various officers. In order to maintain consistency with the concepts of the *Local Government Act 1995*, all directions are made by the CEO, who is then responsible for the implementation of the function, either personally or through management of officers and staff.

It is Council's expectation that the CEO will assign responsibilities relevant to a specialist or specific position to the appropriate person.

### **Process**

It is a requirement of the *Local Government Act 1995*, s5.18 and s5.46 (1) that all delegations be reviewed at least once in each financial year.

In order to ensure that there is clear authority, and to ensure consistency and relevancy, Council and the appropriate officers will also formally review all policies at the same time, and their application confirmed.

In this way, the Policy Manual will be reviewed and a formal motion of application passed, prior to the commencement of the new financial year.

### **New Policies**

Council may make new Policies at any time.

However, unless specifically stated that the authority is to be included in the Policy Manual, it will be assumed that the authority to act is for a specific matter and is not a general or on-going Policy.

As new policy is made, they will be appended to this Policy Manual for update at the next review.

### **Amended and Revoked Policies**

Revoked and amended policies are to be retained as a Council record.

The full text of a policy will be retained as a Council record for future reference, to ensure that actions when reviewed in later years can be substantiated, and so that should queries be raised the application of policy and any amendments can be traced. New text pages will be replaced, amended and revoked text will be filed accordingly.

The history of the policy will be amended to show date and resolution number of the motion of the amendment.



**Certification**

Council formally reviewed this Policy Manual on 17 May 2022 Ordinary Council meeting and Resolution N° 140521 confirming its application.

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Gary Shadbolt  
President

17 05 2022

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Dirk Sellenger  
Chief Executive Officer

17 05 2022



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## POLICY

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### **DEFINITION**

Policy development for the Shire of Mukinbudin is proposed within the following guidelines.

- **Intent**  
Policy is a high-level statement of how the Council will act.
- **Outcome**  
Policy should be enabling and focus on outcome.
- **Certainty**  
Policy should be non-negotiable.
- **Conceptual**  
Policy does not detail procedures for implementation.

### **PROCEDURES – What are they?**

*(see Council's separate Procedures Manual)*

These are the detailed tasks to be performed by staff in the completion of certain specified activities.

In the past, many procedures have had the consideration of the Council and act as a guide to staff as to how the Council wishes certain matters to be approached or resolved.

Procedures allow the staff to expedite action without the need to refer the matter to Council. Given the separation of roles under the Act, with Council relinquishing involvement with day-to-day management, procedures are now the responsibility of the CEO.

### **DELEGATION – What is it?**

*(see also Council's Delegation Register)*

Section 5.42 of the Act provides for the delegation, by absolute majority, of some powers and duties to the CEO. Section 5.43 places limits on the extent of delegation where a local Government **cannot delegate** to the CEO any of the following powers or duties:

- Any power or duty that requires a decision of an absolute majority or a 75% special majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph of section 5.43;
- Appointment of an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government i.e. \$1,000.00; being one thousand dollars.
- Any of the local government's powers under sections 5.98, 5.99 and 5.100 (relating to the payment of sitting fees for elected members).
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5 of the Act.
- Any power or duty that requires the approval of the Minister or the Governor; or
- Such other powers or duties as may be prescribed.



For the purpose of further clarity, the following matters are identified as powers that cannot be delegated:

- Any matter relating to the payment of compensation in any form to either staff or members of the public;
- Any matters which substantially change the direction of Council's Strategic Plan;
- Any decision that is likely to involve unbudgeted expenditure;
- The changing or altering of any budget;
- The making or passing of Local Laws;
- Any decision which directly is intended to involve the Council in any litigation;
- The preparation of or adoption of a Town Planning Scheme amendment;
- The adoption of policy;

Under the accepted interpretation of the *Local Government Act 1995*, the *Health Act 1911* and the *Local Government (Miscellaneous Provisions) Act 1960*, **the CEO is given a clear duty to carry out:**

- All of those administrative procedures that are not clearly specified under the Acts as a power of the elected Council;
- All administrative and management functions related to human resources (subject to s5.37 of the Act relating to Senior Employees);
- All functions that have been defined by the elected Council in Policy, Local Laws or are supported by previous accepted practices of the Council that comply with statutory and best practice standards;
- All those procedures that are contained within the Procedures Manual as endorsed by the elected Council.

This manual has been prepared to assist Council and staff members to administer the Shire of Mukinbudin by providing a copy of policies adopted by Council on a variety of matters.

The Manual should reduce the need to refer matters of a repetitive nature and/or of minor importance to Council for a decision as well as assisting Councillor's and staff to readily answer queries raised by electors.





## Contents Page

|  |               |
|--|---------------|
| <b>GOVERNANCE .....</b>  | <b>- 4 -</b>  |
| 1.1 POLICY MANUAL AMENDMENTS .....   | - 4 -         |
| 1.2 MEETING DATES.....   | - 5 -         |
| 1.3 PRESIDENT'S ALLOWANCE .....  | - 6 -         |
| 1.4 COUNCILLOR ATTENDANCE FEES .....   | - 7 -         |
| 1.5 CITIZENSHIP CEREMONIES .....   | - 8 -         |
| 1.6 OFFICE OPENING HOURS.....  | - 9 -         |
| 1.7 STAFF INDUCTION MANUAL .....   | - 10 -        |
| 1.8 TRAVEL EXPENSES.....   | - 11 -        |
| 1.9 MEMBERS CONFERENCE/COURSE ATTENDANCE AND PARTNERS EXPENSES .....         | - 13 -        |
| 1.10 MEMBERS ACCOMMODATION/MEAL EXPENSES .....                               | - 14 -        |
| 1.11 CODE OF CONDUCT FOR ELECTED MEMBERS AND STAFF .....                     | - 15 -        |
| 1.12 LEGAL REPRESENTATION COST INDEMNIFICATION .....                         | - 16 -        |
| 1.13 HONORARY FREEMAN OF THE MUNICIPALITY .....                              | - 19 -        |
| 1.14 USE OF COMMON SEAL.....   | - 25 -        |
| 1.15 SOCIAL MEDIA POLICY .....   | - 26 -        |
| 1.16 INTERNET AND EMAIL USAGE .....  | - 27 -        |
| 1.17 CONTINUING PROFESSIONAL DEVELOPMENT.....                                | - 28 -        |
| 1.18 CITIZEN OF THE YEAR PRIVILEGES.....                                     | - 30 -        |
| 1.19 COUNCILLOR AND CEO ATTENDANCE AT EVENTS .....                           | - 31 -        |
| 1.20 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER .....                     | - 35 -        |
| 1.21 CODE OF CONDUCT - COMPLAINTS HANDLING.....                              | - 36 -        |
| <b>COMMUNITY SUPPORT.....</b>  | <b>- 45 -</b> |
| 2.1 CHARITABLE WORKS .....   | - 45 -        |
| 2.2 CONCESSIONS – HALL HIRE CHARGES – NOT FOR PROFIT GROUPS.....             | - 46 -        |
| 2.3 COMMUNITY CHEST GRANTS SCHEME .....                                      | - 47 -        |
| 2.4 COLLOCATION OF SPORTING CLUBS .....                                      | - 48 -        |
| 2.5 BUSINESS INVESTMENT POLICY.....  | - 49 -        |
| 2.6 HARVEST BANS .....   | - 51 -        |
| 2.7 WAIVING OF FEES – EVENTS KIT .....                                       | - 54 -        |
| 2.8 POP-UP SHOP.....   | - 55 -        |
| 2.9 DOG EXERCISE AREA – MUKINBUDIN RECREATION GROUND OVAL.....               | - 58 -        |
| 2.10 SWIMMING POOL – USE OF THE POOL BY MUKINBUDIN DISTRICT HIGH SCHOOL..... | - 59 -        |
| 2.11 SWIMMING POOL – VACATION SWIMMING LESSONS .....                         | - 60 -        |
| <b>FINANCE / ACCOUNTING .....</b>  | <b>- 61 -</b> |
| 3.1 SELF SUPPORTING LOANS .....  | - 61 -        |
| 3.2 SIGNIFICANT ACCOUNTING POLICIES .....                                    | - 62 -        |
| 3.3 REGIONAL PRICE PREFERENCE.....   | - 75 -        |
| 3.4 INVESTMENT POLICY – SURPLUS FUNDS .....                                  | - 77 -        |
| 3.5 PURCHASING POLICY.....   | - 83 -        |
| 3.7 DIRECT ELECTRONIC PAYMENTS AND ELECTRONIC INVESTMENTS.....               | - 101 -       |
| 3.8 CREDIT CARD POLICY.....  | - 102 -       |
| 3.9 PROCEDURE FOR OUTSTANDING DEBTORS .....                                  | - 104 -       |
| 3.10 PROCEDURE FOR OUTSTANDING RATES DEBTORS .....                           | - 105 -       |
| 3.11 ASSET RECOGNITION POLICY .....  | - 106 -       |



---

|   |                |
|---|----------------|
| 3.12 TRUST AND RESTRICTED MONIES POLICY .....                             | - 107 -        |
| 3.13 FINANCIAL HARDSHIP POLICY .....                                      | - 108 -        |
| <b>STAFF .....</b>  | <b>- 113 -</b> |
| 4.1 ARMY RESERVE AND LOCAL EMERGENCY SERVICE ORGANISATION MEMBERS.....    | - 113 -        |
| 4.2 HOUSING INCENTIVE - OWNER OCCUPIED HOUSING .....                      | - 114 -        |
| 4.3 STAFF HOUSING – RENTAL SUBSIDY.....                                   | - 115 -        |
| 4.4 STAFF – SERVICE ALLOWANCE.....  | - 116 -        |
| 4.6 GRATUITOUS PAYMENTS TO EMPLOYEES - SEVERANCE PAY (\$5.50).....        | - 118 -        |
| 4.7 ANNUAL CONFERENCES.....   | - 121 -        |
| 4.8 DRUG AND ALCOHOL TESTING.....   | - 122 -        |
| 4.9 OCCUPATIONAL HEALTH AND SAFETY .....                                  | - 129 -        |
| 4.10 SMOKING IN COUNCIL BUILDINGS/VEHICLES.....                           | - 131 -        |
| 4.11 PERSONAL PROTECTIVE EQUIPMENT/CLOTHING (PPE/C).....                  | - 133 -        |
| 4.12 LONG SERVICE LEAVE (LSL).....  | - 140 -        |
| 4.13 ROSTERED DAYS OFF (ADMINISTRATION) .....                             | - 143 -        |
| 4.14 ROSTERED DAYS OFF (OUTSIDE STAFF).....                               | - 144 -        |
| 4.15 STAFF SWIMMING POOL ACCESS.....                                      | - 145 -        |
| 4.16 MBL ALLOWANCE / HOUSING ALLOWANCE.....                               | - 146 -        |
| <b>WORKS .....</b>  | <b>- 148 -</b> |
| 5.1 PRIVATE WORKS .....   | - 148 -        |
| 5.2 PLANT REPORT .....  | - 151 -        |
| 5.3 SHIRE EQUIPMENT – PRIVATE USE .....                                   | - 152 -        |
| 5.4 HIRE OF SHIRE PLANT .....   | - 154 -        |
| 5.5 GARDEN & GENERAL REFUSE – PICK UP .....                               | - 155 -        |
| 5.6 ROAD MAKING MATERIALS .....   | - 156 -        |
| 5.7 STREET TREES .....  | - 158 -        |
| 5.8 PROPERTY ACCESS AND CROSSOVERS .....                                  | - 159 -        |
| 5.9 ROAD CLASSIFICATION .....   | - 169 -        |
| 5.10 GRAVEL PAVEMENT/CURVE DESIGN.....                                    | - 172 -        |
| 5.11 UNSEALED ROADS – STANDARDS.....                                      | - 173 -        |
| 5.12 STORM WATER DRAINAGE .....   | - 175 -        |
| 5.13 DEEP DRAINAGE POLICY.....  | - 176 -        |
| 5.14 WATER PIPELINE POLICY .....  | - 180 -        |
| 5.15 TEMPORARY CLOSURE OF UNSEALED ROAD DURING/AFTER RAINFALL EVENTS..... | - 181 -        |
| 5.16 SEALING OF UNSEALED ROADS AT SEALED ROAD INTERSECTIONS .....         | - 183 -        |
| 5.17 FLEET SAFETY POLICY.....   | - 185 -        |
| 5.18 CHEMICAL USE POLICY .....  | - 189 -        |
| 5.19 ROADSIDE STOCK FENCING .....   | - 190 -        |
| 5.20 ROAD RECONSTRUCTION – BITUMEN SEALING STANDARD .....                 | - 191 -        |
| 5.21 PLANT, EQUIPMENT AND VEHICLE REPLACEMENT.....                        | - 192 -        |
| <b>PLANNING .....</b>   | <b>- 194 -</b> |
| 6.1 OUTBUILDINGS IN RESIDENTIAL ZONED AREAS.....                          | - 194 -        |
| 6.2 SHEDS ON RESIDENTIAL LAND – BUILDING PERMITS.....                     | - 196 -        |
| 6.3 PARKING OF CHEMICAL SPRAY UNITS IN TOWNSITES.....                     | - 197 -        |
| 6.4 DEVELOPMENT OF MOVABLE BUILDINGS – INCLUDING RELOCATED BUILDINGS..... | - 198 -        |



|   |         |
|---|---------|
| 6.5 USE OF SEA CONTAINERS & OTHER SIMILAR TRANSPORTABLE STRUCTURES WITHIN THE SCHEME AREA ..... | - 199 - |
| 6.6 TOWN PLANNING SCHEME POLICIES.....  | - 200 - |
| 6.7 POLICY ON REDUCED SETBACKS FOR RESIDENTIAL LOTS .....                                       | - 201 - |

**ADMINISTRATION..... - 203 -**

|   |         |
|---|---------|
| 7.1 HARVEST .....   | - 203 - |
| 7.2 CARAVAN PARKS - POLICY .....                              | - 205 - |
| 7.3 LIQUOR ON COUNCIL PROPERTY .....                          | - 206 - |
| 7.4 FREEDOM OF INFORMATION OFFICERS .....                     | - 207 - |
| 7.5 PENSIONER RATES REVIEW OFFICERS .....                     | - 208 - |
| 7.6 RECORD KEEPING PLAN .....                                 | - 209 - |
| 7.7 MUKINBUDIN CARAVAN PARK OVERFLOW .....                    | - 212 - |
| 7.8 TEMPORARY CAMPING SITE .....                              | - 213 - |
| 7.9 IT SECURITY .....   | - 214 - |
| 7.10 MUKINBUDIN CARAVAN PARK FREE AQUATIC CENTRE ACCESS ..... | - 215 - |



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## GOVERNANCE

### **1.1 Policy Manual Amendments**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | Addition, deletions or alterations to Council Policy shall only be affected by specific Council resolution stating – <ul style="list-style-type: none"><li>- the proposed policy, and</li><li>- that the Policy Manual be updated</li></ul>  |
| <b>OBJECTIVES</b> | To ensure that the Policy Manual is up to date, relevant and reflects only Council's specific instructions.  |
| <b>GUIDELINES</b> | If it is not in the Policy Manual, it may be usual practice, but it is not policy. Unless it is specifically stated that the authority is to be included in the Policy Manual, it will be assumed that the authority to act is for a specific matter and is not a general or ongoing Policy. |
| <b>HISTORY</b>    | Former Policy 1.1.8 Policy Change and Review   |
| <b>REVIEW</b>     | Chief Executive Officer  |



## **1.2 Meeting Dates**

### **POLICY**

Council is to meet on the third (3<sup>rd</sup>) Tuesday of each month, February to December at 1pm (there is usually no Ordinary Meeting of Council in January of any year). Council is free to amend the meeting date as deemed necessary.

### **OBJECTIVES**

To regulate and set Ordinary Council meeting dates

### **GUIDELINES**

Dates to be published at least once per year.

*Local Government Act 1995 - s5.3*

*Local Government (Administration) Regulations 1996 – reg 12*

### **HISTORY**

Former policy 1.1.1  
Updated May 2020

### **REVIEW**

Chief Executive Officer



### **1.3 President's Allowance**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | The Presidential Allowance, as set in Council's annual budget, is to be paid quarterly throughout the financial year.  |
| <b>OBJECTIVES</b> | To ensure that the President's annual allowance is paid regularly.   |
| <b>GUIDELINES</b> | Payment Arranged by the Manager of Finance<br>Salaries and Allowance Tribunal<br><i>Local government Act 1995 - s5.98(5)</i><br><i>Local Government (Administration) Regulations 1996 – reg 33</i> |
| <b>HISTORY</b>    |  |
| <b>REVIEW</b>     | Chief Executive Officer  |



## **1.4 Councillor Attendance Fees**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | The Shire President and Councillors meeting attendance fees to be set prior to annual budget deliberations.   |
| <b>OBJECTIVES</b> | To establish the fees payable for attendance at meetings.   |
| <b>GUIDELINES</b> | Payment Arranged by the Manager of Finance<br>Salaries and Allowances Tribunal<br><i>Local government Act 1995 - s5.98(1)</i><br><i>Local Government (Administration) Regulations 1996 – reg 30</i> |
| <b>HISTORY</b>    |   |
| <b>REVIEW</b>     | Chief Executive Officer   |



## **1.5 Citizenship Ceremonies**

### **POLICY**

- (1) The Shire President will conduct Citizenship Ceremonies on behalf of Council.
- (2) In the absence of the President from the Shire, the Deputy Shire President or CEO may conduct the ceremony.

### **OBJECTIVES**

To state the process for the conduct of citizenship ceremonies in accordance with the Australian Citizenship Ceremonies Code which provides guidance for organisers and sets out the legal and other requirements which all ceremonies must follow

### **GUIDELINES**

### **HISTORY**

Former policy 1.1.2

### **REVIEW**

Chief Executive Officer





## **1.6 Office Opening Hours**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | The Administration Office hours shall be open to the general public from 8.30am to 4.30pm, five days per week, excluding weekends and public holidays |
| <b>OBJECTIVES</b> | To ensure electors and clients have maximum opportunity to undertake council business   |
| <b>GUIDELINES</b> | The Chief Executive Officer may, when considered appropriate, vary the hours of access for a period not exceeding 4 consecutive weeks.                |
| <b>HISTORY</b>    | Former policy 1.1.1   |
| <b>REVIEW</b>     | Chief Executive Officer   |



## **1.7 Staff Induction Manual**

### **POLICY**

Council will maintain a separate policy document called “Staff Induction Manual” dealing with policy matters directly relating to the employment of staff. Addition, deletions or alterations to Council Policy shall only be affected by specific Council resolution stating –

- the proposed policy, and
- that the Staff Induction Manual be updated

### **OBJECTIVES**

To ensure that the “Staff Induction Manual” Policy Manual is up to date, relevant and reflects only Council’s specific instructions.

### **GUIDELINES**

- If it is not in the Policy Manual, it may be usual practice, but it is not policy. Unless it is specifically stated that the authority is to be included in the Policy Manual, it will be assumed that the authority to act is for a specific matter and is not a general or ongoing Policy.
- Senior Officer Contract

### **HISTORY**

### **REVIEW**

Chief Executive Officer



## **1.8 Travel Expenses**

### **POLICY**

The Shire shall reimburse Council Members and staff for travel to Council and Committee meetings and other Shire business approved by the CEO.

Reimbursement of travel expenses, if claimed by the Councillor or staff member, is to be made in accordance with the Public Service Award 1992 schedule F.

The rates in Schedule F – Motor Vehicle Allowance are to be as per the South West Land Division.

Claims will ideally be reimbursed on a quarterly basis. It is the responsibility of Elected Members to claim any travel reimbursement.

### **OBJECTIVES**

To set Councillor's expense parameters when travelling on official business

### **GUIDELINES**

Claims for expenses are to be forwarded to the Finance & Administration Manager

*Local Government Act 1995 – Div 8 – s5.98 Fees, expenses & allowances & s 5.99A*

*Local Government (Administration) Regulations – reg31, 32, 34AB*

Salaries and Allowances Tribunal

### **HISTORY**

### **REVIEW**

Chief Executive Officer



Reference: Public Service Award 1992

**SCHEDULE F - MOTOR VEHICLE ALLOWANCE**

As from the first pay period commencing on or after 15 July 2008 (still current at 17 May 2017)

| Area Details                  | Engine Displacement (in cubic centimetres) |                       |                         |
|-------------------------------|--|-----------------------|-------------------------|
|                               | Rate (cents) per kilometre                 |                       |                         |
|                               | Over 2600cc                                | Over 1600cc to 2600cc | 1600cc and under 2600cc |
| Metropolitan Area             | 89.5                                       | 64.5                  | 53.2                    |
| South West Land Division      | 91.0                                       | 65.4                  | 54.0                    |
| North of 23.5° South Latitude | 98.6                                       | 70.6                  | 58.3                    |
| Rest of the State             | 94.3                                       | 67.5                  | 55.6                    |



## **1.9 Members Conference/Course Attendance and Partners Expenses**

### **POLICY**

Council shall pay registration fees for members attending approved conferences.

Council shall not pay conference registration fees for partners.

Members wishing to attend a course/conference will obtain Council resolution at a convened meeting of Council prior to committing to attend. In circumstances requiring a decision before the next monthly Council meeting will seek authority from the Shire President and CEO before committing approval of registration.

### **OBJECTIVES**

To clarify what costs can be incurred/ recouped by Members.

### **GUIDELINES**

Members wishing to attend a conference shall obtain Council approval by resolution at a meeting of Council prior to committing to attendance, and in circumstances requiring a decision before the next ordinary meeting, shall seek authority from the President and Chief Executive Officer.

### **HISTORY**

### **REVIEW**

Chief Executive Officer



## **1.10 Members Accommodation/M Meal Expenses**

### **POLICY**

Council shall pay accommodation and in-house meal expenses for Members and partners up to \$350 per day.

On those days where no accommodation is required, meal expenses, as evidenced by receipts, shall be reimbursed.

Council shall pay WALGA conference dinner expenses for Members and partners in accordance with Policy 1.09

### **OBJECTIVES**

To clarify what costs can be incurred/recouped by Members.

### **GUIDELINES**

Members wishing to attend a conference shall obtain Council approval by resolution at a meeting of Council prior to committing to attendance, and in circumstances requiring a decision before the next ordinary meeting, shall seek authority from the President and Chief Executive Officer.

### **HISTORY**

### **REVIEW**

Chief Executive Officer



## **1.11 Code of Conduct for Elected Members and Staff**

Revoked May 2021 – Council Decision Number 070521



## **1.12 Legal Representation Cost Indemnification**

**POLICY** That Council adopt the Department of Local Government and Communities “Legal Representation Cost Indemnification” as amended from time to time.

**OBJECTIVES** To establish firm parameters for cost indemnification

**GUIDELINES** Adopted Department of Local Government and Communities Model Policy to be applied as and when required.

**HISTORY**

**REVIEW** Chief Executive Officer





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## **ATTACHMENT 1.12**

### **POLICY ON LEGAL REPRESENTATION COST INDEMNIFICATION**

#### **1. Introduction**

- This policy is designed to protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.
- In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

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

- a) The Shire of Mukinbudin may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Shire of Mukinbudin or otherwise in bad faith.
- b) The Shire of Mukinbudin may provide such assistance in the following types of legal proceedings:
  - i) Proceedings brought by members and employees to enable them to carry out their local government functions (e.g., where a member or employee seeks a restraining order against a person using threatening behaviour.
  - ii) Proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person (e.g., refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g., defending defamation actions); and
  - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) The Shire of Mukinbudin will not support any defamation actions seeking the payment of damages for individual members or employees regarding comments or criticisms leveled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Furthermore, the Shire of Mukinbudin may seek its own advice on any aspect relating to such comments and criticisms or relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the Shire of Mukinbudin's solicitors or, where this is not appropriate for practical reasons or because of a conflict of interest, then the service may be provided by other solicitors approved by the Shire of Mukinbudin.

#### **3. Applications for Financial Assistance**

- a) Subject to item (e), decisions as to assistance under this policy are to be made by Council



- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation prepared by, or on behalf of, the Chief Executive Officer (CEO).
- d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorization to the value of \$5,000 provided that the power to make such an authorization has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*.
- f) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

#### **4. Repayment of Assistance**

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any monies paid or payable by the Shire of Mukinbudin. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire of Mukinbudin or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire of Mukinbudin may take action to recover any such moneys in a court of competent jurisdiction.



### **1.13 Honorary Freeman of the Municipality**

#### **POLICY**

That Council confer the title of “Honorary Freeman of the Municipality” upon a person exceptional service and contribution.

No more than one such Title shall be awarded in any one year.

The Mukinbudin Shire Council has agreed to set up a system of awarding Freeman of the Shire of Mukinbudin based on people’s contribution to the life of the community and works done outside of those provided for Australia Day and the Federal Award System.

The system would provide the awardees with a certificate and would automatically involve them in invitations to formal Council functions and recognition at all those functions.

Freeman on the Shire of Mukinbudin are decided by Council on the nomination of individual Councillors and is done so by Absolute Majority

#### **OBJECTIVES**

To recognise the commitment and service of recipients to Council.

To recognise outstanding and meritorious service to the Shire of Mukinbudin



## GUIDELINES

### *Local Government Act 1995 – s3.1(1)*

#### General function powers

#### Local Government Act 1995 Section 2.7 – The Role of Council

Subject to the eligibility and selection criteria of this policy being met, Council may, by, an Absolute Majority decision of Council, confer the title of 'Honorary Freeman of the Municipality' to a former President or 'Freeman of the Municipality' on any person. The title shall be reserved for persons who have rendered exceptional service to the community.

The process for nomination and selection for the title are as follows:

#### 1. Eligibility Criteria for 'Freeman of the Municipality'

Nominees for the conferring of the title 'Freeman of the Municipality' should have lived within the Shire of Mukinbudin for a significant number of years (significant is taken to mean at least 10 years) and who have given extensive and distinguished service to the community (e.g., service to other organisations, voluntary and community groups) in a largely voluntary capacity.

#### 2. Selection Criteria

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

- a) length of service in a field (or fields) of activity
- b) level of commitment to the field (or fields) of activity
- c) personal leadership qualities
- d) benefits to the community of the Shire of Mukinbudin resulting from the nominee's work
- e) specific achievements of the nominee

#### 3. Nomination Procedure

- a) Nominations for the Award may be made by Councillors, individuals or organisations and are to be sponsored by a Councillor of the Shire of Mukinbudin. They are to be submitted to the Shire President or CEO on the Official Nomination Form (as appended).
- b) Nominations are to be made in the strictest confidence without the knowledge of the nominee.
- c) On receipt of a nomination the Shire President or



CEO shall have the nomination listed as a “confidential agenda item” at the next Ordinary Council Meeting.

d) The Full Council will consider the nomination and decide whether to confer the title ‘Freeman of the Municipality’ on the nominee.

e) Council shall consider the item behind closed doors, with any decision to be made by a Absolute Majority decision of Council.

f) Once a nomination has been accepted by Council, the nominee, and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

#### 4. Title of ‘Honorary Freeman of the Municipality’

A person who has acted as Shire President at the Shire of Mukinbudin for a period of twenty consecutive years will be made an Honorary Freeman automatically in recognition of their service and leadership given to the Shire.

The appointment will be made at the conclusion of their term of office.

#### 5. Awarding the Titles

The formal conferring of these titles is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Shire President, in consultation with the Chief Executive Officer.

The successful nominee shall receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Councillor badges) which confirms his or her status and shall be invited to attend all civic functions.

