SHIRE OF
DOWERIN
TIN DOG TERRITORY

Policy Manual

Updated July 2022

PREAMBLE

1. General

When Council adopts a policy it is exercising its legislative function. It does so when required by the *Local Government Act 1995* or to provide guidance to staff and the public about the way its discretionary powers will be exercised.

Even though Council has adopted a policy it may be amended or waived at any time if Council determines to do so.

When policies are implemented or applied by staff, the Administration is exercising its executive function.

Each policy identifies the purpose for which the policy was adopted and a statement of the policy.

2. Changing Policies

Only Council may amend or rescind a policy.

Policies may be amended or rescinded at any time, but each policy must be reviewed at least once every three years.

3. Staff / Operational Policies

In accordance with Section 5.41 of the *Local Government Act 1995*, it is a function of the CEO to manage the day to day operations of the local government and to be responsible for the employment, management, supervision, direction and dismissal of the local government's employees. This is not the role or function of Council.

Therefore, the policies relating to staff cannot be determined by Council. While those policies have been included in this manual for the purpose of transparency and accountability, it should be noted that they are internal documents determined, reviewed and implemented by the CEO.

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COUNCIL MEMBERS

POLICY NUMBER	-	**1.1**
POLICY SUBJECT	-	**1.1 Councillor's Fees, Allowances, Reimbursements & Benefits Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	17 December 2019 (CMRef 0111)

Objective

1. To outline the support and allowances available to Councillors' within the provisions of the *Local Government Act 1995* in covering any out of pocket expenses that are incurred in carrying out their function as a Councillor.
2. To establish guidelines in respect to Councillors' participation in conferences and training.

Policy

Allowances
Local governments are required to pay Councillors fees and allowances. Those fees and allowances must be in accordance with the rates set by the State Government's Salaries and Allowances Tribunal under Section 7B of the *Salaries and Allowances Act 1975*.

In accordance with this, Councillor meeting attendance fees and the Shire President's and Deputy Shire President's local government allowance are specified each year as part of Council's annual budget process. Allowances and fees are to be paid in two instalments in June and December.

Allowance in lieu of reimbursement of telephone expenses
All expenses that have been approved for reimbursement under Regulation 32 of the *Local Government (Administration) Regulations 1996* may be paid as an annual allowance to Councillors in lieu of reimbursement under Section 5.99A of the *Local Government Act 1995.*

Allowance in lieu of reimbursement of information technology expenses
All expenses that have been approved for reimbursement under Regulation 32 of the *Local Government (Administration) Regulations 1996* may be paid as an annual allowance to Councillors in lieu of reimbursement, under Section 5.99A of the *Local Government Act 1995*.

Reimbursements for travelling expenses
It is noted under Section 5.98(2)(a) and Regulation 31(1)(b) a Councillor who incurs travel expenses because of the Councillor's attendance at a Council meeting or meeting of a committee of which he or she is a member, is entitled to be reimbursed.

The expenses shall be paid on receipt of a Claim for Reimbursement form and calculated on the number of kilometres between the Councillor's principal place of residence, or work if that is where their trip originated from, within the Shire to the meeting venue and return.

All claims are to be entered onto the Shire's register and emailed to the Chief Executive Officer in June and December.

Councillors

Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Salaries and Allowances Act 1975

Related Delegation
Nil

POLICY NUMBER	-	**1.2**
POLICY SUBJECT	-	**1.2 Recognising Council Service Policy**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

1. To officially recognise the ongoing contribution, dedication and service of Councillors to Council and the community.
2. To ensure Councillors are acknowledged and recognised for their length of service during their time of service to Council.

Policy

This policy allows for official recognition of the dedication, service and commitment of Councillors to the community.

Retirement of Councillors – Certificate, Plaque and Gift
Council shall present the following to Councillors who retire either voluntarily or through the election process:

1. 4 years - a framed certificate with appropriate wording listing the Councillor.
2. 8 years - a plaque and gift for Councillors who have completed two terms (8) years of service based on a minimum of $100 plus $20 for each additional year of completed service.
3. 12 years - a plaque and gift for Councillors who have completed three terms (12) years of service based on a minimum of $200 plus $20 for each additional year of completed service.
4. 20 years - a plaque and gift for Councillors who have completed 20 years of service based on a minimum of $500 plus $20 for each additional year of completed service.

Presentation of certificates, plaques and gifts:

1. Will occur at an ordinary meeting of Council as soon as practical following conclusion of a Councillor's term;
2. Will be recorded in the minutes of the meeting under the President's Presentations; and
3. Will be at the discretion of Council who will give due consideration to each occasion on individual merit.

Disqualified Councillors
Any Councillor who is disqualified from office under the *Local Government Act 1995* shall not be eligible for recognition.

Tributes to Councillors in the Event of Illness/Accident or Bereavement
The President is authorised to acknowledge Councillors or their immediate family in the event of hospitalisation, accident or bereavement (via newspaper notice, card, flowers, chocolates, small gift etc or if requested in lieu, a donation to a nominated charity).

Value of gift to be up to $75.

Recognition of Significant Achievements
The President is authorised to acknowledge significant achievements by Councillors (via card and flowers or small gift).

Value of gift to be up to $75.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996

Related Delegation
Nil

POLICY NUMBER	**-**	1.3
POLICY SUBJECT	**-**	**1.3 Councillor Attendance at Conferences, Seminars, Training Courses and Meetings**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To ensure Councillors have equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities in providing good governance to the Shire of Dowerin.

Policy

Council supports appropriate training and networking opportunities for Councillors in accordance with the following guidelines, subject to budget allocations:

1. Newly elected Councillors are to complete the Elected Member Essentials Course (five modules) within the first twelve months of their appointment.
2. Priority is given to the attendance of any newly elected Councillors at any induction or training course specifically designed for the benefit of newly elected Councillors.
3. Priority is given to any other course or seminar that is specifically relevant to Councillors, with attendance at such a course or seminar being subject to approval by Council, the Shire President or Chief Executive Officer.
4. Conference, seminars, courses or meetings organised by organisations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organisations.
5. When determining costs of a conference, seminar, training course or meetings, all costs including travel, accommodation, meals and registration will be paid for or be reimbursed by Council. Travel and accommodation expenses shall be paid in accordance with the *Public Service Award 1992* (or as otherwise determined by the State Administrative Tribunal) or upon presentation of receipts. A Claim for Reimbursement form must be submitted by the Councillor to claim this reimbursement.
6. Where the partner/spouse of a Councillor attends a conference or seminar with the Councillor, related expenses will be paid for by the Councillor.
7. Attendance at any conference or event in another State requires the prior approval of Council. A verbal report on the conference or event attended is to be provided to Council during the next Council Workshop, with this report to be in writing if requested by the Shire President.

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

1. Subject to appropriate annual budget allocations, all Councillors and the Chief Executive Officer are entitled to attend the Convention.
2. The President and Deputy President are appointed as Council's voting delegates to the WALGA Annual General Meeting.
3. Bookings shall be made as soon as notice is given of the venue/conference in order to avoid problems with accommodation.

4. Should a Councillor require accommodation, this will be available at a specified venue at Council's expense. Arrangements for these bookings will be made only by Council.
5. Incidentals such as mini bar, telephone calls, dry cleaning etc will be the Councillor's responsibility, except if the calls are Council related. A register of these calls must be kept to claim a reimbursement.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.4**
POLICY SUBJECT	-	**1.4 Use of Council Chamber**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To provide direction on the use of Council Chambers by Councillors.

Policy

The use of the Council Chamber is limited to Council Meetings, Committee Meetings and meetings where Councillor or employee representation is present in accordance with the following guidelines:

1. The meeting is related to Council business, or associated with Council involvement;
2. The meeting is not a private function, nor used for political or electoral purposes;
3. Use of the bar is not permitted except in the circumstance that a Councillor or Senior Officer is present and invites representatives to refreshments. The extent of the refreshments provided is to be kept to a minimum (this excludes tea, coffee & water);
4. Bookings for the Council Chamber are to be made via the Executive & Governance Officer and advised well prior to avoid a duplication of bookings;
5. The Council Chamber area is a smoke free zone including veranda areas directly adjacent to open door ways.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.5**
POLICY SUBJECT	-	**1.5 Councillor's Requests and Works Requests**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To ensure Councillor's requests are appropriately identified and handled promptly and efficiently.

Policy

Work requests regarding roadworks or building maintenance should be filled out on the prescribed Works Request Form and be emailed to the Chief Executive Officer, or handed in to the Shire Administration Office marked to the attention of the Chief Executive Officer.

Works requests are to follow the guidelines below:

1. A request for minor maintenance jobs should be filled out in the appropriate form and sent to the Chief Executive Officer or handed in at the front counter. The Chief Executive Officer will refer such requests to the appropriate employee if required.
2. The Responsible Officer will inspect the request and include it in the schedule of maintenance works if necessary.
3. Request forms should not be used for special works projects, such as having a specified section of road reconstructed or a culvert installed, as requests of this nature would be referred to Council for budget consideration.
4. Special work projects or major works should be discussed at a Workshop or raised through a Notice of Motion to allow staff to undertake the appropriate investigations, costings and reports for consideration by Council.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Work Request Form

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.6**
POLICY SUBJECT	-	**1.6 Councillor Induction**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To ensure Councillors are provided with the appropriate orientation to enable them to fulfil their duties of office.

Policy

To provide Councillors with an introduction and information to assist them with their roles of being elected representatives, the following documents will be provided to them, preferably before attending their first Council meeting:

1. Local Laws;
2. Town Planning Scheme;
3. Details of Council and External Committees and membership;
4. Financial Interest information;
5. Policy Manual;
6. Roles of Councillors, President (and Council) and functions of the Chief Executive Officer under the *Local Government Act 1995;*
7. *Local Government Act 1995* & *Local Government (Rules of Conduct) Regulations 2007*;
8. Code of Conduct;
9. WALGA Councillors Training Schedule;
10. Example of Works Request Forms;
11. Annual Budget;
12. Adopted Plans and Strategies (i.e. IPR Suite, Plant & Asset Replacement Plans etc);
13. Primary and Annual Return Forms and information;
14. Annual Report;
15. Delegations Register;
16. Organisational Structure and Senior Employee's contacts;
17. The previous month's Council minutes;
18. WALGA Councillors Manual;
19. Contact Information Form; and
20. Action Request Form

These documents will be available to Councillors via their Shire owned iPads, and in the case of the adopted Annual Budget, in hard copy.

The Chief Executive Officer will conduct a general induction with the new Councillors providing information on the details and administration of being a Councillor, Council Meetings and any other relevant current topics and issues.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.7**
POLICY SUBJECT	-	**1.7 Council Meetings**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	21 April 2020 (CMRef 0178)

Objective

To ensure that Council and the community are aware in advance of when Ordinary Meetings of Council will take place.

Policy

Ordinary Meetings of Council shall be held on the third Tuesday of each month commencing at 2.00pm.

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Meetings of Council for the following year.

When considering the Ordinary Meetings of Council dates for the following year, Council will make a determination on whether or not to conduct a meeting in January.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Standing Orders Local Law

Related Delegation
Nil

POLICY NUMBER	-	**1.8**
POLICY SUBJECT	-	**1.8 Annual Christmas Function**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	19 January 2021 (CMRef 0356)

Objective

To provide direction, clarity and consistency on the arrangements for the Shire of Dowerin's annual Christmas function.

Policy

Council will provide a Christmas Function for Councillors, staff and their partners/spouses and children.

The Chief Executive Officer is to present an item to Council no later than November of each year requesting Council confirm the date and location of the function. In its resolution Council will determine whether other members of the public (ie contractors) are to be invited to the function, with the decision to be included in the minutes of the meeting for the purposes of transparency and accountability.

Where possible, an acknowledgement of retiring Councillors (whether they voluntarily retire or retire through not being re-elected), shall be held in conjunction with the annual Christmas Function.

The invitation list is to include:

1. Current Councillors and partner/spouse and children
2. Retiring Councillors and partner/spouse and children;
3. Chief Executive Officer and partner/spouse and children;
4. Staff and partner/spouse and children; and
5. Any other members of the public as determined by Council.

Once Council has set the date for the function, the Chief Executive Officer is to arrange the event in accordance with the adopted Budget.

When considering the provision of refreshments at the function, a restricted bar tab will be provided and determined at the discretion of the CEO who will take into consideration available funds and the event.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer

The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.9**
POLICY SUBJECT	-	**1.9 Mobile Phone Use During Council and Committee Meetings**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER		Executive & Governance Officer
REVIEWED	-	

Objective

To provide clarification on the expectations of mobile phone use and the taking of phone calls during Council and Committee Meetings.

Policy

A phone call taken on a mobile phone during a meeting can be an unwanted distraction and is generally considered disrespectful.

Mobile phones must be turned off or turned to "silent mode" at all times when participating in any Council or Committee meeting.

Answering mobile phone calls during any meeting is not permitted, unless the President/Chair has granted prior permission. Permission should be sought at the commencement of the meeting. If permission is granted and a call is received during the meeting the recipient is to leave the room immediately to take the call. However, this policy does not excuse any member of a meeting from any statutory obligation to remain to vote on a matter and in such circumstance, the call should be responded to after the vote is taken.

As guidance, circumstances when the use of a mobile phone for phone calls in meetings may be permitted include, but are not limited to:

1. being on call for an emergency service (i.e. police, fire, ambulance, SES etc);
2. being on call for work purposes;
3. a family emergency; or
4. if awaiting contact from guests due to attend that meeting.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.10**
POLICY SUBJECT	-	**1.10 Councillor iPads**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

1. To provide clear guidance on the issuing and acceptable use of Shire owned iPads.
2. To ensure the guidelines relating to Shire owned iPads are applied consistently.

Policy

The Shire of Dowerin will supply iPads that provide sufficient capacity to enable Councillors to fulfil their role.

The iPads will be provided to each Councillor. The iPads will be provided with a 40GB/1 year pre-paid data plan (SIM card) to enable the Councillor to access their Council email address, calendar, agendas, minutes, reports and documents outside a wifi environment. The iPad will be preloaded with apps sufficient for the Councillor to fulfil their role.

Councillors will be provided with the Shire's wifi network password for use within the Council Chambers environs on the condition that it is used for Council-related work only. Under no circumstances is the wifi password to be disclosed to any other person or party.

The Shire retains ownership of all equipment installed under this Policy during the Councillor's term of office.

Terms and Conditions:

1. The iPads may be used for private use in terms of accessing emails, downloading music/films/books/apps, utilising the camera feature etc, however this information must be removed at the Councillor's expense when the equipment is returned to the Shire and all costs associated with having personal information on the iPad is at the expense of the Councillor.
2. Should a Councillor utilise more than the data allowance they can upgrade to a larger data plan at the Councillor's expense.
3. Any excess data fees will be invoiced to the Councillor.
4. The iPads must not be used to access any information, applications or videos that are deemed inappropriate or illegal.
5. If an iPad is lost or stolen it must be reported to the Chief Executive Officer immediately in order for steps to be taken to ensure the privacy of Council information and documents on the device and in the cloud is not compromised.
6. If an iPad is lost or stolen, Council or the Chief Executive Officer may determine that the Councillor is liable for the replacement or repairs.
7. Any queries related to the non-operation or malfunctioning of the iPad are to be directed to the Executive & Governance Officer. Under no circumstances is a Councillor to undertake repairs or maintenance to the equipment themselves, without the prior authorisation of the Chief Executive Officer.
8. Unless the need for maintenance arises from the use of an app or document which is not Council related, the Shire will cover the cost of the maintenance and repair. If the costs of maintenance or repair relate to a Councillor's personal information those costs will be invoiced to the Councillor.
9. The iPads are to be backed up to the Councillor's iTunes account regularly, and certainly prior to any software update. Councillors will be responsible for establishing their own iTunes account if they do not already have one.

10. The Councillor will be responsible for ensuring the iPads are updated as and when required, using their Councillor iTunes account.
11. During the Councillor's term of office the iPads will be covered under the Shire's insurance policies.
12. Upon retirement or resignation, the SIM and iPad is to be returned to the Shire so it can be used for incoming Councillors.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.11**
POLICY SUBJECT	-	**1.11 Corporate Apparel**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To encourage and assist Councillors to wear a corporate uniform.

Policy

Upon commencement of their term new Councillors will be issued with:

1. One name badge bearing the Shire of Dowerin logo;
2. One collared shirt bearing the Shire of Dowerin logo; and
3. One polo shirt bearing the Shire of Dowerin logo.

Depending on the dress standard applicable, it is preferable that the above apparel be worn to all Council and Committee meetings, official functions and events attended by the Councillor in their capacity as a representative of Council.

The apparel is not to be worn by a Councillor when they are not acting in an official capacity as a representative of Council.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government (Rules of Conduct) Regulations 2007
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.12**
POLICY SUBJECT	-	**1.12 Communications & Use of Social Media**
DATE ADOPTED	-	17 December 2019 (CMRef 0111)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To establish protocols for the Shire of Dowerin's official communications with our community to ensure the Shire is professionally and accurately represented and to maximise a positive public perception of the Shire.

Policy

This policy applies to:

1. Communications initiated or responded to by the Shire with our community; and
2. Councillors when making comment in either an official or personal capacity.

Official Communications
The purposes of the Shire's official communications include:

1. Sharing information required by law to be publicly available;
2. Sharing information that is of interest and benefit to the community;
3. Promoting Shire events and services;
4. Promoting public notices and community consultation / engagement opportunities.
5. Answering questions and responding to requests for information relevant to the role of the Shire; and
6. Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

1. The Shire's website;
2. Advertising and promotional materials;
3. Media releases prepared for the Shire President to promote specific Shire positions;
4. Social media; and
5. Community newsletters, letter drops and other modes of communications undertaken by the Shire's Administration at the discretion of the Chief Executive Officer.

Speaking on behalf of the Shire
The Shire President is the official spokesperson for the Shire and may represent the Shire in official communications, including speeches, comment, print, electronic and social media. *[s.2.8(1)(d) of the Local Government Act 1995]*

Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson. [*s.2.9 and s.5.34 of the Local Government Act 1995]*

The Chief Executive Officer may speak on behalf of the Shire, where authorised to do so by the Shire President. *[s.5.41(f) of the Local Government Act 1995]*

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the Chief Executive Officer if authorised, may speak on behalf of the local government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire.

Communications by Councillors, whether undertaken in an authorised official capacity or as a personal communication, must not:

1. Bring the Shire into disrepute;
2. Compromise the person's effectiveness in their role with the Shire;
3. Imply the Shire's endorsement of personal views;
4. Imply the Councillor is speaking on behalf of the Shire, unless authorised to do so; or
5. Disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

Councillor communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

Responding to Media Enquiries
All enquiries from the media for an official Shire comment, whether made to an individual Councillor, must be directed to the Chief Executive Officer or a person authorised by the Chief Executive Officer. Information will be coordinated to support the Shire President or Chief Executive Officer (where authorised) to make an official response on behalf of the Shire.

Councillors may make comments to the media in a personal capacity.

Website
The Shire will maintain an official website, as our community's on-line resource to access the Shire's official communications.

Social Media
The Shire uses social media to facilitate interactive information sharing and to provide responsive feedback to our community. Social media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire maintains the following Social Media accounts:

1. Social media sharing networks including Facebook and Instagram; and
2. Apps such as Snap Send Solve.

The Shire may also post and contribute to social media hosted by others to ensure that the Shire's strategic objectives are appropriately represented and promoted.

The Shire actively seeks ideas, questions and feedback from our community however we expect participants to behave in a respectful manner. The Shire will moderate its social media accounts to address, and where necessary delete, content deemed to be:

1. Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
2. Promotional, soliciting or commercial in nature;
3. Unlawful or incites others to break the law;
4. Information which may compromise individual or community safety or security;
5. Repetitive material copied and pasted or duplicated;
6. Content that promotes or opposes any person campaigning for election to Council, appointment to official office, or any ballot;
7. Content that violates intellectual property rights or the legal ownership of interests or another party; and
8. Any other inappropriate content or comments at the discretion of the Shire.

Where a third party contributor to the Shire's social media account is identified as posting content which is deleted in accordance with the above, the Shire may, at its complete discretion, block that contributor for a specific period of time or permanently.

Use of Social Media in Emergency Management and Response
The Shire will use its sms service (primarily used for harvest ban notifications) to distribute emergency management and response information to the community, particularly in relation to fires.

Where applicable and available, the Shire will also use its Facebook page to update the community on longer term emergency management, response and recovery operations.

Record Keeping and Freedom of Information
Official communications undertaken on behalf of the Shire, including on the Shire's social media accounts and third party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000.* These records are also subject to the *Freedom of Information Act 1992*.

Councillor communications that relate to their role as a Councillor are subject to the requirements of the Shire's Record Keeping Plan and the *State Records Act 2000.* Councillors are responsible for transferring these records to the Shire's Administration. Councillor records are also subject to the *Freedom of Information Act 1992*.

Personal Communications
Personal communications and statements made privately in conversation, written, recorded, emailed, texted or posted in personal social media have the potential to be made public, whether intended or not.

On the basis that personal or private communications may be shared or become public at some point in the future, Councillors should ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

Councillor Statements on Shire Matters
A Councillor may choose to make a personal statement publicly on a matter related to the business of the Shire.

Any public statement made by a Councillor, whether made in a personal capacity or in their local government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of copyright, defamation, discrimination or harassment laws;
4. Be factually correct;
5. Avoid damage to the reputation of the Shire;
6. Not reflect adversely on a decision of Council;
7. Not reflect adversely on the character or actions of another Councillor or employee; and
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Councillor, employee or community member.

A Councillor who is approached by the media for a personal statement may request the assistance of the Chief Executive Officer.

Comments which become public and which breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a minor breach of the *Local Government Act 1995* and may be referred for investigation.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations
Freedom of Information Act 1992
State Records Act 2000
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.13**
POLICY SUBJECT	-	**1.13 Legal Representation for Councillors**
DATE ADOPTED	-	2007
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	17 December 2019 (CMRef 0111)

Objective

1. To protect the interests of Councillors (including past Councillors) where they become involved in legal proceedings because of their official functions. In these situations, the Shire of Dowerin may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.
2. To ensure security, equity and consistency for Councillors to work for the good government of the district.

Policy

Explanation of Key Terms

approved lawyer is to be:

1. a 'legal practitioner' under the *Legal Profession Act 2008*;
2. from a law firm on the Shire's panel of legal service providers, if relevant, unless the Council or Chief Executive Officer considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
3. approved in writing by the Council or the Chief Executive Officer under delegated authority.

Councillor means a current or former elected member of the Shire.

legal proceedings may be civil, criminal or investigative.

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

1. a matter or matters arising from the performance of the functions of the Councillor; and
2. legal proceedings involving the Councillor that have been, or may be, commenced.

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

legal services includes advice, representation or documentation that is provided by an approved lawyer.

payment by the Shire of legal representation costs may be either by:

1. a direct payment to the approved lawyer (or the relevant firm); or
2. a reimbursement to the Councillor.

1. Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of a Councillor. These are:

1. the legal representation costs must relate to a matter that arises from the performance by the Councillor of his or her functions;
2. the legal representation cost must be in respect of legal proceedings that have

been, or may be, commenced;

3. in performing his or her functions, to which the legal representation relates, the Councillor must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
4. the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of legal representation costs that may be approved

2.1 If the criteria in clause 1 of this policy are satisfied, Council may approve the payment of legal representation costs:

1. where proceedings are brought against a Councillor in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Councillor; or
2. to enable proceedings to be commenced and/or maintained by a Councillor to permit him or her to carry out his or her functions - for example where a Councillor seeks to take action to obtain a restraining order against a person using threatening behaviour to the Councillor; or
3. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Councillors.

2.2 Council will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a Councillor.

3. Application for payment

3.1 A Councillor who seeks assistance under this policy is to make an application(s), in writing, to Council or the Chief Executive Officer.

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

1. the matter for which legal representation is sought;
2. how that matter relates to the functions of the Councillor making the application;
3. the lawyer (or law firm - if known) who is to be asked to provide the legal representation;
4. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
5. an estimated cost of the legal representation; and
6. why it is in the interests of Council for payment to be made.

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

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

3.5 The application is to be accompanied by a signed Statutory Declaration by the applicant that he or she:

1. has read, and understands, the terms of this Policy;
2. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
3. undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.

3.6 In relation to clause 3.5(1), when a person is to be in receipt of such monies the person should sign a Statutory Declaration which requires repayment of

that money to the local government as may be required by the local government and the terms of the Policy.

3.7 An application is also to be accompanied by a report prepared by the Chief Executive Officer. The report will contain an assessment of the request, together with a recommendation.

3.8 A Councillor requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.

4. Legal representation costs – Limit

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

4.2 A Councillor may make a further application to Council in respect of the same matter.

5. Council's powers

5.1 Council may:

1. refuse;
2. grant; or
3. grant subject to conditions, an application for payment of legal representation costs.

5.2 Conditions under clause 5.1 will include, but are not restricted to:

1. a financial limit; and
2. a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

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

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

5.5 Council may, subject to clause 5.6, determine that a Councillor whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

1. not acted reasonably or in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
2. given false or misleading information in respect of the application.

5.6 A determination under clause 5.5 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where Council makes a determination under clause 5.5:

1. assistance will be immediately withdrawn; and
2. the legal representation costs paid by the Shire are to be repaid by the Councillor in accordance with clause 7.

6. Delegation to Chief Executive Officer

6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of Council, any of the powers of Council under clause 5.1 and 5.2, to a maximum of $5,000 in respect of each application.

6.2 An application approved by the Chief Executive Officer under clause 6.1, is to be submitted to the next Ordinary Meeting of Council (Behind Closed Doors). Council may exercise any of its powers under this Policy, including its powers under clause 5.4.

7. Repayment of legal representation costs

7.1 A Councillor whose legal representation costs have been paid by the Shire is to repay the Shire:

1. all or part of those costs – in accordance with a determination by Council under clause 5.7;
2. as much of those costs as are available to be paid by way of set-off – where the Councillor receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

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

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations
Code of Conduct

Related Delegation
Nil

POLICY NUMBER	-	**1.14**
POLICY SUBJECT	-	**1.14 Honorary Freeperson of the Shire of Dowerin**
DATE ADOPTED	-	2007
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	17 December 2019 (CMRef 0111)

Objective

To ensure consistency in the appointment of an Honorary Freeperson of the Shire and uphold the honour of the position.

Policy

Guidelines and Criteria

1. The award of Freeperson is intended to recognise outstanding community service over a significant period of time and in a diversity of activities within the Shire, so would not usually be presented for excellent service in only one activity.
2. Nominees should have lived within the Shire of Dowerin for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.
3. The award is intended to recognise service within the local community that goes beyond the particular local government concerns (e.g. service to other organisations, voluntary and community groups) in a largely voluntary capacity. The nominee(s) must have made an outstanding contribution to the Shire of Dowerin such that the nominee(s) contribution can be seen to stand above the contributions made by most other people.
4. The award of Freeperson is to be seen as independent of any other award.
5. The award is to be recognised as the highest honour that the local community, through its elected Council, can confer on one of its citizens. It therefore follows that the award will be conferred sparingly.
6. For the award to have the desired standing within the community, it should only be conferred where there is a great assurance of public approval.
7. It is suggested that the Minister for Local Government be consulted with regard to each candidate prior to Council's formal resolution conferring the award.
8. It is not considered desirable that the award of Freeperson be presented to a sitting member of Council.
9. The award should not be awarded posthumously.

Nomination Procedure

1. Nominations must be made in the strictest confidence without the nominee(s) knowledge.
2. Any resident or elector of the Shire of Dowerin may make a nomination, however it must be sponsored by a current Councillor.
3. Nominations must be made in writing to the Chief Executive Officer. On receipt of a nomination, the nomination shall be circulated to all Councillors for a confidential discussion. If a Councillor expresses an objection to the nomination, that Councillor must give valid reasons for the objection. If no objections are raised it shall be assumed that all Councillors agree to the nomination.
4. If Council agrees that the nominee should be made an Honorary Freeperson of the Shire of Dowerin, the nomination shall be put before Council (Behind Closed Doors) for an absolute majority decision.
5. The award shall be made at a ceremony decided by the President.

Entitlements

Any person declared an Honorary Freeperson of the Shire of Dowerin:

1. May designate themselves as 'Honorary Freeperson of the Shire of Dowerin';
2. Will be invited to all civic events and functions, at the discretion of the President, and be acknowledged as a dignitary;
3. Will have their photograph hung in the Shire Administration; and
4. Will be provided with a badge and certificate or plaque to commemorate receipt of their award.

Personal Conduct

Any person who has been conferred with the award of Honorary Freeperson of the Shire of Dowerin shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire of Dowerin into disrepute.

Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute. Any such decision shall be by an absolute majority decision of Council.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Nil

Related Delegation
Nil

POLICY NUMBER	-	**1.15**
POLICY SUBJECT	-	**1.15 Councillor Training & Continuing Professional Development Policy**
DATE ADOPTED	-	21 April 2020 (CMRef 0182)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

Section 5.126(1) of the *Local Government Act 1995* and Part 10 of the *Local Government (Administration) Regulations 1996* requires all Councillors to undertake mandatory training within 12 months of being elected. The Shire of Dowerin is required under the *Local Government Act 1995* to adopt a policy and report on mandatory training and continuing professional development undertaken by Councillors.

This Policy provides clear guidelines to Councillors with regards to completing the mandatory training and accessing training and development programs which may enhance and improve the skills necessary for Councillors to perform their role and function as a Council Member.

Scope
This Policy is applicable to all Councillors for their term of office.

Policy
As the public face of Council and as community representatives, Councillors play an integral leadership role in the processes for the development, communication and representation of Council's Strategic Community Plan, policies, strategies and programs.

Training and professional development for Councillors contributes towards a positive presentation of Council for the betterment of the organisation and the community, and provides the necessary skills and knowledge for Councillors to effectively perform their role and function in compliance with legislative requirements.

This Policy consists of four main parts which each have distinct obligations:

Compulsory Elected Member Training (CEMT) sets out the legislative requirements that newly elected Councillors must undertake, being the Council Member Essentials course. Newly elected Councillors who complete the CEMT are deemed to have met their Continuing Professional Development requirements for the first two years of their term.

Continuing Professional Development (CPD) requires Councillors to undertake CPD in accordance with this Policy. This applies to all Councillors, however, newly elected Councillors who undertake the CEMT are deemed to have met their CPD requirements for the first two years of their term.

Reporting sets out the reporting requirements under the *Local Government Act 1995*.

General Conditions outlines the parameters applicable to all training and professional development opportunities, whether it be CEMT or CPD.

Compulsory Elected Member Training
Councillors have significant and complex roles that require a diverse skillset.

All Councillors are required to complete the Council Member Essentials Course (the Course), unless they meet certain exemptions. The training is valid for five years meaning a Councillor is only required to undertake the training at every second election. The Course must be completed within 12 months of appointment to Council.

The Course consists of the following five modules:

1. Understanding Local Government;
2. Serving on Council;
3. Meeting Procedures;
4. Conflicts of Interest; and
5. Understanding Financial Reports and Budgets.

A Councillor is exempt from the requirement in Section 5.126(1) of the *Local Government Act 1995* if:

1. The Councillor passed either of the following courses within the period of five years ending immediately before the day on which the Councillor is elected:

    a. Council Member Essentials;
    b. 52756WA Diploma of Local Government (Elected Member); or

2. The Councillor passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the Councillor is elected.

Continuing Professional Development
Councillors are encouraged to identify individual and group personal development needs to enhance their effectiveness. As the needs of individual Councillors may vary, each Councillor is encouraged to seek the assistance of the President and/or Chief Executive Officer in analysing his or her particular requirements and in identifying appropriate courses, seminars and training to meet those needs.

CPD opportunities will be in line with the Shire's strategic direction as identified in the Strategic Community Plan covering:

1. Our Lifestyle;
2. Our Infrastructure;
3. Our Economy;
4. Our Natural Environment; and
5. Our Leaders.

In addition to the above it is important to recognise the following categories as potential opportunities:

1. General Leadership; and
2. Professional Skill Development.

In considering other CPD opportunities it is important that the course or development opportunity:

1. Is relevant to the role and functions of a Councillor;
2. Provides scope for the Councillor to acquire skills relevant and beneficial to their role;
3. Provides information on a contemporary issue so that Council can contribute to discussion or debate;
4. Meets community expectations that attendance is necessary for the benefit of the community; or
5. Provides improvements to the built, social, economic and natural well-being of the community.

The type of CPD opportunities that Councillors attend are to be related to a particular function or activity in which Council is involved, rather than individual or personal development.

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

Applications from Councillors to attend CPD will be considered in consultation with the President, Deputy President and Chief Executive Officer, with regard given to the applicability of the training and development as it relates to the Shire of Dowerin, the individual Councillor's functions (e.g. committee membership) and where attendance can be accommodated within annual budget allocations.

Councillors are required to provide a brief summary and any information or documentation of particular importance to Council following attendance at approved conferences or seminars. The summary should detail the knowledge and skills gained, benefits of attendance for the Shire, Council and community, and any relevant recommendations. The Councillor CPD Summary Report form has been developed for this purpose.

Reporting
The Shire is required to report annually on completed training. Completed training must be published on the Shire's website within one month after the end of the financial year and in the Annual Report for that financial year. This will include the Council Member Essentials Course and any CPD undertaken by Councillors.

General Conditions
Council will allocate appropriate funds for Conference Expenses, Training Expenses and Travel and Accommodation Expenses in its Annual Budget to enable Councillors to attend CEMT and CPD.

Where a partner/spouse accompanies a Councillor while they attend either CEMT or CPD all expenses incurred by the partner/spouse are to be paid by the Councillor or partner/spouse, including meals, registration fees (where applicable) and any other costs or incidentals.

All travel, accommodation and registrations will be booked by the Office of the Chief Executive Officer.

Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Depending on the commencement time of the CEMT or CPD bookings will include accommodation the night before. Except in extenuating circumstances, accommodation will not generally be provided the night following the CEMT or CPD. Such instances will require the approval of the President and/or Chief Executive Officer.

If a Councillor attending CEMT or CPD extends the period of time away or deviates from the travel arrangements for private purposes the Councillor will be responsible for the full cost associated with that extended stay and/or variation to travel arrangements for private purposes.

Attendance by Councillors at interstate or international training and professional development opportunities that incurs any cost to the Shire requires a resolution of Council.

No more than two Councillors may attend the same interstate training and development opportunity unless the training is mandatory or universal to the functions of a Councillor.

Attendance at an interstate training and development opportunity is not permitted within three months of the date of expiry of a Councillor's current term of office.

Nothing in this Policy prevents Council from approving additional funding for Councillor Training & Continuing Professional Development, subject to a resolution of Council.

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event the Councillor and the Chief Executive Officer cannot reach an agreement the matter will be presented to Council for a resolution.

Roles & Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Councillor CPD Summary Report Form

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996

Related Delegation
Nil

POLICY NUMBER	-	**1.16**
POLICY SUBJECT	-	**1.16 Attendance at Events and Functions Policy**
DATE ADOPTED	-	16 June 2020 (CMRef 0211)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Councillors and the Chief Executive Officer are invited free of charge, whether as part of their official duties as Council or Shire representatives or not.

Policy

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

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

Key Issues to Consider
In considering whether a benefit such as an invitation to an event or hospitality given is a gift as defined and for the purposes of the *Local Government Act 1995* (the Act) and Regulations, the key issues include:

1. Who is a donor ie the person who is offering or giving the benefit?
2. What is the value of the benefit?
3. Does the recipient receiving the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
4. If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

Receipt of Gifts
In accordance with Sections 5.87A and 5.87C of the Act, Councillors and the Chief Executive officer are required to disclose gifts that are received in their official capacity and:

1. are valued over $300; or
2. are of a cumulative value that exceeds $300 where the gifts are received from the same donor in a 12-month period.

Disclosure of a gift is to be made in writing to the CEO within 10 days of receipt. All gift declarations are to be included in the Register and published on the local government's website.

Commercial Entertainment Events

Any tickets accepted by a Councillor without payment for any commercial entertainment event for which a member of the public is required to pay, whether sponsored by the Shire or not, will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the President or their representative attends the event in an official capacity to perform a civic or Presidential function (for example, officially opening the event, providing a keynote speech or presenting prizes/awards).

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire for one or more Councillors to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant Councillor(s) by the Shire at full cost.

Other Commercial (Non-entertainment) Events
For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire for one or more Councillors to attend (such as for their professional development or to undertake a function as a Councillor), then one or more registrations or other benefits for that event will be purchased for the Councillor by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration or any other benefit (such as hospitality) given to a Councillor would be classified as a 'gift' unless the contribution of the Councillor to the event (for example, by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Councillor.

Community/Local Business Events
Acceptance of reasonable and modest hospitality by a Councillor at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Councillor to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where a Councillor attends the event in their official capacity as a Councillor - preferably where the attendance has been specifically authorised by Council - but otherwise where the person is performing their function(s) as a Councillor.

Perceived or Actual Conflict
Event attendance may create a perceived or actual conflict, which may preclude Councillors participating at a future Council or Committee Meeting.

If the amount of an event ticket (gift) is less than $300, and relates to a matter before Council, under Section 5.68 of the Act, Council may allow the disclosing Councillor to participate on the condition that the interest, Council's decision, and the reasons for that decision are recorded in the minutes.

If the gift amount is above $300, Council or the CEO must apply to the Minister for Local Government for permission to allow the Councillor(s) to participate.

Provision of Tickets to Events
Invitations
All invitations or offers of tickets for a Councillor or the CEO to attend an event should be in writing and addressed to the Shire of Dowerin.

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

A list of events and attendees authorised by the Shire of Dowerin in advance of the event is at Attachment A.

Approval of attendance
In making a decision on attendance at an event, Council will consider:

1. who is providing the invitation or ticket to the event;
2. the location of the event in relation to the local government (within the district or out of the district);
3. the role of the Councillor or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
4. whether the event is sponsored by the local government;
5. the benefit of local government representation at the event;
6. the number of invitations/tickets received; and
7. 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.

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

For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, Council will determine whether it is in the best interests of the Shire for a Councillor, the CEO or another officer to attend on behalf of Council.

If 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 representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative unless expressly authorised by Council.

Exclusions
The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

1. WALGA (but not LGIS);
2. Local Government Professionals Australia (WA);
3. Australian Local Government Association;
4. A department of the public service;
5. A government department of another State, a Territory or the Commonwealth; OR
6. A local government or regional local government.

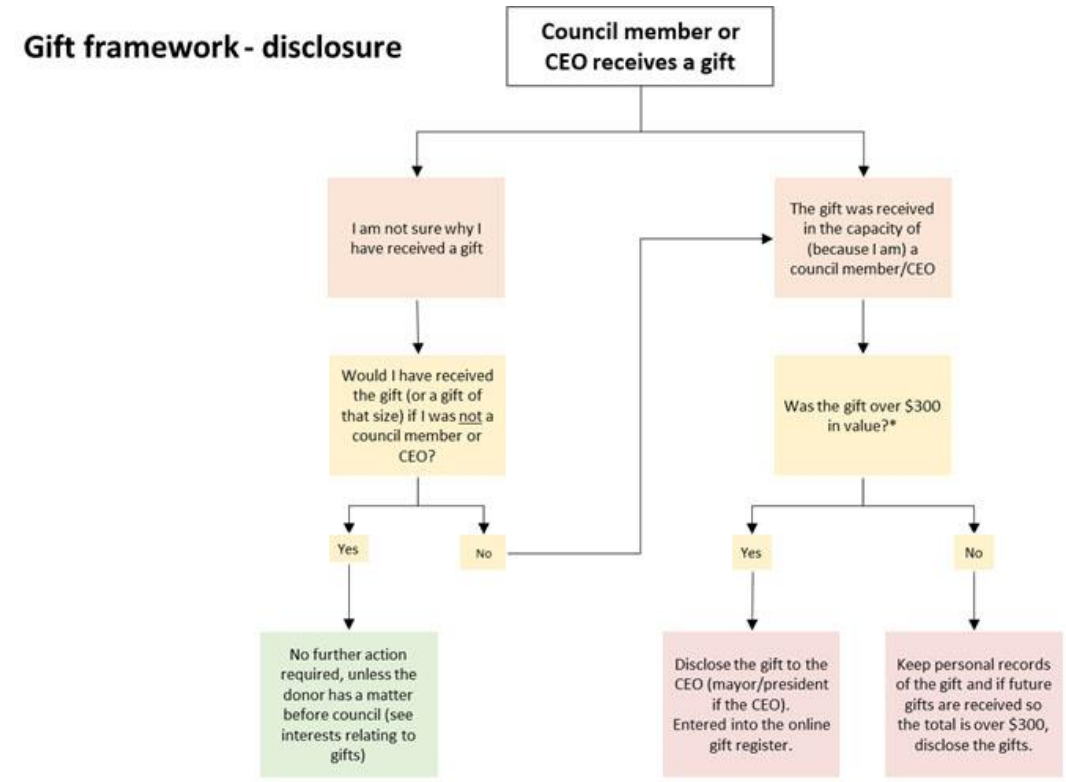
However, in these circumstances, the gift is still required to be recorded on the "gift register".

Dowerin Field Days
The Dowerin Field Days is a significant annual event both in terms of the Dowerin community and the wider agricultural sector. Historically, Councillors and the CEO have been provided free tickets to attend the event. The total value of the tickets is approximately $50-60 per person. As this is below the threshold specified under the Act, Regulations and this policy, accepting the tickets and attending the event does not constitute a gift, nor does it create a conflict of interest. It is noted that in some instances Councillors attend the Field Days in a volunteer capacity which it is acknowledged is as a community member as opposed to being an official function of their role as a Councillor.

It is also noted that it is historical practice for the Shire Offices to close on the Wednesday of the Field Days enabling staff the option to volunteer their time assisting in the operation of the event. While this may include the CEO, it is understood this volunteering is undertaken in the capacity of a community member as opposed to being an official function of their role as CEO of the organisation. Hence, it will not generally be classified as a gift for the purposes of this policy.

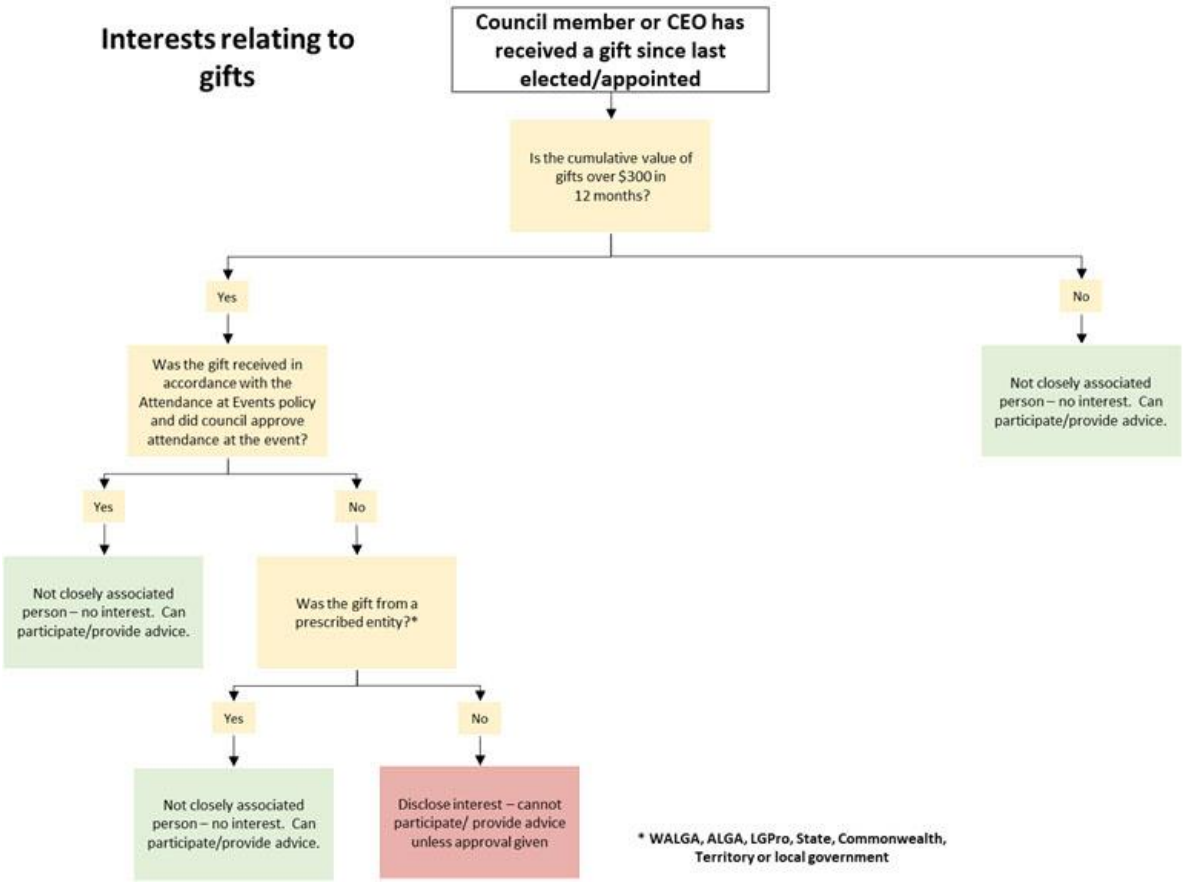
The following flowcharts are provided for guidance purposes:

Gift framework - disclosure



*** Or a series of gifts from that person in a 12 month period was over $300 in value**

Interests relating to gifts



*** WALGA, ALGA, LGPro, State, Commonwealth, Territory or local government**

Attachment A

Events Authorised in Advance

Event	Date of Event	Approved Attendees	Approval Council Contribution to Cost	Date of Council Resolution for Approved Attendance
Dowerin Field Days	Last Wednesday & Thursday in August annually	President, Councillors & the CEO (Partners excluded)	Nil	16 June 2020 (CMRef 0211)
Dowerin District High School Awards	Annually to present Award	President (Partners excluded)	Sponsorship of Award	16 June 2020 (CMRef 0211)

Roles & Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Department of Local Government, Sport and Cultural Industries - Circular No. 11-2019 - New Gifts Framework
Department of Local Government, Sport and Cultural Industries - Gifts and Conflicts of Interests - Frequently Asked Questions

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007

Related Delegation
Nil

POLICY NUMBER	-	**1.17**
POLICY SUBJECT	-	**1.17 Recognising Council Service (Staff) Policy**
DATE ADOPTED	-	20 December 2016
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	24 October 2017
REVIEWED	-	15 September 2020 (CMRef 0275)
REVIEWED	-	16 February 2021 (CMRef 0371)

Objective

To promote and encourage a loyal and committed workforce; and to officially recognise the ongoing contribution, dedication and service of staff to Council and the community.

Policy

To ensure that employees are acknowledged and recognised for their commitment and service to the Shire of Dowerin during their employment.

This Policy recognises the importance of employee retention to establish an effective and efficient workplace. The contribution made by such individuals to the ongoing operation of the Shire of Dowerin and the community is significant and worthy of recognition.

During Employment
In order to recognise long serving employees, at 30 March each year, a report will be prepared by the Manager Corporate & Community Services listing all employees who have attained or will attain 10, 15, 20, 25 or 30 years of continuous service with the Shire of Dowerin. Employees who work in excess of 30 years will continue to be recognised on a five yearly basis.

Each commemorative year of service will be marked by a voucher equal to the value of $20 per full year worked ie:

Service	Gift
10 Years	Voucher to value of $200
15 Years	Voucher to value of $300
20 Years	Voucher to value of $400
25 Years	Voucher to value of $500
30 Years	Voucher to value of $600

The voucher will be presented to the employee by the President or Chief Executive Officer at the Ordinary Council Meeting held the May after the March report, or as otherwise determined by the Chief Executive Officer.

Employee Resignation or Retirement
Upon the resignation or retirement of an employee, a gift voucher equal to an amount of up to $50 per year of service shall be presented to the employee. The total amount of the voucher on each occasion will be at the discretion of the Chief Executive Officer.

In addition to the above, the Shire may recognise employees on resignation or retirement, by way of a suitable function, at the discretion of the Chief Executive Officer.

Tributes to Employees in the Event of Illness/Accident or Bereavement
The Chief Executive Officer is authorised to acknowledge staff members in the event of hospitalisation, an accident or bereavement via card, flowers, chocolates, small gift etc or if requested in lieu, a donation to a nominated charity.

Value of gift to be up to $100.

Recognition of Significant Occasions
The Chief Executive Officer is authorised to acknowledge significant achievements by staff members e.g. birth of a child via card and flowers or a small gift.

The value of these tributes, gifts or donation referred to above is to be up to $100.

Roles and Responsibilities

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

Manager Corporate & Community Services
The Manager Corporate & Community Services will administer this policy.

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Related Delegation

GOVERNANCE

POLICY NUMBER	-	**2.1**
POLICY SUBJECT	-	**2.1 Related Party Disclosures Policy**
DATE ADOPTED	-	25 July 2017 (Item 10.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services

Objective

The purpose of this Policy is to provide guidance to the Shire in the preparation of financial statements to ensure disclosure requirements are met for AASB 124 Related Party Disclosures.

This policy applies and provides guidance to Related Parties of the Shire and their Related Party Transactions outstanding balances, materiality and disclosure requirements with the Shire.

Definitions

AASB 124 means the Australian Accounting Standards Board, Related Party Disclosures Standard.

Arm's Length Terms – Terms between parties that are reasonable in the circumstances of the transaction that would result from:

1. neither party bearing the other any special duty or obligation; and
2. the parties being unrelated and uninfluenced by the other; and
3. each party having acted in its own interest.

Asset - A physical component of a facility which has value, enables a service to be provided and has an economic life of greater than 12 months.

Close members of the family of a person - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

1. that person's children and spouse or domestic partner;
2. children of that person's spouse or domestic partner; and
3. dependants of that person or that person's spouse or domestic partner.

Control – Control of an entity is present when there is:

1. power over the entity; and
2. exposure or rights to variable returns from involvement with the entity; and
3. the ability to use power over the entity to affect the amount of returns received.

Entity can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Incorporated Association means an association incorporated under the *Associations Incorporation Act 2015*.

Joint Control – The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Joint Venture – An arrangement of which two or more parties have joint control and have right to the net assets of the arrangement.

Key Management Personnel (KMP)- means those persons having authority and responsibility for planning, directing and controlling the activities of the Council, directly or indirectly and includes Councillors, the Chief Executive Officer and senior executive employees.

KMP Compensation means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

1. Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
2. Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
3. Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation;
4. Termination benefits; and
5. Share-based payment.

Material (materiality) means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

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

Possible (Possibly) close members of the family of a person are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

1. that person's brothers' and sisters';
2. aunts', uncles', and cousins' of that person's spouse or domestic partner;
3. dependants of those persons' or that person's spouse or domestic partner as stated in (2); and
4. that person's or that person's spouse or domestic partners', parents' and grandparents.

Record means any record of information however recorded and includes anything on which there is writing, a map, plan, diagram or graph, a drawing, pictorial or graphic work, photograph; or anything from which images, sounds or writings can be reproduced.

Related Party Transaction is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

Significant (significance) means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

Policy

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a Related Party that unrelated

parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between Related Parties may not be made on the same terms as between unrelated parties.

The normal business operations of Council may be affected by a Related Party relationship even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council. For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

Council in complying with disclosure requirements of AASB 124, will:

1. Identify key management personnel, related party relationships, related party transactions and ordinary citizen transactions;
2. Identify information about the related party transactions for disclosure;
3. Assess materiality of transactions captured;
4. Identify the circumstances in which disclosure of the items in (2) and (3) are required; and
5. Determine the disclosures to be made about those items in the General Purpose Financial Statements for the purpose of complying with AASB 124.

Identification of Relates Parties
A person or entity is a related party of Council if any of the following apply:

1. They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
2. They are an associate or belong to a joint venture of which Council is part of.
3. They and Council are joint ventures of the same third party.
4. They are part of a joint venture of a third party and Council is an associate of the third party.
5. A post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
6. They are controlled or jointly controlled by *Close members of the family of a person.*
7. They are identified as a *close or possibly close member of the family of a person* with significant influence over Council or a *close or possibly close member of the family of a person* who is a KMP of Council.
8. They, or any member of a group of which they are a part, provide KMP services to Council.

For the purposes of this Policy, related parties of Council are:

1. Entities related to Council;
2. Key Management Personnel (KMP) of Council;
3. Close family members of KMP;
4. Possible close family members of KMP's; and
5. Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Review of Related Parties
KMP will be required to complete a 'Related Party Disclosure Declaration' form once every twelve months (July to June) and submit to the Corporate Services Manager. In addition to this, events may warrant additional disclosure during the year. Such events include both ordinary and extraordinary Council Elections, terminations of KMP or appointments of KMP.

The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Corporate Services Manager, make a determination on the matter.

Identification of Control or Joint Control
A person or entity is deemed to have control if they have:

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

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

All regional councils and regional subsidiaries meet the definition of a related entity.

Required Disclosures and Reporting
AASB 124 states Council must disclose the following financial information in its financial statements for each financial year:

1. *Disclosure of any related party relationship* - must disclose in the annual financial statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period.

2. *KMP Compensation Disclosures* - must disclose in the annual financial statements KMP for each of the categories of compensation (as defined in the definitions of this Policy) in total.

Related Party Transactions Disclosures
The Standard defines a related party transaction as being a 'transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a prices is charged'.

The Shire deems the following transactions with a Related Party to be a Related Party Transaction (but not limited to):

1. Purchase or sale of goods;
2. Purchase or sale of property and other assets;
3. Rendering or receiving services;
4. Leases;
5. Quotations and/or tenders;
6. Commitments;
7. Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
8. Guarantees given or received;
9. Loans and Settlements of liabilities;
10. Expense recognised during the period in respect of bad debts;
11. Provision for doubtful debts relating to outstanding balances;
12. Grants and subsidy payments made to associated entities of Council;
13. Non-monetary transactions between Council and associated entities of Council;
14. Other goods and services provided by Council to associated entities of Council;
15. Compensation made to key management personnel;
16. Fees and charges charged to related parties;
17. Infrastructure contributions and application fees from related parties;
18. Purchase of materials and services from related parties; and
19. Employee expenses for close family members of key management personnel.