#### 6. Number of Freeman within the City

There is no limit on the number of persons upon which the title of Freeman of the Shire of Mukinbudin may be conveyed.



**HISTORY**

Previously awarded under the Local Government Act 1960 –  
s691A Former policy 1.1.16

**REVIEW**

Chief Executive Officer



Nomination Form for the conferring of the title  
'Freeman of the Municipality'

The information contained in this document is strictly confidential

To: The Shire President  
Shire of Mukinbudin  
PO Box 67  
MUKINBUDIN WA 6479

Dear Sir/Madam

I hereby nominate.....  
(Full Name)

of .....  
(Address)

for the conferring of the title 'Freeman of the Municipality'.

In support of this recommendation, I supply the information set out on pages 2 and 3 of this document.

Yours faithfully

..... Date.....

**DETAILS OF PERSON SUBMITTING NOMINATION**

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

NAME (IN FULL): .....  
HOME ADDRESS: .....  
PHONE NO: .....  
BUSINESS ADDRESS: .....  
TELEPHONE NO: .....

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

Please provide a biographical profile of the person you are nominating by completing the section below and by providing the details requested on the next page. If insufficient space is available on page 3 of the form, please attach a separate statement.



SURNAME: .....

GIVEN NAMES: .....

HOME ADDRESS: .....

TELEPHONE NO: .....

OCCUPATION: .....

BUSINESS ADDRESS: .....

TELEPHONE NO: .....

AWARDS ETC: .....

DATE AND PLACE OF BIRTH: .....

Please set out below details of the activities undertaken by the person you are nominating, and the reasons why you consider he or she should receive special recognition from the Council of the Shire of Mukinbudin by the conferring of the title 'Freeman of the Municipality'.

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





## **1.14 Use of Common Seal**

### **POLICY**

A document is validly executed by the Shire of Mukinbudin when the seal of the Shire is affixed to it by the Shire President and the Chief Executive Officer, and the President and Chief Executive Officer attest the affixing of the seal.

### **OBJECTIVES**

To validate the procedure for the execution of legal documents

### **GUIDELINES**

When affixing the common seal, the following clause is to be notated on the document:

“The common seal of the Shire of Mukinbudin was hereunto affixed by authority of its Council in the presence of...”

“Use of the Common Seal Register.”

### **HISTORY**

Previous Policy

### **REVIEW**

Council



## **1.15 Social Media Policy**

### **POLICY**

To promote effective and productive community engagement through social media. The Social Media Policy and Procedures promote understanding about the spread, nature and impact of social media and suggest guidelines, limitations, and parameters regarding its use.

### **OBJECTIVES**

To outline the Shire's position in relation to the use of social media by its employees in an official capacity and to clarify what is acceptable and unacceptable regarding the use of social media by employees.

### **GUIDELINES**

The Shire of Mukinbudin ("the Shire") embraces the use of social media for the promotion, development, and delivery of its services, and to facilitate communication with residents, ratepayers and visitors. However, the Shire recognises that there are risks and challenges associated with the use of these platforms.

It is unacceptable for any social media channels to be used for personal commentary which may be used for personal commentary which may be interpreted as the views of the Shire of Mukinbudin.

Social media is the term used for internet-based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared over open digital networks. It includes all existing and emerging electronic/digital communication applications.

### **HISTORY**

May 2016

### **REVIEW**

Chief Executive Officer



## **1.16 Internet and Email Usage**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | Internet and Email Usage policy is in place.   |
| <b>OBJECTIVES</b> | To provide a framework for appropriate access to and use of internet and email systems.  |
| <b>GUIDELINES</b> | <p>The Shire of Mukinbudin is committed to providing its staff with appropriate corporate applications and business tools, including access to internet and email systems, provided that:</p> <ul style="list-style-type: none"><li>• Usage of internet and email facilities is primarily limited to job-related activities. However, some personal use within reason is permitted at the discretion of the Chief Executive Officer, Employees are to ensure they use the internet responsibly and productively.</li><li>• All internet data that is composed, transmitted and / or received by Shire systems is considered to be the property of the Shire.</li></ul> <p>The Internet and Email Usage Policy applies to the accessing of internet and email systems by all employees in the performance of their work. Specifically, this includes:</p> <ul style="list-style-type: none"><li>• Internal and external email traffic.</li><li>• Internet access.</li><li>• Network access.</li></ul> |
| <b>HISTORY</b>    | May 2016   |
| <b>REVIEW</b>     | Chief Executive Officer  |



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## **1.17 Continuing Professional Development**

### **POLICY**

The Shire of Mukinbudin recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

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

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

Council's preferred provider for the training is WALGA (WA Local Government Association). All units and associated costs will be paid for by the Shire and must be completed by 30 June in the year immediately following the elected Member's election. The training is valid for a period of five years.

Additionally, the Shire will publish, on the Shire's website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to 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.

### **OBJECTIVES**

To ensure that Elected Members of the Shire of Mukinbudin receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.

### **GUIDELINES**

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 has 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 Council 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;

**HISTORY** March 2021

**REVIEW** Chief Executive Officer



## **1.18 Citizen of the Year Privileges**

### **POLICY**

The Shire Citizen of the Year will be entitled to receive an invitation to all formal Council functions and recognition at all those functions, for a period of twelve (12) months, from the announcement of the award.

### **OBJECTIVES**

To acknowledge and celebrate the significant contributions made by the Citizen of the Year to their local community.

### **GUIDELINES**

Local Government Act 1995 Section 2.7 – The Role of Council.  
*Local Government Act 1995, s3.1(1)* - General function powers.

### **HISTORY**

May 2021

### **REVIEW**

Chief Executive Officer



## **1.19 Councillor and CEO Attendance at Events**

### **POLICY**

This policy applies to Councillors and the Chief Executive Officer (CEO), of the Shire of Mukinbudin in their capacity as a Councillor and CEO of the Shire and where they may receive free or discounted tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community, generally, from a third party.

Attendance at an event, in accordance with this policy, will exclude a gift recipient from the requirement to disclose a potential conflict of interest if the ticket is above \$300 (inclusive of GST) and the donor has a matter before Council. Any gift received that is \$300 or less (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

### **OBJECTIVES**

To address 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 and to provide transparency about attendance at events by Councillor and the (CEO).

### **GUIDELINES**

#### **Provision of tickets to events**

##### **Invitations**

All invitations or offers of tickets for a Councillor or CEO to attend an event should be in writing and addressed to the Chief Executive Officer.

Any invitation or offer of tickets not addressed to the Chief Executive Officer is not captured by the policy and must be disclosed in accordance with the gift and interest provisions of the Act.

##### **Pre-approved attendance**

In line with the objectives of this policy, the below events have been pre-approved and attendance at these events will not need to be disclosed if invitations



are received. Nothing in this section mandates attendance at any of these events or raises an expectation of free or discounted tickets to these events.

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

### **Approval of attendance**

In deciding on attendance at an event, the Council will consider:

- a) Who is providing the invitation or ticket to the event?
- b) The location of the event in relation to the local government (within the district or out of the district).
- c) The role of the Councillor 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.

Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

### **Non-Approved Events**

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

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

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

### **Payments in respect of attendance**

Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the Council determine attendance to be of public value.

For any events where a member of the public is required to pay, unless previously approved or listed as pre-approved, the Council will determine whether it is in the best interests of the local government for a Councillor or the CEO or another officer to attend on



behalf of the Council.

If the Council determines that a Councillor or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

Local Government Act 1995 s.5.87A and 5.87B disclosure of gifts.

Local Government Act 1995 s.5.90A Policy for attendance at events.

## **HISTORY**

May 2021

## **REVIEW**

Chief Executive Officer



## **1.20 Appointment of Acting Chief Executive Officer**

### **POLICY**

Council delegates to the CEO, appointment of an internal employee to higher duties, Acting CEO, subject to the following conditions:

1. The appointment is to be for a period of no more than two (2) weeks; and
2. The person appointed is to be suitably qualified, experienced, and knowledgeable for the Acting CEO role; and
3. The appointment not being due to a vacancy of the CEO's position.

The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.

For CEO vacancy periods over two (2) weeks the appointment of the Acting CEO shall be determined by Council.

The CEO shall report to Council any proposal to fill an Acting CEO role over two (2) weeks with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation.

If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.

### **OBJECTIVES**

To ensure compliance with Local Government Act 1995 s5.39C by having a policy regarding the employment of an acting Chief Executive Officer.

### **GUIDELINES**

Local Government Act 1995 s5.39C

### **HISTORY**

July 2021

### **REVIEW**

Chief Executive Officer



## **1.21 Code of Conduct - Complaints Handling**

### **POLICY**

This Policy is limited to complaints about behaviour breaches (Code of Conduct, Division 3) by council members, committee members and candidates.

A person may make a complaint, in accordance with the Code of Conduct, alleging a behaviour breach.

### **OBJECTIVES**

The objective of this Policy is to prescribe the processes for the management of complaints involving council members, committee members and candidates in matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct.

### **GUIDELINES**

Local Government Act 1995, sections 5.103 & 5.104 Code of Conduct for Council Members, Committee Members and Candidates

### **DEFINITIONS**

In this Policy –

behaviour breach means a breach of a behaviour requirement in Division 3 of the Code of Conduct.

**complaints officer** means a person authorised in writing by the council, or by the CEO exercising authority delegated by the council, to receive complaints and withdrawals of complaints under clause 10 of the Code of Conduct.

**candidate** - an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the LG Act. The Code of Conduct applies to the candidate from that point. *Any alleged behaviour breach may only be dealt with if the candidate is elected as a council member.*

**committee member** - includes any council member, local government employee or unelected member of the community, in any of those cases, who has been appointed by the council to be a member of a council committee.

complainant means a person complaining of a behaviour breach by a council or committee member of the Shire or a candidate.



**complaint** means a complaint made under clause 11(1) of the Code of Conduct.

**complaints Investigator** means a Investigator of persons appointed to consider and determine complaints.

**council member** means an individual who has been elected as a council member under the LG Act. This Policy also applies to a council member who is a committee member on a council committee.

**evidence** means the available facts or information which go to indicate whether an allegation of a breach 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 any other available evidence, to decide whether a breach has occurred.

**investigator** means the complaints person appointed to investigate complaints received.

**report** means the report for the council of the outcome of the investigation of a complaint dealing with the following:

1. whether or not the complaints investigator considers that the behaviour breaches the subject of the complaint has occurred.
2. the evidence relied on by the complaints investigator under clause 12(3) of the model code for that conclusion; and
3. a recommendation as to whether no further action should be taken on the complaint, or as to the terms of a plan under clause 12(4)(b) of the model code.

Other terms used in this Policy that are also used in the LG Act have the same meanings as they have in the Act unless the contrary intention appears.

## HISTORY

July 2021

## REVIEW

Chief Executive Officer



## **1.21 Code of Conduct - Complaints Handling Procedure**

### **Appointment of Complaints Investigator**

1. The CEO is to appoint a person with relevant Local Government skills and knowledge who is not an employee of the Shire, to review and consider one or more complaints of behaviour breach and to report on the outcome of any investigation to the CEO for provision to the council.
2. The CEO is to deal with the remuneration of the complaints investigator, and a complaints mediator, in accordance with the 'Costs in the Complaints Process' section of this policy.

### **Process for Making a Complaint**

#### **1. Initiation of Complaint**

- (a) Any person may make a complaint alleging a behaviour breach.
  - (b) A Complaint must be in writing on the Shire's approved form – 'Complaint About Alleged Behaviour Breach Form'.
  - (c) The complainant must lodge the complaint with the Shire's Complaints Officer.
  - (d) The complainant must provide with the complaint, details of the alleged behaviour breach together with any supporting evidence.
  - (e) The complaint must be lodged within one (1) month of the occurrence of the alleged behaviour breach.
  - (f) A complaint must be submitted by the complainant.
2. A complaint cannot be submitted anonymously.
  3. The Complaints Officer is to provide all complaints to the complaint's investigator in accordance with the following clause.
  4. The Complaints Officer within 14 days of receiving a complaint:
    - (a) must contact the complainant acknowledging that the complaint has been received.
    - (b) as part of the acknowledgment process, must provide the complainant with a copy of the Shire's Complaints Policy.



- (c) must provide the council or committee member to whom the complaint relates with a copy of the Complaints Policy and a copy of the complaint (including the name of the complainant); and
  - (d) must send to the complaint's investigator the Complaint together with details of the alleged breach and any supporting evidence provided by the complainant.
- 5. Complaints are to be dealt with and considered in an order based on the order in which they are received by the Complaints Officer.
  - 6. A complaint relating to a candidate is only to be referred to the complaints investigator if the candidate is elected as a council member, but in any event the complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
  - 7. No fee is charged to lodge a complaint under this Policy.

#### Mediation

- 1. The Investigator must offer mediation to both parties as the first option for dealing with a complaint and before progressing with the consideration or determination of the Complaint.
- 2. If issues raised in the complaint are resolved to the satisfaction of both parties in mediation and otherwise before the determination of the complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Complaints Officer.
- 3. Where mediation is not accepted by either the complainant or council member, or mediation does not resolve the matter and a written Withdrawal of Complaint received, the CEO must send to the complaints investigator the complaint together with details of the alleged breach and any supporting evidence provided by the complainant. within 14 days.

#### Complaints Investigator Making a Determination

- 1. Before making a determination in relation to a complaint, the complaints investigator must provide the council member or committee member to whom the complaint relates with an opportunity to respond to the allegations in the complaint and to provide their own comments and evidence for consideration within 14 days of the notification of the complaint to them by the Complaints Officer.
- 2. After considering a complaint, the complaints Investigator must make a determination as to whether or not the alleged behaviour breach has occurred.
- 3. The determination must be made within 21 days:



- (a) from receiving a complaint from the Complaints Officer; or
- (b) from receiving a copy of the response to the allegations by the person to whom the complaint relates,

whichever is the later.

4. A determination by the complaints investigator that the alleged behaviour 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.
5. Having made a determination on the alleged behaviour breach, the complaints Investigator must inform the Complaints Officer by providing a determination and reasons for it in a Determination and Reasons Report (**Report**).
6. The Report must be provided to the Complaints Officer within 14 days of making the determination.
7. If the complaints Investigator makes a determination that the alleged breach has occurred, the Report must make a recommendation if further action is required and make a recommendation on the plan to address the behaviour of the person to whom the complaint relates (**action plan**).
8. The complaints Investigator may recommend to the council to dismiss a complaint in accordance with clause 13 of the Code of Conduct. If the complaints Investigator concludes that the behaviour the subject of the complaint is an offence under a local law that deals with meeting procedures, the complaint should not be dealt with further as a behaviour breach but should be referred to the Complaints Officer.
9. The complaints Investigator's deliberations and determination are to be confidential and reported only to the Complaints Officer, but subject to any consultation with the person to whom the complaint relates under the following clause.

#### Action Plans

1. When preparing an action plan under clause 7 'Complaints Investigator Making a Decision' section of this Policy, the complaints Investigator must consult with the person to whom the complaint relates. The member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.
2. An action plan may include a requirement for the person to whom the complaint relates to do one or more of the following –
  - (a) Engage in mediation.
  - (b) Undertake counselling.





- (c) Undertake training; or
  - (d) Take other action the local government considers appropriate.
3. An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives. The plan should outline:
- (a) the behaviour(s) of concern.
  - (b) the actions to be taken to address the behaviour(s).
  - (c) who is responsible for the actions; and
  - (d) an agreed timeframe for the actions to be completed.

#### Report Provided to Council

The Complaints Officer must provide a confidential report to council including:

- (a) a copy of the complaint.
- (b) the Report of the complaints Investigator together with the evidence received by the complaints Investigator and any submissions or other communications from the parties.
- (c) a recommendation on the question whether or not a behaviour breach has occurred.
- (d) a recommendation as to whether any and if so, what further action is required; and
- (e) if further action is required, a recommendation must be provided to the council on an action plan to address the behaviour of the person to whom the complaint relates.

#### Council Finding

1. The council must not make a finding that a behaviour breach has occurred without first having given the person to whom the complaint relates a reasonable opportunity to be heard.
2. A finding that the alleged behaviour 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.



3. If the council makes a finding that the alleged breach has occurred, it may resolve to –
  - (a) take no further action; or
  - (b) prepare and implement an action plan recommended by the complaints Investigator with or without modifications as it thinks fit.
4. Based on the complaint Investigator's Report, the evidence and any further comments or submissions by the parties, the council may:
  - (a) dismiss the complaint in accordance with the 'Dismissal of Complaint' section of this Policy; or
  - (b) find that the alleged breach has occurred; or
  - (c) find that the alleged breach has not occurred; or
  - (d) if the finding is that the breach has occurred, decide that no further action is required; or
  - (e) if the finding is that a breach has occurred, decide that further action is required and consider the adoption of an action plan; or
  - (f) adopt an action plan to address the behaviour of the person to whom the complaint relates.
5. If the council makes a finding that the alleged breach has occurred, it must give reasons for that finding.

#### Complaints Officer Acting on Council Finding

When the council makes a finding in relation to a complaint, the Complaints Officer must give the complainant and the person to whom the complaint relates written notice of –

- (a) the finding and the reasons for the finding; and
- (b) if the finding is that the alleged breach has occurred, council's decision on the course of action to be taken including the options under clause 2 'Action Plans' section of this Policy

#### Confidentiality of Complaints

The fact of a complaint having been made and the details of a complaint and the processes undertaken in connection with a complaint including the referral to the complaints



Investigator are confidential matters and should not be disclosed unless and until the council has made a formal finding of breach in respect of the complaint.

#### Dismissal of Complaint

1. The council must dismiss a complaint where:
  - (a) the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that 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 the local law of the local government that deals with meeting procedures.
2. In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.
3. A complainant may withdraw their complaint any time before it is considered by the council.

#### Withdrawal of Complaint

1. A complainant may withdraw their complaint any time before it is considered by the council.
2. The withdrawal of a complaint must be –
  - (a) in writing; and
  - (b) given to the Complaints Officer.

#### Compliance with Plan Requirement

1. The Complaints Officer is to monitor the actions in timeframes set out in an action plan.
2. If an action plan includes any of the requirements under clause 2 'Action Plans' section of this Policy (i.e., in clause 12.6 of the Code of Conduct), failure to comply with that requirement is a breach of clause 23 of the Code of Conduct and as a breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act.

#### Complaints that are Inappropriate under this Policy

The purpose of the Shire's Code of Conduct is to guide the decisions, actions and behaviours of council members, committee members, and of candidates running for



election as a council member. A breach of the Rules of Conduct is a minor breach under section 5.105(1) of the LG Act, and is not the intended subject of this Policy.

The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct, and all complaints under this Policy should be made with that objective in mind. Consequently, complaints such as the following are inappropriate to be dealt with under this Policy:

- (a) Complaints made with the intent of addressing personal grievances or disagreements.
- (b) Complaints made to express dissatisfaction with a council or committee member's lawfully made decisions or performance of their role.
- (c) Minor breaches under section 5.105(1) of the LG Act.
- (d) Serious breaches under section 5.114 of the LG Act; and
- (e) Allegations of corruption.

#### Cost in the Complaints Process

1. No fee is charged to lodge a Complaint under this Policy.
2. Members of the complaints Investigator, or a mediator, appointed pursuant to the Policy may charge the Shire a fee to cover the costs of dealing with the complaint whether or not a breach is ultimately found.
3. Any fee charged by members of a complaints Investigator, or a mediator, is to be based on the time spent in connection with the complaint and may be established in advance on a quotation basis.



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## COMMUNITY SUPPORT

### 2.1 Charitable Works

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | All donations of “in kind” work exceeding \$1,000 in value, by way of use of Council staff and/or equipment, to not for profit/charitable organisations are to be a resolution of Council. |
| <b>OBJECTIVES</b> | For Council to determine level of support and use of its equipment for not for profit/charitable purposes  |
| <b>GUIDELINES</b> | This excludes private works for which Council is to be reimbursed  |
| <b>HISTORY</b>    | Former policy  |
| <b>REVIEW</b>     | Chief Executive Officer  |



## **2.2 Concessions – Hall Hire Charges – Not for profit groups**

### **POLICY**

There will be no subsidising, reducing, or waiving of Council charges, unless upon written application, the Chief Executive Officer is of the opinion that extenuating circumstances apply, in which case the application will be considered on its merits by Council. Council may at its discretion authorise a donation to offset hall hire charges.

### **OBJECTIVES**

To maintain the integrity of the Fees and Charges set in Council's annual budget deliberations

### **GUIDELINES**

*Local Government Act 1995 – s6.16*  
Fees and Charges

Council currently heavily subsidises its fees and charges for the use of recreation facilities and is of the view that no additional subsidy is warranted.

### **HISTORY**

### **REVIEW**

Chief Executive Officer



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## **2.3 Community Chest Grants Scheme**

### **POLICY**

Council will make available a provision of \$10,000 (ten thousand dollars) in its annual budget to provide for a community grants scheme (Community Chest) for local projects.

Provision of grants will be solely at the discretion of Council.

### **OBJECTIVES**

The intent of this policy is to ensure that the Shire of Mukinbudin Community Chest Grants Scheme is administered in an open, transparent and equitable manner.

### **GUIDELINES**

Applicants must fulfill the following criteria:

- Must be a not-for-profit organisation within the Shire of Mukinbudin.
- No individual application shall receive in excess of \$1,500 (cash or in-kind).
- Be able to demonstrate community support for the project.
- Applications must be signed by the organisation's President or Deputy President.
- Projects shall be completed within the financial year of receiving the grant.
- Demonstrate capacity to manage and be accountable for the funds and the project.
- Supply copies of quotes for materials and services to deliver the project.
- The aims and objectives of the organisation is primarily the Mukinbudin community.

### **HISTORY**

Updated policy 2020

### **REVIEW**

Chief Executive Officer



## **2.4 Collocation of Sporting Clubs**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | The Shire will not support or approve any construction or extension to sporting facilities that will result in duplication of existing facilities or where co-location within existing facilities will provide a better outcome.   |
| <b>OBJECTIVES</b> | To encourage collocation where the net benefits are significant to the Shire and the clubs involved  |
| <b>GUIDELINES</b> | <p>When applications for grants, support or permission to build facilities on Shire controlled land are received, an assessment will be undertaken to ascertain whether a more beneficial outcome will be achieved through co-location within existing facilities.</p> <p>In cases where collocation provides a net benefit, the Council will generally not support stand-alone applications for facilities.</p> |
| <b>HISTORY</b>    | No former policy exists  |
| <b>REVIEW</b>     | Chief Executive Officer  |





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## **2.5 Business Investment Policy**

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### **POLICY**

The Shire will support new business ventures to start within the Shire boundaries provided it meets the below criteria. The business must;

- Not be able to use participation in program to influence competition in marketplace, and
- Offer services that are in high demand.

### **OBJECTIVES**

To encourage business investment in the Shire and ensure that all new businesses (in line with the above criteria) are supported during their startup phase.

### **GUIDELINES**

- When businesses show interest in setting up within the Shire boundaries, they approach the Shire administration staff to be part of the program.
- The business owner is assisted with their application which is put to the next Full Council meeting once complete.
- Council to decide whether the business will be accepted onto the program and which of the following areas they are willing to assist.
  - Rates Concession
  - Marketing and Promotional Pack
  - “Open Day” for the new business
  - Assistance with Site Works
  - Discounted Application Fee

### **TERMS CONDITIONS**

- &**
1. All applications will be assessed on a case-by-case basis in which Council has the authority to refuse entry onto the Business Investment Program at any time.
  2. There is no guarantee that businesses will be granted the assistance requested on page three (3) of the application as it is always at the discretion on Council. See the below conditions for each requested area of assistance;
    - a. Rates holidays: are typically available for 36 months where the businesses pay no rates within this period. 50% of rates are paid by the business for following 12 months and full rates are paid to Council thereafter.
    - b. Marketing & Promotional Pack; assistance and advice given by the Economic Development and Marketing Officer on marketing in the local area.



Cost of all marketing & promotional materials to be at the businesses cost unless otherwise informed by Council.

- c. Open Day: Held by the Business at the new business's premises. The Shire of Mukinbudin will contribute to the value determined on a case-by-case basis, limited to a maximum of \$300.
  - d. Site Works: if required Council will assist depending on the capacity of works needed and the availability of staff at that time. An exact cost and detailed drawings of the site plan must be included in this application.
  - e. Discounted Application Fees: a discount of up to 50% of application fees will be offered to the business at Councils discretion.
3. If the applicant is not granted approval onto the Business Investment Program they will be advised in writing.
  4. Application must also be coupled by a cover letter outlining the businesses details and including their corporate logo.

## **HISTORY**

## **REVIEW**

Finance Manager



## 2.6 Harvest Bans

### POLICY

The Shire will set conditions that will apply when ***Bush Fires Regulation 38A (for Restricted and Prohibited Burning Times) and Bush Fires Regulation 24C (for Total Fire Ban Days) - (Use of engines, vehicles, plant or machinery likely to cause bush fire)*** of the ***Bush Fires Regulations 1954*** (commonly called a Harvest and Movement of Vehicles in Paddocks Ban) is used. When a fire breaks out in the Shire of Mukinbudin an immediate harvest and vehicle movement ban be imposed.

The Chief Executive Officer, CBFCO, DCBFCO and any Fire Weather Officer is authorised to impose a ban on harvesting and the movement of machinery in paddocks (except for stock watering purposes) when a reading of 32 has been reached on the McArthur Grassland Meter. Community to be advised by SMS and Bush fire Radio updates.

### OBJECTIVES

To provide clarity on what activities are/are not allowed when a Harvest and Movement of Vehicles in Paddocks Ban has been called

### GUIDELINES

When a Harvest and Movement of Vehicles in Paddocks Ban has been called the following conditions will apply:

- Harvesting and associated operations are not permitted,
- Movement of any vehicles through, or on, vegetated land are not permitted,
- Any “hot works” (e.g., welding, grinding, cutting, heating, etc.) in the “open air” are not permitted.

#### **24C. Bans for r. 24A(5A), imposing and duration of etc.**

- (1) A bush fire control officer may impose a ban, for the purposes of regulation 24A(5A), in an area if satisfied that the use or operation of any engine, vehicle, plant, equipment or machinery in the area during the period to be specified for the ban would be likely to cause a bush fire or contribute to the spread of a bush fire.



- (2) A bush fire control officer must impose a ban, for the purposes of regulation 24A(5A), in an area if satisfied that the bush fire danger index for the area is or exceeds 35.
- (3) For the purposes of subregulation (2), the bush fire danger index must be worked out using the “Grassland Fire Danger Index CSIRO-modified McArthur Mk 4 meter”.
- (4) A ban —
  - (a) has effect for the period specified for the ban; and
  - (b) must be published by wireless broadcast and, if practicable, in writing; and
  - (c) may be varied or cancelled by a bush fire control officer by wireless broadcast and, if practicable, in writing.
- (5) The period specified for the ban must be included in the wireless broadcasts of the ban and in any written publication of the ban.

**38C. Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times.**

- (1) A local government may declare that the use by a person of any harvesting machinery on any land under crop during the whole or part of any —
  - (a) Sunday; or
  - (b) public holiday,in the whole or a specified part of the district of that local government during the prohibited burning times or the restricted burning times is prohibited unless the person has obtained the written consent of a bush fire control officer of that local government.
- (2) A declaration under subregulation (1) —
  - (a) shall be made by notice in a newspaper circulating in the area affected by the prohibition; and



(b) may be revoked or varied in the manner in which it was made,

and the local government shall forward a copy of a declaration or of a revocation or variation of a declaration to the FES Commissioner.