Council must disclose all **material** and **significant** Related Party Transactions in its annual financial statements and include the following detail:

1. The nature of the related party relationship; and
2. Relevant information about the transactions including:

   a. The amount of the transaction;

b. The amount of outstanding balances, including commitments, and their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and details of any guarantee given or received.
c. Provision for doubtful debts related to the amount of outstanding balances; and;
d. The expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

1. Significance of transaction in terms of size;
2. Whether the transaction was carried out on non-commercial terms;
3. Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
4. Whether the transaction is disclosed to regulatory or supervisory authorities;
5. Whether the transaction has been reported to senior management; and
6. Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Related Party Transactions that are not considered to be material do not need to be disclosed. A key assessment on whether a transaction is material is whether knowledge of the relationship and terms and conditions could influence a user's understanding of the impact on the financial statements or influence their decisions (i.e. in their vote by Councillors). In determining materiality, Council and management will consult with the Audit Committee and external auditor as required.

Disclosures that Related Party Transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

All transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

Ordinary Citizen Transaction (OCT)
The Shire acknowledges that there are Related Party Transactions that also satisfy the definition of an Ordinary Citizen Transaction (OCT). An OCT is a transaction that occurs on terms and conditions no different to those applying to the general public and has been provided in the course of delivery public service objectives. The Shire will not disclose such related party transaction in the financial statements.

The Shire has determined that the following transactions with related parties are Ordinary Citizen Transactions and do not need to be disclosed:

1. Use of Council facilities, equipment and services in accordance with Council's fees, charges and policies;
2. Payment of rates and charges;
3. Attendance at Council functions and activities that are open to the public;
4. Payment of fines and other penalties on normal terms and conditions; and
5. Related party transactions occurring during the course of delivering Council's public service objectives and which occur on no different terms to that of the general public.

Amendments to transactions classified as Ordinary Citizen Transactions may be identified from time to time and this policy will be amended accordingly.

Inspection of Local Government information is regulated under the *Local Government Act 1995* (Sections 5.93, 5.94 and 5.95) and the provisions of the *Freedom of Information Act 1992* also apply. Information provided by KMP and other related parties will be held for the purpose of compliance with the Shire's reporting obligations and will be disclosed for compliance or legal reasons only.

The Corporate Services Manager will also review other information held by the Shire including but not limited to:

1. Minutes of Ordinary Meetings of Council and Committee Meetings;
2. Disclosure of Interests Register; and
3. Gift Register.

Roles and Responsibilities

Chief Executive Officer
Responsible for ensuring this policy is implemented and reviewed.

Corporate and Community Services Manager
Responsible for the application of this policy.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
AASB 124 Related Party Disclosures
AASB 10 Consolidated Financial Statement
AASB 11 Joint Arrangements
AASB 128 Investments in Associates and Joint Ventures
Local Government Act 1995

Related Delegation
Chief Executive Officer

Document Control	
Policy Number	2.1
Policy Version	3
Policy Owners	Manager Corporate & Community Services
Creation Date	25 July 2017 (Item 10.1.3)
Last Review Date	22 January 2019 (Item 10.2.2) 17 May 2022 (Item 12.1 CMRef 0599)
Next Review Due	This policy will be reviewed bi-annually or more often where circumstances require.

POLICY NUMBER	-	**2.2**
POLICY SUBJECT	-	**2.2 Risk Management Policy**
DATE ADOPTED	-	January 2008
POLICY OWNER	-	Chief Executive Officer
DISTRIBUTION	-	Management
RESPONSIBLE OFFICER	-	Chief Executive Officer
REVIEWED	-	March 2022

Objective

The Shire of Dowerin is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes.

Definition of Risk

AS/NZS/ISO 3100:2009 defines risk as "*the effect of uncertainty on objectives*."

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Definition of Risk Management

Co-ordinated activities to direct and control an organisation with regard to risk (ISO Guide 73).

Definition of Management Process

Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Policy

The Shire of Dowerin considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles of managing risk as outlined in *AS/NZS/ISO 3100:2009.* The Shire of Dowerin will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the Organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:
1. Implementation of policies;
2. Strategic planning;
3. Decision making;
4. Corporate governance and compliance;
5. Expenditure of large amounts of money;
6. New strategies and procedures;
7. Managing projects;
8. Introducing significant change;
9. The management of sensitive issues; and

10. Operational management.

Risk Management Objectives

1. The achievement of organisational goals and objectives;
2. Limited loss or damage to property and other assets;
3. Limited interruption to business continuity;
4. Positive public perception of Council;
5. The ongoing health and safety of all employees at the workplace;
6. Ensuring public safety within the Council's jurisdiction is not compromised; and
7. Application of equal opportunity principles in the workforce and the community.

Roles and Responsibilities

1. The CEO is responsible for the:

    a. Implementation of this Policy;
    b. Measurement and reporting on the performance of risk management;
    c. Review and improvement of this Policy and the Shire's Risk Management Framework at least annually or in response to a material event or change in circumstances.

2. Senior Managers, Coordinators and Supervisors have the responsibility and accountability for ensuring that all staff manage risks within their own work areas. In each of these areas, risks should be anticipated, and reasonable protective measures taken.

3. All Managers will encourage openness and honesty in the reporting and escalation of risks. All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.

4. All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.

5. All staff will, as required, conduct risk assessments during the performance of their daily duties. The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.

6. Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.

7. It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management from time to time.

8. Council is committed morally and financially to the concept and resourcing of risk management.

Risk Assessment and Acceptance Criteria

The Shire quantified its generic risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment.

Monitor & Review

The Shire will implement and integrate a monitor and review process to report on the achievement of the risk management objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Management Team and its Employees. It will be formally reviewed every two years.

Related Documentation

Risk Management Framework
Risk Management Profiling Tool

Related Legislation/Local Law/Policy

AS/NZS/ISO 3100: 2009

Related Delegation

Nil

POLICY NUMBER	-	**2.3**
POLICY SUBJECT	-	**2.3 Public Interest Disclosure Policy**
DATE ADOPTED	-	19 July 2016
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	27 February 2018
REVIEWED	-	18 February 2020 (CMRef 0140)

Objective

To provide clear guidance to Councillors, employees, contractors and sub-contractors relating to public interest disclosures in accordance with the *Public Interest Disclosures Act 2003*.

To assist in ensuring the highest standards of ethics in behaviour are maintained in accordance with the Shire of Dowerin's objective of achieving a high performing organisation that serves its community efficiently and with high standards of integrity.

To ensure the Shire of Dowerin Integrity is trusted by the community it serves and is accountable for its actions.

Policy

This policy applies to all Councillors, employees, contractors and sub-contractors of the Shire of Dowerin.

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

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

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

- Receiving disclosures;
- Investigating disclosures;
- Taking appropriate action; and
- Reporting.

The Shire of Dowerin will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Dowerin will not tolerate any of its elected members, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Roles and Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Managers
1. Ensure all current and new employees are aware of this policy; and
2. Ensure that this policy guides behaviours and actions of all employees and contractors.

Employees
1. Ensure they understand and comply with the requirements of this policy; and
2. Seek clarification from their supervisor or the PID Officer if they are unsure of the content or implications of this policy**.**

Related Legislation/Local Law/Policy/Procedure
Public Interest Disclosure Act 2003
Public Interest Disclosure Regulations 2003
State Records Act 2000
Public Sector Commission (www.publicsector.wa.gov.au)
Shire of Dowerin Code of Conduct
Shire of Dowerin Induction Manual
Shire of Dowerin Public Interest Disclosure Guidelines

Related Delegation
Nil

POLICY NUMBER	-	**2.4**
POLICY SUBJECT	-	**2.4 Information Management Policy**
DATE ADOPTED	-	26 February 2019 (Item 10.2.1)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

1. To ensure that the Shire meets the statutory requirements of the *State Records Act 2000;*
2. To ensure uniformity and consistency for the creation and maintenance of records within the management systems within the Shire of Dowerin.
3. Define the roles and responsibilities of those Officers who manage and perform record keeping processes for, or on behalf of, the Shire of Dowerin.

Definitions

Ephemeral Records
Ephemeral records are those with only short-term value to the Shire, as they contain little or no ongoing administrative, fiscal, legal, evidential or historical value. They are usually not incorporated into the Shire's recordkeeping system.

Government Record
Is a record created or received by or for a government organisation or a government organisation employee or contractor in the course of the work for the organisation.

Records
Any record of information however recorded and includes:

1. Any thing on which there is writing or Braille;
2. A map, plan, diagram or graph;
3. A drawing, pictorial or graphic work, or photograph;
4. Anything on which there are figures, marks perforations, symbols, having a meaning for persons qualified to interpret them;
5. Anything for which images, sounds or writings can be reproduced with or without the aid of anything else; and
6. Any thing on which information has been stored or recorded either mechanically, magnetically, or electronically.

State Archive
A State Record that is to be retained permanently.

Policy

The Shire's corporate records are to be managed in accordance with the Shire's Record Keeping Plan. All Councillors, Employees and Contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions and ensuring all corporate documents are retained in the Shire's official Information Management system, at the point of creation, regardless of the format, in accordance with:

1. *State Records Act 2000*;
2. *Freedom of Information Act 1992*; and
3. *Local Government Act 1995*.

Accurately created and maintained records are important and necessary because they serve as a history of the transactions and business processes of the Shire. They are a fundamental tool for providing evidence of local government accountability and responsibility. It is for these reasons' legislation exists to ensure that records are properly maintained and preserved for future generations.

Creation of Records
All Councillors, staff and contractors will create full and accurate records, in the appropriate format, that property and adequately record the business decisions and transactions of the Shire of Dowerin, to meet all legislative, business, administrative, financial, evidential and historical requirements.

Capture and Control of Records
All records created and received in the course of the Shire of Dowerin's business are to be captured at the point of creation, regardless of format, with required metadata, into the appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles. The Customer Service and Records Officer is responsible for collecting, opening and sorting all mail. All incoming and outgoing mail is recorded in the Shire's recordkeeping system by the relevant Officer. All incoming mail is distributed to the relevant Officers on a daily basis through the recordkeeping system.

Security and Protection of Records
All records are categorised as to their level of sensitivity and adequately stored and protection from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to Records
Access to the Shire of Dowerin's records by staff and contractors will be in accordance with designated security classifications. Access to the Shire's records by the general public will be in accordance with the *Freedom of Information Act 1992* and the Shire's Information Statement.

Access to the Shire of Dowerin's records by Councillors will be via the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Retention and Disposal
All records kept by the Shire of Dowerin will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA.

The Disposal of records will be coordinated by the Corporate & Community Services Manager and authorised by the Chief Executive Officer.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer is to ensure that there is an organisational system which facilitates the maintenance and management of records in compliance with the *State Records Act 2000* and Shire guidelines and procedures.

All Staff
All staff are to create, maintain and retain records relating to the business activities they perform. They are to identify records and ensure that all records are captured and recorded in the appropriate record keeping system, and, protected and disposed of in accordance with the State Records Office's General Disposal Authority for Local Government Records.

Councillors
Councillors are to ensure that they are aware of the record keeping procedures that ensure records are created and kept regarding their participation in the decision-making processes of Council.

Related Documentation

Shire of Dowerin Recordkeeping Plan

Related Legislation/Local Law/Policy/Procedure
State Records Act 2000
Section 5.41(h) *Local Government Act 1995*
Freedom of Information Act 1992

Related Delegation
Nil

POLICY NUMBER	-	**2.5**
POLICY SUBJECT	-	**2.5 Common Seal & Document Signing Policy**
DATE ADOPTED	-	18 August 2020 (CMRef 0265)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

To establish in accordance with the requirements of Section 9.49A of the *Local Government Act 1995* (the Act):

1. Protocols for affixing and administration of the Shire of Dowerin Common Seal; and
2. Authority for the Chief Executive Officer (CEO) and other nominated officers to sign (execute) documents on behalf of the Shire of Dowerin.

Policy

1. DEFINITION OF DOCUMENT

For the purposes of this policy, ***document*** means any paper or electronic document, including communications such as letters and emails, which:

1. Conveys a decision; or
2. Establishes an obligation on the Shire; or
3. Is ceremonial.

2. COMMON SEAL

2.1 Affixing the Common Seal

(1) The Common Seal may be applied to documents that:

(a) Give effect to decisions of Council; or
(b) As detailed in clause 3.2.3.

(2) The Common Seal is to be applied in the presence of both:

(a) The Shire President (or in the Shire President's absence, the Deputy Shire President); and
(b) The CEO (or an Acting CEO or senior employee authorised by the CEO).

Note: For most documents, there is no legal requirement for the Common Seal to be affixed if Council has resolved to authorise a person to sign the document [s. 9.49(1)(b); s.9.49A(4)].

Exceptions include local laws and planning schemes.

2.2 Administration of the Common Seal

The CEO is to:

1. Be responsible for the safe custody and proper use of the Common Seal;
2. Maintain a register of each time the Common Seal is used;

3. Provide a monthly report to Council listing the documents that the Common Seal has been applied to (this is included in the Monthly Information Report provided to Council).

3. AUTHORITY TO SIGN (EXECUTE) DOCUMENTS ON BEHALF OF THE SHIRE OF DOWERIN

3.1 General Document Signing (Execution) Authorities

(1) Where a person has the written authority to make a decision ('written decision-making authority") that person also has the authority to sign documents which give effect to that decision.

Written decision-making authorities are:

1. Delegated Authority;
2. Statutory Authority; or
3. Operational Authorisation.

(2) Where considered appropriate by the CEO, the President may be requested to execute documents as a co-signatory with the CEO.

3.2 Specific Document Signing (Execution) Authorities in Accordance with Section 9.49A of the Act

(1) Document Categories

The following document categories have been established to assist in determining appropriate signing authorities, detailed in clause 3.2.3 of this policy:

Category	Description
1	The matter is specifically resolved by Council, inclusive of a resolution to execute the resulting document under the Common Seal; or Is identified under this policy as a matter requiring the Common Seal, commonly due to an internal or external historical practice.
2	The matter is specifically or generally resolved by Council; and Is strategic and/or carried a major or lessor level of financial risk, legal complexity or political sensitivity.
3	The matter may be specifically or generally resolved by Council or may be subject of a Council policy or day-to-day operations at the determination of the CEO only; and Is strategic and/or carries a moderate or lesser level of financial risk, legal complexity or political sensitivity.
4	The matter is mandated in the Corporate Business Plan or Annual Budget or relates to the day-to-day operations of the Shire under the direction of the CEO or Managers; and Carries a minor or insignificant level of financial risk, legal complexity or political sensitivity.
Note:	Documents and communication which relate to day-to-day routine communications or transactions do not require specific authorisation through this policy as they are the subject of Section 5.41(d) of the Act prescribing the CEO's duty to manage the day to day operation of the Shire. Such duties are undertaken by "acting through" Officers.

3.2.2 Limitation on Specific Authorities

(1) The specific authorities established in clause 3.2.3 are limited by the following conditions:

(a) Chief Executive Officer

(i) $<500,000;

(ii) Commitment is no greater than 10 year period; and
(iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.

(b) Manager

(i) $<150,000
(ii) Commitment is no greater than 5 year period; and
(iii) Minor or lesser level of financial risk, legal complexity or political sensitivity.

(2) Where considered appropriate an authorised person may escalate a document for execution by a higher level authorised person.

(3) The limitation on specific authorities does not limit the authority to sign documents that effect a decision made in accordance with statutory authority or delegated authority.

Note: In accordance with Section 5.43 of the Act only the local government may determine who is authorised to sign documents under Section 9.49A(4) of the Act.

This power cannot be delegated.

As per clause 2.1(2), the CEO may authorise a senior employee to sign a common seal document on the CEO's behalf in accordance with S9.49A(3).

Note: Signing on Behalf of Another Person

In accordance with Section 9.49A(1)(b) of the Act, a document may only be executed by a person who holds a position authorised to sign documents:

1. Through Council's adoption of this policy; or
2. By a resolution of Council.

In the absence of an authorised person, another person may only execute the document where they have been appointed in writing to act in the authorised person's position.

3.2.3 Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995

Item	Document Type ☑ Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2	Category	Common Seal	Execution by Signature Only		
				President	CEO	Manager
1	Local Laws – made and amended	1	✓	X	X	X
2	Planning Schemes – adopted and amended	1	✓	X	X	X
3	Land Transaction documents including: 1. Sale 2. Purchase 3. Vesting 4. Contributed assets 5. Notifications of factors affecting land under 70A of the Land Transfer Act 1893 – lodge or withdraw 6. Easements – by land transfer a. Rights of carriage way; b. Rights of support to land burdened by buildings; c. Rights to erect a party wall; d. Rights to light and air (Property Law Act 1969); e. Rights to take water from wells or bores; f. Rights to install and operate drains and drainage works; g. Rights to install, maintain and operate oil, gas or other pipelines; h. Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons; 7. Restrictive covenants – by land transfer 8. Deeds – land transfer for public purposes	1	☑	✓	✓	X
4	Mortgages, Loans and Debentures	1	✓	X	X	X
5	Power of Attorney to act for the Shire	1 / 2	X	✓	✓	X
6	Land Transaction documents including: 1. Caveats – registering and removing 2. Leases 3. Easements – by deed, deposited plan or other legal instrument a. Rights of carriage way; b. Rights to support to land burdened by buildings; c. Rights to erect a party wall; d. Rights to light and air (Property Law Act 1969); e. Rights to take water from wells or bores; f. Rights to install and operate drains and drainage works; g. Rights to install, maintain and operate oil, gas or other pipelines; and h. Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons.	2	☑	✓	✓	X

Item	Document Type ☑ Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2		Category	Common Seal	Execution by Signature Only		
					President	CEO	Manager
	4. Restrictive Covenants – lodge, modify or withdraw (other than by land transfer) 5. Deeds 6. Legal agreements						
7	State or Commonwealth Government Funding Agreements		2	☑	X	✓	X
8	Grants and Funding Agreements with private agencies (incoming and outgoing)		2	☑	X	✓	X
			3	☑	X	✓	X
9	Memorandum of Understanding		2	☑		✓	X
10	Contracts and legal instruments, including contract variations, related to: 1. Procurement Contracts 2. Service Agreements (incoming or outgoing services) 3. Heritage Agreements 4. Acquittal of planning conditions 5. Maintenance of the public realm		2	☑	X	✓	X
11	Development, building, occupancy, subdivision and strata-title approvals for Shire land		3	X	X	✓	X
12	Memorial 1. Deed Poll Registration: A document lodged under the Registration of Deeds Act 1856, notifying the change of name of a person 2. Memorial of Advertisement: A document lodged at the Office of Titles by an Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to 3. Prohibited dealings in land: A document lodged at the Office of Titles under one of a number of statutes, which when noted on a Certificate of Title acts as a caveat		3	X	X	✓	X
13	Documents that fulfil a statutory local government duty or power, for which there is no power of delegation of authorisation and is a matter which constitutes a potential risk to the Shire		4	X	X	✓	X
14	Communications on behalf of the Shire with Commonwealth or State Ministers	Note: Officers are authorised to sign routine day to day operational communications with approval of the CEO	2 / 3	X	✓	✓	X
15	Communications on behalf of the Shire with CEO's of: 1. Commonwealth or State Government Departments 2. Industry representative bodies		3 / 4	X	X	✓	X

Item	Document Type ☑ Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2	Category	Common Seal	Execution by Signature Only		
				President	CEO	Manager
16	Communications on behalf of the Shire, relevant to day-to-day operations of the Shire and which are subject of a level of political sensitivity or potential risk to the Shire	3 / 4	X	X	✓	✓
17	Ceremonial Certificates – Common Seal may be affixed at the President's discretion: 1. Honorary Freeman 2. Honorary Citizenship	3 / 4	✓	✓	✓	X
18	Deeds of Settlement – Employee matters	4	X	X	✓	X
19	Enterprise Bargaining Agreements	4	X	X	✓	X

3.3 CONTRACTS OF EMPLOYMENT AND VARIATIONS TO CONTRACTS

Contracts of Employment and variation documents relating to an Officer's employment with the Shire of Dowerin may be signed on behalf of the Shire by the following signatories according to the level of position concerned:

Level of Position	Signatory
CEO	President
Manager or any position below Manager	CEO

3.4 EXECUTION OF DOCUMENTS BY LAWYERS ON BEHALF OF THE SHIRE

(1) Lawyers appointed by the Shire to act on its behalf for a matter may, where so instructed:

(a) Correspond with third parties on behalf of the Shire;
(b) Sign and lodge court documents on behalf of the Shire;
(c) Electronically sign documents identified in category 3.2.3(6) in accordance with the Property Exchange Australia (PEXA) process;
(d) Only electronically sign land transaction documents identified in category 3.2.3(3) in accordance with the PEXA process that relate to easements, notifications affecting land under Section 70A of the *Transfer of Land Act 1893*, and restrictive covenants;
(e) Only electronically sign other land transaction documents identified in category 3.2.3(3) in accordance with the PEXA process where Council has specifically resolved to provide authority; and
(f) Sign such other documents as instructed by the Shire from time to time.

(2) Officers are to ensure an appropriate level of authority is obtained from the CEO prior to instructing lawyers to act.

3.5 SIGNING DOCUMENTS (OTHER THAN BY COMMON SEAL) DURING TEMPORARY ABSENCE OF THE CEO

Where the CEO:

(1) Is temporarily unavailable for executing documents requiring the CEO's signature;
(2) No Acting CEO has been appointed; and
(3) The CEO has advised the Manager Corporate & Community Services in writing of the temporary unavailability,

Then the Manager Corporate & Community Services is authorised to sign documents that the CEO is authorised to sign by signature (under this policy or a Council resolution), except where the Manager Corporate & Community Services believes the execution of the document(s) should await the CEO's availability.

Roles & Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Managers
Managers have the responsibility of ensuring they understand and comply with the requirements of this policy, and that they inform staff within their department areas of the policy and its requirements.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Staff
Staff (employees) have the responsibility of ensuring they understand and comply with the requirements of this policy.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
State Records Act 2000 (record keeping requirements)

Related Delegation
Nil

POLICY NUMBER	-	**2.6**
POLICY SUBJECT	-	**2.6 Senior Employees and Acting Chief Executive Officer Policy**
DATE ADOPTED	-	26 March 2019 (Item 10.2.3)
RESPONSIBLE OFFICER	-	Chief Executive Officer

Objective

To designate the employee positions which are determined by the Shire as 'senior employees' for the purposes of Section 5.37 of the *Local Government Act 1995.*

To provide direction in the appointment of an Acting Chief Executive Officer during periods of less than 10 working days absence of the Chief Executive Officer.

Policy

Council has designated the following positions to be classified as 'Senior Employees' for the purpose of the Act:

1. Manager Corporate & Community Services; and
2. Manager Works & Assets.

Acting Chief Executive Officer

Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave subject to the following conditions;

1. The CEO is not an interim CEO or Acting in the position;
2. The term of appointment is no longer than 10 working days consecutive;
3. That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Manager Corporate & Community Services is automatically appointed as the Acting CEO for up to 10 working days from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer is responsible for ensuring this policy is implemented.

Related Documentation

Nil

Related Legislation/Local Law/Policy/Procedure

Section 5.37 – *Local Government Act 1995*

Section 5.36(2)(A) – *Local Government Act 1995*

Related Delegation

Nil

Document Control	
Policy Number	2.6
Policy Version	2
Policy Owners	Chief Executive Officer
Creation Date	26 March 2019 (Item 10.2.3)
Last Review Date	8 March 2022 (Item 12.2 CMRef 0591)
Next Review Due	This policy will be reviewed annually or more often where circumstances require.

POLICY NUMBER	-	**2.7**
POLICY SUBJECT	-	**2.7 Legal Representation for Employees**
DATE ADOPTED	-	16 June 2020 (CMRef 0210)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

This policy is designed to protect the interests of employees (including former employees) where they become involved in legal proceedings in the performance of their statutory roles and functions. In these situations, the Shire of Dowerin may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

This policy is necessary to ensure security, equity and consistency for employees to work for the good government of the district. This policy applies in that respect.

Policy

Legislative Framework
Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything an employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. However, the legislation does not preclude people taking action against individual employees if they believe that the employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions a local government can expend funds to provide legal representation for employees as long as it believes that the expenditure falls within the scope of the local government's function.

Explanation of Key Terms

approved lawyer is to be a 'certified practitioner' under the *Legal Practice Act 2003*, from a law firm on the Shire's panel of legal service providers, if relevant, unless the Council or CEO considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise.

employee means a previous or current Commissioner, Chief Executive Officer or Employee of the Shire.

improper conduct means a breach of the standards of conduct that a reasonable person would expect of a person knowing their duties, powers and authority.

legal proceedings may be civil or criminal.

legal representation is the provision of legal services, to or on behalf of an employee, by an approved lawyer that are in respect of:

1. a matter or matters arising from the performance of the functions of the employee; and
2. legal proceedings involving the employee that have been, or may be, commenced.

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

legal services includes advice, representation or documentation that is provided by an approved lawyer.

payment by the Shire of legal representation costs may be either by:

1. a direct payment to the approved lawyer (or the relevant firm); or
2. a reimbursement to the employee.

1. Payment Criteria

There are four major criteria for determining whether the Shire will pay the legal representation costs of an employee. These are:

1. the legal representation costs must relate to a matter that arises from the performance, by the employee, of his or her functions;
2. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
3. in performing his or her functions, to which the legal representation relates, the employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
4. the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of Legal Representation Costs that may and may not be Approved

2.1 If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs:

1. where proceedings are brought against an employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the employee; or
2. to enable proceedings to be commenced and/or maintained by an employee to permit him or her to carry out his or her functions - for example where an employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the employee; or
3. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about employees.

a. The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by an employee.

b. The Shire will not approve, under any circumstances, the payment of legal representation costs relating to an alleged charge of theft, misuse of local government resources, misappropriation or other serious misconduct as defined under the *Local Government Act 1995* and subsidiary legislation.

3. Application for Payment

3.1 An employee who seeks assistance under this policy is to make an application(s), in writing, to the Council.

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

1. the matter for which legal representation is sought;
2. how that matter relates to the functions of the employee making the application;
3. the lawyer (or law firm - if known) who is to be asked to provide the legal representation;
4. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
5. an estimated cost of the legal representation; and
6. why it is in the interests of the Shire for payment to be made.

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

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

3.5 The application is to be accompanied by a signed Statutory Declaration by the applicant that he or she:

1. has read, and understands, the terms of this Policy;
2. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 6 and any other conditions to which the approval is subject; and
3. undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 6.

3.6 In relation to clause 3.5(1), when a person is to be in receipt of such monies the person should sign a Statutory Declaration which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.

3.7 An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate Senior Employee. The report will contain an assessment of the request, together with a recommendation.

4. Legal Representation Costs – Limit

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

4.2 An employee may make a further application to the Council in respect of the same matter.

5. Council's Powers

5.3 The Council may:

1. refuse;
2. grant; or
3. grant subject to conditions, an application for payment of legal representation costs.

5.4 Conditions under clause 5.1 will include, but are not restricted to:

1. a financial limit; and

2. a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

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

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

5.5 Council may, subject to clause 5.6, determine that an employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

1. not acted reasonably or in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or

2. given false or misleading information in respect of the application.

5.6 A determination under clause 5.5 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.8 Where Council makes a determination under clause 5.5:

1. assistance will be immediately withdrawn; and

2. the legal representation costs paid by the Shire are to be repaid by the employee in accordance with clause 6.

6. Repayment of Legal Representation Costs

6.1 An employee whose legal representation costs have been paid by the Shire is to repay the Shire:

1. all or part of those costs – in accordance with a determination by the Council under clause 5.7;

2. as much of those costs as are available to be paid by way of set-off – where the employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

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

Roles & Responsibilities

Staff
Staff (employees) have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive & Governance Officer
The Executive & Governance Officer has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Related Documentation
Local Government Act 1995
Department of Local Government Operational Guideline No. 14 – *Legal Representation for Council Members and Employees*

Related Legislation/Local Law/Policy/Procedure
Nil

Related Delegation
Nil

ADMINISTRATION & FINANCE

POLICY NUMBER	-	**3.1**
POLICY SUBJECT	-	**3.1 Financial Reserves Policy**
DATE ADOPTED	-	27 June 2017 (Item 10.1.1)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 June 2018 (Item 10.1.8)
REVIEWED	-	18 December 2018 (Item 10.2.4)
REVIEWED	-	21 April 2020 (CMRef 0176)

Objective

To establish a framework for the establishment and ongoing management of Reserves.

Policy

Reserves are established to set aside funds for specific projects as determined.

Prior to the creation of a Reserve, Council will consider the following operating parameters in relation to the Reserve which are to identify:

1. The purpose of the Reserve;
2. The basis of calculation for any transfer to the Reserve;
3. The basis of calculation for any transfer from the Reserve.

Upon completion of any designated Reserve Project or the need for the Reserve Funds no longer being required, a report is to be provided to Council to enable a decision on how to reallocate or utilise the remaining funds.

Expenditure to and revenue from Reserves can only be authorised by resolution of the Council which clearly outlines the value of each transfer. Council will consider the transfer to and from reserves as part of the annual budget process based on strategic direction as outlined in the Long Term Financial Plan, operational need and budgetary requirements.

Each monthly financial statement will include a Schedule of Reserves which will show the Actual Closing Balance as at the End of the Month.

Interest from the Reserve Account will be allocated to each of the Reserve funds on a percentage weighting basis.

AUTHORISED RESERVES OF THE SHIRE OF DOWERIN

Employee Entitlement Reserve

This Reserve is to assist Council in funding 'cash back' monies to allow for the cost of Long Service and Annual Leave where the leave cannot be absorbed within the annual budget. Given that Council is not expected to have to fund the full liability in any one year, this reserve should aim to maintain cash to the value of 50% of the current liability. This reserve will be maintained on an ongoing basis.

Plant Reserve

This Reserve is to assist Council in funding the cost of additional new plant, refurbishment or replacement to meet the adopted Plant Replacement Program. The balance of this Reserve will reflect Council's adopted Plant Replacement program plus a 10% contingency for unexpected, emergency maintenance that cannot be met within the annual budget. This reserve will be maintained on an ongoing basis.

Sewerage Asset Preservation Reserve

This Reserve is to assist Council in funding the replacement and development of sewerage and stormwater infrastructure throughout the Shire. This reserve will be funded by transferring the net amount of funding remaining from revenue (sewerage charges) after expenditure on sewerage scheme maintenance. This Reserve, including the amount to be maintained in the Reserve, will be informed by the Asset Management Plan for this asset. This reserve will be maintained on an ongoing basis.

Information Technology

This Reserve is to assist Council in funding future maintenance, upgrades and developments of Information Technology which will assist the organisation in meeting the increasing statutory, regulatory & legislative compliance. Robust, current and up to date technology reduces the risk of fraud, theft and cyber security attacks. The end of year target balance of this Reserve will be $50,000.

Building Asset Preservation

This Reserve is to assist Council in funding the refurbishment, renewal and upgrade of Shire owned building assets. These funds will allow Council to take advantage of opportunities such as grants that allow for building developments and/or opportune land sales that have a strategic value. This Reserve, including the amount to be maintained in the Reserve, will be informed by the Asset Management Plan for this class of assets. The end of year target balance of this Reserve will be $500,000.

Emergency Reserve

This Reserve is to assist Council in funding the immediate costs related to a declared Emergency whilst waiting for financial assistance from other organisations. Any emergency will result in an immediate cash flow impact on the Shire's finances which are still required to achieve day to day operations. The end of year target balance of this Reserve will be $150,000.

Recreation Facilities Reserve

Council will maintain a reserve to fund future maintenance, upgrades and developments of recreation facilities, including the swimming pool. This reserve will also allow Council to take advantage of grant opportunities as they arise. This reserve, including the amount to be maintained in the reserve, will be informed by the Asset Management Plan for this class of assets. The end of year target balance of this Reserve will be $250,000.

Swimming Pool

This Reserve is to assist Council in funding the refurbishment, renewal and upgrade of the Shire of Dowerin Memorial Swimming Pool and associated facilities. It is recommended that a base balance be set in accordance with the Shire's Asset Management Plan. The end of year target balance of this Reserve will be $150,000.

Community Housing Reserve

This Reserve is to assist Council in funding Community Housing Projects such as Independent Living Units (ILUs) for seniors and other residents on lower incomes. The end of year target balance of this Reserve will be $100,000.

Economic Development Reserve

This Reserve is to assist Council in funding economic development initiatives. This Reserve will allow Council to take advantage of grant funding opportunities as most grant funding programs require a co-contribution of approximately 30% to 50%. Council will consider transferring funds to this reserve based on strategic and operational requirements as part of the annual budget process. The end of year target balance of this Reserve will be $50,000.

Bowling Green Replacement Reserve

Council will maintain a reserve for the replacement of the Bowling Green. Council and the Bowling Club will each provide matching contributions of $5,000 per annum until such time it is agreed that the Bowling Greens require replacement.

Tennis Court Replacement Reserve

Council will maintain a reserve for the replacement of the Tennis Courts. Council and the Tennis Club will each provide matching contributions of $3,000 per annum until such time it is agreed that the Tennis Courts require replacement.

Roles and Responsibilities
Chief Executive Officer

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995

Related Delegation
Chief Executive Officer

POLICY NUMBER	-	**3.2**
POLICY SUBJECT	-	**3.2 Investment Policy**
DATE ADOPTED	-	27 June 2017 (Item 10.1.2)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

This Policy will ensure that investments of the Shire of Dowerin's surplus funds will include consideration of preservation of capital, liquidity and the return of investment.

This Policy will provide guidance so that investments are made in a manner that seeks to ensure security and safeguarding of the Shire of Dowerin investment portfolio. Investment decisions will ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements and that investments achieve a market average rate of return that takes into account Council's risk tolerance.

Policy

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 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 the Shire of Dowerin investment portfolio. This Policy requires officers to disclose any conflict of interest to the Chief Executive Officer or in the case of the Chief Executive Officer, to the Shire President.

Approved Investments
Funds may be placed in Authorised Deposit-taking Institutions (ADIs) being licensed banks as defined under the *Banking Act 1959* (Commonwealth) or the Western Australian Treasury Corporation.

Approved investments include:

1. Interest bearing deposits;
2. State/Commonwealth Government Bonds; and
3. Managed Funds with a minimum long-term Standard & Poor (S&P) rating of "A" and short term rating of "A2".

Prohibited Investments
In accordance with Regulation 20 of the *Local Government (Financial Management) Regulations 1996* the Shire of Dowerin will not do any of the following:

1. Deposit with an institution except an authorised institution (as defined in section 5 of the *Bank Act 1959*);
2. Deposit for a fixed term of more than 3 years;
3. Invest in bonds that are not guaranteed by the Commonwealth Government, or a State of Territory government;
4. Invest in bonds with a term to maturity of more than 3 years; or
5. Invest in a foreign currency.

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

1. Derivative based investments;
2. Principal only investments or securities that provide potentially nil or negative cash flow; and
3. 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:

1. Portfolio Credit Framework: limit overall credit exposure of the portfolio;
2. Counterparty Credit Framework: limit exposure to individual;
3. counterparties/institutions; and
4. Term to Maturity Framework: limits based upon maturity of securities.

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.

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

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. 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 3 years.

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

Term to Maturity Framework
The investment portfolio is to be invested within the following maturity constraints:
Portfolio % <1 year 100% Max / 40% Min
Portfolio % >1 year <3 years / 60% Max

Investment Advisor
The Shire of Dowerin does not use an investment advisor to assist in the investment decision making process. If such advice is to be sought, any advisor must be approved by Council and licensed by the Australian Securities and Investment Commission.

Measurement
The market value is to be assessed on a biannual basis in October and March of each financial year.

Implementation
Funds held in investment will be subject to a monthly reconciliation process.

Any new investment or re-investment will require robust comparison of rates from at least the Shire's two banking institutes, Bendigo Bank and NAB, to ensure a rate of return most advantageous to the Shire.

Reporting and Review

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

Documentary evidence must be held for each investment and maintained in accordance with the *State Records Act 2000* and the Shire of Dowerin Record Keeping Plan as amended from time to time.

Certificates must be obtained from financial institutions as per audit and accounting requirements which confirm the amounts and details of investments held on the organisation's behalf as at 30 June each year.

Roles and Responsibilities

Chief Executive Officer
Responsible for implementing this Policy and for bringing it to Council for annual review.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
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
Shire of Dowerin Record Keeping Plan

Related Delegation
Chief Executive Officer

POLICY NUMBER	-	**3.3**
POLICY SUBJECT	-	**3.3 Disposal of Property Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

To provide a clear and transparent approach to the disposal of property that is less than $20,000; or where the property that is to be disposed of is part of the purchase of other property for which the total consideration is less than $75,000.

This Policy will ensure compliance with legislative requirements, the best financial result for the Shire and operational efficiency.

Definitions

Property means local government property being anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government.

Policy

The disposal of Council owned property with a market value of less than $20,000 or where the property that is to be disposed of is part of the purchase of other property for which the total consideration is less than $75,000 will be carried out in accordance with the following schedule:

Current Market Value of Property	Method of Disposal
$50-$75,000 or less per item	• To the highest bidder at public auction; or • To the most acceptable tender, whether or not to the highest bidder through the public tender process; or • To an external party at market value.
$1 - $500 per item	• To the highest bidder through a silent auction process for staff, except the Chief Executive Officer, whereby bids are sealed and placed in the Shire Tender Box to be opened by the Chief Executive Officer in the presence of another Officer. • Any property not purchased by staff may be donated to a local service organisation for distribution to community groups through Expressions of Interest.
Nil value	At the direction of the Chief Executive Officer giving due consideration to the best community and environmental outcomes.

A written register is to be kept of all disposals that includes all bids received, all purchases made and all property donated to local service organisations.

The disposal of property exceeding the values describes in the above schedule will be in accordance with the requirements of the *Local Government Act 1995*.

Roles and Responsibilities

Chief Executive Officer
Responsible for ensuring this Policy is applied in fair and equitable manner.

Managers and Supervisor
Ensure all disposals are in strict accordance with this Policy and associated legislation.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995 – S3.58

Related Delegation
DL 4.5 – Disposing of Property

POLICY NUMBER	-	**3.4**
POLICY SUBJECT	-	**3.4 Finance Authorisation Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 June 2018 (Item 10.1.8)
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

All finance transactions as noted in this Policy are to be authorised by the noted authorised person prior to the transaction being undertaken.

This Policy is to be read in conjunction with other specific finance policies where relevant.

Policy

Prior to any of the following finance transactions being undertaken, the authorising person noted must authorise the transaction by signing the relevant form/s.

Where an additional Policy is noted, this Policy must also be adhered to when undertaking the finance transaction.

Finance Transaction	Authorised Person	Additional Policy
Bank Accounts • Municipal • Cash Maximiser • Reserve • Trust • Term Deposit	Chief Executive Officer Manager Corporate & Community Services Works & Assets Manager	Bank Account Policy Investment Policy
Issuing Petty Cash	Finance Officer	Petty Cash Policy
Corporate Credit Card	Chief Executive Officer Manager Corporate & Community Services Works & Assets Manager	Corporate Credit Card Policy
Authorising New Debtors	Manager Corporate & Community Services Coordinator Dowerin Home Care	
Purchasing Fuel Stock	Chief Executive Officer Manager Corporate & Community Services Works & Assets Manager	
Purchasing Assets / Equipment	Chief Executive Officer Manager Corporate & Community Services Works & Assets Manager	Purchasing Policy
Debt Collection	Manager Corporate & Community Services Finance Officer	
Payment of Invoices	Chief Executive Officer Manager Corporate & Community Services Works & Assets Manager	General Transactions Policy

Finance Transaction	Authorised Person	Additional Policy
EFT/BPay Receipting	Manager Corporate & Community Services Finance Officer	General Transactions Policy

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Roles and Responsibilities
Chief Executive Officer

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995

Related Delegation
Chief Executive Officer

POLICY NUMBER	-	**3.5**
POLICY SUBJECT	-	**3.5 Financial Management Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

1. To ensure that Council Officers work within set annual budget parameters.
2. To outline parameters for efficient and effective budget management in relation to interim overdraft conditions which prevail in the early and closing parts of each financial year.
3. To enable Council to efficiently administer debt reduction.
4. To take a conservative approach to investments with a focus to adding value through prudent investment of funds.
5. To achieve an adequate level of diversification to spread risk.
6. To achieve a high level of security by using recognised ratings criteria.
7. To have ready access to funds for day to day requirements without penalty.
8. To establish financial management and governance principles to be applied to general financial decision making and provide a coherent and logical framework for the long-term financial management of the Shire of Dowerin.

Policy

The Shire of Dowerin makes decisions in relation to financial matters in a prudent manner considering transparency, responsibility and accountability to result in good governance. The Shire will make decisions in relation to financial management and financial governance that encompass the following principles:

1. Management of financial risk prudently, having regard to economic circumstances. Examples of financial risks to be managed prudently include the level of Council debt, commercial activities, community business activities, financial assets and liabilities;
2. Fund physical assets with regard to intergenerational equity;
3. Ensure that the Shire of Dowerin has enough set aside in Reserves and general cash flow to sustain the physical asset during it's Whole of Life Cycle;
4. Manage and maintain physical assets to achieve the maximum useful life from the initial investment; and
5. Ensure full, accurate and timely disclosure of financial information, unless commercial in confidence.

Budget Control
That all officers be instructed that where any account, for which they are liable to keep expenditure within budget limits, becomes overspent or will evidently become overspent, that officer be responsible for halting any further expenditure until discussion occurs with the CEO and a directive made and action determined.

Budget Management
Owing to interim overdraft conditions which prevail in the early and closing parts of each financial year, it is Council's preference to:

1. Defer procurement of new budgeted plant items until November each year;
2. Discourage the programming of materially intensive works in the early and closing parts of each financial year; and
3. To not procure fixed assets within the last fiscal month of the year unless extenuating circumstances exist.

Loan Funding
Council will consider loan funding that is prudent and within guidelines and ratios as identified by the Department of Local Government. Loan funding will be guided by those loans that are proposed in the Long-Term Financial Plan. An exception to this is self-supporting loans.

Rate Setting
The Shire of Dowerin will endeavour to maintain a consistent approach to rate setting between rural and residential areas and will endeavour to ensure that increases in the value of rates levied are incrementally increased.

Reserve Funds
Cash reserves are to be established and maintained to accumulate funds for the following purposes to:

1. Fund future strategic initiatives and the provision of new services and facilities to future residents;
2. Fund asset replacement and renewal of existing physical/built assets (including buildings, plant, roads and other infrastructure);
3. Buffer against unpredictable events;
4. Hold unspent grant and contributions;
5. Meet statutory obligations; and
6. And for other purposes as determined by Council from time to time.

Liabilities
The Shire of Dowerin will allocate an appropriate and agreed amount to provide for leave and other liabilities annually.

Borrowing
The Shire of Dowerin will exercise its borrowing power in a financially responsible and prudent way so as to promote intergenerational equity amongst current and future ratepayers.

The Shire of Dowerin will not borrow to fund operating expenditure.

Borrowing is acceptable to fund:

1. Short-term peak working capital requirements (overdraft or short-term); and/or
2. Transitional/bridging funding for projects or acquisitions.

Council will consider its forecast borrowing requirements as part of its Long-Term Financial Plan and adoption of the Annual Budget.

Long Term Financial Planning
The Shire of Dowerin will annually review and update the Long-Term Financial Plan that includes, but is not limited to, the following components:

1. Major underlying economic assumptions;
2. Projections of operating revenues and expenses for at least ten years;
3. Expected rate yield and percentage change from the previous periods;
4. Major capital outlays separated into components of new and renewal;
5. Variations in the net debt levels;
6. Changes in the value of reserve balances; and
7. Sensitivity analysis (changes most likely to affect the plan).

Every three years, the Shire of Dowerin will include, as a component of the Long-Term Financial Plan, a strategic financial section which consists of at least the following:

Asset Management Planning

1. An analysis of the impact of future changes in service levels;
2. An explanation of the strategic financial direction and rationale underpinning the plan;
3. Details of the strategic initiatives contained within the financial plan; and
4. Strategic financial parameters and targets.

Annual Budget

The annual budget is to be developed from a base being the first year of the Council's adopted Long-Term Financial Plan .

Where the annual budget results in a projected financial result in major conflict with the stated strategic direction outlined in the most recent Long-Term Financial Plan, this is to be separately highlighted and explained in the annual budget.

Council will structure its budget to achieve an outcome where operating revenue (less non-operating revenue) is at least sufficient to meet cash operating expenses (excluding non-cash expenditure). The extent of any operating surplus will be dependent on the resources necessary to manage the renewal of assets (including infrastructure assets and business activity assets) and considering intergenerational equity issues.

Land Acquisition/Disposal

The Shire of Dowerin will regularly review all land holdings with a view to considering retention or disposal.

Regulatory Role

Where the Shire of Dowerin operates in a competitive environment while providing a regulatory or statutory role in that environment, it will maintain a management structure designed to minimise the potential for conflict between these two roles and encourage transparency to maintain confidence in its regulatory independence.

Roles and Responsibilities

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Local Government Act 1995 – Section 2.7
Local Government Act 1995 – Section 6.0

Related Delegation

POLICY NUMBER	-	**3.6**
POLICY SUBJECT	**-**	**3.6 Bank Account Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 June 2018 (Item 10.1.8)
REVIEWED	-	22 January 2019 (Item 10.2.3)
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

To provide guidelines for the opening and management of all Shire of Dowerin bank accounts.

Policy

Where additional Policy is noted, this Policy must also be adhered to when undertaking the finance transaction.

Opening Bank Accounts

Any new bank accounts to be opened for the Shire must have the authorisation of the Chief Executive Officer and Manager Corporate & Community Services.

For each new bank account opened, the Shire of Dowerin's financial system must be updated and the bank account registered by the Manager Corporate & Community Services.

Bank Account Authorisation of Transactions

All payments of monies from or transfers between, any Shire bank accounts whether by cheque, EFT or other online payment method, must be pre-approved by two authorising officers.

The designated authorised positions for bank account payments are:

1. Chief Executive Officer;
2. Manager of Corporate & Community Services;
3. Manager Assets & Works; and
4. Finance Officer.

Each payment made must be supported by invoice, receipt or other appropriate documentation and the authorisations must be attached to this documentation prior to payment.

Variations to Bank Account Terms and Conditions

Any variations to banking arrangements can only be made or varied by the Chief Executive Officer and Manager Corporate & Community Services.

The Manager Corporate & Community Services is responsible for updating the Shire of Dowerin's financial system and creating and maintaining records in accordance with the *State Records Act 2000* and the Shire of Dowerin's Record Keeping Plan.

Closing Bank Accounts
Where it is decided that a bank account is no longer necessary, the Chief Executive Officer and the Manager Corporate & Community Services will authorise the closure of the bank account.

The Manager Corporate & Community Services will then be required to complete the following:

1. ensure all transactions with respect to the account (including cheques drawn) have been completed;
2. lodge a letter with the bank, signed by the Chief Executive Officer and Manager Corporate & Community Services as authorised signatories advising of the closure of the account;
3. meet bank requirements with respect to account closure; and
4. update the Shire of Dowerin's financial system and records.

Bank Account Transactions
All deposits received will be banked the date after receipt apart from when bank closure prevents this. In all other instances, deposits will be made immediately on the morning the bank re-opens.

Unallocated direct deposits will be fully investigated to determine the source of deposit. Until a receipt is identified, the funds will be receipted exclusive of GST into an Unclassified Income GL and identified as 'Deposit Unknown'. Upon such time that the receipt is identified, the Manager Corporate & Community Services or Finance Officer will reallocate the funds to the correct account.

Cheques outstanding for more than twelve months will be reallocated back to the creditor through the Shire of Dowerin's financial system.

Where a stop payment on a cheque is required, it will be authorised by the Chief Executive Officer or Manager Corporate & Community Services.

The Manager Corporate & Community Services will be responsible for carrying out the following duties in regards to a stop payment on a cheque:

1. ensuring the cheque has not already been presented at the bank;
2. obtaining authorisation to action the stop payment using appropriate forms from the bank;
3. ensuring the bank receives notification of the stop payment notice;
4. receiving confirmation of action from the bank of the stop payment;
5. updating the Shire of Dowerin financial system; and
6. ensuring the details of the stop payment are attached to the initial payment and maintained in accordance with the Shire procedure and the Shire of Dowerin's Record Keeping Plan.

Roles and Responsibilities
Chief Executive Officer

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995

Related Delegation
Chief Executive Officer

POLICY NUMBER - **3.7**

POLICY SUBJECT	**-**	**3.7 General Financial Transactions Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 June 2018 (Item 10.1.8)
RESCINDED	-	19 May 2020 (CMRef 0191)

POLICY NUMBER	-	**3.8**
POLICY SUBJECT	**-**	**3.8 New Supplier Approval and Appointment Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
RESCINDED	-	19 May 2020 (CMRef 0191)

POLICY NUMBER	-	**3.9**
POLICY SUBJECT	-	**3.9 Petty Cash Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 February 2019 (Item 10.2.2)
REVIWED	-	19 May 2020 (CMRef 0191)

Objective

Petty cash is to be used to pay for Shire of Dowerin expenses where payments through accounts payable or credit card are not justified or appropriate.

Policy

Issuing Petty Cash
A petty cash voucher receipt must be completed before any cash is paid out of the petty cash float.

All petty cash voucher receipts must be approved for payment by either the Manager Corporate & Community Services, Dowerin Home Care Coordinator, Chief Executive Officer or Manager Assets & Works.

All petty cash vouchers must be supported by a supplier invoice or receipt to justify the expenditure.

All completed vouchers must have the following details included:

1. Issue date of voucher;
2. Name of person issued the voucher;
3. Amount of monies disbursed;
4. Details of expense;
5. Invoice or receipt; and
6. Signature of approval person.

Reconciling Petty Cash
The petty cash float is to be reconciled monthly. This is the responsibility of the Petty Cash Custodian. The Manager Corporate & Community Services will review and sign off on monthly reconciliations.

All petty cash expenditure must be entered into the financial system once reconciled.

Petty Cash Float
Reimbursement of the petty cash float will be authorised by the Manager Corporate & Community Services.

The balance of monies and vouchers must equal the petty cash float before reimbursement.

The Shire has the following two petty cash floats:

1. Shire Administration Office for $200; and

2. Dowerin Home Care for $300.

The petty cash float shall be locked in the safe in the related buildings.

Forms Used
1. Petty cash voucher book receipt
2. Petty cash reconciliation voucher
3. Accounts payable reimbursement voucher

Roles and Responsibilities
Accounts Finance Officer - Petty Cash Custodian for the Shire Administration Office.

Dowerin Home Care Coordinator - Petty Cash Custodian for the Dowerin Home Care.

Manager Corporate & Community Services - Approval of the reconciliation and reimbursement of the petty cash float.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government (Financial Management) Regulations 1996
Finance Authorisation Policy

Related Delegation
Chief Executive Officer

POLICY NUMBER	-	**3.10**
POLICY SUBJECT	-	**3.10 Corporate Credit Card Policy**
DATE ADOPTED	-	17 November 2015
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	28 March 2017
REVIEWED	-	20 April 2021 (CMRef 0412)

Objective

To regulate the use of Shire of Dowerin Corporate Credit Cards held by employees.

Policy
This Policy applies to all officers issued with a corporate credit card. It documents the responsibilities attached to the issue and acceptable use of these cards.

General
Credit Cards assist in achieving efficiencies in the purchasing and payment process when no other standard purchasing option is available. Corporate Credit Cards may:

1. Reduce the steps required to process and pay for a purchase;
2. Provide a more flexible payment tool in order to purchase required goods in a timely manner than can be purchased using preferred procedures; and
3. Provide an alternative purchasing option.

Authorised Use and Limits
Shire of Dowerin Corporate Credit Cards are to be used only in Council business when no other standard purchasing options apply.

Under this Policy, a Corporate Credit Card will be provided to the Chief Executive Officer (CEO)and may be issued to the following Senior Employees if advised by the CEO:

1. Manager Corporate & Community Services; and
2. Manager Works & Assets.

The overall limit of the Shire's corporate credit card facility shall not exceed $20,000. This overall limit can only be increased by Council resolution on the recommendation of the Audit and Risk Committee.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to Elected Members. There are no provisions within the Act which allow an Elected Member to incur a debt, as would be the case with a credit card.

Financial Institution
The Shire's Corporate Credit Cards are to be issued by its financial institution once approved by the Chief Executive Officer.

The Financial institution will verify the card user by requiring identification as per banking legislation policy prior to the issue of a card.

Purchasing & Use of Corporate Credit Cards

Corporate Credit Cards are only to be used for the purchasing of goods and services on behalf of the Shire as authorised in the current budget. Cardholders must follow the Shire of Dowerin Purchasing Policy along with any other Council Policies that may apply. Under this Policy, personal expenditure is prohibited and.are not to be used for cash withdrawals.

Where the purchase has been made via facsimile, telephone, or over the internet an invoice or receipt is required in all circumstances and must contain full details of the purchase.

A detailed invoice and/or receipt must be completed and signed by the Credit Card Holder at all times, prior to/or at the time of any Corporate Credit Card purchases.

Standard Fringe Benefits Tax record keeping and requirements are to be maintained.

Payments
The Financial Institution of the credit card will supply the Shire with a statement of account each month. The statement will be provided by the Finance Officer to the respective cardholder for certification and the supply of receipts and tax invoices in support of the transactions. All paperwork must be returned to the Finance Officer within seven (7) days of receiving the statement.

Once the cardholder has returned the statement, it must be signed by an authorised Senior Employee. Although administrative, the Shire President must authorise and sign off on the Chief Executive Officer's Corporate Credit Card statement each month.

If the credit card is being used by another staff member apart from the cardholder, a Credit Card Authorisation Form must be completed and approved prior to the purchase of goods and/or services.

All invoices/receipts must include the suppliers ABN, total amount, GST applicable and a brief description of goods and services purchased.

Stolen or Lost Credit Card
In the event that the cardholder loses or misplaces their credit card they will need to report this to the issuing financial institution and the Chief Executive Officer or the Manager of Corporate & Community Services immediately.

Lost Invoices / Receipt
In the event the cardholder is unable to produce a valid tax invoice/receipt, a Statutory Declaration must be submitted by the cardholder confirming the nature of the item purchased, the item was work related expenditure and the reason a tax invoice or receipt was not provided and must be signed off by the Chief Executive Officer. In the case of the CEO not being able to produce or provide an invoice/receipt, the CEO will need to complete a Statutory Declaration and have one of the Senior Managers witness and sign the Declaration

Register of Corporate Credit Card Holders
The Manager of Corporate & Community Services will maintain a register of credit cardholders.