(3) A person who contravenes a declaration made under sub regulation (1) commits an offence.

Penalty: \$5 000.

**HISTORY**

Former policy 1.3.2

**REVIEW**

Chief Executive Officer



## **2.7 Waiving of Fees – Events Kit**

### **POLICY**

In cases where a delay in the approval of an application for waiving of Events Kit fees will be detrimental to the event or activity of the applicant, the CEO may exercise, on behalf of Council, any of the powers of the Council to refuse / grant / grant subject to conditions, to a maximum of \$1,000 in respect of each application.

### **OBJECTIVES**

To enable community groups to proceed or financially plan for an activity or event without a need to wait until a scheduled Council Meeting.

### **GUIDELINES**

Community Groups will apply for waiving of Events Kit fees in writing, stating cost of activity/event and reason for request. The CEO will advise Council of request and decision.

### **HISTORY**

New Policy 2020

### **REVIEW**

Chief Executive Officer



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## **2.8 Pop-Up Shop**

### **POLICY**

Council may encourage and administer business and/or entrepreneurial, community or cultural activities in The Railway Pop-Up Shop.

It is up to the discretion of the Shire's Management Team as to who occupies The Railway Pop-Up Shop.

### **OBJECTIVES**

To initiate Council involvement in business and commercial activities to generate economic growth.

To demonstrate Council's commitment to a next-generation sustainable economy in Mukinbudin that encourages the promotion of local or value-added products and/or attracts new enterprises to the Shire.

To stimulate additional business activities and initiatives in the main street of the town.

To assist Council to pursue and achieve the desired social and economic benefits for the community of Mukinbudin.

### **GUIDELINES**

Tenants are required to be members of The Railway Pop-Up Shop group and be financial prior to occupation. Membership fees will be determined as part of the annual budget process.

Tenants in the building will have the necessary insurances in place prior to occupation or will sign an Insurance Disclaimer.

Tenants would be required to participate in a Health and Safety induction prior to occupation, led by the Shire of Mukinbudin.

Tenants can occupy The Railway Pop-Up Shop for one day (minimum) or one month (maximum) plus an additional one-month extension if there is an immediate or future availability.

Tenants are required to follow the Retail Trading Hours Act 1987 (WA) which applies to retail shops in Western Australia south of the 26<sup>th</sup> parallel. It sets out the trading hours and rules covering various categories of retail outlets. Extensions can be sought under this Act upon application to the Department of Commerce.

Profits generated from membership (if applicable) will be reinvested into other main street activation projects to the discretion of the Council.



The evaluation of return on investment into The Railway Pop-Up Shop will be evaluated annually against a set of criteria including but not limited to occupancy rate, diversity of tenants, estimated multiplier effect of tenants, income, risk and achievement of Council's strategic goals.

Councillors and staff will conduct their Council roles ethically in administering and promoting The Railway Pop-Up Shop, in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

The Shire's Management Team will determine and communicate the risk assessment of all tenants who occupy The Railway Pop-Up Shop as well as the building space itself to Council.

## **TERM CONDITIONS**

- AND** The Shopkeeper agrees to:
1. Ensure that the hiring organisation has their own public liability.
  2. Pay for any related damages/cleaning to the building that may be necessary following use of the building by my/our function that exceeds the bond.
  3. Abide by Council's policy relating to smoking in all Shire owned and controlled buildings.
  4. Ensure that the building is left in a clean and orderly state after use as per Council Policy.
  1. The building is inspected prior / after use with the hirer by a Shire staff member.
  2. The building is hired "as is". Any additional equipment or fixtures are to be supplied by the "Shopkeepers/Brand displayer".
  3. Consumable items are the responsibility of the "Shopkeepers & Brand Displayers". e.g. tags, wrapping etc.
  4. All parties are aware this is a shared hired space with application approval process managed by the Shire of Mukinbudin.
  5. All floors are vacuumed / mopped as required.
  6. All bench and table surfaces are wiped and clean.
  7. Windows are kept clean.
  8. All rubbish is collected and deposited in outside bins.
  9. All lights, and electronic equipment to be turned off at close of day with effort made to reduce power and water usage where possible. Some display lights and equipment may be exempt on enquiry.
  10. All external doors are locked before leaving.
  11. All disputes are reported to the Shire Office for mediation.
  12. Shop displays are changed and moved regularly to keep the shop fresh.





13. "Shopkeepers" agree that the hire fee is subject to change dependent on participants as a shared fee. This is capped at \$50 per week if only one participant. The hire balance incorporating "Brand Displayers" deductions will be invoiced monthly.
14. "Brand Displayers" agree that on approval, the hire fee will be payable to the Shire for the full term prior to commencement of your brand display. Minimum term for The Railway Pop-Up Shop "Brand Display" is 4 weeks \$80 (\$20 per week). Note: One off exception for your first time as a "Brand Display" is available on request with a reduced minimum of two weeks for \$40)
15. "Shopkeepers" agree to sell items for other brands and demonstrate professionalism and a uniform approach to customer service.
16. "Shopkeepers" represent the community in a positive light and communicate with other local businesses.
17. "Brand Displayers" provide "Shopkeepers" with products that are clearly priced along with inventory list.
18. The Shire of Mukinbudin have public liability insurance, but this insurance does not extend to your business. So, if it is a fault of the space that causes injury, it is covered, but if it is the negligent actions of the business or the product that causes injury, then the business will be liable.

## **HISTORY**

New policy 2020

## **REVIEW**

Chief Executive Officer



## **2.9 Dog Exercise Area – Mukinbudin Recreation Ground Oval**

### **POLICY**

The Mukinbudin Sports Complex Oval has been designated as an off - lead Dog Exercise Area during the following times:

- Monday to Friday – up to 1.00pm
- Sunday – no restrictions

Due to Community Sport on Saturday dogs are not permitted on the oval at any time during this day.

Persons in control of a dog are required to immediately remove any dog excrement from the oval after it has been deposited by the dog and placed in bins provided. Failure to do so will result in the person being issued with an infringement notice.

### **OBJECTIVES**

To provide a fenced area within the townsite to allow for the exercise of dogs off lead.

### **GUIDELINES**

Dog Act 1976, section 31A

### **HISTORY**

May 2021

### **REVIEW**

Chief Executive Officer



## **2.10 Swimming Pool – Use of the Pool by Mukinbudin District High School**

### **POLICY**

When Mukinbudin District High School is given free entry for all children and adults to the swimming pool for all swimming carnivals, In Term Swimming lessons and other school bases pool excursions.

### **OBJECTIVE**

To provide guidance on the hiring of the swimming pool to the local District High School.

### **GUIDELINES**

This policy extends to any visiting schools for Swimming Carnivals.

No other members of the public can use the pool during the swimming carnival.

### **HISTORY**

No former policy exists

### **REVIEW**

Chief Executive Officer



## **2.11 Swimming Pool – Vacation Swimming Lessons**

### **POLICY**

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter free of charge provided they leave the pool as soon as the classes are completed.

VAC swim swimming teachers are permitted free entry to the outdoor swimming pool while they are teaching vacation and in term swimming lessons.

### **OBJECTIVE**

To provide guidance on the entry charges for the outdoor swimming pools during Vacation Swimming Lessons (VAC swim).

### **GUIDELINES**

The Aquatic Centre is not open to the general public during Vacation Swimming lessons until the normal opening hours.

### **HISTORY**

No former policy exists

### **REVIEW**

Chief Executive Officer



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## **FINANCE / ACCOUNTING**

### **3.1 Self Supporting Loans**

**POLICY** Council will consider making available loan funds on a “self-supporting” basis to organisations within the district subject to appropriate terms and conditions determined by Council from time to time.

**OBJECTIVES** To identify Council’s willingness to provide support

**GUIDELINES** Self-supporting loans are subject to the same administrative requirements as are other loans raised by Council.

**HISTORY**

**REVIEW** Finance Manager



## **3.2 Significant Accounting Policies**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | The Statement of Significant Accounting Policies as per the following pages is adopted as Council policy |
| <b>OBJECTIVES</b> | To clearly identify the basis upon which Council's financial statements are prepared                     |
| <b>GUIDELINES</b> | Department Local Government Accounting Manual  |
| <b>HISTORY</b>    |  |
| <b>REVIEW</b>     | Finance Manager  |



## ATTACHMENT 3.2

### STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

It is Council's position that it will capitalise infrastructure assets exceeding \$5,000 with a depreciation rate applying in terms of recommended accounting practices.

Property, plant and equipment is to be brought to account at cost and carried at net written down value. Items of property, plant and equipment including buildings, but excluding freehold land, are to be depreciated over their estimated useful lives on a straight-line basis.

#### 1. **SIGNIFICANT ACCOUNTING POLICIES**

The significant accounting policies which have been adopted in the preparation of this financial report are presented below and have been consistently applied unless stated otherwise.

##### (a) **Basis of Preparation**

The financial report is a general-purpose financial statement which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the local Government Act 1995 and accompanying regulations.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of the selected non-current assets, financial assets, and liabilities.

##### **Critical Accounting Estimates**

The preparation of a financial report 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 and 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 results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

##### (b) **The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

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) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 19 to these financial statements.

##### (c) **Goods and Services Tax (GST)**

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

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

Cash flows are presented on a gross basis. The GST components of cash flows arising from



investing or financing activities which are recoverable from, or payable to the ATO, are presented as operating cash flows.

**(d) Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments with original maturities 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 and bank overdrafts.

Bank overdrafts are shown as short- term borrowings in current liabilities in the statement of financial position.

**(e) 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 they will not be collectible.

**(f) Inventories**

***General***

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

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

***Land Held for Resale***

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

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

Land held for resale is classified as current except where it is held as non-current based on Council's intention to release for sale.

**(g) Fixed Assets**

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation or impairment losses.





***Mandatory Requirement to Revalue Non-Current Assets***

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at fair value became mandatory.

The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:

- (a) for the financial year ending on 30 June 2013, the fair value of all the assets of the local government that are plant and equipment; and
- (b) for the financial year ending on 30 June 2014, the fair value of all the assets of the local government -
  - (i) that are plant and equipment; and
  - (ii) that are -
    - (I) land and buildings; or
    - (II) infrastructure;
- and
- (c) for a financial year ending on or after 30 June 2015, the fair value of all the assets of the local government.

Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.

Council has commenced the process of adopting Fair Value in accordance with the Regulations.

Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial report, as necessary.

***Land Under Control***

In accordance with local Government (Financial Management) Regulation 16 (a), the Council is required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of State or regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with other policies detailed in this Note.

Whilst they were initially recorded at cost, fair value at the date of acquisition was deemed cost as per AASB 116.

Consequently, these assets were initially recognised at cost but revalued along with other items of Land and Buildings at 30 June 2013.

**(g) Fixed Assets (Continued)**

***Initial Recognition***



All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

### **Revaluation**

Revalued assets are carried at their fair value being the price that would be received to sell the asset, in an orderly transaction between market participants at the measurement date.

Revalued assets are carried at their fair value being the price that would be received to sell the asset, in an orderly transaction between market participants at the measurement date.

For land and buildings, fair value will be determined based on the nature of the asset class. For land and non-specialised buildings, fair value is determined based on observable open market values of similar assets, adjusted for conditions and comparability at their highest and best use (Level 2 inputs in the fair value hierarchy).

With regards to specialised buildings, fair value is determined having regard for current replacement cost and both observable and unobservable costs. These include construction costs based on recent contract prices, current condition (observable Level 2 inputs in the fair value hierarchy), residual values and remaining useful life assessments (unobservable Level 3 inputs in the fair value hierarchy).

For infrastructure and other asset classes, fair value is determined to be the current replacement cost of an asset (Level 2 inputs in the fair value hierarchy) less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset (Level 3 inputs in the fair value hierarchy).

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases in the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised as profit or loss.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

In addition, the amendments to the Financial Management Regulations mandating the use of Fair Value, imposes a further minimum of 3 years revaluation requirement. As a minimum, all assets carried at a revalued amount, will be revalued at least every 3 years.



**(g) Fixed Assets (Continued)**

***Transitional Arrangement***

During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.

Those assets carried at cost will be carried in accordance with the policy detailed in the ***Initial Recognition*** section as detailed above.

Those assets carried at fair value will be carried in accordance with the ***Revaluation*** methodology section as detailed above.

***Early Adoption of AASB 13 - Fair Value Measurement***

Whilst the new accounting standard in relation to fair value, *AASB 13 - Fair Value Measurement* does not become applicable until the end of the year ended 30 June 2014 (in relation to Council), given the legislative need to commence using Fair Value methodology for this reporting period, the Council chose to early adopt AASB 13 (as allowed for in the standard).

As a consequence, the principles embodied in *AASB 13 - Fair Value Measurement* have been applied to this reporting period (year ended 30 June 2013).

Due to the nature and timing of the adoption (driven by legislation), the adoption of this standard has had no effect on previous reporting periods.

***Land under Roads***

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 - Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

**(g) Fixed Assets (Continued)**

***Depreciation of Non-Current Assets***



All non-current depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits assets having a limited useful life (excluding freehold land) are separately and systematically 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.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

|                          |                 |
|--------------------------|-----------------|
| Land                     | not depreciated |
| Buildings                | 0 to 50 years   |
| Furniture and Equipment  | 0 to 10 years   |
| Plant and Equipment      | 0 to 15 years   |
| Sealed roads and streets |                 |
| Clearing and earthworks  | not depreciated |
| Construction/road base   | 50 years        |
| Original surfacing and   |                 |
| Major resurfacing        |                 |
| - bituminous seals       | 20 years        |
| - asphalt surfaces       | 25 years        |
| Gravel roads             |                 |
| Clearing and earthworks  | not depreciated |
| Construction/road base   | 50 years        |
| Gravel sheet             | 12 years        |
| Formed roads(unsealed)   |                 |
| Clearing and earthworks  | not depreciated |
| Construction/road base   | 50 years        |
| Footpaths                | 40 years        |
| Sewerage piping          | 100 years       |
| Water supply piping and  |                 |
| drainage systems         | 75 years        |

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

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

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

#### ***Capitalisation Threshold***

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

### **(h) Intangible Assets**

#### **Easements**



Due to legislative changes, Easements are required to be recognised as assets.

If significant, they are initially recognised at cost and have an indefinite useful life.

## **(i) Financial Instruments**

### ***Initial Recognition and Measurement***

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

### ***Classification and Subsequent Measurement***

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (d) less any reduction for impairment.

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

#### ***(i) Financial assets at fair value through profit and loss***



Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current. They are subsequently measured at fair value with changes to carrying amount being included in profit or loss.

**(i) Financial Instruments (Continued)**

***Classification and Subsequent Measurement (Continued)***

***(ii) Loans and receivables***

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

***(iii) Held-to-maturity investments***

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

***(iv) Available-for-sale financial assets***

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable.

They are subsequently measured at fair value with changes in such fair value (ie gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to the asset previously recognised in other comprehensive income, is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

***(v) Financial liabilities***

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

***Impairment***



At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired.

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial instruments, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified into profit or loss at this point.

**(i) Financial Instruments (Continued)**

***Derecognition***

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continued involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expire. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

**(j) Impairment**

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (eg AASB 116). Any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

**(k) Trade and Other Payables**

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



**(l) Employee Benefits**

Provision is made for the Council's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to the employee wage increases and the probability the employee may not satisfy vesting requirements. Those cash flows are discounted using market yields on national government bonds with terms to maturity matching the expected timing of cash flows.

**(m) Borrowing Costs**

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

**(n) Provisions**

Provisions are recognised when:

- a) the Council has a present legal or constructive obligation as a result of past events;
- b) for which it is probable that an outflow of economic benefits will result; and
- c) that outflow can be reliably measured.

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

**(o) Leases**

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Council, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight -line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

**(p) Investments in Associates**





Associates are entities in which the Council has significant influence through holding, directly or indirectly, 20% or more of the voting power of the Council. Investments in associates are accounted for in the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Council's share of net assets of the associate entity. In addition, Council's share of the profit or loss of the associate entity is included in the Council's profit or loss.

The carrying amount of the investment includes goodwill relating to the associate. Any discount on acquisition, whereby the Council's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from transactions between the Council and the associate are eliminated to the extent of the Council's interest in the associate.

**(q) Joint Venture**

The Council's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the appropriate line items of the financial statement. Information about the joint venture is set out in Note 16.

The Council's interest in joint venture entities are recorded using the equity method of accounting (refer to Note 1(p) for details) in the financial report.

When the Council contributes assets to the joint venture or if the Council purchases assets from the joint venture, only the portion of gain or loss not attributable to the Council's share of the joint venture shall be recognised. The Council recognises the full amount of any loss when the contribution results in a reduction in the net realisable value of current assets or an impairment loss.

**(r) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations, and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2 (c). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

**(s) Superannuation**

The Council contributes to several superannuation funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

**(t) Current and Non-Current Classification**



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 Council's operational cycle. In the case of liabilities where the Council 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 except for land held for resale where it is held as non-current based on Council's intentions to release for sale.

**(u) Rounding Off Figures**

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

**(v) Comparative Figures**

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

When the Council 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 will be disclosed.

**(w) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.



### **3.3 Regional Price Preference**

#### **POLICY**

Council's Regional Price Preference for locally produced goods and services will apply to all goods and services for which tenders are let, unless the Shire of Mukinbudin determines otherwise, and is to be:

- (1) Subject to statement (2) below a regional price preference of 10% is to apply to -

  - (a) a tenderer for the supply of goods and services who has been operating continuously the Shire of Mukinbudin.
  - (b) a tenderer for the supply of goods and services not established within the Shire of Mukinbudin on that component of the price relating to goods and services supplied from sources within the Shire of Mukinbudin.
- (2) A regional price preference of 5% is to apply to -

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



|                   |   |
|-------------------|---|
| <b>OBJECTIVES</b> | To establish a price preference policy within the constraints of regulations to establish Council's support for local business  |
| <b>GUIDELINES</b> | <i>Local Government Act 1995 – s3.57 Tenders<br/>Local Government (Functions &amp; General) Regulations 2000 - Part 4A<br/>Local Government (Administration) Amendment Regulations 2000 – s29</i> |
| <b>HISTORY</b>    | <i>Former policy 1.6.2<br/>Originally Adopted 17 July 1996</i>  |
| <b>REVIEW</b>     | Finance Manager   |



### 3.4 Investment Policy – Surplus Funds

**POLICY** Surplus Council funds to be deposited with any savings bank operating under the *Banking Act 1959* (Commonwealth) section 5 in accordance with *Trustees Act 1962* Part III as amended from time to time.

**OBJECTIVES** To ensure funds of Council are diligently invested in the securest possible manner to ensure the maximum safe return of investment earnings whilst still complying with current legislative requirements.

**GUIDELINES** *Local Government Act 1995, Local Government (Financial Management) Regulations 1996 R19, Department of Local Government Operational Guideline number 19 Investment Policy.*

#### “Management of investments

##### 19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

##### 19C. Investment of money, restrictions on {Act s. 6.14(2)(a)}

- (1) In this regulation —

**authorised institution** means —

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

**foreign currency** means a currency except the currency of Australia.



- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
  - (b) deposit for a fixed term of more than 12 months;
  - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
  - (d) invest in bonds with a term to maturity of more than 3 years;
  - (e) invest in a foreign currency.

The Manager of Finance is to maintain control over investments and to record the details of principal, interest, bank rates and maturity date in a register for same and report to Council monthly as to the status of investments and details of each lodgment in terms of the Financial Management Regulations.

## **HISTORY**

*Former policy 1.6.1 See Appendix A below*

## **REVIEW**

Finance Manager



## APPENDIX A

# Investment Policy

### Objectives

To invest the local government'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, while ensuring that its liquidity requirements are being met.

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

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

### 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 – Regulation 19, Regulation 28, and Regulation 49
- Australian Accounting Standards

### 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 staff or Chief Financial Officer subject to regular reviews.

### Prudent Person Standard

The investment will be managed with the care, diligence, and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this 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 investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

### Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;



- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper;
- Bank negotiable Certificate of Deposits; and
- Managed Funds with a minimum long-term Standard & Poor (S&P) rating of “A” and short term rating of “A2”.

### Prohibited Investments

This investment 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
- Stand-alone 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 relating to:

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

#### (i) Overall Portfolio Limits

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

| <b>S&amp;P<br/>Long Term<br/>Rating</b> | <b>S&amp;P<br/>Short Term<br/>Rating</b> | <b>Direct<br/>Investment<br/>Maximum %</b> | <b>Managed<br/>Funds<br/>Maximum %</b> |
|---|--|--|--|
| AAA                                     | A-1+                                     | 100%                                       | 100%                                   |
| AA                                      | A-1                                      | 100%                                       | 100%                                   |
| A                                       | A-2                                      | 60%  | 80%                                    |

#### (ii) Counterparty Credit Framework

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





| <b>S&amp;P<br/>Long Term<br/>Rating</b> | <b>S&amp;P<br/>Short Term<br/>Rating</b> | <b>Direct<br/>Investment<br/>Maximum %</b> | <b>Managed<br/>Funds<br/>Maximum %</b> |
|---|--|--|--|
| AAA                                     | A-1+                                     | 45%  | 50%                                    |
| AA                                      | A-1                                      | 35%  | 45%                                    |
| A                                       | A-2                                      | 20%  | 40%                                    |

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

Investments fixed for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 5 years.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

| <b>Overall Portfolio Term to Maturity Limits</b> |                  |
|--|------------------|
| Portfolio % <1 year                              | 100 Max; 40% Min |
| Portfolio % >1 year                              | 60%              |
| Portfolio % > 3 year                             | 35%              |
| Portfolio % > 5 year                             | 25%              |
| <b>Individual Investment Maturity Limits</b>     |                  |
| ADI  | 5 years          |
| Non ADI  | 3 years          |

### Investment Advisor

The local government's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor 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.

### Measurement

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.



## **Benchmarking**

Performance benchmarks need to be established.

| <b>Investment</b>           | <b>Performance Benchmark</b>  |
|-----------------------------|---|
| Cash                        | Cash Rate   |
| Enhanced/Direct Investments | UBSWA Bank Bill   |
| Diversified Funds           | CPI + appropriate margin over rolling 3 year periods (depending upon composition of fund) |

## **Reporting and Review**

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

An Investment Strategy will run in conjunction with the investment policy. The investment strategy will be reviewed with an independent investment adviser every six months with a more formal review once a year. 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.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

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

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



## **3.5 Purchasing Policy**

### **3.5.1 POLICY OVERVIEW:**

The Shire of Mukinbudin (the “**Shire**”) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”) Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

The policy is a critical document, the compliance against which councils performance is measured.

#### **3.5.1.1 Objectives:**

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

- demonstrate that best value for money is attained for the Shire;
- are compliant with relevant legislations, including the Act and Regulations;
- are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire;
- mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, 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; and
- are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

#### **3.5.1.2 Application:**

This policy provides guidance with respect to:

- Guiding Principles
- Potential Supplier Selection – Including Australian and regional preferences.
- Obtaining of quotes and tenders
- Request to Supply & Purchase Orders.
- Other considerations.
- Panels Of Pre-Qualified Suppliers



### **3.5.1.3 Statutory Environment:**

*Local Government Act 1995 – s6 3.57 Tender for goods and services*

*Local Government (Functions and General) Regulations 1996 – Reg 11 When tenders have to be publicly invited and Reg 11A – Purchasing policies for local governments*

*Local Government (Administration) Amendment Regulations 1996 – 29*

The Local Government (Functions and General) Regulations 1996 Reg 11 specifies the value above which tenders must be called and provides guidance and some exemptions including:

- the supply of the goods or services is to be obtained from expenditure authorised in an emergency.
- the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

This policy applies to annual purchases with a value less than specified in Regulation 11. See <https://www.legislation.wa.gov.au/>

Where there is a conflict between the state legislation and this policy the state legislation shall prevail.

### **3.5.1.4 The Need For A Purchasing Policy:**

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

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

## **3.5.2 GUIDING PRINCIPLES**

### **3.5.2.1 Code of Conduct**

All officers and employees of the Shire undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in an honest and professional manner at all times which supports the standing of the Shire.





### **3.5.2.2 Purchasing Principles**

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis where 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, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire's by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.



### **3.5.2.3 Value For Money**

Value for money is determined when the consideration of price, availability, risk and qualitative factors that are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision to obtain the best value for money outcome and should consider:

- all relevant Total Costs of Ownership (TCO) 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, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- 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; and
- providing opportunities for businesses within the Shire's boundaries to be given the opportunity to quote for providing goods and services wherever possible.
- the availability of the goods and services in the context as to when the goods and services are required.



### **3.5.2.4 Purchasing Value Definition**

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

1. Exclusive of Goods and Services Tax (GST), or including GST of the supplier is not registered for GST;
2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.
3. Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

## **3.5.3 POTENTIAL SUPPLIER SELECTION**

### **3.5.3.1 Overview**

When seeking quotes or tenders and selecting a supplier a preference shall be given to locally produced goods and services unless the Shire of Mukinbudin determines otherwise. As much as practicable, the Shire must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

Price preferences may be afforded to Australian and locally based businesses for the purposes of assessment. Provisions are detailed within Potential Supplier Selection.





If a local panel of Pre-Qualified Suppliers has been established suitable suppliers shall be included when seeking quotes or tenders.



### **3.5.3.2 Potential Supplier Selection**

Notwithstanding preferences detailed below price is only one of the factors to be assessed when the local government decides which quote or tender to accept, and the cheapest or any quote or tender will not necessarily be accepted. Other factors to be considered include due diligence, quality of the product, availability, terms of supply including after sales service, freight costs, urgency factors, and budget provision.

#### **Australian Manufactured Goods**

Subject to meeting all other requirements a preference of up to 20% may be given to Australian manufactured or fabricated goods with a price differential up to \$200.

#### **Regional Price Preference**

Subject to meeting all other requirements a regional price preference of 10% is to apply to:

- (a) a tenderer for the supply of goods and services who has been operating continuously the Shire of Mukinbudin.
- (b) a tenderer for the supply of goods and services not established within the Shire of Mukinbudin on that component of the price relating to goods and services supplied from sources within the Shire of Mukinbudin.

Subject to meeting all other requirements a regional price preference of 5% is to apply to:

- (a) a tenderer for the supply of construction (building) services who has been operating a business out of premises in the Shire of Mukinbudin.
- (b) a tenderer for the supply of construction (building) services not established within the Shire of Mukinbudin on that component of the price relating to construction (building) services provided by local suppliers.

A regional price preference applies whenever tenders are called unless the local government resolves otherwise in reference to a particular tender.

That tenders or quotes be called for the annual supply of goods and services where there are benefits to be gained from bulk buying.

#### **Final Supplier Selection**

The final supplier selection shall consider price, quality, reliability, source, availability, familiarity with existing issues and requirements, previous experience with the supplier, direct and indirect costs of procurement and any other requirements for that supply.

For goods or services for which a quote was obtained the reason for the selection and documented and where an order is placed, that documentation appended to the office



copy of the associated order and as an attachment to the order in the purchase order system.



### **1.5.3.3 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. When planning the purchase, the Shire must, if appropriate, consult its Contracts Register in the first instance before seeking to obtain quotes and tenders on its own accord.

## **3.5.4 OBTAINING OF QUOTES AND TENDERS**

### **3.5.4.1 Quotation Procedure**

In order ensure effective financial management at where possible least quote or estimate should be sought, or an estimate made, so the magnitude of the possible commitment is known.