Misuse of Corporate Credit Cards
Cards which show unreasonable, excessive or unauthorised expenditure will be reported to the Chief Executive Officer, will be subject to audit and may result in the withdrawal of the card from the Officer. Any personal expenditure charged by the cardholder will be treated as a serious breach of policy and disciplinary action taken.

Reward/Bonus Points
Where the corporate credit cards carry rewards or bonus points, under no circumstances are rewards or bonus points to be redeemed for an Officer's private benefit. These rewards or points will be accumulated in the name of the Shire of Dowerin. The Chief Executive Officer will decide how these points are to be utilised.

Return of Cards
In the event that a cardholder ceases employment, takes an extended period of leave, or moves to a position which does not require the use of a Corporate Credit Card, the cardholder must notify the Chief Executive Officer two weeks before the date to arrange cancellation of use and to ensure all receipts and the account has been settled.

All surrendered Corporate Credit Cards must be returned to the Manager of Corporate and Community Services or the Chief Executive Officer who will make arrangements for the destruction of the card and advise the financial institution to cancel the credit card.

Roles and Responsibilities
Chief Executive Officer
Council approves the following conditions for the Chief Executive Officer:

1. That a Corporate Credit Card be issued;
2. The Shire President must sign off on monthly statements for the Chief Executive Officer; and
3. All other terms and conditions set out in this Policy and other relevant Policies must apply.

Manager Corporate and Community Services
The Manager Corporate and Community Services must:

1. Arrange for the issue and cancellation of Corporate Credit Cards when requested by the Chief Executive Officer;
2. Maintain a register of all cardholders;
3. Provide cardholders with a copy of this Policy,
4. Review this Policy every two years or upon legislative change to ensure that cardholders are fully aware of their responsibilities and obligations as cardholders; and
5. Arrange for all cardholders to sign the Corporate Credit Cardholder Agreement on receipt of the issue of the new card, ensure the signed agreement is placed in the Council's Information Management System and recorded in the Corporate Credit Card Register.

Cardholders Responsibilities and Obligations
Cardholders must:

1. All holders of Corporate Credit Cards must refer to the following guidelines provided by the financial institution at the time of the card issue;
2. Keep their card in a safe place and under no circumstances permit another person to use their card to make a purchase or use the card for cash advances unless prior approval is given and a Corporate Credit Card Purchasing Form is signed off by the Corporate Card Holder and requesting Officer;
3. Only make purchases over the internet on secure sites receiving the approval by the Chief Executive Officer or when the relevant Manager has provided written approval;
4. Report immediately any lost or stolen credit cards to the financial institution issuing the card, the Chief Executive Officer or the Manager Corporate and Community Services;
5. Adhere to this Policy and all procedures of the Shire of Dowerin as applicable; and
6. Ensure all receipts and tax invoices are kept and submitted to the Finance Officer within (seven) 7 days of receipt.

Related Documentation
Corporate Card User Agreement
National Australia Bank Commercial Card Application Form
Corporate Credit Card Authorisation Form

Related Legislation/Local Law/Policy/Procedure
The use of Corporate Credit Cards is not specifically mentioned in the *Local Government Act 1995.* However, the impacts of the use and control of corporate credit cards are related to the following sections of the *Local Government Act 1995:*

1. Section 6.5(a) requires the Chief Executive Officer to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and
2. *Local Government (Financial Management) Regulations 1996* – Regulation 11(1)(a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

Related Delegation
Nil

POLICY NUMBER	-	**3.11**
POLICY SUBJECT	-	**3.11 Purchasing Policy**
DATE ADOPTED	-	28 September 2021 (CMRef 0482)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 June 2018 (Item 10.1.8)
REVIEWED	-	21 April 2020 (CMRef 0178)
REVIEWED	-	16 June 2020 (CMRef 0213)
REVIEWED	-	21 July 2020 (CMRef 0249)
REVIEWED	-	9 September 2021

Objective

The Shire of Dowerin (the "**Shire**") is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire's strategic and operational objectives.

The Shire's purchasing activities will:

(a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factors;

(b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;

(c) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;

(d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;

(e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;

(f) Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures;

(g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Dowerin.

(h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework;

(i) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan;

(j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

Policy

1.0 Purchasing

1.1 Ethics, Integrity and Code of Conduct

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

1.2 Value for Money

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

1.2.1 Assessing Value for Money

Value for money assessment will consider:

(a) All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;

(b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.

(c) The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;

(d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;

(e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;

(f) The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy including Local Economic Benefit; and

(g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

1.3 Purchasing Thresholds and Practices

1.3.1 Defining the Purchasing Value

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

(a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and

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

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

1. Strategic Purchasing Value Assessments

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

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

2. Individual Purchasing Value Assessments

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

(a) Exclusive of Goods and Services Tax (GST); and

(b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.

(c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.

(d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

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

1.3.2 Table of Purchasing Thresholds and Practices

(1) Supplier Order of Priority

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

Priority 1:	**Existing Prequalified Supplier Panel or other Contract** Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract. If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA Preferred Supplier Arrangement (PSA) is to be used.
Priority 2:	**Local Suppliers** Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority. If no relevant local supplier is available, then a relevant WALGA PSA may be used.
Priority 3:	**Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)** Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold. However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include: i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise.

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

(2) Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold *(ex GST)*	**Purchasing Practice**
Up to $5,000 *(ex GST)*	Obtain at least one (1) verbal or written quotation from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.
From $5,001 and up to $20,000 *(ex GST)*	Seek at least three (3) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers response to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire's Record Keeping Plan.
From $20,001 and up to	Seek at least three (3) written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1) except if purchasing from a WALGA PSA, CUA or other tender exempt

Purchase Value Threshold *(ex GST)*	Purchasing Practice
$50,000 *(ex GST)*	arrangement, where a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers' responses to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire's Record Keeping Plan.
From $50,001 and up to $250,000 *(ex GST)*	Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). The purchasing decision is to be based upon assessment of the suppliers response to: • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.
Over $250,000 *(ex GST)*	**Tender Exempt** arrangements (i.e. WALGA PSA, CUA or other tender exemption under *F&G Reg.11(2)*) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). OR **Public Tender** undertaken in accordance with the *Local Government Act 1995* and relevant Shire Policy and procedures. The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to: • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. The purchasing decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.
Emergency Purchases *(Within Budget)* Refer to Clause 1.4.3	Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds. If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority will apply wherever practicable. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent

Purchase Value Threshold *(ex GST)*	Purchasing Practice
	necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice. The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.
Emergency Purchases *(No budget allocation available)* Refer for Clause 1.4.3	Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the *Local Government Act 1995,* the Mayor/President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred. The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting. The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.
LGIS Services Section 9.58(6)(b) Local Government Act	The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the *Local Government Act 1995* and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

(3) Authorised Officer Limits

Position	Amount
Chief Executive Officer	**Unlimited**
Manager Works & Assets	**$50,000**
Manager Corporate & Community Services	**$50,000**
Executive & Governance Officer	**$5,000**

1.3.3 Waiver of Quotation

Where quotes are not practical, e.g. due to limited suppliers, the Chief Executive Officer or Manager may, at their discretion, waive the requirements to obtain quotes providing that written, justifiable reasons for such waiver are provided by the responsible Officer and documented through records.

1.3.4 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

(a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; or

(b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR

(c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

1.3.5 Inviting Tenders Though Not Required To Do So

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the $250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance; value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures *[F&G Reg.13]*.

1.3.6 Expressions of Interest

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

(a) Unable to sufficiently scope or specify the requirement;

(b) There is significant variability for how the requirement may be met;

(c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;

(d) Subject to a creative element; or

(e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

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

1.3.7 Standing Offer Agreement

This is an Agreement where a supplier(s) agrees to provide specified goods (which are considered commodities/services off the shelf (COTS) which are readily available from multiple suppliers and frequently purchased), at an agreed price fixed for a set period of time. Standing Offers are a commitment by suppliers to provide agrees products at the fixed price on receipt of a Shire Purchase Order. Standing offers do not commit the Shire to any minimum volume. A standing offer once accepted by the Shire is deemed to have met the quotation process.

Standing Offer is established by seeking quotations as per the Procurement Requirements tabled in section 1.4.2 "Purchasing Thresholds" of this policy, within the range of $10,000 to $250,000 (Exclusive of GST).

1.3.8 Unique Nature of Supply (Sole Supplier)

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

(a) purchasing value is estimated to be over $5,000; and

(b) purchasing requirement has been documented in a detailed specification; and

(c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and

(d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

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

1.3.9 Anti-Avoidance

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

1.3.10 Contract Renewals, Extensions and Variations

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

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

(a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract;

(b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract; or

(c) The variation must not exceed 10% or $10,000 of the total contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

2.0 Sustainable Procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).
The Shire will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.
Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).
Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1 Local Economic Benefit

The Shire promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire will:

(a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;

(b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);

(c) ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;

(d) 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;

(e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;

(f) consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and

(g) provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities.

2.2 Socially Sustainable Procurement

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.
A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

(1) Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is $250,000 or less, or worth $250,000 or less.
The Shire will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg.11(2)(h)*) to determine overall value for money for the Shire.
Where the Shire makes a determination to contract directly with an Aboriginal Business for any amount up to and including $250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.
If the contract value exceeds $50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

(2) Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.
The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.
Where the Shire makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of $250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.
If the contract value exceeds $50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Australian Disability Enterprises. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

2.3 Environmentally Sustainable Procurement

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.
Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

(a) demonstrate policies and practices that have been implemented by the business as part of its operations;

(b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and

(c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3.0 Buy Local Policy

3.1 Local Price Preference

A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire in relation to all quotations/tenders invited by the Shire for the supply of goods, services and construction (building) services.

The Local price preference enables suppliers to be evaluated as if the proposed tender/quotation bid price were reduced in accordance with permitted price preferences as specified below in the policy.

This policy will operate in conjunction with the purchasing considerations and procedures as outlined when evaluating and awarding tender contracts.

This policy operates in conjunction with the Shire's Policy 3.15 Regional Price Preference.

3.2 Qualifying Criteria

3.2.1 Local Supplier:

A supplier of goods or services who submits a tender/quotation is regarded as being a local tenderer if:

i. the supplier has a physical business premises (in the form of an office, depot, shop, outlet, headquarters or other premises where goods or services are being supplied from), located within the Shire. This does not exclude suppliers whose registered business is located outside the Shire but undertake the business from premises located in the Shire;

ii. a business having permanent staff that are based at the business premises located within the Shire;

iii. management or delivery of the majority of the outcomes will be carried out from the business premises located in the shire; and In order for the policy to apply, the supplier is required to provide to the Shire sufficient evidence which demonstrates compliance with the above criteria.

3.2.2 Goods and Services:

The Shire of Dowerin will provide a local price preference to the maximum allowable amount specified in section 24D of the Local Government (Functions and General) Regulations 1996.

4.0 Contract Management

In accordance section 20 of the Local Government (Functions and General) Regulations 1996, if, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the Shire may make minor variations, in accordance section 20 of the Local Government (Functions and General) Regulations 1996 and Delegated Authority F04, in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
Contracts are to be proactively managed during their lifecycle by the Shire Officer responsible for the delivery of the contracted goods, services or works, to ensure the Shire receives value for money and to enforce performance against the contract. Requirements are outlined in the Shire's Contract Management Practice.

Where a contract extension or variation is required the details must be updated in the Shires Contract Management system or database. The agreement must be signed by a person with appropriate delegation and authorisation.

5.0 Panels of Pre-qualified Suppliers

5.1 Objectives

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

Part of the consideration of establishing a panel includes:

(a) there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';

(b) the Panel will streamline and will improve procurement processes; and

(c) the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

5.2 Establishing and Managing a Panel

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

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

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

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

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

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

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

5.3 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 will prescribe one of the following as to whether the Shire intends to:

(a) obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or

(b) purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or

(c) develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

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

(a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to

assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or

(b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.

i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.

ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.

iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in clause 1.4.2(2) of this Policy.

iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

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

5.4 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 Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

5.5 Communications with Panel Members

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

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

6.0 Record Keeping

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

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

7.0 Purchasing Policy Non-Compliance

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

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

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

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

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation,

with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

(a) an opportunity for additional training to be provided;

(b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or

(c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Document Control Box							
Document Responsibilities:							
Owner:	Manager Corporate Community Services		**Owner Business Unit:**	Manager Corporate Community Services			
Reviewer:	Executive & Governance Officer Finance Officer		**Decision Maker:**	Council			
Compliance Requirements:							
Legislation:	s.3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996						
Industry:	Department of Local Government, Sporting and Cultural Industries Guideline No.11 – Use of Corporate Credit Cards						
Organisational:	Council Policy 3.15 Regional Price Preference Code of Conduct July 2020 Record Keeping Plan. Operational Procedure – Procurement						
Document Management:							
Risk Rating:	Medium	**Review Frequency**:	Biennial	**Next Due:**	**2023**		
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Version #	**Decision Reference:**		**Synopsis:**				
1.	28 September 2021 (CMRef 0482)		Amendment to mention Thresholds and Regional Price Preference				
2.							

POLICY NUMBER	-	**3.12**
POLICY SUBJECT	-	**3.12 Untied Surplus Policy**
DATE ADOPTED	-	24 April 2018
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	19 May 2020 (CMRef 0191)

Objective

This Policy aims to establish parameters for the use of untied surplus funds at the end of each financial year as identified through the Annual Budget adoption process.

Definitions

Untied surplus: savings achieved as a result of increased revenue not tied to a particular project or initiative or from a reduction in expenditure from efficiencies and/or project and initiatives that were able to be delivered under budget.

Policy

As part of the Annual Budget process, Council's end of year financial position is calculated.

In the event Council is in a surplus position, the process will include a calculation of any untied surplus.

Should an untied surplus be calculated, Council will recognise this an opportunity to progress one or more of the following financial goals:

1. Reduction or retirement of debt noting that the WA Treasury Corporation may impose a penalty for reduction or early retirement of debt requiring analysis and calculations on a case-by-case basis;
2. Transfer to one or more reserves as determined by Council and guided by the Shire of Dowerin Reserves Policy; or
3. To progress a one-off project or initiative.

Council recognises that untied surplus funds are not a regular or reliable revenue stream and therefore will not use an untied surplus to supplement the operational budget.

Roles and Responsibilities

Chief Executive Officer
Responsible for implementing this Policy and for bringing it to Council for annual review.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995 Section 6.14
Local Government (Financial Management) Regulations 1996
Shire of Dowerin Investment Policy
Shire of Dowerin Reserves Policy

Related Delegation
Chief Executive Officer

POLICY NUMBER	-	**3.13**
POLICY SUBJECT	-	**3.13 Development of Policies and Administrative Procedures**
DATE ADOPTED	-	25 September 2018 (Item 10.1.2)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
RESCINDED	-	15 December 2020 (CMRef 0331)

POLICY NUMBER	-	**3.14**
POLICY SUBJECT	-	**3.14 Mixed Use Properties Policy**
DATE ADOPTED	-	30 April 2019 (Item 10.2.2)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

To ensure Council complies with the *Rates and Charges (Rebates and Deferments) Act 1992* when applying pensioner and/or senior concessions to mixed use properties.

To provide a fair and equitable method of calculating the concession to be applied to mixed use properties.

To ensure a consistent approach is adopted for the calculation of pensioner and/or senior concessions on mixed use properties.

Policy

From the 1 July 2019, Council will calculate the curtilage percentage to apply to mixed use assessments each year when the rates and charges are struck.

This calculation will be based upon the residential portion of the assessment being charged the minimum levy for the year.

Calculation Method
The curtilage percentage will be calculated each year when the rates and charges are levied. The curtilage percentage will be used to calculate the rebate allowed for that assessment.

Step One – Determining Curtilage Percentage

Calculation Equation;
1. Minimum Levy for the Rate Code assigned to the assessment
2. Multiplied by 100
3. Divided by Total Rates Levied for the assessment
4. Equals Curtilage Percentage

For example;
1. Minimum Levy for the Rate Code = $741.00
2. Total Rates Levied for the assessment = $2697.32
3. Curtilage Percentage Equation ($741.00*100)/$2697.32
4. Equals 27.47%

Step Two – Calculating Rebate Allowed
Rebate Allowed Calculation is in accordance with *Rates and Charges (Rebates and Deferments) Act 1992* as interpreted by the Office of State Revenue.

Based on 1/7/2019 calculation rules the rebate allowed calculation equation is;
1. Rates Levied for the assessment
2. Multiplied by the Rebate % for Pensioner/Senior
3. Multiplied by the Curtilage % for assessment

If less than the rebate cap, the amount calculated applies
If greater than the rebate cap, the rebate cap applies

1. Multiplied by Pensioner/Senior Equity in assessment
2. Equals Rebate Allowed

For example;
1. Rates Levied for the assessment = $2697.32
2. Pensioner is entitled to 50% rebate
3. Curtilage Percentage = 27.47%
4. Rebate Cap = $750.00
5. Pensioner Equity = 100%

Rebate Allowed Equation
1. ($2,697.32 multiplied by 50%) multiplied 27.47% = $370.48
2. Rebate is less than $750.00 so rebate applied = $370.48
3. Pensioners Equity = $370.48 multiplied by 100%
4. Rebate Allowed = $370.48

Notifying Ratepayers
Ratepayers affected by this calculation will be advised what their curtilage percentage will be each year when the rate notices are issued. The Ratepayer will be given the opportunity to inform Council that the property is no longer earning an income and therefore can receive the full entitlement to the pensioner and/or senior concession.

New Pensioners and/or Seniors
Council will check the property use for each new pensioner and/or senior application. If the property is recorded as having a zone or land use which indicates it may earn an income, the ratepayer will be written to advising of this policy. The Ratepayer will be given the opportunity to inform Council that the property is not earning an income and therefore can receive the full entitlement to the pensioner and/or senior concession.

Roles and Responsibilities
The Rates Officer is to ensure all pensioner and/or senior concession applications are reviewed to determine if the property may have mixed use.

The Rates Officer will be responsible, under the direction of the Chief Executive Officer, of advising the ratepayers of this policy and its impact on their entitlement to concessions.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Rates and Charges (Rebates and Deferments) Act 1992, Section 28

Related Delegation
Nil

POLICY NUMBER	-	**3.15**
POLICY SUBJECT	-	**3.15 Regional Price Preference Policy**
DATE ADOPTED	-	26 November 2019 (CMRef 0085)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

The objective of this Policy is to stimulate economic activity and growth within the Shire of Dowerin and the surrounding region by maximising the use of competitive local businesses in the supply of goods and/or services purchased or contracted on behalf of the Shire of Dowerin.

Policy

The application of this Policy will ensure that when purchasing goods and/or services, Council will achieve the best possible outcome for the amount of money spent, whilst, where possible, giving preference to local or regional suppliers.

The application of a price preference will be clearly outlined as to whether it will be applied or not prior to the quotation or Tender process commencing.

This Policy applies to all Officers purchasing goods and/or services on behalf of the Shire using Shire funds. It provides direction and outlines the responsibilities attached to the making of purchases on behalf of the Shire.

This Policy must be used in conjunction with the Shire of Dowerin Purchasing Policy.

Regional Tenderer

A regional Tenderer is defined under Section 24B(2) of the *Local Government (Functions and General) Regulations 1996* as 'A supplier of goods or services who submits a Tender is regarded as being a regional Tenderer if:

(a) That supplier has been operating a business continuously out of premises in an appropriate region for at least 6 months before the time after which further Tenders cannot be submitted; or

(b) Some or all of the goods or services are to be supplied from regional sources."

The Shire of Dowerin recognises the following two regions for price preferences:

Region 1- defined as a business or industry located within the district of the Shire of Dowerin; and

Region 2 – defined as a business or industry located within the districts of the Shire of Cunderdin, Shire of Goomalling, Shire of Koorda, Shire of Wongan-Ballidu and Shire of Wyalkatchem.

The Regional Price Preference to be given to either a Region 1 or Region 2 provider are outlined below and represents the amount at which the provider's price bids or quotations would be reduced for the purpose of assessing Tenders or quotations.

Region 1: A price preference may be given to a Tenderer or supplier of a quotation from Region 1 by assessing the Tender or quote from that local business as if the price bids were reduced as follows:

1. 10% - where the contract is for goods or services, up to a maximum price reduction of $50,000;

2. 5% - where the contract is for construction (building) services, up to a maximum price reduction of $50,000; or
3. 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of $500,000, if the local government is seeking Tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Region 2: A price preference may be given to a Tenderer or supplier of a quotation from Region 2 by assessing the Tender or quote from that local business as if the price bids were reduced as follows:

1. 5% - where the contract is for goods or services, up to a maximum price reduction of $25,000;
2. 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of $25,000; or
3. 5% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of $250,000, if the local government is seeking Tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Although goods and/or services that form part of a Tender or quotation submitted by a regional Tenderer may be:

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

only those goods or services identified in the Tender or quotation as being from regional sources may be included in the discounted calculations that form part of the assessments of Tenders or quotations when the Regional Price Preference Policy is in operation.

Proof of Eligibility

Businesses who choose to claim the Regional Price Preference must indicate on their Tender or quotation submission either Region 1 or Region 2 as their Regional Price Preference area and provide suitable proof of eligibility.

Where a price preference is being claimed by a non-local business on the basis of goods and/or services being supplied from regional sources, only those goods or services identified in the Tender or quotation as being from regional sources may be included in the discounted calculations that form a part of the assessments of a Tender or quotation when a Regional Price Preference Policy is in operation.

If, in the opinion of the Shire of Dowerin, a supplier has deliberately provided false or misleading information so as to benefit from this Policy, the provided quotation or Tender may be considered nonconforming and, as such, may be disqualified.

Competitive Purchasing

Price is only one factor that the Shire of Dowerin considers when evaluating a quotation or Tender. There is nothing contained within this policy that compels acceptance of the lowest price.

The Tender or quotation that is determined to be both cost effective and advantageous to the Shire of Dowerin will be the most likely to be accepted.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Manager Corporate & Community Services
The Manager Corporate & Community Services has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Staff

Staff have the responsibility to be aware of the policy and to consider it when tendering and procuring goods and services.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995;
Local Government (Functions & General) Regulations 1996;
Purchasing Policy; and
Code of Conduct.

Related Delegation
Nil

POLICY NUMBER	-	**3.16**
POLICY SUBJECT	-	**3.16 - COVID-19 Financial Hardship Policy**
DATE ADOPTED	-	21 April 2020 (CMRef 0174)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	21 June 2020 (CMRef 0212)
RESCINDED	-	16 November 2021 (CMRef 0516)

POLICY NUMBER	-	**3.17**
POLICY SUBJECT	-	**3.17 Contract Variations Policy**
DATE ADOPTED	-	19 May 2020 (CMRef 0194)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

1. To provide guidance to staff on the principles and limitations applicable to the administration of contract variations.
2. This policy is to be read in conjunction with other tender & purchasing policies where relevant.

Policy

Pre-Contract Variations

Pre-contract variations are permitted pursuant to Regulation 20 of the *Local Government (Functions & General) Regulations 1996* (the Regulations). If after a Tender has been publicly advertised and a preferred tenderer has been chosen, but before the Shire of Dowerin and tenderer have entered into a contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods or services, nor will it materially alter the specification provided for by the initial tender.

In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation, or if the tenderer and the Shire of Dowerin are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the preferred tenderer. The Shire may then choose the tenderer who submitted the next most advantageous submission.

A minor variation must be authorised by the CEO prior to the commencement of any negotiation.

Post Contract Variations

As per Regulation 21A, if a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:

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

A variation can only be approved by a Shire of Dowerin Officer with the relevant delegation (as detailed within the Delegations Register) for the total project cost, not just the variation value. The total project cost is calculated by the initial contract price plus any variation/s.

Shire of Dowerin Officers with sub-delegation authority can only approve variations up to 5% of the initial contract cost. Where the variance exceeds 5% of the initial contract cost, the variation/s must be reported to CEO for his/her authorisation. Where the total contract cost exceeds the CEO's delegation (which is 10% of the initial contract cost), the variation must be presented to Council for approval.

Following the issue of a purchase order for the procurement of goods or services, the contract for purchase may be varied where:

a. The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;
b. Additional goods or services that were not, or could not have been, foreseen at the time the purchase order was issued are required;
c. Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost; and
d. The value of the contract as a result of the variation does not exceed the purchasing limit of the Officer approving the variation.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Manager Corporate & Community Services
The Manager Corporate & Community Services has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Staff
All staff have the responsibility to ensure this policy is adhered to.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Purchasing Policy
Regional Price Preference Policy

Related Delegation
Delegation 4.2 – Tenders for Goods & Services
Delegation 16.1 – Renewal or Extension of Contracts during a State of Emergency

WORKS & ASSETS

POLICY NUMBER	-	**4.1**
POLICY SUBJECT	-	**4.1 Fuel Stock Control Policy**
DATE ADOPTED	-	24 October 2017 (Item 9.1.3)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	

Objective

This policy provides guidelines for monitoring and managing the amount of fuel stock within the Shire to ensure that there are suitable levels of diesel available for operations at all times.

It is the responsibility of the Assets and Works Manager (AWM) to ensure that the fuel stock control policy is adhered to by all employees.

Policy

Purchase of Stock
It is AWM's responsibility to:

1. Identify fuel stock and ensure that appropriate levels are held at all times;
2. Monitor all fuel stock levels and 'stock turns' (how many times stock turns over in a year);
3. Regularly review sales budgets and order necessary stock in line with budgets;
4. Negotiate with suppliers for best price, quality, delivery methods and returns policy;
5. Order all fuel stock required;
6. Maintain "preferred suppliers" list; and
7. Purchase of all fuel stock must be authorised by the AWM or FCSM.

All fuel stock purchases must be requested by using a purchase order and adhere to the purchasing policy.

Receiving Fuel Stock
When fuel stock is received from the supplier, it is the AWM or Leading Hand's responsibility to:

1. Review delivered items to delivery docket, including quantity, quality and completeness of order;
2. Match delivery docket to purchase order;
3. Store the fuel stock securely and in allocated area;
4. Update all fuel stock records for receipt of goods; and
5. Inform or AWM or FCSM of any under/over-supply of fuel stock.

Managing Stock
It is the AWM 's responsibility to:

1. Identify fuel stock and ensure that appropriate levels are held at all times;
2. Monitor all fuel stock levels and stock turns;
3. Regularly review sales budgets and ensure that fuel stock is ordered in line with budgets;

4. Monitor re-order levels and ensure orders are placed in adequate time to reduce non-availability of fuel stock;
5. Ensure that all staff are aware of new supplier, price changes and procedures for accurate recording of all fuel stock movements;
6. Ensure that there are adequate controls (physical and administrative) in place to minimise theft and/or waste of all stock items; and
7. Organise and oversee physical stock take twice a year and match records of stock take to administrative and financial records.

Roles and Responsibilities

Related Documentation
Purchasing Policy
Finance Authorisation Policy
New Supplier or Contractor Appointment Approval Policy

Related Legislation/Local Law/Policy/Procedure

Related Delegation

POLICY NUMBER	-	**4.2**
POLICY SUBJECT	-	**4.2 Gravel, Sand and Clay Supplies and Pit Rehabilitation Policy**
DATE ADOPTED	-	18 December 2018 (Item 10.1.1)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	19 January 2021 (CMRef 0357)

Objective

To ensure that at all times the Shire has sufficient materials and arrangements in place to meet the needs of road maintenance and construction programs. This will be achieved by:

1. Ensuring access to an adequate supply of high-quality road building materials.
2. Ensuring that an effective rehabilitation program is in place; and
3. Ensuring that all facets of these transactions are transparent and compliant with relevant legislation.

Policy

Access to Material
Council recognises that in order to access gravel, sand or clay it needs to pay a fair price and abide by its own policies and local laws. To this end, Council will undertake the following:

1. Approach the landowner at least four weeks prior to the time that the works are due to commence, to advise the landowner of the Shire's intention, advise of compensation and to enable the landowner to make any domestic arrangements in relation to stock, etc.
2. All pits opened on private property will be reclaimed before the plant shifts to the next programmed job, unless firm arrangements are made with the landowner for not reclaiming.
3. If the area is required for dam catchments, all topsoil shall be stock piled, or removed if suitable for road building.
4. If required by the land holder, the areas shall be fenced, and suitable gates fitted to the fenced area, at the Shires expense.
5. Construction shall occur when necessary to create or repair affected haul roads.
6. All care will be taken to reduce, as much as possible, the impact or inconvenience to the landowner.
7. All pits will be rehabilitated in accordance with this Policy.
8. Rate of payment for materials, including GST are:
   - Gravel $2.20 per cubic metre for compacted gravel removed from private property.
   - Sand $1.75 per cubic metre.
   - Clay $1.10 per cubic metre.
9. All transactions are to be in accordance with relevant legislation and include a written agreement, detailing all aspects of the proposed transaction, including rehabilitation of the quarry/pit. No works are to occur prior to the signing of the agreement by both parties.
10. Landowners have an option to:
    a. Claim full payment for the materials extracted.
    b. Claim part payment and part private works up to the value of the material extracted; or
    c. Receive no payment and have private works carried out to the value of the materials extracted.

The value of private works will be determined by the Manager Works and Assets.

11. The private works in Part 9 above may only be carried out on the property from which material has been extracted and is subject to plant availability. Any works scheduled are to be performed during the budgeted financial year and are not to be carried over.
12. When landowner consent from the extraction of road building or other materials required for public works is not granted and the Chief Executive Officer and Manager Works and Assets considers the acquisition of these materials is in the best interest of the public, the Chief Executive Officer will provide such notices and takes such actions as prescribed by the *Local Government Act 1995*, Section 3.27 (1) to secure the materials.
13. If materials are extracted without the landowner's consent then the rates of royalty that would have been applicable and remedial actions to the land that would have been taken, will apply as if the landowner had given their permission.
14. Upon meeting all requirements of the Agreement in Part 7 (Access to Material) the Manager Works and Assets shall ensure the landowner is adequately satisfied by way of a signed acceptance letter.

Pit Rehabilitation
The Shire recognises and accepts that pit rehabilitation is necessary to avoid soil compaction, decrease surface drainage, avoid erosion and minimise visual pollution.

1. In general, prior to opening a pit, a management plan of the site will be prepared which will include rehabilitation and monitoring.
2. Private operators are required to submit and abide to a pit management plan, which includes rehabilitation and monitoring, before establishing a pit.
3. Wherever possible, new pits will be established on cleared land, not existing bushland and not be located on a road verge.
4. Where necessary, the visual impacts of an operating pit will be minimised through the establishment of buffers between the pit and visual vantage point/s.
5. Where necessary, the dust and noise impacts of an operating pit will be minimised through the establishment of buffers between the pit and neighbours.
6. Throughout the life of the pit, topsoil, overburden and vegetation will be stockpiled separately ready for respreading in the rehabilitation process.
7. If weeds have developed on the topsoil mounds these will be removed prior to respreading the topsoil.
8. If necessary, drainage structures will be established within the pit, to reduce any ponding and/or surface erosion.
9. Rehabilitation will be done progressively throughout the life of the pit and
10. The site will be monitored every year for three years after closure of the pit. If after three years, rehabilitation is considered inadequate, appropriate measures will be undertaken to bring the pit up to the appropriate rehabilitated standard.

Bush Sites
Where a proposed pit is located within bushland, the following will apply:

1. Reference to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and obtain the necessary clearing permits.
2. Prior to opening a pit, seed from local endemic species will be collected from the site and stored for use in the revegetation phase of rehabilitation.
3. The general process of rehabilitation will be:
    a. Rip the floor of the pit at 1 one metre intervals across the contour.
    b. Shape the ripped pit so that the surfaces are as smooth as possible.
    c. Batter the edges down to blend in with the landscape with the batter slopes no steeper than 4H:1V.
    d. Return the overburden and the topsoil to the pit.
    e. Then cross-rip the site at one metre intervals on the contour to encourage plant growth and
    f. Return all vegetation and debris to the pit.
4. Seeds collected prior to pit establishment should be scattered on the site at the time of year suited for germination (varies with location) if establishment from respreading vegetation has been inadequate. If a store of seeds is not available, seed from local endemic species should be collected from surrounding areas; and
5. If required by the landowner and the pit is located on farmland, it will be fenced to exclude stock to help ensure adequate regeneration at the Shire's expense.

Pastured Sites

1. Prior to establishment of the site, the landowner will be asked how they want the site rehabilitated.
2. For sites to be rehabilitated back to pasture the general process of rehabilitation will be:
   a. Rip the floor of the pit to a depth of at least 50cm along the contour.
   b. Shape the pit so that the surfaces are as smooth as possible and edges are battered down to blend in with the landscape.
   c. Return the overburden and then topsoil to the pit and
   d. Pasture seed will be spread.

Abandoned Pits

1. As part of its annual budget deliberations, Council will determine an amount specifically for the rehabilitation of abandoned pits. This will take into account, a works program to ensure that over time, all abandoned pits are rehabilitated to a satisfactory level.
2. The method for rehabilitation will not change from that mentioned in the section on current pits.
3. If fill is no longer available, spoil from roadworks etc. will be used. Topsoil, if no longer on site, will be carted to the area to ensure regeneration will be satisfactory and
4. The site will be monitored every year for three years after rehabilitation works. If rehabilitation is inadequate, appropriate measures will be taken to ensure success.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Sections 3.21, 3.22, 3.27, 3.31, 3.32, 3.33 and Schedule 3.2 of the *Local Government Act 1995*.

Related Delegation
Nil

POLICY NUMBER	-	**4.3**
POLICY SUBJECT	-	**4.3 Restricted Access Vehicle Policy**
DATE ADOPTED	-	25 September 2018 (Item 10.1.4)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	16 February 2021 (CMRef 0374)

Objective

To provide clear guidelines to Council, staff and heavy vehicle transport operators for Restricted Access Vehicle (RAV) Network requests and access to roads under the care, control and management of the Shire of Dowerin.

The Council wishes to balance road safety, transport efficiency for Shire economic benefits, community amenity and preservation of the road asset. The Policy supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.

Definitions

Restricted Access Vehicle (RAV) Permit
A permit is required from MRWA when driving a Restricted Access Vehicle on a public road. A vehicle or combination exceeding any of the following limits is a RAV and must operate in accordance with a permit.

• 2.5m in width	• 6t on a single steer axle
• 4.3m in height	• 10t on a twin steer axle group (non-load sharing suspension)
• 12.5m in length for a rigid vehicle	• 9t on a single axle
• 19m in length for a combination	• 16.5t on a tandem axle group
• 42.5t gross mass	• 20t on a tri or quad axle group

Restricted Access Vehicle Network
The RAV Network is a list of roads which have been assessed and classified by MRWA according to the type and size of heavy vehicle that may access them. It is administered by the Heavy Vehicles Section (HVS) of MRWA.

Accredited Mass Management Scheme (AMMS) Network
The AMMS scheme allows for three (3) concessional mass tiers that are available to approved heavy vehicle transport operators with appropriate loading control methods. This scheme uses a network approach similar to the existing RAV Network.

Both the RAV and AMMS Networks are published in the form of road tables and a visual Mapping Tool is available on the MRWA website.

Policy

Request to Access Roads

1. RAV Classified Roads – By contacting MRWA Heavy Vehicles Section for a permit. If required, heavy vehicle transport operators may request use of a classified road on the RAV Network by applying to the Chief Executive Officer for approval if a MRWA permit condition specifies.

2. Unclassified Roads - If a road is not classified on the RAV Network then the applicant will first need to apply to MRWA (HVS) and submit a Road Owner Support form to add or amend a road on a RAV network. These forms are located at https://www.mainroads.wa.gov.au/globalassets/heavy-vehicles/rav-access/access-route-assessment-form-application-and-road-owner-support-to-add-or-amend.pdf Upon receipt of the application, MRWA (HVS) will coordinate the assessment. This includes contacting the Shire of Dowerin to seek their support for the addition or amendment. The Shire of Dowerin will assess requests in accordance with MRWA approved guidelines and if supported, a submission will be made to MRWA (HVS) for their consideration including any conditions that may apply to the use of the road.

3. AMMS Network - Heavy Vehicle transport operators may apply for a road already classified on the RAV Network to be approved for an AMMS Network level by applying to MRWA (HVS). Upon receipt from MRWA (HVS) the Shire of Dowerin will assess the request in accordance with MRWA approved guidelines. If supported, a submission will be made to MRWA (HVS) for their consideration

4. Should the road access request be declined, the Shire of Dowerin will inform MRWA (HVS) who will advise the applicant. On completion of the process, Main Roads will contact both the applicant and Shire of Dowerin to advise of the process outcome.

5. Depending on the need for access, a RAV access request may be supported if the applicant is willing to meet the costs associated for the shire to carry out any road upgrades or vegetation pruning necessary to qualify the road for the RAV network level requested.

6. The Shire of Dowerin may close a road on a temporary basis to all heavy vehicles should deteriorating road conditions be present in accordance with Sections 3.50 and 3.50A of the *Local Government Act 1995*.

RAV Road Reclassification
The Shire may withdraw support for an approved route at any time if:

1. The route is deemed unsafe for RAV use;
2. The route is deemed unsuitable for RAV use; or
3. The heavy vehicle transport operator has breached approval conditions.

Roles and Responsibilities
All RAVs require a permit, unless they are authorised under a class of notice issued by either the Commissioner of Main Roads or the Director General, Transport.

On occasion MRWA may ask the Chief Executive Officer to issue a written Shire letter of agreement with Condition.

The Shire is required to provide a formal letter of agreement to MRWA before they will assess a road for RAV operation. Under certain conditions, the Shire may authorise Main Roads to issue an approval and stipulate special operating conditions to address local community and industry concerns. Main Roads has standard operating conditions but can impose the condition that on a certain road or section of road the RAV operator must obtain a written agreement with additional local operating conditions. The Letter of Agreement from the Chief Executive Officer must be carried within the vehicle at all times. The Letter of Agreement is in addition to the permit required from Main Roads.

The Chief Executive Officer may grant agreement to Main Roads for all RAVs up N4 to without referring the matter to Council providing the road/roads comply with the Main Roads Route Assessment Guidelines at standard VSR axle mass limits.

If access is requested for a RAV and the road/roads do not comply with Main Roads Route Assessment Guidelines and RAV Category, any request must be brought before Council for consideration.

Applications for the operation of a RAV with increased mass and tri drive vehicles etcetera will require to be brought to Council and a cost recovery method considered.

Related Documentation

RAV Mapping Tool

https://mrwebapps.mainroads.wa.gov.au/hvsnetworkmap which features:

1. A seamless map of WA using a Google interface;
2. Allows users the ability to quickly access network information and their associated conditions;
3. The ability to overlay individual networks, which will enable you to plan your journey more efficiently; and
4. Mobile device compatibility.

Note: The RAV mapping tool should be used as a guide only and approved roads should be checked using the road tables and addendums.

Related Legislation/Local Law/Policy/Procedure
The *Road Traffic Act 1974, Road Traffic (Vehicles) Act 2012* and the *Road Traffic (Vehicle) Regulations 2014* govern the use of heavy vehicles on roads within Western Australia and define items such as compliance notices, exemptions, permits and notices for heavy restricted access vehicles. These regulations also contain provisions for mass and loading, load restraints, vehicle modifications and vehicle maintenance.

The *Land Administration Act 1997* Section 55 and *Local Government Act 1995* Section 3.50, 3.50A and 3.53(2) gives the Shire of Dowerin management responsibility for roads within its boundaries.

Related Delegation
Works & Assets Manager

POLICY NUMBER	-	**4.4**
POLICY SUBJECT	-	**4.4 Road Engineering and Subdivisional Development Policy**
DATE ADOPTED	-	28 September 2021 (CMRef 0492)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	17 August 2021

Objective

All works associated with the road and subdivisional development policy of land within the Shire of Dowerin shall comply with the minimum standards specified within the current Institute of Public Works Engineering Australia Local Government guidelines for subdivisional development.

To

a) Provide a safe, efficient and effective road system for the Shire.

b) Facilitate the upgrading of existing roads to consistent widths, alignments and standards of construction.

c) Offer sufficient road reserve width to accommodate all required public utilities required now and into the future as part of any Road Construction.

d) Deliver a rational and consistent basis for the construction of roads and any financial contributions required for such construction.

Policy

The guidelines prescribe the minimum standards applicable to the design and construction of roads, stormwater drainage systems, pathways, streetscapes, earthworks, landscaping and public open space.

These guidelines are intended to underline and support road and subdivisional conditions applied by the Western Australian Planning Commission pursuant to the Planning and Development Act 2005. The guidelines encompass current legislation and best practice minimum engineering standards. They are intended to guide local governments and the development industry through engineering specifications, construction, and post construction subdivisional approval. The Institute of Public Works Engineering Australia has committed to updating the guidelines as required and on a consistent basis.

A copy of these guidelines is available through the Shire of Dowerin or Department of Planning, Lands and Heritage website at

https://www.dplh.wa.gov.au/information-and-services/subdivisions,-leases-and-licences-on-freehold-land/local-government-guidelines-for-subdivisional-deve

DESIGN CRITERIA

General
Criteria provided here are minimum criteria only and are necessarily broad based to cover general subdivision situations. In particular situations, amendments may be required and the Council may impose special conditions not covered by the criteria.

ROADS

The Shire of Dowerin Road hierarchy consists of seven category types:

1. Category 1: Regional Distributor Rural (RRG 2030);
2. Category 2: Local Distributor Urban;
3. Category 3: Local Distributor Rural;
4. Category 4: Access Urban; (Town Streets)
5. Category 5: Access Rural; and
6. Category 6: Minor Access Rural;
7. Category 7: Industrial and Commercial

Regional Distributor Rural (RRG 2030)	Regional Distributer Rural (RRG 2030) are to conform to type 5 road with a minimum 10 metre gravel formation, 7.0 metre width sealed running surface and 1.5 m shoulders.
Local Distributor Urban	Local Distributor Urban are to conform to type 5 road, with a minimum 7.0 metre seal width between kerbs.
Local Distributor Rural	Minimum 10 metre gravel formation with a 7.0 metre-wide running surface and 1.5 m shoulders.
Access Urban (Town Streets)	Town Access Streets pavements shall be sealed with a minimum width of 7.0 metres between kerbs. The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres. ("T" turning heads are not acceptable) Concrete/asphalt footpath on at least one side of the road shall connect to existing footpaths.
Access Rural	Minimum 8 metre gravel formation with a 7.0-metre-wide paved running surface and 0.5 m shoulders.
Minor Access Rural	Minimum 6.0 metre formed road.
Industrial and Commercial Thoroughfares	Pavements shall be subject to a minimum seal width of 9.0 metres. Unsealed gravel footpath on sides of the road to connect to existing footpaths where possible.

Note* All Road Reserves for each road hierarchy listed above is to be of a minimum 20 metre width.

General Information
Roads should generally be designed in accordance with relevant Austroads and ARRB guidelines and publications, which include:

1. Guide to Traffic Management: Parts 1–13, Austroads;
2. Austroads Design Vehicles and Turning Path Templates, Austroads (2013);
3. Guide to Road Design, Part 1-8, Austroads (2010);
4. Guide to Pavement Technology, Part 1-10, Austroads;
5. Guide to Road Transport Planning, Austroads (2009);
6. Cycling Aspects of Austroads Guides, Austroads (2017);
7. Utility Providers, Code of Practice for Western Australia, MRWA (2010);
8. Sealed Local Roads Manual, Australian Road Research Board (2005);
9. AS/NZS 1158 Lighting for Roads and Public Spaces, Standards Australia (2010);
10. AS 2150-2005: Hot Mix Asphalt – A Guide to Good Practice, Standards Australia (2005);
11. AS 2008-1997: Residual Bitumen for Pavements, Standards Australia (1997);
12. AS 3727-1993: Guide to Residential Pavements, Standards Australia (1993); and

13. Technical Specification, Tender Form and Schedule for Supply and Laying of Hot Asphalt Road Surfacing, IPWEA/AAPA (2016) Rev 4.
14. Where there is any conflict between the requirements of these guidelines and the above publications, the details specified in these standards shall take preference.

Generally, all road pavement widths shall conform to the Shire of Dowerin' road hierarchy. For residential subdivisions, this has been based upon the Liveable Neighbourhoods Community Design Code which is the operational policy for the Western Australia Planning Commission (WAPC). This road hierarchy enables the safe and orderly movement of vehicles, cyclists and pedestrians within and throughout the municipality. Consideration however must be given to the final aesthetic and functional aspects of the area, particularly in rural areas. Aspects to be considered include minimising the environmental impact (particularly regarding existing trees and vegetation), fitting road grades as close to existing contours as practicable and provision of lot access.

Crossfall
Sufficient crossfall should be provided to allow easy run-off of water from the surface, to prevent potholes developing. If too great a crossfall is applied, the surface material will be prone to scouring and erosion. For dual carriageway, two-way crossfalls should meet with a crown. This will assist in preventing the development of potholes in the road centre. For single lane carriageways, it may be best to have single crossfall for ease of grading during regular maintenance.

Generally:

1. for unsealed roads, a crossfall of 4-5% shall apply;
2. for sealed roads, a crossfall of ~~2~~ 3% shall apply;
3. for shoulders or straights, the crossfall of road shoulders may be up to 2% steeper than the crossfall of the traffic lane it flanks; and
4. for shoulders or curves with superelevated pavements, both shoulders can be superelevated to crossfalls not less than the pavement crossfalls.

WIDTHS - UNSEALED SHOULDERS ON SEALED ROADS

The purpose of shoulders is to:

1. give lateral support to the pavement;
2. carry surface water away from the pavement;
3. give extra width for traffic to stop or stand for emergency use;
4. allow overtaking or passing movements, particularly on single lane pavements; and
5. create a sense of open space, and therefore increase the effective use of traffic lanes.

Shoulder widths on future sealed roads should ideally be 1.5m on each side, although this can be reduced to 1.0m on dual lane minor roads. This recommended standard will be applied to existing roads as part of a future upgrade/reconstruction to that road.

DRAINAGE WORKS

Table Drains
Table drains should be a minimum of 300m below the gravel pavement layer and drains should be free of all vegetation and obstructions, to allow for free drainage and improved sight distances.

Culverts
Culvert bedding should comprise of cement stabilised gravel or sand (40kg of cement per cubic metre of loose gravel) in a minimum thickness of 150mm (compacted). Culvert backfill should comprise of cement stabilised gravel in a maximum working thickness of 150mm (compacted).

For sealed roads, the cement stabilised gravel should be constructed up to the finished level and the seal coat applied. For unsealed roads, the cement stabilised backfill should be constructed to 150mm below the finished road level.

Box Culvert Cases

All new and/or replaced box culverts are to have a continuous concrete slab base unless using Main Roads approved flat packed culverts with a 2-piece interlocking slab.

Headwalls
All culverts, headwalls shall be constructed of concrete or grouted stone pitched headwalls comprising of wing walls, aprons and cut off walls. For culverts greater than 750mm diameter or height, the headwalls shall be steel reinforced.

Batters
In shallow cuttings - up to 3m depth, cut batters are usually flattened for improved appearance beyond that required for stability purposes. Batters should be no steeper than 3 to 1.

Slope Benches
On high batters, exceeding 10m vertical height, or where batters are constructed of unstable material, consideration should be given to the provision of benches. Benches are beneficial for:

1. eliminating the need to flatten the batter slope in the interests of stability;
2. reducing scour on the batter face;
3. minimising the possibility of rock falling onto the pavement; and
4. improving the appearance of the cutting.

ROAD UPGRADING

The Shire of Dowerin may request contributions from developers to upgrade existing roads as a condition of approval of adjoining applications.

Road Construction Specification
If the proposed subdivision or development is located on an unsealed road, Council may determine that the developer shall contribute towards road construction or upgrade to connect the development to the nearest sealed road, the upgrade may include services and drainage.

PROVISION OF SUBDIVISIONAL ROADS AND ASSOCISATED CIVIL WORKS

Public access to all or part of the roads (applicable within the subdivision) will not be allowed until a certificate of completion from the Consulting Engineer is given and accepted by the Chief Executive Officer.

Clearance of the subdivision by the Chief Executive Officer shall be granted at such time as the subdivisional civil works are fully completed, all other relevant conditions set by the Western Australian Planning Commission are satisfied, supervision fee (1.5% or 3%) paid, and the 7.5% retention bond is in place as.

Clearance may also be granted to an uncompleted subdivision whereby bonds will be negotiated to cover the cost of the incomplete works or relevant conditions. This will be decided, at the discretion of the Chief Executive Officer, on a case-by-case basis however generally bonds will only be permitted where the majority of the work or the majority of the relevant conditions set by the Planning Commission have been satisfied. Bonds will be held until such time as the outstanding issues are completed to the satisfaction of the Chief Executive Officer. The amount of the bond will be determined based on the value of the work subject to the bond plus 20%.

CONTRIBUTIONS TO UPGRADING ADJOINING AND FEEDER ROADS

Subdivisions which increase the volume of traffic on Council controlled roads may attract a contribution from the subdivider for the upgrading of the Council Road.

In instances where a subdivision attracts a road upgrading condition, the Chief Executive Officer shall specify and justify the work in the response to the Planning Commission. Depending upon the size and scale of the proposed subdivision the Chief Executive Officer is to either stipulate the specific road upgrading requirements (e.g.; upgrade 'x' road to 6m

seal from intersection with 'y' road to entrance of proposed internal access road of subdivision) or a financial contribution towards the future upgrading of the subject road.

In some instances, the size of the subdivision will generate such a significant increase in traffic volume on an existing road that a total (100%) contribution towards the upgrading of the road will be required.

All financial contributions received from subdividers not expended in the same year as receipt are to be placed in reserve and quarantined for use on the nominated road.

OUTLINE SPECIFICATION FOR BITUMEN CONSTRUCTION

General
All work should be carried out to the complete satisfaction of the Shire of Dowerin and in accordance with best accepted engineering practice. As a guide, developers should refer to the "Local Government Guidelines for Subdivisional Development" published by the Institute of Public Works Engineering Australia (WA Division)

Design
A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person (as approved by the Chief Executive Officer). The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the Chief Executive Officer to make a decision on approving the work.

It is important that subdividers establish road standards with the Shire of Dowerin before commencing design.

Design Drawings
Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text "Local Government Guidelines for Subdivisional Development". However, as a minimum, design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible. Cross sections shall be included for all roads.

The design shall be forwarded to the Chief Executive Officer for approval in two hard copies, minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

Geometric design to be based on a minimum design speed of 80km/h unless ground conditions make this impossible. Where this occurs, the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

Drainage
Drainage detail should be specific and include constructional detail of all structures being utilised. Storm water should be discharged as soon as possible onto the land surface or to a natural water course.

Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the Chief Executive Officer.

All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 1997 and the relevant Austroads Guides. Flow widths along kerb lines are not to exceed 2.0m from the face of kerb and water velocity is not to exceed the scour velocity of the road and kerb surface. Each drainage discharge points shall be protected against erosion approved by the Chief Executive Officer.

All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipes such as PVC or polypropylene) for the proposed installation situation. Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc, shall be connected with cement mortar or as

specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

Subgrade
Roads shall be formed and compacted true to location, level and grade as shown on the design drawings. All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose. All material used in fills must be capable of compaction as per Main Roads Western Australia specifications. The Chief Executive Officer reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

Base Course/Pavement Design
Road base material shall be laterite gravel (or other approved material) taken from a pit approved by the Chief Executive Officer Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications. Details submitted in the design shall include the materials and the pavement structure being proposed. Road base depth shall be not less than 200mm compacted unless approved by the Shire of Dowerin or justified by laboratory test results on the sub-grade and base material.

Surface Treatment
The Consulting Engineer shall submit a seal design to the Chief Executive Officer giving full details of the proposed seal treatment(s). Seals shall conform to Main Roads Western Australia specifications. No seal shall be applied prior to the seal design being approved by the Chief Executive Officer. The approval process will include an inspection of the base course.

OUTLINE SPECIFICATION FOR UNSEALED (GRAVEL) CONSTRUCTION

General
All work should be carried out to the complete satisfaction of the Shire of Dowerin and in accordance with best accepted engineering practice. As a guide, developers should refer to the texts "Local Government Guidelines for Subdivisional Development" published by the Institute of Public Works Engineering Australia (WA Division), and ARRB's 'Unsealed Road Manual – Guidelines for Good Practice'.

Design
A preliminary design for the work must be prepared by a qualified practicing Civil Engineer or suitably qualified or experienced person as approved by the Chief Executive Officer. The design should show longitudinal plans and cross sections of the proposed road(s), general specifications, levels, drainage, nature of soil and other such information to enable the Chief Executive Officer to make a decision on approving the work.

It is important that subdividers establish road standards with the Shire of Dowerin before commencing design.

Design Drawings
Design drawings and specifications should be to the extent and in accordance with that recommended at Section 3 of the text "Local Government Guidelines for Subdivisional Development". However, as a minimum, design drawings shall include plans and longitudinal sections generally at the scale of 1 in 1000. Levels should be reduced to AHD where possible.

The design shall be forwarded to the Chief Executive Officer for approval in two hard copies, minimum drawing size A1 unless specifically approved. The design will be reviewed after which either approval or changes will be suggested. Any changes or amendments will need to be reflected in revised drawings prior to approval being issued.

All geometric design to be based on a minimum Design Speed of 80km/h unless ground conditions make this impossible. Where this occurs, the standard reached shall be clearly indicated and provision for appropriate road signs included in the contract.

Drainage

Generally, drainage on gravel roads will consist of open drains with culverts and headwall structures installed transversely beneath the road surface. Drainage detail should be specific and include constructional detail of all structures being utilised.

Storm water should be discharged as soon as possible onto the land surface or to a natural water course. Where grades exceed 6% or where sub-grade material is particularly subject to erosion, stormwater shall not be carried in unlined water-tables or open drains unless specific approval is given by the Chief Executive Officer.

All storm water drainage is to be designed in accordance with Australian Rainfall and Runoff 1997 and the relevant Austroads Guides. Each drainage discharge points shall be protected against erosion in a manner approved by the Chief Executive Officer.

All drainage lines shall be of a standard recommended by the concrete pipe association (or equivalent design code for other types of pipes such as PVC or polypropylene) for the proposed installation situation. Pipes are to be laid in straight lines between structures, true to grade and line. At all structures, pipes, etc, shall be connected with cement mortar or as specified by the manufacturer to ensure water-tightness and exclusion of ground water, unless otherwise approved in the design.