Where a written quote is required to be sought that request should be made in writing clearly identifying what is required and a minimum of 2 business days are to be allowed for a quote to be received after the request to quote is sent. This period may be reduced if the works being quoted are urgent.

The general principles for obtaining written quotations are:

1. An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
2. The request for written quotation shall include as a minimum:
  - a. Written Specification
  - b. Selection Criteria to be applied – if deemed appropriate
  - c. Price Schedule – if deemed appropriate
  - d. Conditions of responding – if deemed appropriate
  - e. Validity period of offer – if deemed appropriate
  - f. The date on which the quote is required
3. Invitations to quote (if more than one is being sought) should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
4. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
5. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
6. Respondents should be advised in writing as soon as possible after the final determination is made and approved.

On-line shopping/web based quotations are valid. Screen views shots are to be saved or printed to PDF.

The response to all quotes sought, including where no response from a contacted supplier was received, including verbal ones, are to be documented and the reason for the acceptance relevant quote. Where an order is placed, that documentation appended to the office copy of the associated order and as an attachment to the order in the purchase order system.



If a decision is made to undertake a Public Tender for contracts the Shire's tendering procedures must be followed in full.

### **3.5.4.2 Quotation Thresholds**

#### Quotation Exemptions

No quotes are required for:

1. Goods and services up to value of \$2,000.
2. Supply of Utilities, connections, disconnections and associated services.
3. Sole supplier goods and services, where the selection is based on availability or existing contractual arrangements.
4. Freight: All freight is exempt from seeking quotations but where possible attain the best price for the required freight service.
5. Renewals: Existing annual subscriptions and renewals
6. LGIS: Insurance renewals
7. WALGA: Annual subscriptions
8. Vehicles purchased using the State Government Tender Board vehicle pricing
9. Some Local Purchasing:
  - a. Newspapers, books & periodicals – Those purchased locally for in-house provision and for the library are exempt from seeking quotations.
  - b. Catering of Food – catering from local suppliers for in-house meetings (not external events) are exempt from quotation (but purchases should be alternated between local suppliers where possible/appropriate).
  - c. Catering of Alcoholic and Non-Alcoholic Drinks: this includes milk and water from local suppliers for in-house provision.

#### Thresholds

|                                   |  |
|-----------------------------------|--|
| \$2000 to \$5,000                 | At least 1 verbal quote is to be sought                                  |
| \$5,000 to \$10,000               | At least 2 written quotes are to be sought.                              |
| \$10,000 to \$50,000              | At least 2 written quotes are to be sought, at least 1 must be obtained. |
| \$50,000 to the tender threshold. | At least 3 written quotes are to be sought, at least 2 must be obtained. |
|                                   | Or   |
|                                   | The Public Tender process is followed.                                   |



### **3.5.4.3 Tendering Exemptions**

An exemption to publicly invite tenders may apply in the following instances:

- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth less Local than the Government (Functions and General) Regulations 1996 Reg 11 specified the value above which tenders must be called and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is from a pre-qualified supplier under a Panel established by the Shire; or
- any of the other exclusions under Regulation 11 of the Regulations apply.

### **3.5.4.4 Inviting Tenders Under the Tender Threshold**

Where considered appropriate and beneficial, the Shire may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness, and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be Local Government (Functions and General) Regulations 1996 Reg 11 specifies the value above which tenders must be called or less in value, the Shire's tendering procedures must be followed in full.

### **3.5.4.5 Sole Source of Supply**

Where the purchasing requirement is of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.



#### **3.5.4.6 Anti-Avoidance**

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of “splitting” the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

#### **3.5.4.7 Emergency Purchases**

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

### **3.5.5 REQUEST TO SUPPLY & PURCHASE ORDERS**

#### **3.5.5.1 Request for Supply**

A request for supply of goods and services needs to be made to initiate the supply and essentially commits the shire to the resulting expense. Therefore such requests are only issued in accordance with delegated authority and are best made in a non-verbal form to avoid any misunderstanding.

Any Request for Supply shall take into consideration the Potential Supplier Selection.

The request for supply can be made by the issuing of a Purchase Order or in some other form including:

- Email
- Placing an on-line order
- Presentation of credit card or its details
- Signing of a contract or presented quote
- Verbally



### **3.5.4.2 Requirement For A Purchase Order**

The issuing of a purchase order with a quoted or estimated cost is always desirable as it Request for Supply and it identifies the commitment in the financial system.

No purchase order is required when the supply is:

- LGIS: Insurance renewals
- In the form of donations or contributions budgeted or approved by council.
- Refunds

#### **Supplies Less than \$1,000**

A Purchase Order is not essential for a supply quoted, or estimated to be under \$1,000.

#### **Supplies between \$1,000 and \$10,000**

A Purchase Order shall be issued for every supply quoted, or estimated to be, over \$1,000 except when the Purchase Order value is less than \$10,000 and;

- It is for Supply of Utilities, connections, disconnections and associated services.
- The supply is based on an associated a signed contract or written quote acceptance.
- Renewals: Existing annual subscriptions and renewals
- WALGA: Annual subscriptions
- Presentation of credit card or its details by the card holder.
- A contract or presented quote is signed

#### **Supplies over \$10,000**

A Purchase Order shall be issued for every supply quoted, or estimated to be, over \$10,000.

## **3.5.5 OTHER CONSIDERATIONS**

### **3.5.5.1 Sustainable Procurement And Corporate Social Responsibility**

The Shire is committed to providing a preference to suppliers that demonstrate sustainable business practices and high levels of corporate social responsibility (CSR). Where appropriate, the Shire shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. Sustainable and CSR considerations must be balanced against value for money outcomes in accordance with the Shire's sustainability objectives.





### **3.5.5.2 Purchasing From Disability Enterprises**

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on [www.ade.org.au](http://www.ade.org.au). This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

### **3.5.5.3 Purchasing From Aboriginal Businesses**

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on [www.abdwa.com.au](http://www.abdwa.com.au), where the expected consideration for the contract is less than the Local Government (Functions and General) Regulations 1996 Reg 11 specified the value above which tenders must be called. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

## **3.5.6 PANELS OF PRE-QUALIFIED SUPPLIERS**

### **3.5.6.1 Policy Objectives**

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

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

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



### **3.5.6.2 Establishing a Panel**

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

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

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

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

Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated.

Where less than three (3) suppliers are appointed to each category within the Panel, the category is not to be established.

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

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

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

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

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 0; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii. Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 10.1.3(b).



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

- a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire/Town/City is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy. When a ranking system is established, the Panel must not operate for a period exceeding 12 months.

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

#### **3.5.6.4 Purchasing from the Panel**

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

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes, or any other electronic quotation facility.



### **3.5.6.5 Record Keeping**

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

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- Request for Applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

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

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

### **HISTORY:**

*Former policy 1.6.10 New Reviewed Policy*

### **REVIEW:**

Finance Manager



### **3.7 Direct Electronic Payments and Electronic Investments**

**POLICY** All payments made by electronic transfer or cheque shall be made jointly by any two of the following:

- a) Chief Executive Officer
- b) Finance Manager
- c) Administration Manager
- d) Senior Finance Officer
- e) Administration Officer

Any surplus funds in the Municipal Account are invested to a higher Interest Investment Account to maximise interest earnings.

**OBJECTIVE** To ensure payment of accounts are made in an efficient and timely manner. To maximise the return on invested surplus funds.

**GUIDELINES** *Local Government Act 1995 –  
Local Government (Financial Management) Regulations 1996*  
The Finance Manager is to maintain control over payments and investments and to record the details.

**HISTORY** Updated May 2020

**REVIEW** Finance Manager



### **3.8 Credit Card Policy**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | That the use of Shire credit card is to be in accordance with Credit Card guidelines endorsed by Council.   |
| <b>OBJECTIVE</b>  | To control the use of credit card, use and limit potential misuse.  |
| <b>GUIDELINES</b> | <i>Local Government Act 1995</i><br><i>Local Government (Financial Management) Regulations 1996</i><br>Use of Corporate Credit Cards - Local Government Operational Guidelines - Number 11 September 2005 |
| <b>HISTORY</b>    | No former policy exists See Appendix A below  |
| <b>REVIEW</b>     | Chief Executive Officer   |



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## **APPENDIX A**

### **SHIRE OF MUKINBUDIN CREDIT CARD USE**

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#### **General**

- An agreement to be signed by Managers and CEO (CEO & President for CEO) setting out the responsibilities and legal obligations when using the card (as per the following).
- All new and existing cardholders should be provided with a copy of the policies relating to the use of credit cards.
- The Shire of Mukinbudin is to have only the one Credit Card, and this is the responsibility of the CEO at all times.
- Cards are not transferrable.
- The following officers are approved credit card holders with the amounts listed,
  - CEO approved credit limit \$5,000

#### **Use of card**

- Purchase on behalf of SoM strictly no private use. Use is permitted for the purchase of goods & services from suppliers not holding SoM accounts including:
  - Costs associated with meetings, conferences, seminars and the like including but not limited to transport, accommodation, meals and refreshments.
  - Fuel purchase for SoM vehicles.
  - Meals & refreshments expenses incurred directly relating to SoM business up to a maximum of \$200 for any one occasion unless otherwise authorised by the CEO or Shire President in the case of the CEO.
- No cash withdrawals permitted
- Tax receipts to be provided to the Senior Finance Officer or similar position to include details of expenditure and account to be costed against
- Any reward schemes to become the property of SoM
- If the card is misplaced, lost or stolen the card holder to immediately inform the bank and CEO.
- Cards to be surrendered to CEO (or President in the case of CEO) when card holder cease employment or card expires (card to be cut up once surrendered)
- The monthly Credit Card statement (copy of Actual Statement) is to be incorporated into the Monthly Financial Statement.

#### **Non-compliance with policy**

- For minor breach, the card to be surrendered.
- For major breach, the matter to become a disciplinary consideration.

Non-compliance with this policy may result in disciplinary action or legal action.



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### **3.9 Procedure for Outstanding Debtors**

#### **POLICY**

The following guidelines are to be followed for outstanding private works debtors:

- Invoices sent to debtor as soon as possible after delivery of goods or services;
- Statements to be sent at end of month to every outstanding debtor;
- Final demand letters to be sent to last known address after second month end date of outstanding invoice.

#### **OBJECTIVE**

To ensure that outstanding amounts are collected in a timely manner.

#### **GUIDELINES**

Debtors that receive goods and services from Council do not pay in a prompt manner will be referred to debt collectors to recover debt.

Invoice is sent for works completed/goods purchased.

If payment is outstanding at the end of second month, final demand letter sent requesting payment within 15 days or that matter will be referred to Collection Agent.

If payment not received and/or suitable explanation given as to explain non-payment, final letter sent advising matter referred to Council's Collection Agent.

Contact Council's Collection Agent with details and proceed with action to recover debt.

#### **HISTORY**

New policy created in June 2019

#### **REVIEW**

Finance Manager





### **3.10 Procedure for Outstanding Rates Debtors**

#### **POLICY**

The following guidelines are to be followed for outstanding rates debtors:

- Final rates notices sent to all outstanding rates debtors except those on instalment plans after completion of discount period.
- Final demand letter to be sent to last known address of rate debtor.

#### **OBJECTIVE**

To ensure that outstanding rates are collected in a timely manner.

#### **GUIDELINES**

Rates to be paid in 35-day discount period.

Final Rates Notice sent after 35-day discount period expires. Rate's debtor given 21 days to pay.

Final demand letter sent advising that given further 15 days to pay debt after which legal action will proceed to recover debt.

Contact Council's Collection Agent with details and proceed with action to recover debt.

#### **HISTORY**

New policy created in June 2019

#### **REVIEW**

Finance Manager



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### **3.11 Asset Recognition Policy**

#### **POLICY**

The “Date of Acquisition” of an asset shall be the date the asset was:

First recognised as being an asset of the Shire of Mukinbudin by being placed on the Asset Register.

or

First identified as an item on the Asset Register.

The “Fair Value” of an asset at its date of acquisition shall be:

The cost of procurement of the asset.

or

The historical cost or valuation of the asset when it is first Identified on the asset register whichever is the higher.

or

The valuation of the asset when it was first placed on the asset register.

All assets with a Fair Value of \$5,000 or less at the time of acquisition are to be removed from the Asset Register.

Additional assets will only be added to the Asset Register if they have Fair Value of more than \$5,000 at the time of acquisition.”

#### **OBJECTIVES**

To comply with amendments to Local Government (Financial Management) Regulations, applicable at 30 June 2019.

#### **GUIDELINES**

Finance Manager to monitor and register new assets as required.

#### **HISTORY**

New Policy 2020

#### **REVIEW**

Finance Manager



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### **3.12 Trust and Restricted Monies Policy**

#### **POLICY**

Moneys held in the Trust fund are to be those where:

- They are legally required held in trust by legislation.
- There is a formal written agreement signed by both parties that funds must be held in Trust.

All other money that may be required to be returned to third party, upon completion of the appropriate obligations by the third party, if any, are to be held in the Municipal fund and recognised as a current liability.

Where money has been held as a liability for 5 years or longer it no longer needs to be recognised as a current liability and may be recognised as income by the local government. However, the local government is still required to repay the money to a person claiming and establishing a right to the repayment.

Separate liability accounts will be retained for each liability fund source.

Funds received that give rise to a liability will be receipted to and refunded from the appropriate liability account.

Un-identified receipts less than \$500 are to be receipted to an ordinary operating account income account dedicated to these receipts and will not be recognised as a liability.

#### **OBJECTIVES**

To comply with direction from the Office of the Auditor General that bonds should not, for accounting purposes, be regarded as Trust Fund monies.

#### **GUIDELINES**

Finance Manager to monitor and reallocate bond monies as required.

#### **HISTORY**

New Policy 2020

#### **REVIEW**

Finance Manager



### **3.13 Financial Hardship Policy**

#### **POLICY**

Council will give consideration to people and business in financial hardship through circumstances beyond their control.

#### **OBJECTIVES**

To ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

#### **GUIDELINES**

##### **Policy Scope**

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.
3. Outstanding debts arising due to the provision of goods and services.

It is a reasonable community expectation, as we deal with the effects of significant unforeseen events those with the capacity to pay their rates and other debts will continue to do so.

For this reason, the Policy is not intended to provide rate relief to ratepayers, or other debtors, who are not able to provide evidence financial hardship to council's satisfaction.

Where appropriate the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

##### **Policy Statement**

###### **1. Payment difficulties, hardship and vulnerability**

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



Financial hardship occurs where a person or business is unable to pay rates, service charges or other debts without affecting a person's ability to meet their basic living needs, or the basic living needs of their dependants, or in the case of a business, remain in operation.

The council recognises the likelihood that COVID19 and other pandemics will increase the occurrence of payment difficulties, financial hardship, and vulnerability in our community. This policy is intended to apply to all ratepayers and debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

## 2. Anticipated Financial Hardship due to COVID19

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

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration.

Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

## 3. Financial Hardship Criteria

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

- Loss of your or a family member's primary income;
- Partner separation or divorce;
- Loss of a partner or loved-one;
- Physical or mental health issues;
- A chronically ill child;
- Recent unemployment or under-employment;
- Low income or loss of income;
- Unanticipated circumstances such as caring for and



- supporting extended family;
- Other unforeseen factors affecting your capacity to pay, such as a reduction in income or an increase in non-discretionary spending.

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

#### 4. Payment Arrangements

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

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

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

#### 5. Interest Charges

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

#### 6. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors



Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

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

#### 7. Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor.

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

With respect to outstanding rates and service charges raised from 1 July 2020 where a ratepayer has not reasonably adhered to the agreed payment arrangement and effective communication with the ratepayer has been maintained, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment arrangement that will clear the total debt by the end of the 2021/2022 financial year, including any additional rates and service charges applicable to the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.



## 8. Review

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

## 9. Communication and Confidentiality

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

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

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

## **HISTORY**

New Policy September 2020

## **REVIEW**

Chief Executive Officer





## **STAFF**

### **4.1 Army Reserve and Local Emergency Service Organisation Members**

#### **POLICY**

Council will maintain the salaries or wages of any of its' employees who are engaged on armed services reserve duties or who are members of local emergency service organisations and are called upon to perform duties during working hours.

#### **OBJECTIVES**

To identify Council's support for the Reserve's services and members of the local emergency services.

#### **GUIDELINES**

Staff members involved with Reserve Units or local emergency services must make written application to the CEO, through their supervisor, for recognition of involvement.

#### **HISTORY**

#### **REVIEW**

Chief Executive Officer



## **4.2 Housing Incentive - Owner Occupied Housing**

**POLICY** All permanent full-time staff who reside in a non-Council owned property shall receive a Housing Allowance.

**OBJECTIVES** To encourage staff to reside in the Shire of Mukinbudin and to assist employees to purchase a land asset.

**GUIDELINES** This policy applies to all employees, irrespective of commencement date, however no back payments will be forthcoming.

**HISTORY**

**REVIEW** Finance Manager



### **4.3 Staff Housing – Rental Subsidy**

#### **POLICY**

Council staff housing, when available, will be provided to permanent full time staff members at approximately 50% of the current market rental value.

Where there is a shortage of suitable staff housing, a rental subsidy may be paid on private rental accommodation subject to the approval of the Chief Executive Officer.

#### **OBJECTIVES**

To provide an incentive for staff to remain within the employ of the Shire.

#### **GUIDELINES**

Rental housing is provided in accordance with the requirements of the *Residential Tenancy Act 1987*.

#### **HISTORY**

#### **REVIEW**

Finance Manager



#### **4.4 Staff – Service Allowance**

**POLICY** Council staff length of service allowance will be.

Years of Service Amount

|                 |                    |
|-----------------|--------------------|
| 0-1             | \$20 per fortnight |
| 1-2             | \$30 per fortnight |
| 2-3             | \$40 per fortnight |
| 3-4             | \$50 per fortnight |
| 4 or more years | \$60 per fortnight |

**OBJECTIVES** To provide an incentive for staff to remain within the employ of the Shire.

**GUIDELINES** The Service Allowance is provided for continual years of Service to the Shire, including periods of Long Service Leave. Periods of Maternity Leave to be deducted from the Service Period.

**HISTORY**

**REVIEW** Finance Manager



#### **4.5 Water Consumption for Council Houses**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | Council will meet the full cost of water rates and first 300kL's water usage for Council owned staff housing unless individual Senior Staff Contracts stipulate otherwise. |
| <b>OBJECTIVES</b> | To ensure that Council housing gardens are maintained to an acceptable standard.   |
| <b>GUIDELINES</b> | Senior Officer Employment Contracts<br>Water Corporation Waterwise   |
| <b>HISTORY</b>    | Nil  |
| <b>REVIEW</b>     | Chief Executive Officer  |



## 4.6 Gratuitous Payments to Employees - Severance Pay (s5.50)

### POLICY

#### Voluntary Terminations

Employees leaving the organisation of their own volition for the purposes of retirement or career change will not be paid an ex-gratia or severance payment except as provided for in this policy.

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

|               |       |
|---------------|-------|
| 5 – 10 years  | \$100 |
| 15 – 20 years | \$300 |
| 10 – 15 years | \$200 |
| 20 years plus | \$400 |

(2) The CEO may at his / her discretion make a presentation gift where an employee leaves prior to 5 years' service, at a value not exceeding \$25 for each year of service.

(3) The Council reserves the right to pay an additional amount to that set out in this policy, where it considers circumstances warrant, in which event local public notice will be given.

#### Entitlement

A terminating employee is entitled to severance pay and benefits in accordance with:

1. Any federal or state award, industrial agreement or contract applicable to that employee;
2. Any applicable provisions within the employees contract of employment;
3. Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
4. Where Council so agrees, any recommendation made by a federal or state industrial commissioner arising from the circumstances of that employee being specifically brought before that commissioner.

#### Dismissal

Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation (see Guidelines below).



### Redundancy

Where an employee's position is made redundant then he/she shall receive a redundancy payment as per the award, industrial agreement or employee contract.

### Unforeseen Circumstances

Nothing in this policy prevents Council from determining that in unforeseen circumstances, terminating employees may be paid additional monies or provided additional benefits where justified and where it is demonstrably in the best interests of the Shire of Mukinbudin. If Council so determines to provide a payment, details of the severance pay and benefits shall be published in accordance with section 5.50(2) of the Act.

### Payments in addition to a contract or award

Where an employee has displayed exemplary service over a period of not less than seven (7) years' service to the Shire, a payment, not exceeding 25% of the employees average final year's salary, may be made.

Each case to be determined, by Council, on its merits.

The value of a payment or payments made under this policy, for 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, as defined by Regulation; or
  - b) In all other cases, \$5,000
- (see amend to Admin Regs, 31 March 05)

**OBJECTIVES** The purpose of this policy is to set down the severance payable to terminating employees for the purpose of section 5.50(1) of the *Local Government Act 1995* (the Act) and *Local Government (Administration) Regulations* – 19A

To show appreciation to valued employees, who are leaving council's employ and to comply with section 5.50 (1) of the *Local Government Act 1995*.

**GUIDELINES** Local Government Act S. 5.50 (Extract from Practice Notes) –  
**“Payments To Employees In Addition To Contract Or Award**  
A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –

- the circumstances in which the local government will pay an



employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and

- the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

Adoption of such a policy is a prerequisite to making any such payment.

A local government may make a payment –

- to an employee whose employment with the local government is finishing; and
- that is more than the additional amount set out in the policy adopted, but local public notice is to be given in relation to the payment.

(see proforma Notices/Advertisements – P5.36-5.51 A & B)

The value of a payment is not to exceed such amount as prescribed or provided for by regulations. A ‘payment’ includes the disposition of property in favour of, or the conferral of any other financial benefit on, the person.”

Matters to be taken into consideration by Council as to whether it will seek a settlement and if so, the extent of any financial offers, may include:

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

**HISTORY** Former policy 1.2.6

**REVIEW** Chief Executive Officer





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## **4.7 Annual Conferences**

### **POLICY**

1. That, in accordance with their employment contracts, the CEO be authorised to attend Local Government Convention Week.
2. The CEO and Finance Manager & Administration Manager be authorised to attend the Local Government Managers Association Conferences and other professional development with Council meeting associated costs within financial limitations of the employment contract.
3. That LGMA members and associates (at the discretion of the CEO) be authorised to attend Regional and Local Branch Local Government Managers Association Seminars and workshops with Council meeting associated costs.
4. That the Works Supervisor be authorised to attend WA Local Government Supervisors conferences with Council meeting associated costs.

### **OBJECTIVES**

For the personal development and training of the officers concerned.

### **GUIDELINES**

### **HISTORY**

Former policy 1.2.2

### **REVIEW**

CEO



## **4.8 Drug and Alcohol Testing**

### **POLICY**

The following policy and procedures will be implemented throughout the administration and operations areas of the Shire and shall apply to and be binding upon all employees and Councillors, of the Shire.

#### **1. Purpose**

The objective of this policy is to implement a fair, pro-active Alcohol & Other Drugs Testing Program that will contribute to safety and health of all employees of the Shire.

The Shire is committed to safety as the number one priority for all its operations. The goal is to carry out work in such a manner that the potential for injury is reduced.

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

#### **2. Scope**

This procedure details the conditions and methods for testing of Shire employees for alcohol and other drugs. It details the circumstances under which employees may be tested. It describes the processes that are adopted following any positive test. It outlines the normal course of events for the employee who has tested positive to alcohol or another drug.

Employees are prohibited from using, possessing, distributing, dispensing, manufacturing, being under the influence of, and misusing alcohol or other drugs, chemicals or controlled substances while actively working for the Shire.

Such use, involvement or misuse is prohibited at any time to the extent it violates the law and negatively affects the Shire's business and reputation by undermining public and customer confidence in the Shire's ability to provide a safe workplace for all its employees. Such use also breaches the Shire's Occupational Health & Safety Policy.

#### **3. Training**



This Alcohol and Other Drug Awareness Policy has been formulated so the Shire's employees will recognise the potential impact of alcohol and drug misuse for both themselves personally and at work for the safety of all.

The program is an intrinsic component of the Shire's commitment to safety. Part of the overall program will include a fair and controlled system of breathalyser testing for alcohol and urine sampling for illegal drugs.

It is intended that this program will function smoothly and compliment the Shire's safety program. Fairness and dignity will be an absolute priority in the implementation of this program.

This program shall form part of each employee's induction into the Shire's work force and shall be reinforced by Management through regular renewal and familiarisation presentations to employees from Managers and invited consultants about the abuse of alcohol and other drugs.

#### **4. Alcohol and Other Drug Testing**

##### **4.1 Authorised Testers**

Consistent with the Shire of Mukinbudin's obligation to provide a safe workplace for all its employees, this procedure will be used with respect to the prevention of impairment as a result of the use of alcohol or other drugs.

- Breathalyser testing may be conducted or authorised by:

Chief Executive Officer; or Finance & Administration Manager and Works Supervisor – only where the CEO is unavailable to authorise the test immediately after which he or she is to be notified at the earliest possible time.

The tester shall be trained in the use of the equipment.

- Blood testing may be authorised by:



Chief Executive Officer; or Finance & Administration Manager and Works Supervisor – only where the CEO is unavailable to authorise the test immediately after which he or she is to be notified at the earliest possible time.

A doctor, nurse or any member of any hospital or nursing post staff shall perform the test.

## **4.2 Testing**

Testing will take place under the following circumstances:

- Suspicion of being under the influence of alcohol or other drugs.
- If any employee suspects that another employee is under the influence of alcohol or other drugs, the employee should contact their immediate supervisor.
- The employee should be advised that he/she is thought to be under the influence of alcohol or other drugs.
- All results of such tests will be recorded however all documentation resulting from negative testing shall be destroyed.
- The employee participating in the test may ask for an independent witness, who must be immediately available. If their witness is not immediately available, the tester will organise a witness.

## **4.3 Random Testing**

Any staff member may be tested at any time, without reason, or without warning.

Alcohol and drug testing will only be carried out during working hours.

At the time of collecting a Shire vehicle, a Councillor may be tested, without reason, or without warning. A Councillor may be tested outside normal working hours.



#### **4.4 Testing Following an Accident**

Following any accident the driver, or any individual associated with the accident, may be alcohol and drug tested.

#### **4.5 Voluntary Testing**

An employee may volunteer to undertake alcohol or drug testing prior to commencing work at the discretion of the CEO.

#### **4.6 Positive Tests**

An acceptable level of alcohol indicated by the Breathalyser is less than 0.02% Blood Alcohol Concentration ("BAC").

#### **4.7 Illegal drugs - use, or under the influence:**

- An employee will be considered to be using, or under the influence of illegal drugs, if he receives a confirmed positive test for the substances identified in the procedure at the designated cut-off level.
- Designated Substances and Cut-off Levels for Drug Screening

| Drugs to be Tested            | Initial Cut-off Level<br>(ng/ml) |
|-------------------------------|----------------------------------|
| Cannabinoids: (TCH Marijuana) | 50                               |
| Benzolecgonine (Cocaine)      | 300                              |
| Amphetamines                  | 1000                             |
| Opiates                       | 300                              |
| Phencyclidine (PCPO)          | 25                               |

These substances and cut-off levels are identical to those established by the Department of Health and Human Services ("HHS") Mandatory Guidelines for Federal Workplace Drug Testing Programs, which are subject to change by the Department of Health and Human Services. Any modification in the HHS National Institute on Drug Abuse ("NIDA") panel of drugs or cut-off levels, or subsequent "Standards of Australia for Drugs of Abuse in Urine" will automatically result in an identical change to this procedure.



#### **4.8 First Positive Test**

- Should a breathalyser test indicate 0.02% BAC or more, or should the employee test positive to drugs (i.e. above the Initial Cut-off Level), the employee shall be provided with transport home, and be paid for work done until the time that the breathalyser or other drug test was carried out.
- On returning to work, after recording a positive reading, the employee will be re-tested and must record a reading below the nominated threshold value before being allowed to start work. They will be advised of the impact of the situation and that counselling is available. This employee will also be cautioned about the consequences in the case of any repeat episode. The results and the advice should be provided in writing to the employee and recorded in the employee's file. He will be informed that he will be individually tested on a random date in the near future. The immediate supervisor will be present at these discussions together with any witness of the employee's choosing.

#### **4.9 Second Positive Test**

- An employee who registers over 0.02% BAC or tests positive to other illegal drugs, a second time within a 12 month period shall be required to undertake professional counselling. If the requirement of counselling is refused, then the employee's circumstances will be dealt with accordingly through the dispute's procedure of this Award. The normal expectation will be that a suspension will be enforced until the matter is resolved.

#### **4.10 Third Positive Test**

- If an employee registers 0.02% BAC or tests positive to illegal drugs, a third time within a 12 month period, in the interests of the employee's own safety and of the safety of other employees of the Shire their employment will be terminated.



## **5. General Conditions**

### **5.1 Testers and Equipment**

- All testers must be properly trained in its application.
- The breathalyser must be maintained and calibrated in accordance with approved standards.

### **5.2 Failure of Test**

- All alcohol and drug testing will be carried out in normal working hours.
- Should an employee refuse the test, the employee should be counselled that refusal supports the suspicion of the employee being under the influence of alcohol or other drugs and should refusal persist that employee will be sent home without pay and be required to undergo testing before resuming work. Where applicable the employee's union will be advised of the circumstances.
- People should be advised that, if a blood test is warranted certified as occurring within two (2) hours of the disputed test and it indicates that the employee did not have a blood alcohol level of 0.02% BAC or greater or above the prescribed limits of another drug in their systems, when originally tested, the employee will be paid wages for the day and no positive test will be recorded.
- An employee who volunteers to undertake a test prior to commencing work and who would normally have commenced work without undertaking such a test, who registers 0.02% BAC or greater or tests positive to drugs, will be stood down without pay for the duration of the shift. Re-testing must occur before resuming work.

### **5.3 Other Results**

In the case of alcohol, where an employee tests positive to alcohol in their system but tests under



0.02% BAC, the following processes will take place:

- Under these circumstances the employee's BAC may be decreasing, or it may be increasing if the employee has been drinking during the previous hour.
- In the interests of safety, he will be directed not to commence any physical work or drive a vehicle or operate any item of plant or machinery.
- The employee will be re-tested 30 minutes after the original test.
- If the test is negative the employee may return to work, there will be no counselling and there will be no recording of the event.
- If the later test indicates a BAC of 0.02% BAC, or greater, the normal procedure for Positive Testing will follow.

#### **5.4 Costs**

Where an employee tests positive to alcohol or other drugs and requires professional counselling, the employee will be accountable for initial referral and counselling costs.

#### **5.5 Other**

The Shire of Mukinbudin OH&S Committee will act as facilitators to assist all employees and ensure the most beneficial services are provided to the employee concerned.

### **OBJECTIVES**

The objective of this policy is to implement a fair, pro-active Alcohol & Other Drugs Testing Program that will contribute to safety and health of all employees of the Shire.

### **GUIDELINES**

#### **HISTORY**

Former policy 1.2.7  
Originally adopted - 20 September 2006 minute 8.2.9

#### **REVIEW**

Chief Executive Officer





## **4.9 Occupational Health and Safety**

### **POLICY**

The Shire of Mukinbudin regards the promotion of sound and effective Occupational Safety and Health practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.

The Policy of the Shire of Mukinbudin is to ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

To promote and maintain the highest degree of health, safety and well-being of all staff by aiming for:

- An annual reduction of workplace injury and disease.
- provision and maintenance of a safe workplace, plant and systems of work
- The identification, elimination and control of workplace hazards.
- The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.

### **OBJECTIVES**

To establish and maintaining work practices which are safe and minimise risk to health.

To make all levels of management and supervisory staff to be responsible and accountable for minimising the potential for occupational injury to and illness of staff within their area of responsibility.

To provide training, placing and supervising all staff to enable the safe performance of duties.

To developing and implementing preventative strategies which include workplace and job design, the identification of hazards in the workplace and taking of appropriate remedial action to control the hazards.

The Shire of Mukinbudin acknowledges a duty to achieve their objectives by:

- Providing and maintaining a safe working



environment.

- Providing adequate training and instruction to enable employees to perform their work safely and effectively.
- Investigating all actual and potentially injurious occurrences in order to eliminate the cause and reduce the level of risk.
- Compliance with AS/NZS 4801 Occupational Health and Safety Management Systems audit tool.
- Compliance with Occupational Safety and Health (OSH) Act 1984, 2005 amendments, and Regulations 1996, relevant OSH Australian Standards, Codes of Practice and Guidance Notes.

#### **GUIDELINES**

Local Government Insurance Services Occupational Safety and Health Management Systems Manual

#### **HISTORY**

Former policy formed part of the Staff Induction Manual last reviewed Sept 2005.  
Previous Policy 1.2.4

#### **REVIEW**

Chief Executive Officer



#### **4.10 Smoking in Council Buildings/Vehicles**

##### **POLICY**

To ensure that employees, Councillors and contractors are provided a smoke free workplace.

##### **OBJECTIVES**

To prevent any employee, Councillor or contractor smoking in Council buildings and in Council vehicles. It is designed to ensure that those who work for the Council do so in a clean and safe environment.

As an employer, the Council has a duty under the Occupational Safety and Health Act 1984 to provide a safe working environment and to protect the health of all employees from hazards in the workplace.

On the basis of a current medical opinion and following a landmark judgement in the Federal Court of Australia, it has been shown that passive smoking may affect a person's health. Accordingly, Council prohibits any employee, Councillor or contractor from smoking in any enclosed workplace, building or vehicle of Council.

All employees and Councillors shall have an individual responsibility for drawing the prohibition on smoking to the attention of any visitor, caller or employee, who it appears, may be in contravention of the policy.

Council's commitment to the Policy will be demonstrated publicly by the display of appropriate signs throughout Council's buildings and facilities.

Persons who are identified as having a drug related problem shall be recommended to seek drug awareness counselling from a recognised drug counselling agency.

##### **GUIDELINES**

**Prevention Strategies** – the main focus of prevention strategies will be to disseminate information and increase the “awareness” of providing a smoke free work environment. Staff awareness of Smoking in Council Buildings/Vehicles Policy shall be raised in the Staff Induction Manual.



## **Consequences of Policy Breach**

### First Offence:

Staff member to meet with Manager and a record of the meeting is to be placed on the employee's personal file.

If any subsequent incidents occur where the same employee repeats a smoking in Council Buildings/Vehicles the same process should be followed with more formal, written warnings being given to the employee.

### Second Offence:

Staff member to meet with the CEO who will outline the disciplinary action to be taken as a result of the incident and provide a written outline of this action.

Any further incidents will result in possible dismissal.

## **HISTORY**

No Former policy exists

## **REVIEW**

Chief Executive Officer



#### **4.11 Personal Protective Equipment/Clothing (PPE/C)**

##### **POLICY**

To establish a dress code which will:-

- protect the worker from ultra-violet light
- protect the worker from physical injury, such as heat stress, cuts, abrasions, dust, noise etc.
- as far as it is practicable, ensure that the clothing makes the person easy to see when working on or near roads, access-ways and mobile equipment
- comply with relevant Statutes and Australian, Standards (in particular Section 19 of the OSHWA Act)
- prescribe clothing which will be comfortable and acceptable to the majority of workers.
- promote a team spirit and personal pride in the workers with respect to their appearance.

##### **OBJECTIVES**

To provide Shire Staff with Protective Equipment and Clothing requirements

##### ***Clothing Policy***

##### **Regular Outdoor Employees**

A regular outdoor employee for the purpose of this document, is defined as a person whose regular daily duties require them to be in the direct sunlight on a daily and continuous basis which exceeds periods of more than one (1) hour.

The following outdoor employees because of the nature of their activities will be subject to the dress requirements detailed as follows in clauses (i) to (v).

- \* Engineering Works Outdoor Staff
- \* Parks and Reserves Outdoor Staff
- \* Maintenance Staff
- \* Field Supervisory Staff
- \* Occasional Outdoor Employees when required to undertake a special task where long term exposure to sunlight is experienced.
- \* Maintenance Staff.

NOTE: All regular outdoor employees should be covered by the existing policy.

In cases where uncertainty still existing in relation to managing this policy the request would be determined by the Chief Executive Officer

(i) Standard of Dress

The minimum clothing requirements for outside employees will be a long sleeve shirt, long trousers or long shorts. Long shorts may be worn all year round, unless there are



safety related work procedures that requires the wearing of long trousers. Unless there are safety or work procedure reasons, shirt sleeves must not be rolled up.

All shirts supplied by the Shire of Mukinbudin to have a Council approved logo.

The basic dress code will apply all year round. (Exemptions may apply based upon written medical advice).

It is recommended that an approved Council supplied hat be worn by all staff working outdoors.

The approved type of hat shall be either a broad brimmed type (greater than 7cm) or a peaked type of cap with non-detachable neck flap protection.

Hats, long sleeve shirts, long shorts and trousers appropriate for the nature of the work will be supplied by Shire of Mukinbudin on a fair wear and tear basis.

The Ultra-Violet Protection Factor (UPF) of all Council supplied clothing shall be assessed by the Central Safety Committee for approval.

(A minimum guide shall be a rating of 30 U.P.F.)

Staff with a fair complexion to be aware, that permanent press type clothing has a reduced protection rating when wet. Cotton type clothing would be more appropriate for staff performing heavy manual type labour where continually exposed to the sun.

## (ii) Long Shorts Provisions

The wearing of long shorts by staff is subject to:-

- (a) signing of the Shire of Mukinbudin request form detailing staff knowledge of the dangers of UV radiation from sunlight and agreement to protect exposed skin areas with an approved supplied sunscreen. (Refer Appendix 'A').
- (b) where specified work procedures detailed below or specific by the Supervisor do require long trousers to be worn for safety reasons.

Work Procedures where long trousers must be worn-

- \* mechanics, fitters and welders
- \* operators of brush cutters, concrete/bitumen saws and chainsaws (Alternatively approved safety "chaps" leggings may be worn with long shorts)
- \* people handling bitumen
- \* Any welding work
- \* handle chemicals ie. pesticides and herbicides
- \* working in trenches. (refer below for clarification)
- \* other tasks where supervisors deem long trousers for safety reasons must be worn.

Where staff are working in shallow trenches, long shorts may be worn where excavation and drainage are in excess of one (1) metre depth, it is required that staff working within the trench area wear long trousers or overalls or other PPE as instructed by their supervisor.



(iii) Use of Sunscreen Cream

Staff working outdoors should regularly apply approved supplied sunscreen to the unprotected areas of their body.

All outside workers will be supplied with sunscreen cream which shall be applied to their uncovered skin in accordance with the manufacturer's directions. In particular, this refers to their face, ears, necks and backs of hands, and legs if relevant. The cream provided will be registered under Australian Standards and be of the SPF 30+ Broad Spectrum type. It is recommended that sunscreen be used on the face, neck and ears all year round.

(iv) High Visibility Clothing

Because of the requirement for Shire of Mukinbudin workers to be easily seen by vehicle users, high visibility clothing of some description must be worn by workers while within the road reserve or near vehicle access ways working with or near mobile machinery or equipment.

While the use of an overlay garment in the form of a vest or singlet is preferred, red long sleeve shirts will be allowed and supplied. Should over garments (e.g. jumpers and parkers) be needed then the overlay garment must be worn over jumpers etc.

When wearing high visibility vests that velcro up at the front, staff are to ensure that they keep the velcro fastened at the front at all times.

(v) Supply and Use of Safety Sunglasses

All staff working outside shall, when applicable, wear general purpose safety sun protection glasses which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective equipment issue.

Where staff are required to wear prescription glasses then "clip on" sunglasses shall be supplied by the Shire of Mukinbudin.

Where existing safety sunglasses do not provide adequate protection, the provision of suitable protective glasses/sunglasses may be issued at the discretion of the supervisor.

(vi) Safety Footwear

Safety Footwear issued to staff where required shall comply with Australian Standards for steel cap protective footwear and meets the needs and tasks being undertaken.

Council will supply such approved footwear on a fair wear and tear basis up to a value of Council standard issue.

Staff who may prefer alternative approved footwear, which is greater than this value, shall meet the additional cost. The exception shall be where staff, because of a medical condition that has been confirmed by a Medical Practitioner shall be eligible for specialised approved footwear to be supplied by Council.



### **Occasional Outdoor Employees**

An “Occasional Outdoor Employee”, for the purpose of this document, is defined as a person whose regular daily duties require them to be in direct sunlight on an occasional basis which does not exceed a continuous period of more than one (1) hour.

The following outside employees because of the nature of their activities will be subject to their dress requirements as nominated and in accordance with work procedures.

- \* Rangers
- \* Pool Attendants
- \* Administration/Inspectorial Staff (Building Surveyors Environmental Health Officers, Planning/Engineering Officers, Supervisors/Managers
- \* Other Staff on Special Outdoor Tasks

### **Supply of Protective Clothing/Equipment**

#### **General**

That an internal requisition form be completed by staff and the Supervisors be responsible for authorising the issue of PPE/C in accordance with this policy. No PPE/C is to be issued without written authorisation from the appropriate supervisor;

Once employees are issued their PPE/C and instructed in its use, they are bound under Section 20 2(b) of the Occupational Health, Safety and Welfare Act, to correctly and properly use this equipment as instructed. Failure to comply with this directive would invoke normal disciplinary action.

Supervisors shall ensure that no employee commences work without the appropriate PPE/C. Any time lost in retrieval of issued PPE/C as a result of employee negligence will not be paid for. That all Shire of Mukinbudin staff entering or visiting a work site be advised they must comply with this policy.

Personal protection clothing/equipment issued by the Shire of Mukinbudin will be replaced on a fair wear and tear basis at the discretion of the immediate supervisor/manager. Staff being responsible for replacement of equipment which has been neglected or misplaced.

Any staff that alters issued personal protective clothing/equipment without prior authorisation of the supervisor/manager will be responsible for the replacement of that clothing/equipment to the standards set within this policy.

Reissuing of Protective Clothing or equipment will be made when staff return the worn/non useable item to the Shire of Mukinbudin store together with their supervisors authorisation.

#### **Regular Outdoor Employees**

##### **(a) Clothing**

All regular outside employees shall be issued with the following Personal Protection/Clothing by the Shire of Mukinbudin. The initial issue of clothing to permanent staff shall be:-

- 1 x Safety Boots
- 3 x Shirts long sleeve
- 1 x Wide brimmed hat
- 1 x Vest high visibility
- 3 x Trousers long





or

2 x Trousers long plus 2 x long Shorts - where long shorts are requested.

1 x safety sunglasses

(b) Equipment

That all staff shall be issued with the following protective equipment by the Shire of Mukinbudin on a needs basis as determined by the immediate Supervisor and that this equipment be classed as a personal issue and is to be kept in good order and maintained by staff.

1 x earmuffs

1 x sun cream (SPF 30+)

Any other safety equipment as deemed appropriate by the Supervisor.

**Occasional Outdoor Employees**

(a) Workshop Staff

That Shire of Mukinbudin' workshop staff be subject to this policy as for Regular Outdoor Staff, other than their initial issue of clothing which can be either: -

3 x shirts (long sleeve);

3 x trousers (long);

OR alternatively they may request an issue of:-

3 x overalls (long sleeve).

(b) Administrative Inspectorial Staff required to Undertake Site Inspections

Shire of Mukinbudin inspectorial staff shall be subject to this policy. Issue of clothing will be in accordance with current practices or where a special requirement can be demonstrated on a needs basis where procedures require protective clothing:-

3 x shirts long sleeve

3 x long trousers or 2 x long trousers plus 2 x long shorts

1 x hard hat

1 x safety goggles/glasses

1 x safety/sunglasses

1 x pair safety boots or shoes

1 x wide brimmed hat

1 x sunscreen (minimum SPF 30+)

1 x Vest - High Visibility.

Such issue to be obtained initially through the Depot Stores by authorisation from the relevant Manager.



Other PPE which may be required to perform tasks can be obtained from Council's stores after signing for such equipment. The wearing of long sleeve shirts by Occasional Outdoor staff to be encouraged by Council.

(c) Rangers

Currently outsourced.

(d) Aquatic Centre Staff

Shire of Mukinbudin's Aquatic Centre Staff shall be subject to this policy, other than their clothing issue.

The initial issue to Aquatic Centre Staff shall be:-

3 x Polo shirts

3 x Light weight long shorts

1 x Wide brimmed hat

1 x pair of sunglasses (of appropriate type)

1 x Gloves

1 x Sunscreen (minimum SPF30+)

This clothing issue shall be worn in accordance with the respective work procedure for this work duty.

(e) Other Staff Who Work Outdoors

Other staff who work in the direct sunlight on an occasional basis are also required to wear an appropriate broad brimmed hat (or equivalent), sunglasses and sunscreen, which the Shire of Mukinbudin will supply. Such workers may be Family Day Care Staff, Library staff, and QPT staff.

(f) Non-Permanent Staff

Casual, temporary, part time, community, work experience, Department of Corrections workers shall comply in full with this policy. These workers are encouraged to supply their own appropriate clothing and footwear, while Shire of Mukinbudin would supply PPE/C deemed appropriate for their individual tasks.

**Replacement and Return of Protective Equipment/Clothing**

All the above Shire of Mukinbudin Staff shall have their issues of protective equipment and clothing replaced on a fair wear and tear basis at the discretion of their respective Manager/Supervisor.

All equipment/clothing issued shall be maintained and kept in good order by the staff member.

Staff shall be responsible for the replacement of all issued clothing and protective equipment which has at the discretion of the supervisor, been neglected or misplaced.

All staff leaving the Shire of Mukinbudin's employment shall be required to return all current PPE/C to the supervisor.

**Consultation**

The Shire of Mukinbudin realises that the type of clothing worn in the field is of considerable importance to "outside" employees and hence these staff or their representatives will be consulted with respect to changes in style, type and fabric of clothing as issued.



Wherever practicable, the Shire of Mukinbudin having adopted a clothing policy, will ensure that the style and fabric of garments is acceptable and appropriate to the relevant work force which complies with the Shire of Mukinbudin Duty of Care with respect to Work Safe WA Safety Standards, and is cost/effective and meets with the Shire of Mukinbudin professional image.

### **Education**

The Shire of Mukinbudin will conduct Educational Awareness programs for Staff on the needs for protection against the dangers of UV Rays from Sunlight and other work practices requiring specialised safety equipment and work procedures.

## **Protective Clothing Work Procedures**

### **Aquatic Staff**

Aquatic staff should undertake the following work procedure to protect themselves from the dangers of prolonged exposure to sunlight.

- \* Approximately 15 to 20 minutes before leaving the office, sunscreen (SPF 30+) should be applied liberally to the face, neck, forearms and legs. (Sunscreen shall be replaced on a regular basis).
- \* Upon leaving the office, a wide brimmed (7cm edge) hat and suitable UV and glare resistant sunglasses shall be worn.
- \* Whilst on observation duty, the lifeguard shall endeavour to stand in the shade at all times, (or as much as is practical). If the lifeguard chooses to be seated in the raised observation chair, the overhead umbrella shall be positioned to provide optimum shade.

### **Administrative/Inspectorial Staff - Ranger and Other Occasional**

#### **Outdoor Staff**

Administrative and Inspectorial Staff prior to undertaking outdoor duties should protect themselves from the dangers of prolonged exposure to sunlight through the following procedure.

- \* Before leaving the office liberally apply (SPF 30+) sunscreen to all exposed body areas. (i.e. Face, Neck, Arms, Hands, Legs etc).
- \* On leaving the office staff shall wear Council supplied/approved broad brim hat and UV approved sunglasses.
- \* During outdoor activities staff shall as practical, maximise the use of shade areas to undertake their inspections.
- \* Staff shall also where practical program inspectorial duties during the early and late cooler periods of the day.
- \* Staff who have a skin complexion which is highly susceptible to the effects of UV radiation from sunlight are recommended to wear long sleeve cotton shirts and long trousers when engaged in outdoor inspectorial duties as well as other protective measures of approved hats, sunscreen and safety sunglasses.



#### **4.12 Long Service Leave (LSL)**

##### **POLICY**

All Staff Long Service Leave is governed by the *Local Government (Long Service Leave) Regulations* made under the *Local Government Act 1960*.  
Reg 7 states:

##### **7. Taking leave**

- (1) Where a worker is entitled to long service leave —
  - (a) at least 2 months' notice of the date from which the leave is to be taken shall be given by one party to the other unless otherwise agreed in writing between the parties;
  - (b) the employer shall not require the worker to commence the leave within 6 months of the date on which the worker became entitled to it;
  - (c) the leave taken shall be inclusive of any public holidays allowable under the worker's conditions of employment but shall not be inclusive of any annual leave;
  - (d) the leave may be granted and taken in one consecutive period or, if the worker and the employer so agree, in not more than 3 separate periods.
- (2) Subject to subregulation (1) long service leave shall be taken at the earliest practicable date.

##### ***Request for Deferral by the employee***

The Local Government (Long Service Leave) Regulations prescribe that an employee is entitled to 13 weeks of Long Service Leave after 10 years of continuous service at a rate of pay based on the average number of ordinary hours for the previous twelve months. The practice of the Shire of Mukinbudin is for an employee who has accrued the Long Service Leave entitlement to take the full 13 weeks entitlement between the date the entitlement falls due and six months later unless otherwise requested formally in writing by the CEO.

If the employee chooses to delay taking part or all of their entitlement beyond the ten year six month mark then the rate of pay will be the lesser of;

1. the rate of pay at the ten year six month mark,



**OR**

- 2 the rate of pay the employee was paid at the time of taking the postponed Long Service Leave.

The employee's weekly wage whilst taking the postponed Long Service Leave or part Long Service Leave entitlement shall be based on the lesser of:

1. The average number of ordinary hours the employee has worked in the previous twelve months to the commencement or deemed commencement of the postponed Long Service Leave,

**OR**

2. the average number of ordinary hours worked at the ten year six month mark for the previous 12 months.

### **Request for Deferral by the employer (Shire of Mukinbudin)**

Where the Shire of Mukinbudin requests a staff member to defer their Long Service Leave as it is not convenient to the organisation and the employee agrees then the employee agrees with the employers request to delay taking part or all of their entitlement beyond the 10 year six month mark than the rate of pay will be the rate of pay the employee is paid at the time of taking the postponed Long Service Leave.

**NB: All requests by the employee or the employer must be reported to Council in a formal agenda item approving the proposed LSL arrangement.**

Reg 6A covers request for LSL on Half Pay (26 weeks)

### **6A. Leave on half pay**

Where a worker commences a period of long service leave, the worker may, if the worker and his employer so agree in writing, be paid for each week of that period at half the rate at which he would otherwise be entitled under regulation 8 to be paid, but only half of any period of leave in respect of which the worker is so paid shall be taken into account for the purpose of ascertaining the amount of leave, if any, to which he is thereafter entitled and for the purpose of applying the formula in regulation 9(3).

Reg 6B covers Requests for LSL on Double pay (6 ½ weeks)

### **6B. Leave on double pay**

Where a worker commences a period of long service leave the worker may, if the worker and his or her employer so agree in writing, be paid for each week of that period at double the rate at which he or she would otherwise be entitled under regulation 8 to be paid, but double any period of leave in respect of which the worker is so paid shall be taken into account for the purpose of ascertaining the amount of leave, if any, to which the worker is thereafter entitled and for the purposes of applying the formula in regulation 9(3).



|                   |   |
|-------------------|---|
| <b>OBJECTIVES</b> | To manage Long Service Leave for staff.   |
| <b>GUIDELINES</b> | Guidelines: To Provide Guidance on the application and use of Long Service Leave in accordance with this policy, unless previously authorised by the Chief Executive Officer. |
| <b>HISTORY</b>    | May 2016  |
| <b>REVIEW</b>     | Chief Executive Officer   |



#### **4.13 Rostered Days Off (Administration)**

##### **POLICY**

The inside staff hours will typically work from 8.00 am to 5.00 pm with a 60 minute lunch break, 5 days per week however, staff members may work flexible hours, subject to the agreement of their supervisor/manager.

This allows the employee to accrue one RDO each 20 working days and enables the employee one working day off, to be taken by mutual agreement with the employee and supervisor/manager, subject to workload.

All inside staff members, including Senior Officers on individual contracts are permitted to participate in the RDO scheme.

##### **OBJECTIVES**

To allow a Rostered Day Off (RDO) to accrue for (inside) office staff every twenty (20) working days but to ensure that this system is managed to minimise the accrual of days.

##### **GUIDELINES**

Guidelines: No more than six (6) Rostered Days Off may be accrued by an individual in accordance with this policy, unless previously authorised by the Chief Executive Officer.

##### **HISTORY**

May 2016

##### **REVIEW**

Chief Executive Officer



#### **4.14 Rostered Days Off (Outside Staff)**

##### **POLICY**

The outside staff hours are to operate as follows on a 80hr fortnightly basis:-  
8 days @ 9.0 hours  
1 day @ 8.0 hours  
1 day RDO

Hours are generally from 7.00 am to 4.30 pm with a 30 minute lunch break, 5 days per week however, staff members may work flexible hours, subject to the agreement of their supervisor /manager. (NB Pay week Friday finish at 3.30pm)

This allows the employee to accrue one RDO each 10 working days and enables the employee one working day off, to be taken by mutual agreement with the employee and supervisor/manager, subject to workload.

##### **OBJECTIVES**

To allow a Rostered Day Off (RDO) to accrue for outside staff every ten (10) working days but to ensure that this system is managed to minimise the accrual of days

##### **GUIDELINES**

Guidelines: No more than six (6) Rostered Days Off may be accrued by an individual in accordance with this policy, unless previously authorised by the Chief Executive Officer.

##### **HISTORY**

May 2016

##### **REVIEW**

Chief Executive Officer





#### **4.15 Staff Swimming Pool Access**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | That Council allows all permanent fulltime and permanent part-time members of Staff access to an annual Family Swimming Pool Pass for the Mukinbudin Aquatic Centre at no cost to the employee or family. This is to include a maximum of two adults and all dependent children 16 years of age and under. |
| <b>OBJECTIVES</b> | As an employment incentive for Shire employees to assist with the recruitment and retention of quality employees.  |
| <b>GUIDELINES</b> |  |
| <b>HISTORY</b>    | New Policy August 2017<br>Updated May 2020   |
| <b>REVIEW</b>     | Chief Executive Officer  |



#### **4.16 MBL Allowance / Housing Allowance**

##### **POLICY**

To allow for Council to formally endorse and acknowledge the payment of allowances including the “MBL Allowance and Staff Housing Allowances” with the intention of these additional allowances helping to attract and retain staff by the way of these additional existing payments.

##### **OBJECTIVES**

To combine the existing allowances paid to staff including the over award MBL Allowance and the Housing Allowance paid to those staff not provided with housing as part of their employment with the Shire.

##### **GUIDELINES**

The policy allows for the payment of allowances to assist in the attraction and retention of staff as well as to encourage staff to reside in the Shire of Mukinbudin and to assist employees to purchase a land asset within the Shire.