Earthworks & Formation

Subgrade

Roads shall be formed and compacted true to location, level and grade as shown on the design drawings. All fill areas shall be compacted from the bottom up, with the base dimensions calculated to comply with acceptable angles of repose. All material used in fills must be capable of compaction as per Main Roads Western Australia specifications. The Chief Executive Officer reserves the right to require compaction testing as per Main Roads Western Australia specifications at the contractors or subdivider's cost.

Base Course/Pavement Design

Road base material shall be laterite gravel (or other Shire approved material) taken from a pit approved by the Shire. Laboratory tests may be required on representative samples at the contractors or subdivider's expense.

The pavement design shall be carried out as per Main Roads Western Australia specifications. Details submitted in the design shall include the materials and the pavement structure being proposed. Crossfalls shall not be less than 4-5%.

Road base depth shall be not less than 200mm compacted unless approved by the Shire of Dowerin or justified by laboratory test results on the sub-grade and base material.

Surface Treatment

The surface shall be water bound, compacted and shaped as per the design to give a smooth and solid running course with a minimum of loose material.

SUBDIVISIONAL ROAD REQUIREMENTS

Internal Roads (Access Roads) - the full cost of all internal roads will be at the cost of the developer. The standard of road will conform to Council's Road Standards, and the level of construction will be as dictated by the number of lots serviced, terrain, number of spur roads, and potential traffic generated.

Servicing by Existing Roads - when subdivisional lots are permitted to be serviced by existing roads a contribution will be required to upgrade the road to an acceptable standard dictated by the number of lots and the volume of potential additional traffic.

Feeder Road Upgrading (Regional Distributer Rural Roads) - where subdivisional roads connect to an existing Shire feeder road which is of a standard inadequate for the potential traffic after the subdivision is fully developed, a contribution sufficient to raise that standard to an acceptable level will be required after taking into consideration future contributions from other adjacent subdividable land.

NOTE: A feeder road standard not less than that required for the internal road provided for the subdivision will be required.

Major Feeder Road Connection (Primary Distributor, District Distributor A or Regional Distributor Roads) - where subdivisional roads connect to an existing major feeder road (e.g., highway or secondary road) already adequate in standard, a contribution will be required for any traffic controlling treatments, containing drainage, entry treatments, and dealing with specific safety problems such as visibility, signage etc. Where the feeder road is a highway or secondary road under the control of Main Roads Western Australia approval from Main Roads Western Australia is required prior to submission of design drawings to the Shire.

Connecting Road Presently Not Existing - where a subdivision is created which will require connection to a feeder road or highway and no formed road exists then the full cost of this connecting road to a standard dictated by the number of created lots and potential volume of traffic generated will be required.

Additional or Connecting Roads - where contributions have been assessed in accordance with this Policy, Council reserves the right to fully utilise the contribution on the section of adjoining or connecting road with the greatest priority.

CROSSOVERS

Under Schedule 9.1, Clause 7 (3) of the *Local Government Act 1995*, regulations may authorise a local government to require a person to make or repair a crossing from public thoroughfare to: a) private land that the person owns or occupies, or b) a private thoroughfare servicing private land that the person owns or occupies, and if the person fails to do so, to do so itself and recover 50% of the cost as a debt due from the person.

The Council wishes to encourage land owners to install vehicle crossovers in a timely manner. To encourage the installation of crossings by landowners, the Council will offer a subsidy towards the cost.

The Manager of Works & Assets will inspect and prepare a standard specification which shall be the basis for calculation of a subsidy payment.

Payment of up to half of the cost for a standard 4.0 metres urban and 6 metres wide rural crossing from the road surface to the front boundary of the property. Council's contribution shall not exceed the maximum of $1,000 reimbursement.

The Manager of Works & Assets shall approve the specification for the different circumstances within the shire and each crossing must be constructed in accordance with Shire's specifications, the remaining cost shall be payable by the property owner.

In the instance where an existing vehicle crossing has reached the end of its life cycle a subsidy may be payable if the crossing is replaced in accordance with Shire's specifications and standard. Any extra costs associated with the replacement of the crossing ie cost to remove deteriorated surface and formwork will be at the owners cost. A substandard crossover will not be considered.

Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of that property owner.

FOOTPATHS

Council recognises the importance of footpaths and dual use paths. There is greater demand than funds available to meet all proposals for footpath and dual use path provision. This policy is to establish how priority will be allocated and standards established.

1. Footpaths and dual use paths will be constructed in accordance with the priorities established in the Shire of Dowerin footpath plan.
2. Paths are to be constructed to the Austroads Standards Part 6A: Paths for Walking and Cycling

ROAD VERGE VEGETATION

The purpose is to allow for the construction and maintenance of rural roads while acknowledging the importance of the protection and conservation of native vegetation where possible. Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection, is the principal consideration.

Relevant Legislation
The *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* govern the activities that will impact on native vegetation. This legislation is relevant to the Shire of Dowerin, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

Designated Maintenance Corridor
The Environmental Protection legislation, in particular Regulation 5, Item 22 Clearing for maintenance in existing transport corridors (*Environmental Protection [Clearing of Native Vegetation] Regulations 2004*) provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated 'maintenance corridor'.

Road Construction Operations
Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Environment Regulation (DER) prior to undertaking any road construction. Conditions of the permit will be complied with including special considerations for declared rare flora and/or fauna if any has been identified as present in the maintenance corridor.

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of clearing specified. No growing vegetation shall be destroyed or damaged by the works other than those specified and those indicated.

Any tree remaining within the road reserve but outside the limits of clearing which upon assessment is considered unsafe and likely to fall upon the roadway may be cleared and disposed of.

Road Maintenance Operations
The Shire's Road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the Maintenance Corridor, which comprises the running surface, shoulder, table drain and batter to the tip of the back slope.

When major weed control works are to be undertaken, including areas outside the Maintenance Corridor, consultation may occur with the Department of Parks and Wildlife, DER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation will be removed and disposed of prior to operation. Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible this will be minimised.

Drains can be mechanically cleared and maintained with a grader or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage the use of excavation equipment may be used.

Requests received from members of the public relating to exclusion of a road reserve/section of road reserve adjacent to their property from the spraying program, should be forwarded in writing to the Chief Executive Officer for consideration.

Removal of Dangerous Vegetation
Occasionally it is necessary to remove a dangerous tree/vegetation that pose/s an imminent threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fence line or a roadway. Following

inspection by a Shire Officer, any tree removal will be in accordance with Environmental Protection (Clearing of Native Vegetation) Regulations.

Services and Utilities
Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Dowerin regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas.

All materials are to be removed from the road verge, by the utility providers, on the completion of works. The trenches, if relevant, are to be backfilled, adequately compacted and trimmed. All works are to be in accordance with Council Policy.

Flora Roads
Gazetted Flora Roads shall be managed to minimise any disturbance to the roadside flora, consistent with the provision of a safe and efficient roadway.

Unauthorised Clearing and/or Activities Within Rural Road Reserves
Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection legislation.

No works shall be undertaken in rural road reserves without written approval from the Shire of Dowerin. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

LANDOWNERS MAINTENANCE OF RURAL ROAD VERGES

Legislation and Approvals
Landowners may apply, in writing, to the Shire of Dowerin to maintain the rural road verge immediately adjacent to their property boundary. Maintenance activities may include vegetation protection or weed removal, but do not include any additions or developments, including, drainage works or construction of any type. Planting within road verges may be considered, however approval will only be given to native / local species that enhance the biodiversity of the road verge area.

Landowners must also comply with the Environmental Protection legislation (refer 2.0 – Relevant Legislation) if planning to undertake any work in a rural road verge.

Maintenance Area
If approved, landowners may only work on the areas of road verge which fall outside the Maintenance Corridor. This is the portion of the verge from the tip of the back slope to the property boundary/fence line. The Council will take all care not to damage any portion of the rural road reserve from the back slope to the fence line, however, landowners will also acknowledge that the Council does not accept any responsibility for any loss or damage to vegetation or areas of the road reserve that may occur due to road maintenance or construction activities.

Application Process
If approval is given to a landowner to maintain their rural road verge, Declared Rare Flora area will be marked with yellow 'hockey stick' style markers and a register kept of relevant rural road verges which are to be left untouched. The landowner needs to be aware when applying for approval that their application may be refused if the Shire of Dowerin is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

Spraying / Fire Hazard
The Shire's annual spraying program is conducted within townsites and on particular rural road verges to reduce the amount of flammable material. As the budget for spraying is limited, landowners are encouraged to apply to the Shire to carry out other alternative measures. Residents requesting no spraying of the rural road verge adjacent to their property need to apply to the Shire to be placed on the 'Do Not Spray' register.

Fence line Clearing or Removal of Trees Over Fence lines/Boundaries

Landowners wishing to remove vegetation from road verges that has impacted on their property or boundary fence line or seeking permission to clear an area of the road verge for a boundary fence line, should apply in writing to the Shire for permission to do so.

Seed Collection from Road Verges
All flora that is native to Western Australia is protected throughout the State under the Biodiversity Conservation Act 2016. Protected flora is defined as

A plant that —
(i) belongs to a native species and is indigenous to the State unless the plant is determined by order under section 9(4) not to be flora for the purposes of this Act; or
(ii) is determined by order under section 9(3) to be flora for the purposes of this Act;

The taking of flora is regulated by the issue of licences under the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulations 2018. A Scientific or Other Prescribed Purposes (SOPP) Licence is required to take flora from Crown land (non-commercial) and a Commercial Purposes Licence is required for the take of flora for sale from Crown land.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Related Documentation
Western Australian Planning Commission - Liveable Neighbourhoods
IPWEA - Local Government Guidelines for Subdivisional Development
ARRB's - Unsealed Road Manual Guidelines

Related Legislation/Local Law/Policy/Procedure
Planning and Development Act 2005
Schedule 9.1, Clause 7 (3) of the Local Government Act 1995
Biodiversity Conservation Act 2016
Biodiversity Conservation Regulations 2018.
Environmental Protection [Clearing of Native Vegetation] Regulations 2004
Environmental Protection Act 1986

Related Delegation
Nil

POLICY NUMBER	-	**4.5**
POLICY SUBJECT	-	**4.5 Traffic Management – Shire of Dowerin Roads and Reserves Policy**
DATE ADOPTED	-	22 October 2019 (CMRef 0071)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	

Objective

To ensure the safety of all workers and the public in line with safe system principles.

To establish uniform procedures for traffic management at work sites and events that can be easily recognised and understood by all.

Policy

This protocol recognises that in accordance with the *Road Traffic Code 2000* (the Code): Regulation 297(2), Instruments of Authorisation (IoA) issued to The Shire of Dowerin by the Commissioner (the Commissioner) of Main Roads Western Australia (MRWA), the Shire is obliged to develop and implement traffic management procedures that will satisfy the Commissioner.

This protocol also provides direction in relation to traffic management of all works and events carried out or authorised by the Shire of Dowerin.

The Shire of Dowerin actively supports the MRWA "Traffic Management for Works on Road Code of Practice" (referenced herein as the "Works Code of Practice"); the Shire also actively supports the MRWA "Traffic Management for Events Code of Practice" (referenced herein as the "Events Code of Practice"), and will conduct its business in such a way as to:

1. Comply with the requirements of the latest amendment to the Works Code of Practice, Events Code of Practice and AS1742.3 for all work and events on roads and reserves undertaken by the Shire and its agents;

2. Authorise other parties not subject to an instrument of authorisation with MRWA to work within the local Government road and/or reserve. It is a condition of this approval that traffic management of road works is carried out in accordance with the "Works Code of Practice" or the Events Code of Practice.

3. Recognise that it has a duty of care under the *Occupational Safety and Health Act 1984* to provide a safe place of work for its employees and to ensure that persons who have access to the workplace are not exposed to hazards.

4. Prepare or have prepared a generic and/or specific (dependant on situation) traffic management plan(s) (TMP) for all works and events on roads and reserves under its control.

5. Keep a record of the traffic management plans and in particular the sign and device arrangement and any changes to such during the works for a period of seven (7) years from the date of completion of the road works.

6. Ensure road works and events traffic management tasks shall only be undertaken by persons who have successfully completed MRWA Traffic Management for Works on Roads - Basic Worksite Traffic Management as a minimum.

7. Ensure that Advanced Worksite Traffic Management training is given to the appropriate person(s) to allow for the review of TMP's and auditing of traffic management worksites and events.

Related Documentation
Administrative Procedure – Traffic Management for Works in a Road Reserve
AS/NZS ISO 31000 – Risk Management – Principles and Guidelines
Australian Standard AS 1742.3-2009 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads
Main Roads Western Australia Instrument of Authorisation for Events
Main Roads Western Australia Instrument of Authorisation for Works
Main Roads Western Australia Traffic Management for Events on Roads Code of Practice
Main Roads Western Australia Traffic Management for Works on Roads Code of Practice
Traffic Controllers' Handbook

Related Local Law and Legislation
Local Government Act 1995
Thoroughfares Local Law
Occupational Safety and Health Act 1984
Main Roads Act 1930
Road Traffic Act 1974
Road Traffic Code 2000

Related Delegation
Manager Works and Assets

POLICY NUMBER	-	**4.6**
POLICY SUBJECT	-	**4.6 Street Tree Policy**
DATE ADOPTED	-	27 November 2018 (Item 10.1.6)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	15 June 2021 (CMRef 0433)

Objective

This policy aims to provide guidance for the provision, management and maintenance of street trees and gardens within the Shire.

Policy

Trees in the rural urban environment perform several functions that maintain the sustainability of our towns and contribute to the health and wellbeing of our community.

This policy will:

1. Encourage the planting of appropriate trees, particularly trees native to Western Australia, throughout the Dowerin townsite;
2. Guide decisions regarding the planting, management, maintenance and removal of street trees;
3. Ensure the protection of existing trees worthy of retaining in the road reserve;
4. Identify management and maintenance responsibilities; and
5. Provide consistent advice on all enquiries relating to street trees.

Street trees are provided by the Shire through its annual winter planting program where a request for a street tree is formally lodged via the Shire Office.

The number of trees permitted on the verge abutting the front property boundary line of a typical residential lot (typical lot frontage is 15m) is one tree per property; however up to three trees may be permitted on corner blocks, and more than one may also be permitted on the verge of a large commercial or industrial property. To minimise maintenance requirements, planting of trees under power lines will not be permitted.

The species of tree provided will be the same or similar to those already existing in the street. Where possible, preference will be given to tree species native to Western Australia. If there is not a dominant tree species, a tree from the Suggested Tree Planting List, located on the Shire's website, will be selected based on its suitability to the site.

The Shire encourages land developers to provide one shade tree per residential lot (except in rear laneways) that is consistent with the Shire's Suggested Street Tree Species List.

The Shire preference is to install trees of 5 litre pot size for reasons of cost-effectiveness, vigour of stock, and quicker establishment periods. However, in some instances where 5 litre trees are not available, the Shire may consider trees of up to 90 litre in pot size.

All trees planted in the road reserve are ultimately the maintenance and management responsibility of the Shire. After planting, the Shire will schedule watering during summer however residents are encouraged to water trees for at least two summers to assist in their establishment. The Shire will undertake all other maintenance works to ensure the tree remains healthy, has appropriate sightline clearances for pedestrians and vehicles, and fulfils the legislated clearance requirements regarding overhead power supply.

Regular pruning of street trees located near aerial power lines is necessary to prevent trees from growing into the Western Power exclusion zones around these wires. The Shire undertakes these works to comply with Western Power requirements.

The Shire will consider removing a street tree where the tree is dead, in a state of decline to the point that survival is unlikely, is causing significant damage to infrastructure or services, as well as presenting an unacceptable level of risk to surrounding infrastructure or if retention is not possible due to an approved development. All requests for the removal of street trees will be assessed by the Shire in accordance with best arboriculture practice to maximise the possibility of retaining the tree. Tree removal is considered as a final option in street tree management.

The Shire consults with affected stakeholders during the planning stages of specific streetscape replanting programs. Notification will be provided to the adjoining resident/stakeholders in cases where a tree is required to be removed or replaced.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Managers and Supervisors
Managers and supervisors have responsibility to ensure employees are aware of this policy and actively review policy and procedures to ensure compliance with this policy.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure

Related Delegation
Nil

POLICY NUMBER	-	**4.7**
POLICY SUBJECT	-	**4.7 Asset Management Policy**
DATE ADOPTED	-	28 September 2021 (CMRef 0493)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	9 September 2021

Objective

To ensure adequate provision is made for the optimised lifecycle management of assets by:

1. Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
2. Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
3. Creating an environment where all employees play an integral part in the overall management of Council assets by creating and sustaining an asset management awareness throughout the organisation through training and development.
4. Meeting legislative requirements for asset management.
5. Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
6. Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

Policy

This policy:

1. Demonstrates the Shire's commitment to strategic asset management as described in the framework guidelines provided to local government as part of the Integrated Planning & Reporting (IPR) requirements of the *Local Government Act 1995*;
2. Provides guidance for elected members during the annual budget process;
3. Provides guidance for staff responsible for the development of asset plans and programs; and
4. Provides the community with a statement of intent regarding asset management.

The policy applies to:

1. All who are involved in the operation, maintenance, refurbishment, renewal, upgrading and development of the Shire's existing and new infrastructure and other assets; and
2. All of the Shire's assets which include physical features such as roads, drainage, buildings, parks, pathways, play grounds, infrastructure, plant, equipment, vehicles and other assets that are not fixed in place.

Asset Management

Understanding Customer Expectations

1. Levels of service for each asset class will be detailed in line with community expectations and regulatory requirements. These levels of service will be determined in words that are readily understood by the community, with regard to the cost of provision of these services to the desired level of service; and

2. with an understanding of the longer term changes necessary as a result of changing demographics within our community.

Asset Management Representatives

1. A multidisciplinary and cross-functional Asset Management Working Team will be established to assist with the strategic asset management planning.
2. Staff responsibilities for asset management activities shall be included in the Asset Management Plans, and also reflected in individual position descriptions.

Asset Planning and Budgeting

1. The Shire will develop annual asset plans and programs generated from rolling 10/15 year plans aligned to Integrated Strategic Plan, Asset Management Plan, the Long Term Financial Plan and Workforce Plan, updating each plan as necessary based on relevant decisions made.
2. Council will adopt life cycle cost analysis for the management of assets, in particular decisions to renew, upgrade or procure significant assets before any decision is made. Each asset will be condition assessed and included in the asset management database. Projections of the life cycle of each asset will be extrapolated from data including current condition, intervention levels and forecast maintenance requirements.
3. The maintenance of assets shall be funded primarily from rates revenue and this shall be taken into regard when decisions are made to procure new assets. Where limits on rates funding exist, precedence shall be given to necessary maintenance activities for existing assets over proposals to procure new assets from this funding source.
4. Council will regularly review its asset stock and identify opportunities for asset rationalisation and condition improvement or asset replacement as required.

Asset Operations and Maintenance

1. Annual Maintenance Plans shall be developed using asset condition data and shall incorporate corresponding financial data.
2. All outsourced services shall be procured through a competitive process in accordance with policy and legislative requirements.
3. The Shire will consider and amend asset programs as necessary, where practical and financially acceptable options exist for reducing energy or water consumption, reducing carbon impact, reducing consumption of non-renewable resources and preserve or enhance the environment in which we live.
4. All services shall be regularly benchmarked to ensure Council is adopting best practice techniques.

Risk Assessment and Management

1. Council will maintain a program of regular inspection of assets under its control to minimise the community's risk.
2. Council will maintain a Occupational Health and Safety Framework for its employees and contractors working on Council assets.
3. Council will consider risk associated with each asset category in its Asset Management Plans.
4. All facets of the asset management process will have a risk based approach to designing and undertaking each stage of the process to ensure public and staff safety is not compromised.

Asset Accounting and Costing

1. Council will maintain detailed asset registers for those asset categories as listed in this policy.
2. Useful lives will be given to each of these assets with the written down value and depreciation value determined in accordance with the current applicable accounting regulations.
3. Depreciation will be calculated using a method that reflects the true consumption of the asset or is an indication of the future cash flows necessary to sustain asset condition and maintain the required service level.

Asset Management Plans

1. Council will develop an Asset Management Plan that includes each major asset category.
2. These Asset Management Plans will be subjected to continuous improvement.
3. Asset management processes will be developed that include a systematic approach to planning, implementing, reviewing and modifying asset management activities to improve the efficiency and efficacy of the overall system.

Asset Type Classification

Asset Class	Asset Sub-Class
Land	Reserves
	Parks & Gardens
	Sportsgrounds & Playing Fields
	Landfill Sites
Buildings	Community & Cultural Buildings
	Civic Buildings
	Public Amenities Buildings
	Residential Buildings
	Sports & Recreation Buildings
	Other Structures
Infrastructure – Roads and Bridges	Sealed Rural Road
	Sealed Townsite Road
	Gravel Road
	Access Roadways & Carparks
	Road Bridges
	Road Culverts
	Kerb & Gutter
	Footpaths
	Road Signage

Infrastructure – Stormwater & Sewerage	Drainage Networks
	Water Supply Networks
	Sewerage Networks
Infrastructure – Open Space	Cemetery
	Cricket Pitch and Nets
	Golf Course
	Tennis Courts
	Indoor Badminton & Squash Courts
	Indoor Basketball & Netball Courts
	Hockey Fields
	Playgrounds
	Playing Fields
	Fountains
	Fencing
	Seating – Fixed Bench
	Seating – Unfixed Bench
	Tanks
Information Technology	Hardware
	Software
	Communications
	Application specific technology
Plant and Equipment	Vehicles

	Plant & Machinery
	Equipment & Tools
Other Assets	Streetscapes

Application

As there is a substantial investment in assets, the Shire will endeavour to meet the service needs of the community in a manner that does not place undue economic, social or environmental burden on future generations. Decisions relating to the provision and management of public infrastructure shall reflect Council's core values, statutory responsibilities and accountability to the community.

To achieve this, the Shire will:

1. Ensure that appropriate infrastructure and other assets are acquired, maintained and renewed to meet the needs of current and future stakeholders, at equitable intergenerational cost.
2. Undertake a critical review of the need for that asset.
3. Take into account whole of life costs associated with asset ownership when considering proposed capital investment or other related expenditure, including upgrade and renewal works.
4. Quantify and communicate the true cost of operating and maintaining assets, as a basis for setting service level standards and making informed decisions on asset purchase, maintenance and renewal.
5. Consult with key stakeholders to establish agreed service standards that reflect community expectations and willingness / propensity to pay.
6. Implement appropriate business practices and procedures to ensure that infrastructure and other assets are operated, maintained and renewed in accordance with agreed standards, at lowest whole of life cost to the community.
7. Where appropriate, engage with the private sector, other local governments and Government agencies to explore opportunities for alternative "non-asset" service delivery solutions, including public/private partnerships and integrated/shared servicing arrangements.
8. Ensure that statutory and legal obligations with respect to the operation and maintenance of public infrastructure and other assets are effectively met, particularly with regard to public safety and security.
9. Continually seek opportunities for multiple use of assets.
10. Provide appropriate asset data and reporting to meet the needs of the end users/key stakeholders.
11. Develop and implement long term Asset Management Plans as determined by the CEO, for the key asset classes:
    a. Transport assets – roads, paths, bridges, culverts, drainage, airport, street furniture etc.;
    b. Property assets – buildings, freehold land and associated ancillary infrastructure;
    c. Recreation assets – parks, ovals, reserves, gardens, playgrounds etc.;
    d. Plant and equipment – vehicles, tools, plant and machinery, information technology and
    e. Communications equipment etc.
    f. Portable and attractive assets – in accordance with the *Local Government (Financial Management) Regulations 1996* r.17B; and
    g. Other classes as deemed appropriate or necessary.

Roles and Responsibilities

Council
Has the responsibility to:

1. Act as stewards for all assets;

2. Set corporate Asset Management policy and vision with linking to the IPR Suite of Plans; and
3. To ensure appropriate resources and funding for asset management activities are made available for asset management.

Management Team

1. To continue to refine the "overarching" Asset Management Policy and the initial Asset Management Plan with linkage to the Integrated Strategic Plan for consideration by Council;
2. To recognise and embrace asset management as a corporate process;
3. To foster and support the principles of asset management and the IPR process;
4. To implement and continuously review the Asset Management Policy and Plan with agreed resources; and
5. To ensure that timely, accurate and reliable information is presented to Council for decision-making.

Asset Management Representatives

1. Oversee the introduction and management of asset management into the Council structure;
2. Develop and maintain up to date inventories for each asset category; and
3. Make appropriate suggestions on items such as suitability of software platforms, applicable asset categories and Asset Management Plan content.

Related Documentation

Related Legislation/Local Law/Policy/Procedure

Local Government Act 1995 Section 5.56(1) and (2)

Local Government (Administration) Regulations 2011

Related Delegation

POLICY NUMBER	-	**4.8**
POLICY SUBJECT	-	**4.8 Replacement of Plant & Vehicles Policy**
DATE ADOPTED	-	26 November 2019 (CMRef 0087)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	

Objective

To maintain a modern, efficient and safe plant and vehicle fleet and ensure that Shire plant and fleet vehicles are replaced at the most cost effective intervals.

Policy

By the end of March each year, Council will be presented with an updated 10 year Plant Replacement draft program for consideration and adoption.

The first year of the Plant Replacement Program shall constitute the draft program for consideration in that year's draft budget.

The annual consideration of plant and vehicle replacement shall be taken into account alongside the Shire's budgeted programs for all assets. This shall involve consideration of new technology, processes and materials as well as ownership versus hire of machinery and program requirements.

Officers shall make all efforts to rationalise and minimise the funding requirements for plant and vehicle replacement while still aiming to provide the best quality, most effective fleet at the lowest whole of life cost.

Officers shall maximise utilisation of fleet and vehicles through relocation, reallocation and consider disposal of underutilised fleet and vehicles.

As a general guide, the Plant Replacement Program provides for the following changeover timeframes, however Council recognises that circumstances and/or market trends may result in timeframes being varied from time to time:

Plant & Equipment	Timeframe
Graders	8 years
Loader	8 years
Skid Steer	5 years
Trucks – Heavy	8 years
Trucks – Light	5 years
Roller	10 years
Plant Trailer	15 years
Jetpatcher	8 years

Plant items will generally be procured through the tender process or WALGA's Preferred Supplier Program.

Disposal of items of plant and equipment shall be by trade-in, outright sale or auction.

Roles and Responsibilities

Council
1. To act as stewards for all assets;
2. To set corporate Asset Management policy and vision with linking to the Community Strategic Plan; and
3. To ensure appropriate resources and funding for Asset Management activities are made available for Asset Management.

Management Team
1. To continue to refine the "overarching" Asset Management Policy and the initial Asset Management Plan with linkage to the Community Strategic Plan for consideration by Council;
2. To recognise and embrace asset management as a corporate process;
3. To foster and support the principles of Asset Management and the Integrated Planning process;
4. To implement and continuously review the corporate Asset Management Policy and Plan with agreed resources; and
5. To ensure that timely, accurate and reliable information is presented to council for decision-making.

Asset Management Representatives
1. Oversee the introduction and management of Asset Management into the Council structure;
2. Develop and maintain up to date inventories for each asset category; and
3. Make appropriate suggestions on items such as suitability of software platforms, applicable asset categories and Asset Management Plan content.