That the Allowance be payable to all permanent members of Staff and is based on a 76-hour working fortnight (fulltime) and payable pro rate for fulltime staff working less hours.

That two allowance amounts are payable, being an MBL allowance either including or excluding the housing portion of the allowance as follows:

MBL Allowance (excluding housing) increased from \$57.69 per fortnight to \$60.00 effective from commencing on the first pay run after 1<sup>st</sup> July 2019.

The housing allowance portion of the payment increased from \$40.00 per fortnight to \$80.00 per fortnight for those employees not provided with housing as part of their employment with the Shire and for those who live within the Shire of Mukinbudin Local Government boundary.

- MBL Allowance excluding Housing \$60 (increased from \$57.69)
- MBL Allowance including Housing \$140 (increase from a previous total until June 2019 of \$97.69)

That the payment of this allowance excludes any and all



contract employees, including but not limited to the CEO.

## **HISTORY**

MBL Allowance created and including the existing Housing allowance which was until June 2019 silent with regards to amounts. The intention of having the two allowances under the one policy was in the interest of simplicity.

## **REVIEW**

Chief Executive Officer



## WORKS

### 5.1 Private Works

#### POLICY

All private works are to be subject to a written signed agreement between the private party and the Shire.

At the discretion of the CEO or Works Supervisor, where works are to be carried out on behalf of a ratepayer or other private person, the estimated cost of the works where deemed necessary shall be pre-paid before the commencement of the works.

Any additional cost is to be met by the private party and any balance remaining on completion of the works shall be refunded.

That private works only be carried out where –

- (a) the Works and maintenance program will not be adversely affected unless Council believe the advantages of carrying out the private works justifies some reassessment of the works programme;
- (b) full costs including supervision, travel time to and from the project, and administration costs are recovered through private works charge rates to be set annually in the Schedule of Rates and Charges.

#### OBJECTIVES

To ensure a proper record of private works undertaken and to substantiate the shire's obligation/parameters.

#### GUIDELINES

A request in the prescribed form is to be completed by the applicant and lodged with the Works Supervisor. (see attached Form)

#### HISTORY

Former policy 1.5.5

#### REVIEW

Finance Manager



**ATTACHMENT 5.1(A)**  
**PRIVATE WORKS – REQUEST FORM**

**SHIRE OF MUKINBUDIN**  
**PRIVATE WORKS – REQUEST FORM**

The Works Supervisor  
Shire of Mukinbudin  
PO Box 67  
MUKINBUDIN WA 6479

Job Number:

I hereby apply for the following private works to be carried out

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Name of Applicant:

Address of Applicant:

Mailing address:

Phone Number

I , the Works Supervisor quote an amount of \$ .

Signed: .

I accept that the final cost of the job may vary from that given by the Manager of Works above and by signing below I accept responsibility for the payment of any invoices relating to the above works.

Print Name:

Signature:

Date:

**OFFICE USE ONLY**

Debtor Number:

Total Cost:

Invoice Number:

Invoice Date:

Invoice Amount:

## SHIRE OF MUKINBUDIN PRIVATE WORKS QUOTE CALCULATION

| <b>LABOUR</b>                 |                |               |                                 |
|-------------------------------|----------------|---------------|---------------------------------|
| Operator                      | Rate<br>P/Hour | Total Hours   | Total \$                        |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                | <b>Total:</b> | <u>                    </u> (A) |
|                               |                |               |                                 |
| <b>PLANT</b>                  |                |               |                                 |
| Machine                       | Rate<br>P/Hour | Total Hours   | Total \$                        |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                | <b>Total:</b> | <u>                    </u> (B) |
|                               |                |               |                                 |
| <b><u>MATERIALS/OTHER</u></b> |                |               | Total \$                        |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               |                                 |
|                               |                |               | <u>                    </u> ©   |
| Total Quote                   |                |               | \$ <u>                    </u>  |



## **5.2 Plant Report**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | The Works Supervisor shall prepare a monthly report detailing kilometer / hours for each machine and cost of repairs undertaken year to date.                                 |
| <b>OBJECTIVES</b> | To provide Council with overview of plant costs   |
| <b>GUIDELINES</b> | In addition to the monthly bulletin reports, the Works Supervisor and Finance Manager will prepare a report detailing required information and review outcomes against budget |
| <b>HISTORY</b>    |   |
| <b>REVIEW</b>     | Chief Executive Officer   |



### **5.3 Shire Equipment – Private Use**

#### **POLICY**

Shire equipment is not available for use by non-Shire employees unless - 152 - recognized by the CEO.

Shire plant items such as loaders, graders and trucks are not available for private use by employees.

Shire employees may, with the written approval of the Chief Executive Officer, use Shire's small items of equipment such as lawnmowers, chainsaws and light vehicles subject to:

- the employee being trained in the use of the equipment (where necessary)
- the use being limited to work associated with the employee's/Shire property.
- the employee meeting cost of consumables e.g. fuel, etc.

That Council permits the use of Council's small plant and equipment by community service groups on community projects provided that:

Volunteers are named for approval by the CEO.

2. Projects are approved by the CEO.

3. Small trucks, tractors and other small plant will be available on request if the plant is not required by Council.

#### **OBJECTIVES**

A local government has the right to allow private use of its resources, but the use must be open and accountable to the public.

#### **GUIDELINES**

The equipment is not available for employees to undertake work for profit or for non-employees other than recognised charitable and Community groups.

The employee is to be responsible for the care, maintenance, damage and repair of the equipment.

The employee accepts liability for any injury incurred by themselves or other person or body whilst using the equipment.





**HISTORY**

Former policy 1.5.3

**REVIEW**

Chief Executive Officer



## **5.4 Hire of Shire Plant**

### **POLICY**

Shire plant or equipment that has a driver/operator compartment shall not be hired out without a driver/operator.

No minor items of plant such as chainsaws, whipper snippers, lawn mowers, turf equipment or tools are available for hire.

An except to this policy is at the discretion of the Chief Executive officer for the dry hire of plant to neighboring Shires. Subject to an appropriate fee as determined by Council as part of the annual fees and Charges.

### **OBJECTIVE**

To ensure the safe and careful use of Shire property.

### **GUIDELINES**

All requests to be in writing and directed to the Works Manager

### **HISTORY**

No former policy exists

### **REVIEW**

Chief Executive Officer



## **5.5 Garden & General Refuse – Pick Up**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | A six-monthly Garden Refuse pick up will be carried out for the Mukinbudin townsite.                                      |
| <b>OBJECTIVES</b> | To provide the community with an opportunity to clear excess household/garden waste.                                      |
| <b>GUIDELINES</b> | At least twice per year the CEO is to advertise by local public notice the garden refuse collection dates and conditions. |
| <b>HISTORY</b>    |   |
| <b>REVIEW</b>     | Chief Executive Officer   |



## **5.6 Road Making Materials**

### **POLICY**

Should it be necessary to obtain road making materials from private property, then any compensation is to be at a flat rate per cubic meter, as prescribed in Council's annual budget and is to be evidenced by a written agreement [see Attachment 5.6(a)] endorsed by the Works Supervisor and countersigned by the Chief Executive Officer.

- Permission to collect material shall be in writing with any conditions detailed on the form provided; and
- All care shall be taken to ensure that the least amount of inconvenience is caused to the landowner as possible.

### **OBJECTIVES**

To ensure that all landowners receive fair and equitable payment for gravel and proper written evidence of Council's obligations

### **GUIDELINES**

- To document agreements with landholders for the supply of road making materials e.g. gravel.
- To outline any conditions relating to the taking of road making materials
- Property owner not required to obtain Extractive Industries license as it is the Shire that is operating the pit
- To specify compensation payable
- To prescribe rehabilitation requirements to ensure gravel pits are rehabbed to the landowner's satisfaction.
- To prevent disputes arising from removal of road making materials
- That Council set the initial price for gravel at 88cents per m<sup>3</sup> plus GST to apply from October 2018 with the amount to be revised annually having regard to CPI movements and comparisons with neighbouring Councils.

### **HISTORY**

Former policy 1.5.6

### **REVIEW**

Chief Executive Officer



## ATTACHMENT 5.6 (A) ROAD MAKING MATERIALS - AGREEMENT



Shire of Mukinbudin

### Agreement for the Extraction of Road Making Materials

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Contact details: Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Materials required: \_\_\_\_\_

Estimated volume: \_\_\_\_\_

From locations: \_\_\_\_\_ Anticipated life of pit: \_\_\_\_\_

COMPENSATION  
Required: YES ☐ NO ☐

Agreed Price: \_\_\_\_\_

Form of Payment \_\_\_\_\_

#### CONDITIONS AND REHABILITATION

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

#### CONSENT OF LANDOWNER/S

I hereby give consent for the Shire of Mukinbudin to remove road making materials, as detailed above, in accordance with the conditions outlined.

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

#### ACCEPTANCE BY SHIRE

On behalf of the Shire of Mukinbudin, I hereby undertake to ensure that the requirements as noted on this form are adhered to:

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date



## **5.7 Street Trees**

**POLICY** Trees to be planted max two trees per twenty (20) meters of frontage.

Council will not consider applications for tree planting in 10 meter road reserves

**OBJECTIVES** To ensure uniform planting

**GUIDELINES** Trees to be issued and installed free of charge in consultation with householders with the species determined by staff and in accordance with Council's townscape plan.

**HISTORY**

**REVIEW** Chief Executive Officer



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## 5.8 Property Access and Crossovers

### POLICY

Access and Crossovers to property shall be constructed to the following specifications.

That Council policy in the provision and maintenance of crossovers be as follows -

- (1) That Council contribute 50% of the cost of a standard crossing, which is a first crossing, to a rateable property.

- (2) That a standard crossing shall be –

- (a) In Town Areas,

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

- 3m for residential premises;
- 4.0m for commercial and light industrial;
- 6.0m for heavy industrial; and
- 7.5m for service stations;

- (b) In Rural Areas

Council will contribute stormwater pipes (if required) to a pipe width of 10 metres or deliver 5m<sup>3</sup> of gravel, as its half cost contribution towards the cost of a first crossover.

- (3) Where a crossing is built to standards greater than a standard crossing, the landholder shall be liable for the additional cost involved.
- (4) Council will not be responsible for maintenance of crossovers.
- (5) That in construction of roads listed on the program of works, all entrances are to be provided with crossovers where gateways are already in existence.



## OBJECTIVES

To provide uniform specifications and to set down the level of contribution to be paid by council to the cost of crossings.

## GUIDELINES

The Works Supervisor is to ensure that a completed works request form or other written documentation is obtained prior to commencement of works.

### Complementary Legislation / Agencies

Local Government (Uniform Local Provisions)  
Regulations –

“Contribution to cost of crossing  
15. (1) where –

- (a) a local government
- (i) under regulation 12 constructs or approves the construction of; or
- (ii) under regulation 13(1) requires the construction of,

a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;

(b) the crossing is the first crossing in respect of the land; and

- (c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,

the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”

“first crossing” and “standard crossing” are defined in sub regulation (2) of this regulation.

Main Roads Department if a State Government Road is





involved. See ULP Reg 14.

## **HISTORY**

Former policy 1.5.1

## **REVIEW**

Chief Executive Officer



## ATTACHMENT 5.8 (A) PROPERTY ACCESS AND CROSSOVER

### SPECIFICATIONS

Subject to variation at the discretion of Council, the policy of Council in regarding access and crossovers shall be:

#### 1) BASIC ACCESS

Construction of 150mm (depth) compacted gravel carriageway from the property boundary to the roadside, including the installation of culverts where necessary as deemed by the Shire.

Council will pay a portion for the cost of the following standard dimensions, as outlined below:

##### a) Residential

Standard width over full length = 3.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 9.0m

##### b) Industrial & Commercial

Standard width over full length = 4.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with Maximum allowable width at roadside = 13.0m

##### c) Rural

Standard width over full length = 10.0m

Standard widening at roadside junction = 45 degrees for 2 metres on both sides or from culvert to roadside.

### General Conditions

- 1) Multiple access to be separated by a minimum of 3.0 metres at the roadside
- 2) No access to be located within 6.0 metres of an intersection boundary or 3.0 metres of a R.O.W. within a town site
- 3) No access to be located within 50 metres of an intersection for rural cross overs
- 4) Council subsidy of rural access is limited to one (1) per farm
- 5) All variations to be paid in full by owner/applicant

\*\* See attached diagrams



## **Property Access and Crossovers cont.**

### **2). CROSSOVERS (Specifications)**

#### **a. Residential**

- i. Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required.
- ii. Water binding and a two-coat seal with the first coat being applied with a **minimum** 10mm size aggregate and the second coat being applied with a **maximum** 7mm size aggregate; where footpath is not paved or otherwise sealed.
- iii. 100mm depth of reinforced (mesh) concrete on 100mm compacted sand where footpath is paved.

#### **b. Industrial**

- i. If the proponent would like a concrete cross over then the **minimum** standard is 125mm depth of reinforced (mesh) concrete on 100mm of compacted sand.
- ii. Water binding and a two-coat seal with the first coat being applied with a **minimum** 10mm size aggregate and the second coat being applied with a **maximum** 7mm size aggregate; where footpath is not paved or otherwise sealed.
- iii. Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required to the size specified by the Shire.

#### **c. Commercial**

- i. As above

#### **d. Rural**

- i. Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required.
- ii. To bitumen road: Water binding and a two-coat seal with the first coat being applied with a **minimum** 10mm size aggregate and the second coat being applied with a **maximum** 7mm size aggregate to standard measurements (at the point of meeting the sealed road) of 10 metre width and 10 metre length.
- iii. To gravel road: Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required to the size specified by the Shire.



### 3) General Conditions (Access and Crossovers)

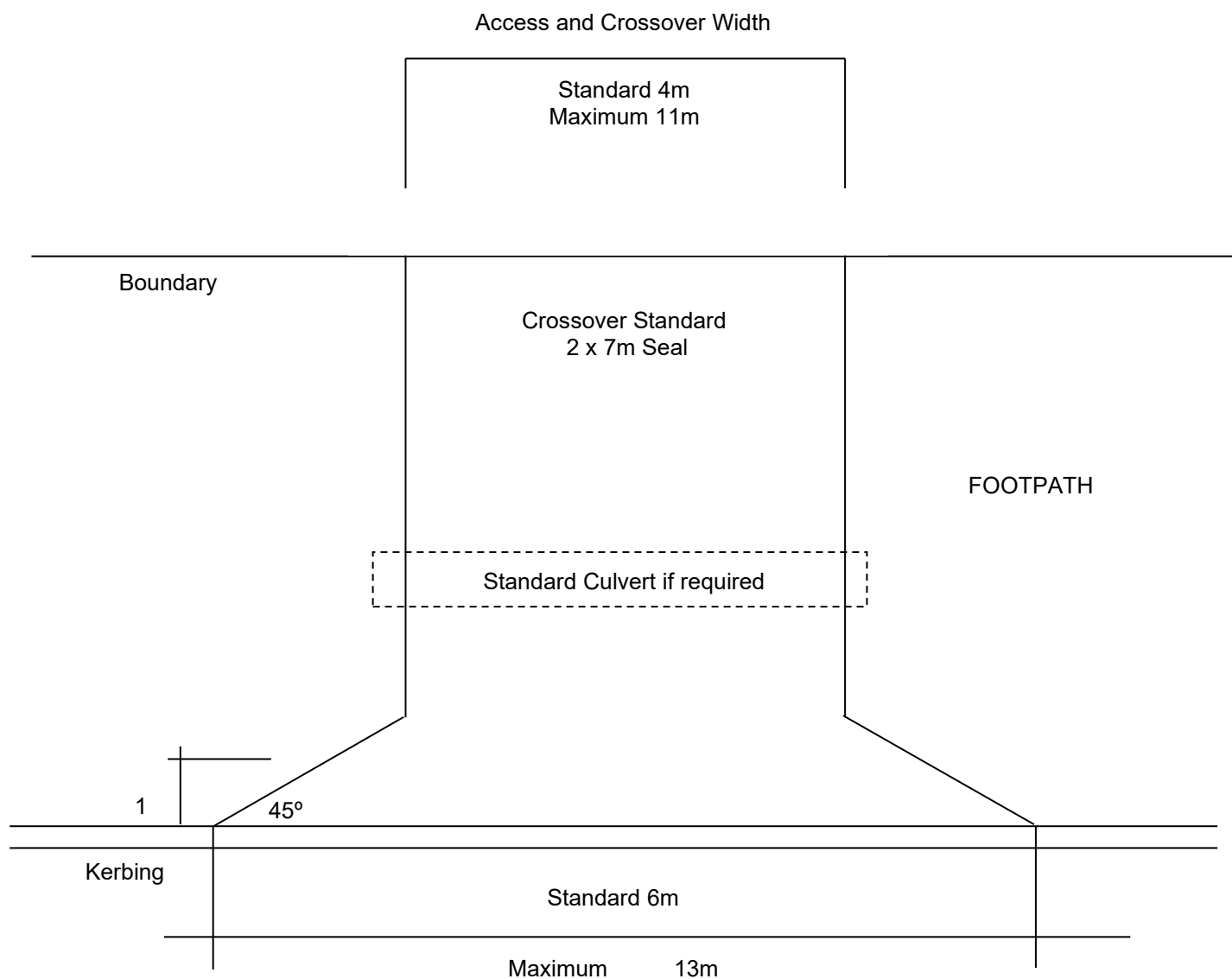
- a) **PRIOR TO** commencing any works pertaining to the installation to a cross over or access point an application shall be filled out and approval to commence the works sought from the Works supervisor.
- b) **BEFORE** any access or cross over works commence, the Shire's Works supervisor shall be informed to determine the location of the crossover, drainage necessary (if required) and discuss the type of access or crossover to be constructed.
- c) **BEFORE** any concrete or bitumen is laid the Works supervisor shall be contacted to inspect the preparation works for approval **BEFORE** the concrete and bitumen are laid.
- d) Once the concrete or bitumen has been laid the Manager of Works shall be contacted to inspect the crossover for a final approval and confirmation of Council Contribution as per this Policy.
- e) If any drainage works have been deemed by the Shire to be required, then the Works supervisor shall inform the proponent the size of the drainage pipes (and headwalls) required. The Shire shall also provide levels for the pipes to be installed at.
- f) **BEFORE** any drainage works are covered the Works supervisor shall be contacted to inspect (and approve) the alignment, levels and installation of the drainage products.
- g) All variations from the specifications to be paid in full by owner/applicant.
- h) Maximum dimensions of access apply.

### Council Contributions

- i) Council shall pay a 50% contribution for the installation of a crossover or access point providing that the following has been undertaken and submitted:
  - i) An application for a cross over or access point has been submitted and relevant approvals have been completed, including the final approval being completed.
  - ii) Itemised invoice/s to show the expenditure of funds.
- j) Council shall only contribute up to a maximum of \$1,000 (including GST) per crossover.
- k) The contribution shall be based on the standard dimensions as per the attachments (5.8A, 5.8B and 5.8C).
- l) Council shall only contribute to ONE (1) crossover per property.
- m) In the instance of a 2m concrete dual use concrete path being installed across the crossover, this will be deemed to be the Council contribution for the installation of a crossover.
- n) Council will not contribute to the maintenance of crossovers, maintenance to crossovers (no matter what standard) is the responsibility of the landowner.



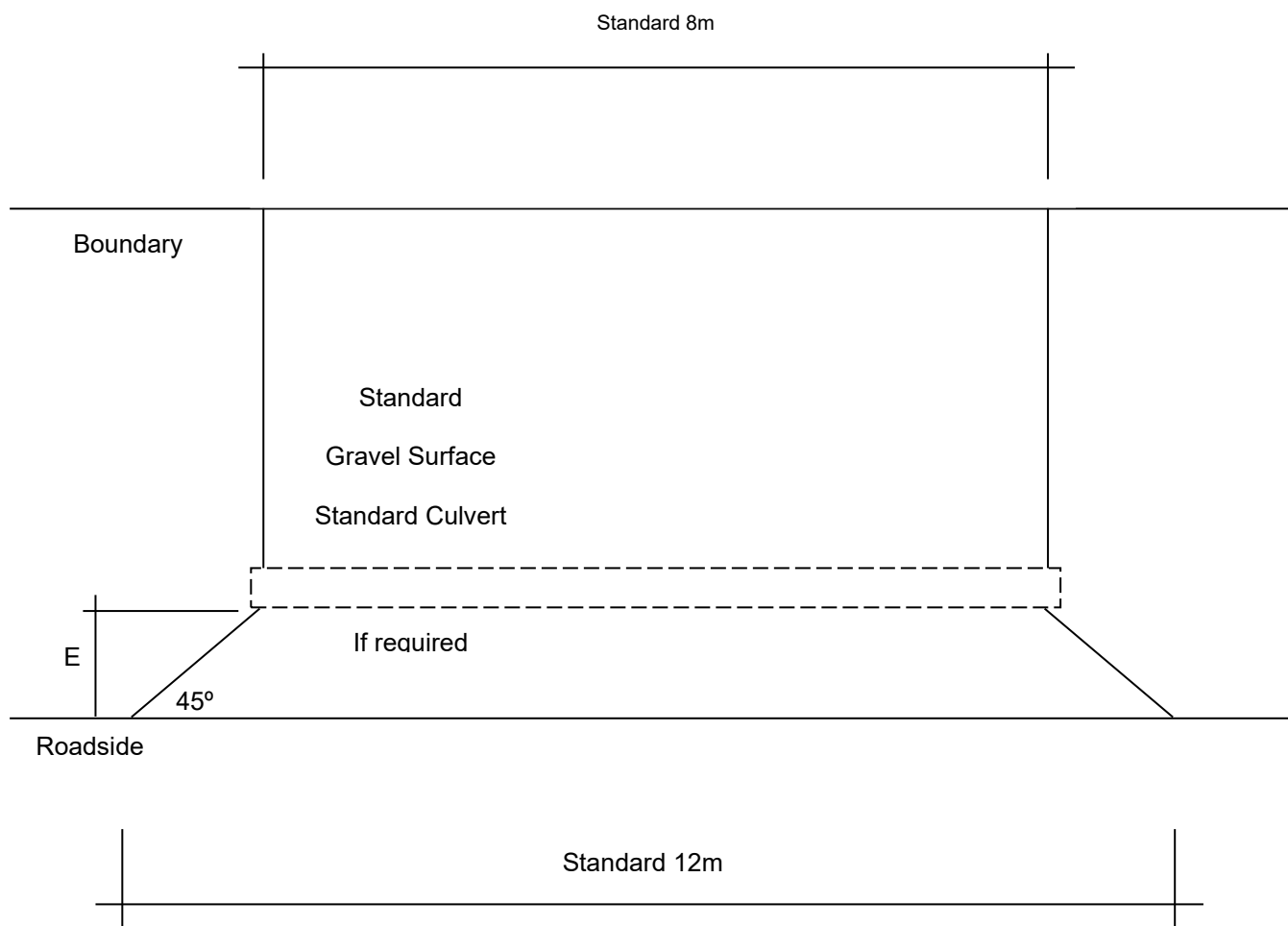
## ATTACHMENT 5.8A DIAGRAM INDUSTRIAL AND COMMERCIAL CROSSOVER





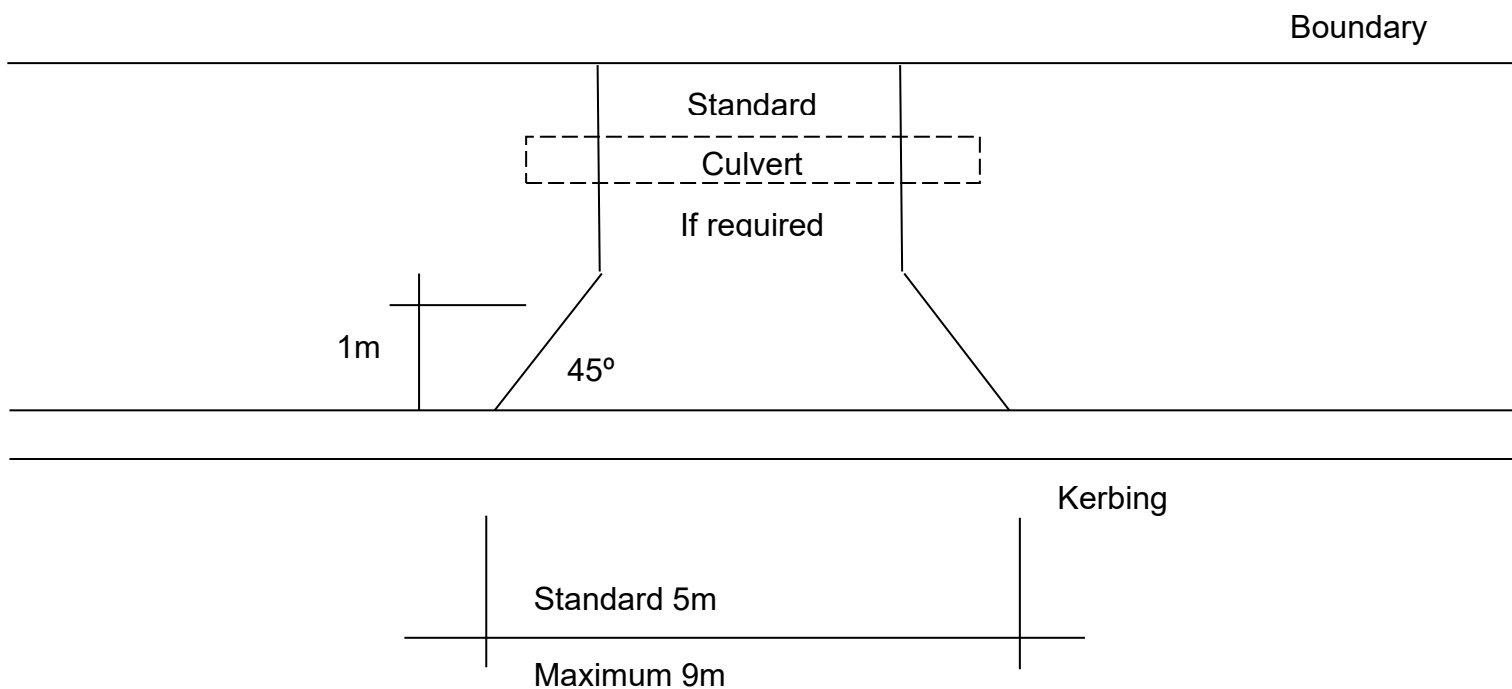
## ATTACHMENT 5.8B DIAGRAM RURAL CROSSOVER

### ACCESS AND CROSSOVER





## ATTACHMENT 5.8C DIAGRAM RESIDENTIAL CROSSOVER





### **APPLICATION FOR A CROSSOVER**

Application to be completed in consultation with Council Policy 5.8 Property Access & Crossovers

Name of Applicant (Land owner): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Proposed construction of crossover (gravel, bitumen, paving, asphalt, etc):

\_\_\_\_\_

\_\_\_\_\_

Location map (show distances from boundaries and intersections, show nearest intersections with road names, show crossover width and length from edge of road to lot boundary, show location of services (water, Telstra, etc) and show house/building; include north point):

I \_\_\_\_\_ hereby agree to pay 50% of the installation costs of the above crossover to my property.

Signature (landowner): \_\_\_\_\_

#### **OFFICE USE ONLY**

Application received: \_\_\_\_\_ Location sited before approval by: \_\_\_\_\_

Application                      APPROVED    /    DENIED

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

COPY OF APPLICATION TO BE SUPPLIED TO APPLICANT AND ORIGINAL PLACED ON FILING SYSTEM





## 5.9 Road Classification

### POLICY

Shire roads, as depicted on the Road Classification Listings (refer Attachment 5.9(a) and Road Classification Plan (refer to Attachment 5.9(b) – map) are categorised into “1”, “2”, “3”, “4” & “5” class roads and will be afforded the following work criteria:

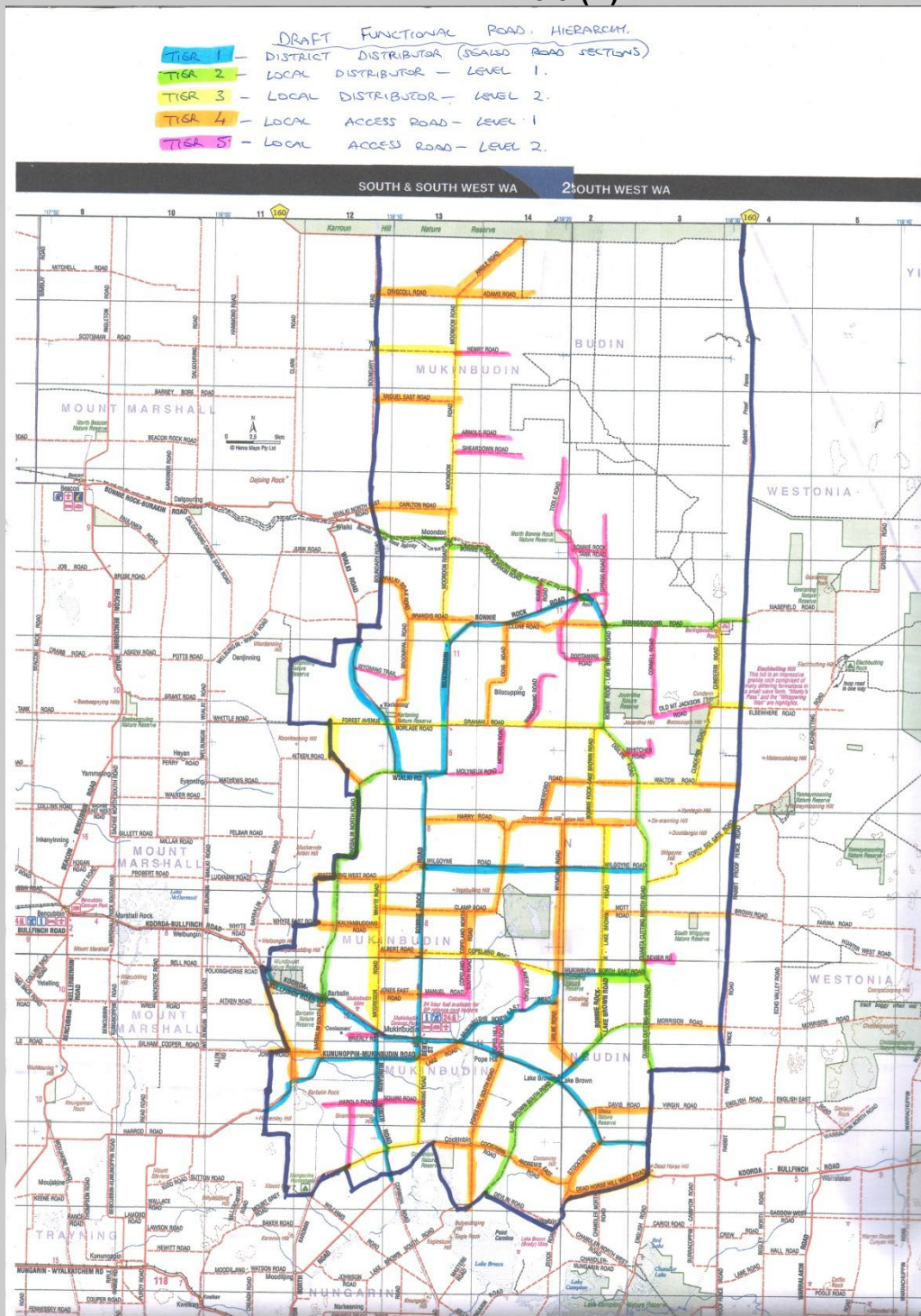
- **Class 1 – Regional Distributor**
  - Links communities
  - Major arterial route
  - Designated as a Roads 2025 road
  - Minimum Standard – 6m wide sealed carriageway, 1.5m wide shoulders each side, 3% cross-fall & back slopes to be clear of suckers annually.
  - Long Term Development – seal to 7m wide bitumen carriageway (11m wide formation)
- **Class 2– Local Distributor**
  - Arterial route that links Regional Distributors or other high volume heavy haulage routes (unofficial lime routes, a road that is the culmination of Roads of Local Significance, etc)
  - Minimum Standard – 3.7m wide sealed surface, 3m wide shoulders each side of seal, 3% cross-fall & back slopes to be clear of suckers annually.
  - Long Term Development – 3.7m wide seal and 3m wide shoulders each side (10m wide formation)
- **Class 3 – Road of Local Significance**
  - A road that gives access to local points of significance (rural tourist route, a local through route, etc)
  - Minimum Standard – gravel all-weather road to a sealed standard, 4% cross-fall (minimum) and back slopes to be clear of suckers annually. 8m wide formation.
  - Long Term Development - gravel all-weather road to a sealed standard, 10m wide formation



- **Class 4 – Local Road**
  - A road that provides access for residents
  - Minimum Standard – gravel road or firm natural surface, 7m wide formation and 4% cross-fall (minimum).
  - Long Term Development – gravel road or firm natural surface, 8m wide formation and 4% cross-fall (minimum).
- **Class 5 – Unformed Road/Track**
  - Provides minimal access, generally a dead-end road.
  - Minimum Standard – Retain existing standard or unformed road reserve.
  - Long Term Development – Nil

|                   |                            |
|-------------------|----------------------------|
| <b>OBJECTIVES</b> | To identify priority roads |
| <b>GUIDELINES</b> | Roads 2025 and 2030        |
| <b>HISTORY</b>    | Council Decision 13 04 17  |
| <b>REVIEW</b>     | Chief Executive Officer    |

## ATTACHMENT 5.9 (B)



**ROAD  
CLASSIFICATION PLAN**



## **5.10 Gravel Pavement/Curve Design**

**POLICY** When reconstructing road curvatures, the gravel pavement curve design radius will be up to 500 metres with a minimum of 300 metres, wherever possible.

**OBJECTIVES** To ensure minimum standards of safety

**GUIDELINES**

**HISTORY**

**REVIEW** Chief Executive Officer



## **5.11 Unsealed Roads – Standards**

### **POLICY**

Shire roads are to be constructed and maintained in accordance with the guidelines set out in the **Unsealed Roads Manual** produced by the *Australian Road Research Board*.

### **OBJECTIVES**

To construct and maintain safe roads.

### **GUIDELINES**

See Attachment 5.11(a): Road Profile and Specifications for “A” & “B” Class Roads.

See Attachment 5.11(b): Road Profile and Specifications for “C” Class Roads.

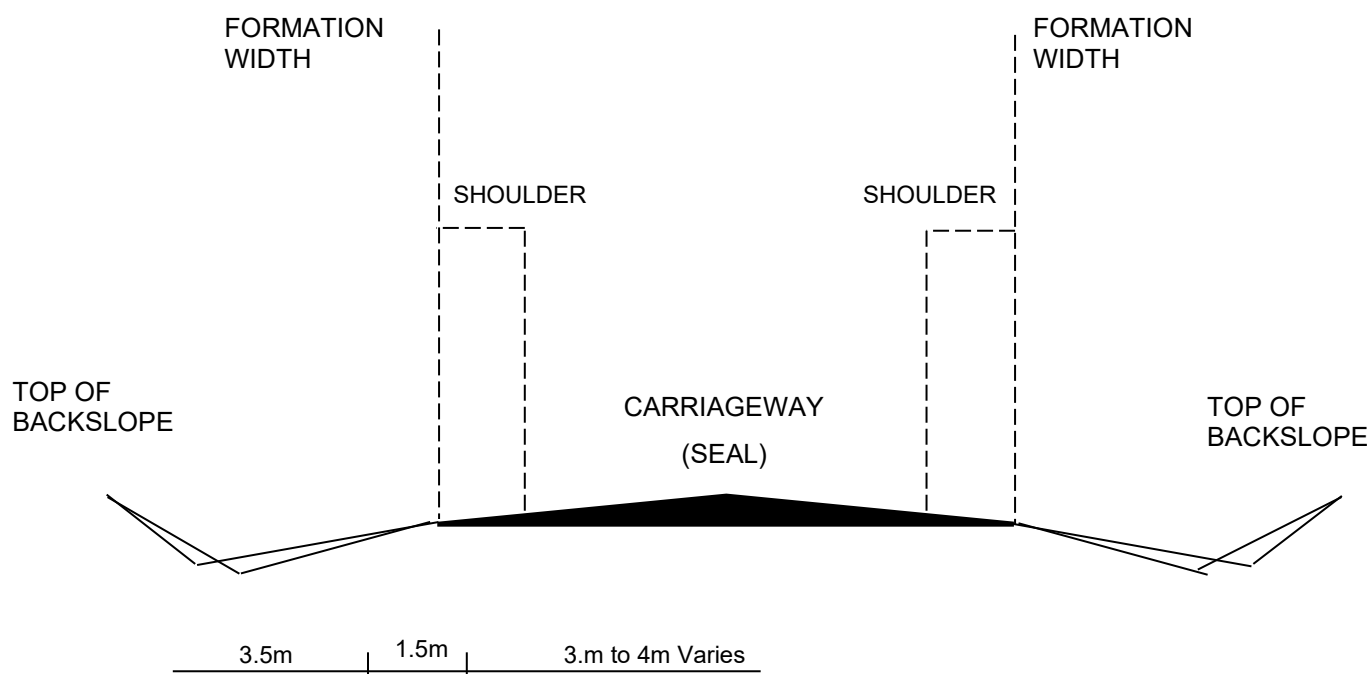
### **HISTORY**

### **REVIEW**

Chief Executive Officer



## ATTACHMENT 5.11(1,2,3) SEALED/UNSEALED ROADS ROAD PROFILE AND SPECIFICATIONS



### Specifications

|                   |                            |
|-------------------|----------------------------|
| Formation Width   | 15-18m                     |
| Pavement Width    | 10.00m                     |
| Carriageway Width | 7.00m                      |
| Shoulders         | 2 x 1.5m                   |
| Traffic Lanes     | 3.50m                      |
| Cross Fall        | 4% minimum<br>5% maximum   |
| Batters           | 1-3 minimum<br>1-4 maximum |

Measurement of the backslope to be decided by the Works Supervisor taking into account the locality.

Road Reserve is to be kept clear of all regrowth by means of clearing and or by chemical spraying. Tree canopy to be cut back to vertical at top of backslope. Shoulders on all bitumen roads need to be graded and chemical sprayed annually.

Note: Extent of clearing to be top of backslope

Spur Drains

Spur drains should be graded regularly to ensure they remain free from plant growth and buildup of silt, remaining clearly defined.



## **5.12 Storm Water Drainage**

**POLICY** Townsite property owners shall be permitted to drain storm water from their properties into the main roadside drainage system, with work to be undertaken by the Shire as Private Works.

**OBJECTIVES** To provide for control of water given the high clay content of soils.

**GUIDELINES** Requires prior approval of Council's CEO or Works Supervisor

It is the property owner's responsibility to maintain in good repair pipes across and under road verges.

**HISTORY**

**REVIEW** Chief Executive Officer



### **5.13 Deep Drainage Policy**

#### **POLICY**

That installation of culverts across road reserves is to be the responsibility of the landowner with work to be undertaken by Shire staff as private works.

#### **OBJECTIVES**

This policy is designed to guide Council in relation to applications for deep drainage that directly affects Shire controlled lands and infrastructure (i.e. Shire roads, reserves and townsites).

This policy is designed to allow input to drainage proposals that affect Shire infrastructure and private land and inform the community about proposals.

#### **GUIDELINES**

Prior to commencement of drainage works within the Shire of Mukinbudin a landholder or authorised agent must submit a Notice of Intent to Drain to the Department of Agriculture pursuant to Soil and Land Conservation Regulations 1992.

Unless otherwise approved by Council, all drains and associated embankments must not encroach onto Shire managed land.

At Councils discretion the landowner may be required to submit a certified report carried out by an appropriately qualified Environmental Consultant identifying what impacts the drainage proposal will have on the environment within the catchment. Catchment being all that area in which surface water would/may affect the proposal from commencement point to terminal point.

If the installation does not proceed within 24 months of approval by Council, the approval lapses, and the application must be resubmitted.

#### Structure of culvert

The width of the culvert crossing is to be a minimum of 12 metres each side from the centre of the constructed road. Headwalls and silt traps to be installed and located within the boundary of the proponent's property.

Any deep drainage system that proposes a development in excess of ten (10) kilometers in length, the Council may require the above-mentioned certified report.

#### Insurance





Any proposal to carry waters through Council infrastructure must include the preparedness of the proponent, at the proponent's cost, to indemnify the Council of any liability incurred from any action of law resulting from the development.

#### Maintenance

The developer shall enter into an agreement with the Shire of Mukinbudin that future maintenance costs of the drainage conveyance shall be at the developer's cost and recorded as an absolute caveat of the affected land. Such remedial works shall be carried out within 14 days of advice from the Shire of Mukinbudin.

At Council's discretion, proposals to conduct water through Shire infrastructure must be accompanied by an Engineering design, as per Attachment 5.13 (A), taking into account the impact on Shire's land and/or infrastructure of extra-ordinary events that may cause damage to the integrity of the drainage conveyance.

#### Procedure

All construction and remedial costs, including traffic management, of the drainage conveyance structure, shall be at the proponents/landowner's cost.

Traffic management means in accordance with the relevant Australian Standards for Traffic Management.

- Location and care of utilities i.e. telephone, water, power or others is the Landowners responsibility
- Provide the Shire's Works Supervisor a minimum of seven (7) days' notice regarding Traffic Management.
- Only one half of the road to be closed at any time to allow traffic still to pass.
- Bitumen to be cut prior to excavation to ensure neat edge.
- Trench to be backfilled with suitable gravel material mixed to optimum moisture.
- Install a minimum of 600mm Diameter Class 4 Concrete Pipes on all road crossings. (Alternative drainage/pipe suggestions must be submitted and approved by Council 90 days prior to installation.)
- Trench to be compacted in no more than 100mm lifts using a standard plate compactor.
- Allow to top up material if subsidence is incurred.
- Liaise with Shire to reseal trench.

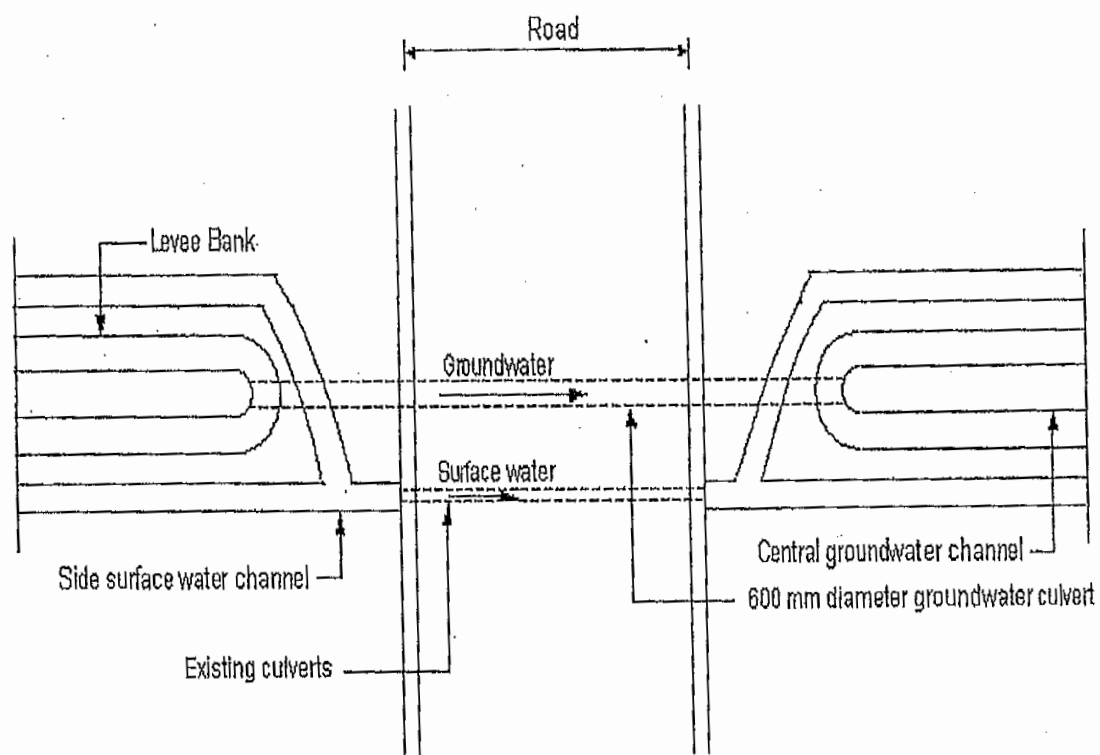


Landholders must provide a copy of the letter of no objection provided by the Department of Agriculture to Council, prior to the contractor commencing works.

**REVIEW**

Chief Executive Officer

## ATTACHMENT 5.13(A) ENGINEERING DESIGN



Plan view: showing separation of groundwater and surface water flow



## **5.14 Water Pipeline Policy**

**POLICY** Council will consider application of installing water pipes under local roads.

**OBJECTIVES** To establish guidelines for installation of water pipelines.

**GUIDELINES**

- The pipe is to be buried at least 600mm beneath the roadway;
- The pipe be placed inside a larger diameter pipe;
- White post marked "Water Pipe" be placed at either end of the line where it crossed the road reserve;
- The landowner is responsible for any damage that may occur.

**HISTORY**

**REVIEW** Chief Executive Officer



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## 5.15 Temporary Closure of Unsealed Road During/After Rainfall Events

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### POLICY

Unless otherwise stated, Council shall practice its rights and obligations to partially or wholly close, and subsequently re-open, any road under its responsibility in accordance with provisions of the *Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996*.

### OBJECTIVE

To restrict the winter use of unsealed roads by certain vehicles to preserve the Shire's assets during and/or after adverse weather conditions.

### GUIDELINES

Specifically, Council may close roads to all vehicles greater than 4.5 tonnes gross when conditions arise where damage to the structure and/or surface of the road is likely to occur. This would usually occur in winter after grading and when 10mm or more of rain is forecast.

Rain events greater than 10mm may require unsealed roads to be closed until road conditions are suitable, as determined by the Chief Executive Officer under Delegated Authority.

Shire Officers will minimise the disruption to the affected proponents (farmers and contractors) while still maintaining a functional unsealed road network by ensuring the least amount of the Shire is affected for the shortest possible period of time.

Notifications of weather-related road closures will be made to adjoining shires, and notices will be posted at the Shire Administration Office and published in the next edition of the Muka Matters.

Restricted Access Vehicle permit holders with current Letters of Approval from the Shire, local carriers and any other interested parties will be notified of weather-related road closures by facsimile or SMS text message. A media release will be sent to media outlets.

Where Council is required to issue local public



notice, the issue of local public notice shall be in accordance with Section 1.7 of the Local Government Act 1995. Where a road closure inadvertently exceeds a period of twenty eight (28) days, the Council shall meet its obligations under s1.7 & s3.50(4) of the *Local Government Act 1995* and S4, Part 2 of the Local Government (Function and General) Regulations 1996.

## **HISTORY**

## **REVIEW**

Chief Executive Officer



## **5.16 Sealing of Unsealed Roads at Sealed Road Intersections**

### **POLICY**

The Shire is to consider sealing a minimum of 50 metres of unsealed road at sealed road intersections. Any sealing works is only to occur at the time of resealing the sealed road or when re-sheeting the unsealed road up to a sealed road intersection.

### **OBJECTIVES**

To reduce maintenance costs of unsealed roads at sealed road intersections.

### **GUIDELINES**

Any sealing works is only to occur at the time of resealing the sealed road or when the unsealed road is re-sheeting up to a sealed road intersection.

The new seal on the unsealed intersecting road (under this policy) shall not be wider than the seal width of the existing sealed road.

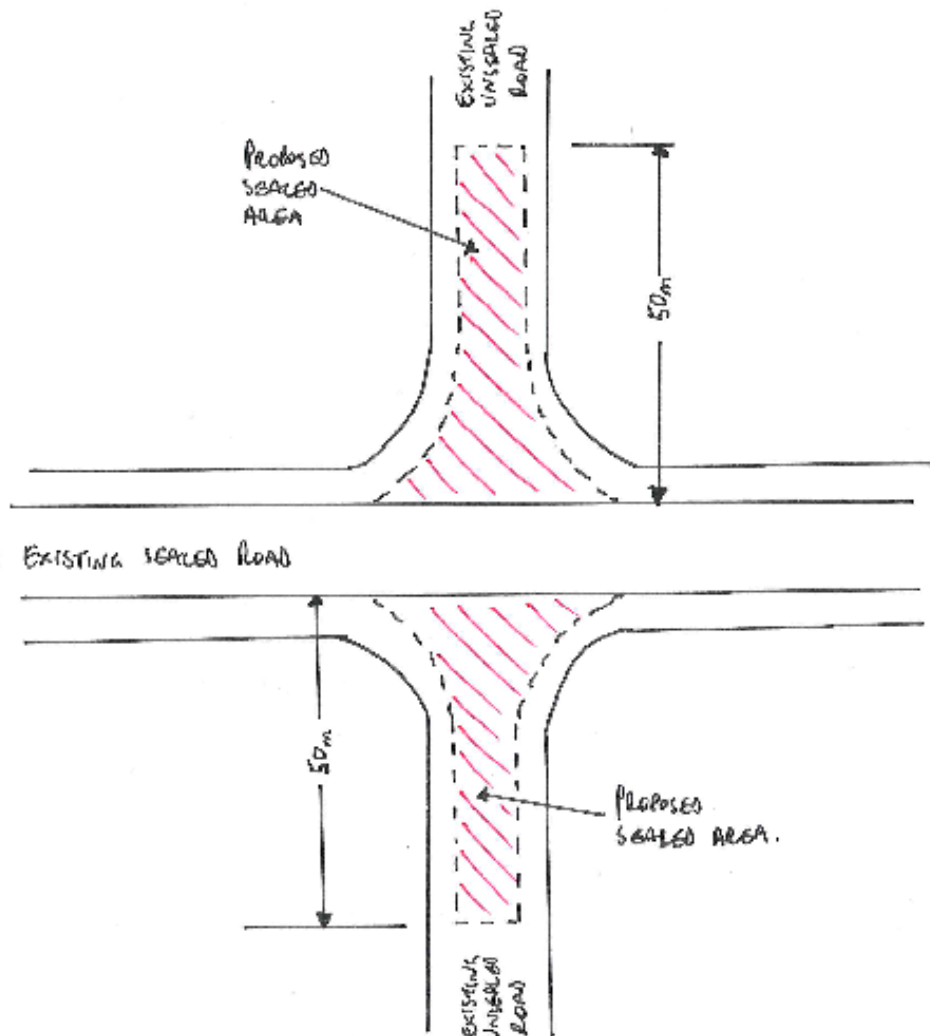
Each occurrence should be considered on its merits based on traffic volumes and maintenance history.

### **HISTORY**

### **REVIEW**

Chief Executive Officer

## ATTACHMENT 5.16 (A) DIAGRAM







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## **5.17 Fleet Safety Policy**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | The Shire Staff and Councilors Fleet Safety Policy as recommended by Roadwise   |
| <b>OBJECTIVES</b> | To improve Shire Staff and Councillor safety when travelling in Shire Vehicles. |
| <b>GUIDELINES</b> | ANCAP rating.   |

### **Element One**

#### **Integrating Fleet Safety Policies into an Occupational Health and Safety Framework**

##### **1.1 Fleet Safety Policy**

- 1.1.1 The organisation has a fleet safety policy that is signed and dated, contains clear fleet safety objectives and a commitment to improving fleet safety performance.
- 1.1.2 The organisation's fleet safety policy has the authorisation of the Chief Executive Officer.
- 1.1.3 The fleet safety policy is communicated to employees (contract and casual) and employees sign a copy of the fleet safety policy, confirming understanding and acceptance of the policy.
- 1.1.4 A process exists for scheduled reviews of fleet safety policy objectives to assess their effectiveness and make changes in accordance with organisational and legislative changes where appropriate.

##### **1.2 Fleet Safety Responsibilities**

- 1.2.1 The organisation has defined and documented the responsibilities, authority to act and reporting requirements of fleet safety, and has communicated these to all employees.
- 1.2.2 The organisation's annual report documents fleet safety performance.
- 1.2.3 Implementing the fleet safety management system is the responsibility of the Corporate Services team.
- 1.2.4 Senior management (KIM) regularly reviews the effectiveness of the fleet safety management system in satisfying the organisation's stated fleet objectives.

##### **1.3 Review and Evaluation of Fleet Safety Policy**

- 1.3.1 Crucial fleet safety documents are identified as policy. The date the documents were issued, date of modifications, and authorisation appear on the documents.
- 1.3.2 A procedure exists for altering and approving the changes to fleet safety documents.
- 1.3.3 The effectiveness of communicating the policy objectives is evaluated.

##### **1.4 Employee Involvement and Consultation**

- 1.4.1 The organisation has avenues for discussing fleet safety issues in the workplace.
- 1.4.2 Managers discuss fleet safety in meetings with staff.

##### **1.5 Auditing of Systems**



- 1.6.1 Fleet safety management systems are regularly audited according to a set schedule to assess the match between organisational fleet safety objectives and activities.
- 1.6.2 Fleet safety management systems are independently audited by appropriately qualified persons.

## **Element Two**

### **Taking Road Safety into Account when Recruiting and Selecting New Staff**

- 2.1 Recruitment
  - 2.1.1 Safe driving is mentioned in position descriptions for jobs involving significant driving tasks
  - 2.1.2 An applicant is asked to provide evidence of a current driver's licence.
  - 2.1.3 Applicants for positions involving significant driving tasks are asked to provide details of crash records and traffic infringements for the past three years.
- 2.2 Selection
  - 2.2.1 A potential employee's driving record is assessed for jobs involving significant driving tasks
  - 2.2.2 An applicant's driving record is a factor in the hiring of new employees for jobs involving significant driving tasks.
  - 2.2.3 An applicant's attitude to safety is addressed in the interview.

## **Element Three**

### **Developing a Road Safety Induction for Staff**

- 3.1 New Employees
  - 3.1.1 The organisation ensures that all employees undergo an induction program containing a fleet safety component covering the organisation's fleet safety policy and procedures.
  - 3.1.2 Vehicles are assigned to new employees based on the needs of their job.
- 3.2 Supervisors
  - 3.2.1 The organisation has an induction program for managers which includes fleet safety issues.

## **Element Four**

### **Informed Choice Based on Safety when Purchasing and Maintaining Vehicles**

- 4.1 Fleet Selection
  - 4.1.1 The organisation obtains advice from qualified fleet safety professionals (in-house or external).
  - 4.1.2 Purchasing decisions are made in consultation with employees to determine the fleet safety requirements and environmental specifications where decisions may affect those employees.
  - 4.1.3 Relevant safety features are considered when selecting vehicles.
  - 4.1.4 All light fleet vehicles to be fitted with frontal protection bars and spotlights
- 4.2 Fleet Maintenance
  - 4.2.1 Fleet vehicles are registered annually (including compulsory third party (CTP) insurance).



- 4.2.2 Reporting of fleet vehicle inspections, maintenance, repairs and modifications is maintained as a running record by the organisation.
- 4.2.3 The organisation has a vehicle maintenance program.
- 4.2.4 Drivers regularly inspect their vehicles.
- 4.2.5 There is a procedure to follow if there is a problem with a vehicle.
- 4.2.6 Tyre wear is monitored.
- 4.2.7 Fuel consumption is monitored.

## **Element Five**

### **Data Collection on Fleet, Drivers and Incidences/Accidents**

- 5.1 Crash Reporting
  - 5.1.1 The organisation has a documented reporting system for all fleet safety incidents (including minor panel damage, crashes, injuries and fatalities).
  - 5.1.2 A procedure is in place for informing all employees of the process for reporting fleet safety incidents.
- 5.2 Crash Investigations
  - 5.2.1 Reported incidents are investigated in accordance with an organisational investigation procedure.
  - 5.2.2 Investigation reports contain recommendations and a timetable for implementing corrective actions.
  - 5.2.3 A procedure exists for evaluating and monitoring remedial/corrective measures.
- 5.3 Crash Monitoring
  - 5.3.1 Pertinent fleet safety data are collected and analysed.
  - 5.3.2 Regular reports on fleet safety performance are produced and distributed within the organisation.
  - 5.3.3 Benchmarking data are collected.

## **Element Six**

### **Reinforcement of Fleet Safety through Incentives and Disincentives**

- 6.1 Driver Monitoring
  - 6.1.1 Organisations keep a record of traffic infringements incurred by employees.
  - 6.1.2 Employees receive feedback about their driving performance.
  - 6.1.3 The organisation conducts driver's licence checks.
- 6.2 Incentives
  - 6.2.1 The organisation has an incentive scheme for safe driving.
- 6.3 Disincentives
  - 6.3.1 The organisation has a system for recognising poor driving behaviour.



## **Element Seven**

### **Training, Education and Development Programs**

#### **7.1 Assessing Training Needs**

- 7.1.1 Before assigning a vehicle to an employee, organisations check whether the employee has driven that type and size of vehicle before.

#### **7.2 Driver Education**

- 7.2.1 A system is in place to provide fleet safety information to all employees.

#### **7.3 Training**

- 7.3.1 Legal obligations and fleet safety management principles and practices are articulated to the organisation's executive and senior management through formal training.

## **HISTORY**

## **REVIEW**

Chief Executive Officer



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## **5.18 Chemical Use Policy**

### **POLICY**

The Shire of Mukinbudin is committed to reducing risks associated with the transportation, storage handling, use and disposal of chemicals. The Shire will minimise risks associated with chemicals in its buildings, infrastructure, parks, road reserves and natural areas.

This risk reduction will provide for appropriate maintenance and management to minimise the harm or potential harm of injury or disease. The Shire will conduct its operations in accordance with the practices outlined in the associated Chemical Use Management Practice in order to achieve this aim. In this Policy the term “chemicals” includes pesticides, herbicides, fungicides, fertilisers, cleaning products, building materials, solvents, glues and other agents or any other similar substances.

### **OBJECTIVES**

This Policy will allow the Shire to effectively manage its infrastructure, technological and information assets, and the natural environment, whilst minimising the harm or potential harm of injury or disease

### **GUIDELINES**

Department of Health ‘A Guide to the management of pesticides in local government in Western Australia’

### **SCOPE**

1.1 When using pesticides as part of a pest control program, the Shire of Mukinbudin will adhere to the following principles:

- Minimise pesticide use, consistent with achieving acceptable pest control outcomes;
- Use pesticides on the basis of risk management, good contract management and auditing of results;
- Consult the community and provide timely notification of pesticide application events;
- Consult other government agencies and local stakeholders when pest control activities have the potential to impact on environmentally significant land, water catchment areas, farming property or other sensitive area or activity;
- Comply with all applicable legislation, codes and policies with respect to pesticide application by the Local Government Authority or its contractors.



## **5.19 Roadside Stock Fencing**

### **POLICY**

To allow for the Council contribution towards roadside stock fencing when roadside clearing is taking place which will likely increase efficiency or be cost effective to remove the fencing and have Council contribute towards the cost of a replacement new fence.

### **OBJECTIVES**

To reduce the potential for a dispute when Shire Staff carry out roadside clearing works in close proximity to stock fencing which often results in damage to the fence.

### **GUIDELINES**

This policy allows for a simple and straightforward payment/contribution towards the removal and potential replacement of fencing when deemed appropriate by the CEO and supported by the Landowner.

Council will pay the Landowner a flat rate of \$1,000.00 (one thousand dollars) per kilometer (or part thereof) as a contribution towards replacement fencing irrespective of the following:

- The type of fence to be built
- Whether a replacement fence is built
- That Shire Staff with no involvement in the fence other than its removal (subject to the written support of the landowner)

The savings associated with the increased productivity by allowing Staff to remove the existing fence is considered to offset the contribution towards the fence. In many instances the fences are old and whilst fit for purpose a new fence may be beneficial to both the Shire and the Landowner.

### **HISTORY**

Policy created in June 2019

### **REVIEW**

Chief Executive Officer



## **5.20 Road Reconstruction – Bitumen Sealing Standard**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | To allow for the Council to set a standard with regards to bitumen sealing of newly reconstructed sections of road.   |
| <b>OBJECTIVES</b> | To ensure that bitumen sealing of newly constructed sections of road includes a two-coat hot bitumen seal.  |
| <b>GUIDELINES</b> | This policy ensures that Council will be confident that any and all reconstruction sections of road which are bitumen sealed will have the necessary two-coat hot bitumen seal application and to avoid the need for a second seal at some stage in the future which can happen as a result of Staff and Council changes being overlooked or forgotten. |
| <b>HISTORY</b>    | Policy created in June 2019   |
| <b>REVIEW</b>     | Chief Executive Officer   |



## 5.21 Plant, Equipment and Vehicle Replacement

### Policy:

The purpose of the replacement policy is to ensure that the plant and vehicles;

1. Meet safe operational needs;
2. Minimize the cost of maintenance and repairs, and
3. Are replaced at appropriate intervals so as to minimize cost to the Shire.

### Objective:

To facilitate better understanding and minimize the whole of list costs for the Shire of Mukinbudin vehicle fleet.

### Guidelines:

Fleet cycle costs vary regularly due to a variety of factors including fuel costs, used vehicle prices, and market and industry trends. The Shire will review these costs and replacement periods on a regular basis to ensure the most cost effective outcome at all times as part of the development of annual budgets and long term financial plan including the plant replacement program.

Regular advice will be sought from vehicle dealers on the optimum changeover period and vehicle type to minimise the whole of life costs to the Shire. This information will provide the basis of decision making as to when optimum replacement/changeover of light vehicles is deemed appropriate as market industry trends vary.

Following is a best practice guide only. Annual budgeting may not allow the shire to achieve best practice for all plant at any given time.

| Category               | Description             | Preferred replacement period  |
|------------------------|-------------------------|---|
| Light Vehicles - Admin | Utilities, cars and 4x4 | 60,000-80,000 or 2 years<br>(unless more cost-effective arrangements for more regular changeovers being at a minimum of every 15,000 kms can be obtained) |
| Light vehicles - Depot | Utilities, cars and 4x4 | 120,000 km or 3 years<br>(unless more cost-effective arrangements for more regular changeovers being at a minimum of every 15,000 kms can be obtained)    |
| Buses                  | Buses                   | 200,000 km or 7 years<br>(subject to any grant conditions or usage)   |
| Trucks - light         | 2.5 up to 8 tonnes      | 150,000 km 7 years  |





|                           |   |                    |
|---------------------------|---|--------------------|
| Trucks – medium, heavy    | Over 8 tonnes   | 300,000 or 7 years |
| Road Sweepers             | Self Propelled  | As required        |
| Ride on mowers            | All sizes   | 4 Years            |
| Light Plant               | Tractors up to 60kw, skid steer loaders and similar   | 5 years            |
| Medium Plant              | Backhoes  | 7 Years            |
| Heavy plant               | Graders, bulldozers, excavators and similar<br>Front end loaders, tractors (over 60 kW) and similar<br>Forklifts                      | 10 years           |
| Trailers                  | Less than 6 ton capacity More than 6 ton capacity   | As required        |
| Miscellaneous equipment A | Chain saws & whipper snippers<br>Walk behind mowers<br>Cement mixers<br>Plate compactors & tampers<br>Portable fire pumps and similar | As required        |
| Miscellaneous equipment B | Welders, air compressors  | As required        |

The Policy will not override any relevant contractual arrangements with staff.

**History:**

No former policy exists

**Review:**

Chief Executive Officer



## **PLANNING**

(see also Town Planning Scheme N<sup>o</sup>.4)

### **6.1 Outbuildings in Residential Zoned Areas**

#### **POLICY**

Outbuildings that satisfy the following development criteria may be approved by the Building Surveyor without referral to the Council of the Shire of Mukinbudin.

Outbuildings that:

- i. Comply with the Building Code of Australia 2012 (as amended);
- ii. Are constructed of new materials. Where second hand materials are proposed, the Building Surveyor may require a certification from a practising structural Engineer as to the structural adequacy of the design and/or materials. The Building Surveyor may also require the cladding of the proposed second hand outbuilding to be painted in an approved colour or renewed;
- iii. Are not attached to a dwelling;
- iv. Are not habitable;
- v. Are not within the primary street setback area;
- vi. Do not reduce the amount of open space required by the Residential Design Codes to less than the prescribed amount;
- vii. Are setback in accordance with the requirements of the Residential Design Codes;



- viii. Are of size, or comprise an aggregate size of outbuildings on one lot, that does not exceed the specifications contained in Table 1 below. Should the lot area exceed the table below then the proposed outbuilding will need to be referred to Council as per 'Guidelines' above –

**Table 1**

| <b>LOT AREA<br/>(m<sup>2</sup>)</b> | <b>MAXIMUM<br/>SINGLE<br/>OUTBUILDING<br/>(m<sup>2</sup>)</b> | <b>TOTAL<br/>OUTBUILDING<br/>(m<sup>2</sup>)</b> | <b>MAXIMUM<br/>WALL<br/>HEIGHT<br/>(meters)</b> | <b>MAXIMUM<br/>RIDGE<br/>HEIGHT<br/>(meters)</b> |
|-------------------------------------|---|--|---|--|
| 500 – 749                           | 46  | 62   | 2.4   | 3.6  |
| 750 – 999                           | 73  | 97   | 3.0   | 3.6  |
| 1000 – 1249                         | 94  | 125  | 3.0   | 3.6  |
| 1250 – 1699                         | 117   | 156  | 3.0   | 3.9  |
| 1700 – 2049                         | 130   | 202  | 3.0   | 3.9  |
| 2050 – 2999                         | 143   | 262  | 3.3   | 4.2  |
| 3000 – 5000                         | 157   | 375  | 3.6   | 4.5  |

## **OBJECTIVES**

To control the size and height of outbuildings in residential areas and to ensure that the construction of an outbuilding does not detract from the general aesthetics of the residential area.

See Town Planning Scheme No 4.

## **GUIDELINES**

Applications not meeting this policy development criteria and/or are of a contentious nature is to be referred to Council in the form of a written development application (available at the Shire office) for determination. Where an application is to be referred to Council for consideration, comments from adjoining and/or affected owners are to be obtained and confirmed in writing.

## **HISTORY**



**REVIEW** Chief Executive Officer

## **6.2 Sheds on Residential Land – Building Permits**

**POLICY** Approval for the erection of outbuildings on residential land be granted only when:

- a) A dwelling is in existence on the Lot; or,
- b) Plans for the overall development of the Lot, including a dwelling, are submitted to Council in conjunction with the plans for the outbuilding.

**OBJECTIVES** See Town Planning Scheme No 4.

**GUIDELINES** This policy enable staff to approve the erection of outbuildings in certain circumstances, without reference to Council. All other scenarios will be referred for Council determination.

**HISTORY** Outbuilding Policy

**REVIEW** Chief Executive Officer



### **6.3 Parking of Chemical Spray Units in Townsites**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | The parking of active chemical spray units in residential and commercial areas (as defined TPS No.4) is generally not permitted. |
| <b>OBJECTIVES</b> | To provide for the appropriate storage of chemical spraying equipment and visual amenity of the town                             |
| <b>GUIDELINES</b> | Town Planning Scheme No 4  |
| <b>HISTORY</b>    |  |
| <b>REVIEW</b>     | Chief Executive Officer  |



## **6.4 Development of Movable Buildings – Including Relocated Buildings**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | That the development of movable buildings, including relocated buildings be controlled in accordance with the Development of Movable Buildings Guidelines detailed Town Planning Scheme No. 4 |
| <b>OBJECTIVES</b> | To control and guide the overall finished appearance of all relocated dwellings.  |
| <b>GUIDELINES</b> | Town Planning Scheme No 4   |
| <b>HISTORY</b>    | Bonds refund in stages  |
| <b>REVIEW</b>     | Chief Executive Officer   |



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## **6.5 Use of Sea Containers & Other Similar Transportable Structures within the Scheme Area**

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**POLICY** That the use of sea containers and similar transportable structures be controlled in accordance with the policy as detailed in Town Planning Scheme No 4.

**OBJECTIVES** To control the use of such structures.

**GUIDELINES** Town Planning Scheme No. 4

**HISTORY**

**REVIEW** Chief Executive Officer



## **6.6 Town Planning Scheme Policies**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | <p>The Mukinbudin Shire under and by virtue of the provisions and powers conferred upon it in that behalf by clause 7.6 of its Town Planning Scheme No. 4 has adopted the following Scheme Policies:</p> <ol style="list-style-type: none"><li>1 Townscape Plans for Townsites</li><li>2 Future Development in Mukinbudin Townsite</li><li>3 Mukinbudin Industrial Areas</li><li>4 Offensive Uses</li><li>5 Mukinbudin Council's Community Plan Priorities</li><li>6 Outline Policy Plans for Policy Areas</li><li>7 Fences</li><li>8 Industrial Areas in Mukinbudin</li><li>9 Stables</li><li>10 Aged Accommodation</li><li>11 Moveable Buildings</li><li>12 Heavy Haulage Routes</li><li>13 Veranda's over footpaths</li></ol> <p>.</p> |
| <b>OBJECTIVES</b> | <p>To enable Council to prescribe in finer details its requirements more accurately in areas where it feels the broader definitions of its scheme is lacking.</p>   |
| <b>GUIDELINES</b> | <p>Town Planning Scheme No. 4</p>   |
| <b>HISTORY</b>    |   |
| <b>REVIEW</b>     | <p>Chief Executive Officer</p>  |





## **6.7 Policy on Reduced Setbacks for Residential Lots**

**POLICY** To provide guidance for delegated officers when approving reduced setbacks on residential lots within the Shire of Mukinbudin.

**OBJECTIVES** To establish a set of guidelines for the approval of Reduced setbacks on residential lots within the Shire of Mukinbudin.

**GUIDELINES** The following criterion need to be met in order for a Reduced setback to be approved under delegated Authority:

1. Setback is to be reduced to no less than 1m from the boundary.
2. The setback to be reduced relates to those other than Street setbacks.
3. Building footprint is to be a reasonable size with reduction required to enable a good fit.
4. Approval is for a reduced setback for a single storey dwelling only.
5. Application for the reduced setback is within a residential lot setting only.
6. In the case of Sheds, the shed height is not to exceed 3m at the top of the external wall and 6m at the top of the pitch of the roof.
7. Design is sensitive to the surrounding amenity and meets outdoor open space requirements of a minimum of 45% of the total development, including a minimum of 24sq metres outdoor living.

All applications approved under delegated authority will need to be assessed using the Reduced Setbacks Approval Assessment Form and reported to Council on a monthly basis. The assessment is to be signed off by both the CEO.

**HISTORY** May 2016

**REVIEW** Chief Executive Officer



Reduced Setback Approvals Assessment Form Date.....

| Property Address                            | Proposal Outline |
|---|------------------|
|   |                  |
| Criteria                                    | Comment          |
| Setback Distance                            |                  |
| Which boundaries?                           |                  |
| Building footprint                          |                  |
| Single Storey Dwelling                      |                  |
| Residential Lot                             |                  |
| Shed height                                 |                  |
| % open space<br>Outdoor living in<br>meters |                  |
| Additional Comments                         |                  |
|   |                  |
| Approved/Declined                           |                  |

Completed by .....

CEO Signature.....



## ADMINISTRATION

### 7.1 Harvest

#### POLICY

That harvesting, including the harvesting of clover, shall be prohibited on Christmas Day, Boxing Day and New Year's Day, within the Shire of Mukinbudin.

Harvest to be permitted to be carried out on every day of the year except Christmas Day, Boxing Day and New Year's Day, subject to no harvest ban being in place.

#### OBJECTIVES

To minimise the likelihood of an emergency on Christmas Day, Boxing Day or New Year's Day Public Holiday, when firefighters may not be in a state of readiness.

To reduce the risk of fire on Public Holidays when firefighters may not be in a state of readiness.

#### GUIDELINES

Bush Fire Advisory Committee

DFES (FESA)

*Bush Fires Act 1954*

*Bush Fire Regulations 1954 Reg 38A and 38C*

#### **38A. Vehicles etc., power to prohibit etc. use of in restricted or prohibited burning times**

- (1) Where a bush fire control officer is of the opinion that the use or operation of any engines, vehicles, plant or machinery during the prohibited burning times or restricted burning times, or both, is likely to cause a bush fire, or would be conducive to the spread of a bush fire, the bush fire control officer may by notice or direction prohibit or regulate the carrying out of any activity or operation in a specified area either absolutely or except in accordance with conditions specified in the notice or direction or without the consent of the local government or bush fire control officer.
- (2) A notice or direction under subregulation (1) —
  - (a) may be given by wireless broadcast or in writing;
  - (b) shall have effect for such period during the prohibited burning times or restricted burning times, or both, as is specified in



- the notice or direction;
- (c) may be varied or cancelled by a bush fire control officer by a subsequent notice or direction in the manner set out in that subregulation.
- (3) During any period for which a notice or direction under subregulation (1) has effect a person shall not, in any area specified in the notice or direction, operate or use any engines, vehicles, plant or machinery contrary to the notice or direction.
- Penalty: \$5 000.
- (4) A person shall, when required by a local government, provide a plough or other specified machine, appliance or firefighting equipment in or in the vicinity of any land or paddock where harvesting operations are being carried on.

## **HISTORY**

Former policy 1.3.1

## **REVIEW**

Chief Executive Officer



## **7.2 Caravan Parks - Policy**

### **POLICY**

In respect to the Caravan Parks owned and operated by the Shire of Mukinbudin, the following policies will apply:

- a) Dogs will be accepted and must be on a lead;
- b) Lighting of fires within the Caravan Park is not permitted without approval of the caretaker;
- c) Any tenant creating a disturbance may be asked to leave.

### **OBJECTIVES**

To clarify the Shire's position regarding these matters.

### **GUIDELINES**

These policies are at the discretion of the Shire and compliment the requirements of the *Caravan Parks and Camping Grounds Regulations 1997*.

### **HISTORY**

### **REVIEW**

Chief Executive Officer



### **7.3 Liquor on Council Property**

#### **POLICY**

No liquor of any type shall be permitted to be stored or consumed on Council controlled public property without the application for and granting of a permit by the CEO or other designated officer.

Clubs may apply for a seasonal permit for the consumption of liquor with all dates shown on the permit.

#### **OBJECTIVES**

#### **GUIDELINES**

The Police are to be advised each time a permit for the consumption of liquor is issued.

If liquor is to be sold, either by individual sale or as part of a ticket price, a separate permit from the Department of Liquor, Racing and Gaming is necessary.

#### **HISTORY**

#### **REVIEW**

Chief Executive Officer



## **7.4 Freedom of Information Officers**

### **POLICY**

For the purpose of the *Freedom of Information Act 1982*:

- a) The CEO is the Principal Officer and the Internal review Officer for the purposes of the Act; and,
- b) The Finance & Administration Manager is the FOI Coordinator for the purposes of the Act.

### **OBJECTIVES**

To set out the responsible officers und the *Freedom of Information Act 1982*

### **GUIDELINES**

In accordance with the *Freedom of Information Act 1982*, s13.39 and Schedule 2

### **HISTORY**

### **REVIEW**

Chief Executive Officer



## **7.5 Pensioner Rates Review Officers**

### **POLICY**

For the purposes of the *Rates and Charges (Rebates and Deferments) Act 1992*;

- a) The CEO is the Pensioner Rates Review Officer as defined by the Act; and,
- b) Finance Manager is the Pensioner Rates Determination Officer as defined by the Act.

### **OBJECTIVES**

### **GUIDELINES**

In accordance with the Rates and Charges (Rebates and Deferments) Act 1992, s12 and s13.

### **HISTORY**

### **REVIEW**

Finance Manager





## **7.6 Record Keeping Plan**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | For Shire to maintain a Record Keeping Plan in accordance with the requirements of the <i>State Records Act 2000</i> .  |
| <b>OBJECTIVES</b> | <p>The purpose of the Record Keeping Plan is to define the principles that underpin the Shire's record keeping function and the roles and responsibilities of those individuals who manage or perform record keeping processes on behalf of the Shire.</p> <p>The Plan and its associated procedures establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.</p> |
| <b>GUIDELINES</b> | <p><i>State Records Act 2000</i></p> <p>See Attachment 7.6 Record Keeping Plan Guidelines</p>   |
| <b>HISTORY</b>    | Former Policy 1.1.15  |
| <b>REVIEW</b>     | Chief Executive Officer   |



## ATTACHMENT 7.6 RECORD KEEPING PLAN GUIDELINES

### Scope

This policy applies to all Shire Councillors records created or received by a Shire employee, contractor or Elected Member, or an organisation performing outsourced services on behalf of the Shire of Mukinbudin, regardless of their physical format, storage location or date of creation.

### Custodianship of Records

The Shire recognises its records as the local government owned asset and will ensure that they are managed as such. Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) are vested in the Shire of Mukinbudin.

### Roles & Responsibilities

- Elected Members: Records will be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision-making processes of Council through the creation and retention of records of meetings of Council and Committees of Council. All significant Elected Member records that come through the Shire's administration will be captured into the Shire Record Keeping System.
- Elected Members are responsible for ensuring that any records they create, collect and retain relating to their role as an Elected Member are to be provided to the Shire's Information Services for keeping in a manner commensurate with legislation and the Shire's policies and procedures for record keeping. Party political and personal records of Elected Members are exempt.
- Chief Executive Officer: The Chief Executive Officer is to ensure that an organisational system for the capture and management of records is maintained that is compliant with legislative requirements and best practice standards.
- All Staff: Staff (including contractors) are responsible for creating, collecting and retaining records relating to the business activities they perform. They are to identify significant and ephemeral records (with no continuing value to the organisation), ensure significant records are captured into the Record keeping System and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for record keeping.



### **Creation of Records**

Staff and contractors are to ensure appropriate and accurate records are created in the relevant format, of the Shire's business decisions and transactions to ensure compliance with all legislative, business, administrative, financial, evidential and historical requirements.

### **Capture & Control of Records**

Records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata (data about the record), into the local government record keeping and business systems, that are managed in accordance with sound record keeping principles.

### **Security & Protection of Records (to be Maintained by Information Services)**

Records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access, or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

### **Access to Records**

Access to the Shire's records by

- 1) Staff and contractors - will be in accordance with designated access and security classifications.
- 2) The general public will be in accordance with the Freedom of Information Act 1992, the Local Government Act 1995.
- 3) Elected Members will be via the Chief Executive Officer in accordance with the Local Government Act 1995 and Shire Policy

### **Appraisal, Retention & Disposal of Records**

Records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA.



## **7.7 Mukinbudin Caravan Park Overflow**

|                   |  |
|-------------------|--|
| <b>POLICY</b>     | Use of overflow facility to meet the requirements of Regulation 20 of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .  |
| <b>OBJECTIVE</b>  | To establish a protocol for the implementation of the overflow facility for the Mukinbudin Caravan Park.   |
| <b>GUIDELINES</b> | <p>The maximum capacity of the Mukinbudin Caravan Park is set at 30 powered sites and 10 unpowered sites/tent sites. Once full capacity is reached will the overflow facility be initiated.</p> <p>Patrons who make use of the overflow facility will be directed from the caravan park by a staff member to the designated area as per the map clearly showing the location of the overflow area.</p> <p>Any one patron shall not be permitted to utilise the overflow facility for a time period of greater than seven consecutive days at any one time.</p> <p>Patrons utilizing the overflow area will be charged in accordance with the Annual fees and charges schedule.</p> |
| <b>HISTORY</b>    | No former policy exists  |
| <b>REVIEW</b>     | Chief Executive Officer  |



## **7.8 Temporary Camping Site**

|                   |   |
|-------------------|---|
| <b>POLICY</b>     | Use of the Recreational Sports Grounds as a temporary camping site for participants who attend approved community events from out of town.  |
| <b>OBJECTIVE</b>  | To establish a protocol for the implementation of the use of the Recreational Sports Grounds as a temporary camping site during approved community events.  |
| <b>GUIDELINES</b> | <p>Council may permit the use of the Recreational Sports Grounds for the purposes of a temporary camping site provided approval is sought and granted. Community Event Organisers may seek approval from Council on behalf of participants at their Events by means of the event application process. Such temporary stays shall be no longer than 7 consecutive days per event and will be approved on a case-by-case basis.</p> <p>Event Organisers will be responsible for the Management of campers during the approved period in accordance with any conditions as stipulated within the approval.</p> |
| <b>HISTORY</b>    |   |
| <b>REVIEW</b>     | Chief Executive Officer   |



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## **7.9 IT Security**

### **POLICY**

IT Security measures are in place.

### **OBJECTIVE**

To appropriately protect the Information and Communication Technology ("ICT") technology facilities infrastructure against theft, fraud, malicious or accidental damage, breach of privacy and confidentiality.

### **GUIDELINES**

The IT Security Policy applies to all information systems and information system components of the Shire of Mukinbudin. Specifically, it includes:

- All dedicated systems.
- All information storing platforms.
- All devices that provide or have access to centralised storage capabilities.

This will be achieved by ensuring:

- All information systems are protected by Antivirus Software. The protection will be performed at the network boundary, on all facilities, fixed and mobile.
- All information stored is held in confidence and only used for the sole purpose of Local Government requirements.
- At the same time this security will not impede on the operation of the systems, services and equipment of the Shire of Mukinbudin and associated infrastructure.

### **HISTORY**

May 2016

### **REVIEW**

Chief Executive Officer



## 7.10 Mukinbudin Caravan Park Free Aquatic Centre Access

### POLICY

All patrons of the Mukinbudin Caravan Park will receive Free access to the Swimming Aquatic Centre during the season.

### OBJECTIVE

To establish a protocol for the issuing of Free Aquatic Centre Passes for patrons of Mukinbudin Caravan Park.

### GUIDELINES

When a patron checks into the Mukinbudin Caravan Park during the pool Season (November to April) they will be issued with a Aquatic Centre pass for all people attached to the booking. This pass will only be valid for the duration of their stay.

A pass will be issued for every person attached to the booking and the duration of the stay will be scribed onto the pass.



### HISTORY

No former policy exists

### REVIEW

Chief Executive Officer