Related Documentation
Asset Management Plan

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Functions & General) Regulations 1996

Related Delegation
Nil

COMMUNITY SERVICES

POLICY NUMBER	-	**5.1**
POLICY SUBJECT	-	**5.1 Dowerin Home Care – Volunteer Driver Allowance Policy**
DATE ADOPTED	-	22 October 2019 (CMRef 0068)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

To provide internal controls and clear guidance to staff, volunteers and Council regarding the provision of an allowance to volunteer drivers of Dowerin Home Care (DHC).

Policy

The Shire of Dowerin have a duty of care under Health & Safety Law and Common Law to ensure the safety of their staff, volunteers, clients, elected members and public.

This Policy ensures a level of clarity to all relevant stakeholders when volunteer drivers assist DHC clients.

It also provides guidance to staff and volunteers on how to process the Allowance in accordance with Council Policy.

This Policy will be reviewed on an annual basis as part of budget deliberations.

Responsibilities
The Shire of Dowerin, working with DHC, will:

1. Maintain detailed and confidential volunteer records, including copies of current vehicle licences and bank details for payment;
2. Ensure the vehicle is regularly serviced, cleaned, maintained and in safe condition;
3. Ensure the vehicle is fully fuelled before it leaves the premises;
4. Provide full contact and address details of clients to allow drivers to plan their journeys;
5. Be available to discuss any issues/concerns drivers may have regarding the vehicle, clients or journeys:
6. Maintain and monitor a Volunteer Register with monthly reviews to occur by the Chief Executive Officer;
7. Provide a pre-paid mobile phone to be kept with the vehicle at all times;
8. Maintain all records and advise the Administration Office in writing each time the vehicle is utilised by a volunteer; and
9. Pay each volunteer the appropriate Allowance each fortnight as part of the standard creditor payment process.

All Volunteer Drivers must:

1. Provide a copy of their Driver's Licence annually or upon request;
2. Sign and date the vehicle register when leaving with the vehicle and provide an estimated time of return;
3. Contact the DHC Coordinator using the Shire provided mobile phone if the return time is delayed, advising of the delay, the reason for the delay and the expected time of return;
4. Sign and date the register when returning the vehicle;

5. Advise the DHC Coordinator of any incidents eg: scratches that have occurred whilst the vehicle was out;
6. Ensure that the vehicle is returned in the condition it was provided;
7. Utilise the Shire provided mobile phone for the purpose of maintaining contact with DHC;
8. Restrict the usage of the vehicle to the driving of a client to their appointment from their place of residence and return;
9. Not take the vehicle and/or client to a location that is not en-route;
10. Not provide medical advice or direction to DHC clients at any time;
11. Not use the vehicle for personal purposes; and
12. Advise the DHC Coordinator of any changes to their health and/or circumstances that may impact their ability to drive a vehicle.

Allowance
The Allowance applicable to this Policy is:

1. $15 per return trip to Northam; and
2. $30 per return trip to Perth.

Further References
Code of Conduct

POLICY NUMBER	-	**5.2**
POLICY SUBJECT	-	**5.2 Pop Up Shop Collective Policy**
DATE ADOPTED	-	28 February 2017 (Item 10.1.8)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	26 March 2019 (Item 10.2.2)
REVIEWED	-	20 April 2021 (CMRef 0410)

Objective

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 Dowerin 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 pursue and achieve the desired social and economic benefits for the community of Dowerin.

Policy

Council may encourage and administer business and/or entrepreneurial, community or cultural activities in The Country Collective.

It is up to the discretion of the Shire's Management Team as to who occupies The Country Collective.

Tenants are required to be members of The Country Collective group and be financial prior to occupation. Membership fees will be determined as part of the annual budget process and as specified in the Schedule of Fees and Charges.

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 Dowerin.

Tenants can occupy The Country Collective on a short term arrangement (i.e for one day (minimum) or one month (maximum) plus an additional one month extension if there is an immediate or future availability).

Tenants can occupy the Country Collective on a longer term Arrangement (ie six to twelve months with a similar single extension option) with the following considerations;

- A Letter of Agreement permits the tenant exclusive use of the Country Collective Pop Up Shop located at 26 Stewart Street Dowerin;
- The Shire of Dowerin has the right to maintain the window displays at its discretion;
- A Letter of Agreement permits the tenant to temporarily locate a portable ablution facility at 26 Stewart Street Dowerin, where ablutions are required;
- A Letter of Agreement permits the tenant to temporarily connect the portable ablution facility to the sewerage system.

- The tenant agrees to take full responsibility for any cost incurred to locate and connect the portable ablution facility at 26 Stewart Street Dowerin;
- The tenant is to take full responsibility of utility costs for 26 Stewart Street Dowerin;
- The tenant takes full responsibility to leave 26-28 Stewart Street Dowerin in a clean and tidy state at the conclusion of the Agreement;
- The tenant is to request permission in writing to the Shire of Dowerin before undertaking any building modifications; and
- The tenant is responsilble for appropriately insuring their contents.

In the 1 week prior and 1 week post the Dowerin Field Days, a collective of businesses are encouraged and preferred to occupy The Country Collective to maximise exposure and to be fair to tenants wishing to occupy the space during this time.

Tenants are required to follow the *Retail Trading Hours Act 1987* (WA) which applies to retail shops in Western Australia south of the 26th 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 mainstreet activation projects to the discretion of the Council.

The evaluation of return on investment into The Country Collective 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 Country Collective, 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 Country Collective as well as the building space itself to Council.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has a responsibility to ensure this policy is implemented.

Community Development Officer
To develop and implement a processes and procedures that ensures this policy is enacted.

Related Documentation
Risk Management Policy
Building Profile
License Membership Agreement
Occupancy Licensing Agreement

Related Legislation/Local Law/Policy/Procedure
Retail Trading Hours Act 1987 (WA)
Section 3.58 of the Local Government Act
Regulation 30 of the Local Government (Functions and General) Regulation 1996

Related Delegation
Delegation 4.5 – Disposal of Property

POLICY NUMBER	-	**5.3**
POLICY SUBJECT	-	**5.3 Community Bus Hire Policy**
DATE ADOPTED	-	21 April 2020 (CMRef 0175)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

To provide guidance to staff and users for the hire and acceptable use of the Community Bus.

Policy

The purpose of the Community Bus is to provide transport for seniors and local community groups, particularly those based in Dowerin.

The bus is housed at the Shire Administration Office, and the Shire is responsible for managing the hire bookings and maintaining the bus.

The bus is a manual vehicle with a maximum seating capacity of twenty one (21) persons including the driver. The bus does not have disabled access.

The bus is equipped with heating and air conditioning. The bus uses diesel fuel and must be refuelled prior to return. The hire of the bus does not include a driver. The bus contains a first aid kit and a fire extinguisher.

Eligibility
To be eligible to hire the Community Bus, hirers must be a resident of the Shire or a member of a community group operating within the Shire. Any variations to this must be approved in advance by the Chief Executive Officer.

Bookings
The vehicle will not be hired out unless prior bookings have been made with the Shire Administration Office.

Keys
1. The keys will be available for collection by the Hirer from the Shire Administration Office at 13 Cottrell Street, Dowerin between the hours of 8.30am and 4.00pm Monday to Friday.
2. Alternate arrangements for key collection outside of the above hours may be made with Shire staff prior to the booking.
3. The keys must be returned to the Shire Administration Office at the time of, and on the return date of the date made when the bus was booked.
4. If the return is outside office hours, the keys may be deposited in the pigeonhole located on the right-hand side of the main entrance door.

Drivers
1. Only persons who hold a current 'LR' class license are permitted to drive the bus. Any driver receiving any type of payment also requires an 'F' class licence.
2. The Hirer shall nominate the person(s) as the driver for the hire period and shall not allow any other person(s) to act as driver.
3. The driver will not consume alcohol or be under the influence of drugs for the duration of the hire period.
4. The driver will, at all times, adhere to all road rules, speed limits and safety considerations.

5. The driver will be wholly responsible for any infringements received during the hire period.
6. The name of the driver(s) is to be nominated on the Hire Agreement and the driver's licence sighted at the time of completing the Hire Agreement (a copy to be retained at the Shire Office).
7. The driver is to complete and return the Hirer/Driver Report along with the keys.

Accident or Damage
1. The Hirer is responsible for checking both the interior and exterior of the bus for any damage before and after use.
2. All damage, accidents or use of the fire extinguisher or first aid kit must be reported to staff as soon as possible.
3. The Hirer is responsible for all costs associated with malicious and/or wilful damage by passengers during the hire period.
4. The Hirer is responsible for the payment of any excess applicable to any insurance claim arising from the hire.
5. The Hirer is responsible for all damage and repair costs attributable to negligence on the part of the Hirer.
6. The Hirer is liable for all repair and replacement costs in the event of an insurance claim being rejected due to the actions of the driver or a member of the hire group.

Cleanliness & Condition
1. The Hirer is responsible for ensuring the bus interior is swept/vacuumed and mopped, with all rubbish removed, prior to returning the bus.
2. Smoking is strictly prohibited on the bus
3. Failure to comply with the above conditions will result in the any cost incurred by the Shire relating to cleaning being added to the hire charges on a cost recovery basis.

Hire Cost & Payment
1. Prices charged are in accordance with Council's Schedule of Fees and Charges for the applicable financial year.
2. The Hirer has the option of paying for the hire on return of the keys or can be invoiced for payment within 7 days.
3. The cost to hire the bus is calculated on the kilometres travelled from the point of pick up to return.

Breakdowns & Use
1. In the case of breakdown, the responsibility of the Shire is solely for the bus. The transportation of passengers is the Hirer's responsibility.
2. All repairs and maintenance are to be approved and carried out by an authorised Shire provider.
3. Any issues or concerns are to be reported to the Shire Administration Office immediately and noted on the Hire/Driver Report
4. Hirers are to ensure that the bus is parked in a safe and secure environment at all times.

Other
1. The Hirer is not permitted to use the bus for the purpose of training learner drivers or for driving tests.
2. The Shire reserves the right to cancel all hire bookings in the event the bus requires servicing or repair.

Roles & Responsibilities

Councillors
Councillors have the responsibility of ensuring they understand and comply with the requirements of this policy.

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Manager Corporate & Community Services

The Manager Corporate & Community Services has responsibility to ensure this policy is reviewed and presented to Council for consideration, and for ensuring Administration Staff are informed of any amendments to the policy.

Administration Staff
Administration Staff have the responsibility to ensure the policy is adhered to when taking and making hire bookings, and for informing prospective hirers of the requirements of this policy.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Community Bus Hire Agreement
Community Bus Driver's Report Form
Community Bus Booking Procedure
Schedule of Fees & Charges

Related Delegation
Nil

PLANNING & DEVELOPMENT

POLICY NUMBER	-	**6.1**
POLICY SUBJECT	-	**6.1 Outbuildings in Residential Areas Local Planning Policy**
DATE ADOPTED	-	20 October 2020 (CMRef 0292)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

The objectives of this Policy are to:

1. control the size and height of outbuildings in residential areas;
2. ensure that outbuildings are not visually intrusive to neighbouring properties or adjoining public spaces; and
3. ensure that the construction of an outbuilding does not detract from the general aesthetics and amenity of the residential area.

Policy

Definitions

'*Outbuilding*' is an enclosed non-habitable structure that is detached from any dwelling, but is NOT a:

1. '***Garage***' is any roofed structure, other than a carport, designed to accommodate one or more vehicles and attached to the dwelling;
2. '***Verandah***' is a roofed open platform attached to a dwelling;
3. '***Patio***' is an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling;
4. '***Gazebo***' is an unenclosed open-framed structure covered in a water permeable material or unroofed, which may or may not be attached to a dwelling.

'Setback' is the horizontal distance between a wall at any point and an adjacent Lot boundary, measured at right angles (90 degrees) to the building.

'R Codes' is a State Planning Policy made under Section 26 of the *Planning and Development Act 2005.* This policy is cited as State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes). The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia.

Application

This Policy applies to new residential outbuildings on land in the district of Dowerin where the R-Codes apply.

Outbuildings

Applications not meeting this development criteria and/or are of a contentious nature is to be referred to Council in the form of a written development application 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.

Outbuildings that satisfy the following development criteria may be approved by the Building Surveyor without referral to the Council of the Shire of Dowerin:

1. Outbuildings that comply with the Residential Design Codes Deemed-to-comply Requirements; OR
2. Comply with the Building Code of Australia;
    1. 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 to ensure they do not detract from the visual amenity of the area;
    2. Are not attached to a dwelling;
    3. Are not habitable;
    4. Are not within the primary street setback area;
    5. Do not reduce the amount of open space required by the Residential Design Codes to less than the prescribed amount;
    6. Are setback in accordance with the requirements of the Residential Design Codes; and
    7. Are of size or comprise an aggregate size of outbuildings on one lot, that does not exceed the specifications contained in the table below. Should the lot area exceed the table below then the proposed outbuilding will need to be referred to Council for planning consent:

LOT AREA (m^2)	MAXIMUM SINGLE OUTBUILDING (m^2)	TOTAL OUTBUILDINGS (m^2)	MAXIMUM WALL HEIGHT (m)	MAXIMUM RIDGE HEIGHT (m)
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

Roles and Responsibilities

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

Staff
Staff have the responsibility of being aware of the policy and adhering to it in respect of all activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995

Related Delegation
DL

POLICY NUMBER	-	**6.2**
POLICY SUBJECT	-	**6.2 Second-hand Moveable Buildings Local Planning Policy**
DATE ADOPTED	-	20 October 2020 (CMRef 0292)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

The objectives of this Policy are to:

1. maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire;
2. ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality;
3. ensure that the moveable buildings established within the Shire do not use materials considered by Council to be unacceptable (ie asbestos);
4. avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas; and
5. prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.

Definitions

A ***PERMANENT*** building is generally not designed to be moved and includes the following:

1. ***'Site Built'*** structures are built on location as new permanent structures. They are of traditional appearance with pitched or skillion roofs and a typical house layout, designed to accommodate families.
2. ***'Relocated'*** dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A ***MOVEABLE*** building is generally any structure capable of being transported from one location to another. There are two basic types as follows:

1. ***'Transportable'*** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
2. ***'Donga Type'*** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as ATCO, Western Portables units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

Policy

This policy does not refer to new transportable dwellings and will only apply to secondhand buildings. Generally Council is not in favour of the use of secondhand buildings, especially in the townsite areas, however Council will consider each application on its merits.

The Council shall not permit the establishment, occupation or erection of ***donga type*** structures for residential purposes within a Townsite boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

The Council will only permit ***donga type*** structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

The Council will only permit ***site built*** and ***relocated*** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

Application Requirements

An application for building approval for a secondhand dwelling shall only be considered by Council if it is to be erected on a "residential", "rural residential" or "rural" zoned lot considered acceptable by Council.

The building must first be inspected at its existing (original) location by the Shire. If the building is located in an isolated locality or different Local Authority a charge based on time and distance will be made at the proponents expense.

All applications to develop a transportable or relocated dwelling within the Shire of Dowerin shall include the following information:

1. An Application for Development Approval and the payment of the required planning fees;
2. Details of where the transported or relocated dwelling is to be removed from;
3. Detailed plans of the subject building and a comprehensive site plan indicating the proposed location of the building;
4. Recent photographs not less than 3 months old of every external elevation of the proposed dwelling which shall clearly indicate the building's current design and condition;
5. Certification from a practicing Structural Engineer stating that the structure is safe and suitable for relocation, appropriate for the condition of the Shire of Dowerin and is structurally sound;
6. Detailed specifications on the works to be undertaken to the building to render it compliant with the Building Code of Australia;
7. Specification on the works to be undertaken to the building including any modifications and additions to the dwelling and the materials and colours to be used;
8. Details of how it is proposed to transport and re-erect the building; and
9. A detailed timeframe for the relocation of the proposed dwelling and any proposed works.

Minimum Design Requirements

The approval of transported or relocated dwellings will only be considered if the following design standards can be achieved:

1. The dwelling has a minimum floor area of not less than 100m^2;
2. The roof shall have a minimum pitch of 15^o;
3. The exterior cladding and roof materials shall be in good condition and the proposal includes improvement works to the exterior of the building, including repainting, re-cladding as necessary and architectural detailing, such that the proposed dwelling will be aesthetically pleasing; and

4. The external finishes, bulk, scale and design of the house are such that it will not have a detrimental impact upon the amenity of the area or landscape into which it is being relocated.

Where any material containing asbestos fibres remains in or on the dwelling, including cement asbestos roofing or cladding, roof insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Shire.

A transported or relocated dwelling will only be approved if certification is received from a practicing Structural Engineer that states the dwelling is structurally sound, is suitable for transport and is appropriate for the conditions of the Shire. This inspection shall occur at the proponent's expense.

Approvals and Bonds

As part of the Development Approval of a transported or relocated dwelling, the Council may impose conditions that require any works considered necessary to improve the appearance of the structure, including the addition of verandahs, painting, landscaping and the cover of stump areas etc.

The approval of a transportable or relocated dwelling will require the lodgement of a cash bond to the value of $15,000 prior to the issue of a building permit. This bond will be used to remove the dwelling in the event that the owner and/or builder default on the conditions of this policy, the Development Approval or any conditions of the Building Permit as well as providing the surety for the completion of the moveable building to a standard acceptable to the Council.

A signed statutory declaration outlining a bonding agreement is to be entered into by the owner/s prior to issue of a building permit. The agreement is to outline a staged repayment of the performance bond, as follows:

Stage One (Return of 25% of Bond)

1. Dwelling correctly positioned on site, as per approved site plan (setback correct etc) in accordance with the Development Approval;
2. Dwelling is correctly stumped and site filled, drained and graded satisfactorily, such as it is structurally adequate in accordance with the Engineer's certification; and
3. Dwelling is to lock-up stage (all external windows, doors and fittings/fixtures installed/repaired).

Stage Two (Return of second 25% of Bond)

1. All gutters, fascia and downpipe work completed;
2. All roof end/roofing work is completed (flashings on ridge and gable ends installed); and
3. All external surfaces to be painted to a tradesman like standard in accordance with the Development & Building Approvals (including wall, doors, window surrounds, sills etc).

Stage Three (Return of remaining 50% on Bond)

1. Compliance with all conditions of Development Approval;
2. Approved effluent disposal system installed. System has been inspected by the Shire's Environmental Health Officer and a permit to use has been issued;
3. Completion and certification of all electrical work;
4. Completion and certification of all plumbing work;
5. All wet area tiling completed in accordance with the Building Code of Australia;
6. Kitchen fit-out completed (cupboards/benches & stove/hotplate installed etc); and
7. Building has reached practical completion stage.

Note: The agreement is to clearly state that should Stage One and Two completion not be reached within 120 days of the building's placement on site or Stage Three completion not reached within 12 months of the issue of a building license, then the bond monies are to be forfeited to the Shire of Dowerin and the building removed from the site.

Amendment & Other Legislation

The provisions of this policy shall not excuse compliance with any other legislation, policy or requirement that may apply to the proposed development.

The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.

Roles and Responsibilities

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

Staff
Staff have the responsibility of being aware of the policy and adhering to it in respect of all activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

Related Delegation
DL

POLICY NUMBER	-	**6.3**
POLICY SUBJECT	-	**6.3 Sea Containers and Similar Storage Containers Local Planning Policy**
DATE ADOPTED	-	20 October 2020 (CMRef 0292)
RESPONSIBLE OFFICER	-	Executive & Governance Officer
REVIEWED	-	

Objective

The objectives of this Policy are to control the use and placement of sea containers, or other similar structures in the townsites of the Shire such that an acceptable standard of development is achieved and that the structure does not adversely affect the amenity of the area.

Policy

1. All sea containers and other similar structures proposed to be located within the Shire require a Development Application to be submitted for assessment and approval by Council prior to locating a sea container on-site with the exception of sea containers located on General Industry and Rural zones.

2. This policy is based on sea containers up to 6 metres (20 feet) in length for Residential, Townsite, Commercial, Light Industry and Rural Residential zones and up to 12 metres (40 feet) in length for General Industry and Rural zones. Container(s) larger than this may need to satisfy additional requirements.

3. Sea containers and other similar structures used for temporary storage during the conduct of building works will be exempt from these requirements, provided that the following criteria are achieved:

   a) The structure is only being used for the secure storage of materials, plant, machinery or building equipment on a building site;
   b) The building site has a current Development Approval and/or Building Permit;
   c) Construction works are actively being undertaken on the site and do not lapse for any period greater than 60 days;
   d) The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines;
   e) The structure may not be permitted on the building site for a period longer than 6 months, unless the special approval of Council is obtained; and
   f) The structure is removed from the building site immediately following the completion of the building works.

4. In determining applications for the placement of sea containers, Council will require the following information be provided by the applicant:
   a) The necessary application for Development Approval and Building Permit application forms;
   b) A scaled site plan and elevation showing the proposed location of the structure in relation to boundary setbacks, natural features and existing buildings;
   c) A written submission detailing the proposed works to be undertaken to improve the visual amenity of the structure;
      and
   d) Payment of the relevant application fees.

5. As sea containers and other similar structures may have an adverse effect on the visual amenity of an area, their location in Commercial zones will not be supported unless the structure is for temporary building site works, as described in clause 2.

6. All sea containers and other similar structures shall comply with the following design and location criteria:

   a) The structure is to in good condition prior to location upon any property.
   b) structure shall be suitably screen and located so it has low visibility from any road and/or adjoining property, observing all setback requirements contained in Council's Local Planning Scheme No. 2.
   c) The structure should be located behind existing buildings and/or screening vegetation and not be located in front of the established or proposed building line.
   d) The structure must be painted in a colour to blend with adjacent buildings or in an earth tone to blend with the natural landscape and vegetation.
   e) Council may consider the location of the structure in a position where it may be visible from any road or adjoining residence, or isolated from the existing buildings on a property, when the external appearance of the structure is substantially modified (which may include roofing, cladding and/or painting) so as to conceal its appearance as a sea container.
   f) No more than one sea container or similar storage structure will be permitted on a property in a Residential or Rural Residential zones.
   g) Sea containers or similar structures are to be used for storage purposes only and shall not be used for habitation purposes, unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated.
   h) The structure shall not compromise or obstruct vehicle access ways, vehicle truncations, access to parking areas or the parking bays provided on a site.
   i) The structure shall not compromise or obstruct vehicle or pedestrian sight lines, thereby creating a public safety concern.
   j) The structure is not to be located over septic tanks and/or leach drains or utilities.
   k) Council may require additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container, particularly as a result of a complaint made against the sea container.

7. Council reserves the right to approve the siting of a sea container or other similar structure on a property for a fixed period of time. Following the expiry of this approval period, the property owner is responsible for seeking the renewal of the temporary approval.

8. Council reserves the right to revoke any approval for the siting of a sea container or other similar structure on a property where it is compromising the amenity of an area or impacts on public safety.

9. Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.

Roles and Responsibilities

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

Staff
Staff have the responsibility of being aware of the policy and adhering to it in respect of all activities.

Related Documentation

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Planning and Development Act 2005

Planning and Development (local planning schemes) Regulations 2015

Related Delegation

STAFF/ORGANISATIONAL POLICIES

In accordance with Section 5.41 of the *Local Government Act 1995*, it is a function of the CEO to manage the day to day operations of the local government and to be responsible for the employment, management, supervision, direction and dismissal of the local government's employees. This is not the role or function of Council.

Therefore, the policies relating to staff cannot be determined by Council. While those policies have been included in this manual on the following pages for the purpose of transparency and accountability, it should be noted they are internal documents determined, reviewed and implemented by the CEO.

POLICY NUMBER	-	**7.1**
POLICY SUBJECT	-	**7.1 Employee Housing Policy**
DATE ADOPTED	-	23 May 2017
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	22 May 2018
RESCINDED	-	21 April 2020 (CMRef 0186)

POLICY NUMBER	-	**7.2**
POLICY SUBJECT	-	**7.2 Use of Shire Property by Employees Policy**
DATE ADOPTED	-	26 April 2017
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
RESCINDED	-	21 April 2020 (CMRef 0186)

POLICY NUMBER	-	**7.3**
POLICY SUBJECT	-	**7.3 Safety Bonus Scheme Policy**
DATE ADOPTED	-	26 April 2017
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
RESCINDED	-	21 April 2020 (CMRef 0186)

POLICY NUMBER	-	**7.4**
POLICY SUBJECT	-	**7.4 Employee Health and Well Being Policy**
DATE ADOPTED	-	15 August 2017
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	20 August 2019 (CMRef 0033)

Objective

This policy aims to create a workplace culture that supports and encourages the health and well-being of our employees. The Shire will work in partnership with our insurer, LGIS, to implement the initiatives outlined in this policy.

Policy

Wellbeing Program
LGIS Municipal Workcare Scheme has developed a preferred supplier arrangement, and it is through this that the Shire of Dowerin offers employees access to health services.

The Shire of Dowerin is provided with a range of health services such as:

1. Health Assessments;
2. Skin Cancer Screenings;
3. Flu Vaccinations;
4. Health Seminars / Workshops;
5. Corporate Massage;
6. Audiometric testing;
7. Healthy Lifestyle Programs (such as walking challenges, quit smoking programs, support from a nutritionist or exercise physiologist);
8. Ergonomic Assessments; and
9. Manual Task Training.

Periodically throughout the year, the Shire will promote and make available to employees a selection of these services. As the services are dependent on funding, limited spaces may be available however every effort will be made to provide these services to those employees interested in participating.

Provider
Contact LGIS Health & Wellbeing Program Manager to determine Shire of Dowerin's annual funding allocation and arrange services.

Swimming Pool and Gym Membership Subsidy
To encourage fitness and general wellbeing the Shire of Dowerin offers to all permanent staff members, a non-transferable, non-redeemable adult membership to the Dowerin All-hours Gym and a non-transferable, non-redeemable adult/family pass for the Dowerin Memorial Swimming Pool. Staff are required to cover the cost of the New Gym Joining Fee and a Replacement Card (should they lose theirs).

Staff Support Services
The Shire of Dowerin offers staff support services, in the form of confidential counselling services through LGIS, to assist employees experiencing personal and / or work related issues.

The services are offered to all employees of the Shire and are designed to be short-term.

Use of the services provided is on a voluntary basis and is free to employees.

If a problem cannot be resolved by the individual's own efforts or through other means, the LGIS counselling service can be accessed by:

Manager Referral - in some cases, managers may suggest to employees that they may benefit from utilising the counselling service. In this case referral to LGIS counselling services should be kept confidential between the manager and the employee; or

Internal Contact – employees may contact the Chief Executive Officer to organise referral. Alternatively, employees may access the service at their own discretion. Workers and managers can access the service by phone or email (face to face if availability permits) enabling them to receive confidential counselling support wherever they are based.

Number of Sessions
The counselling services provided by LGIS are primarily 'stress counselling' and of a short-term nature. Sessions are generally one hour in duration. The service is available between 8.30am and 5.00pm Mondays to Fridays. Sessions are predominantly phone based. Upon special request, face to face counselling can be organised depending on availability.

If the psychologist considers the issue to require ongoing counselling or long term therapy, resources will be provided to the employee to access alternative support (for example, through the Better Access scheme via a doctor's referral or local resources available within the community).

Leave Provisions
In the event that the employee desires to ensure that their manager is not aware that they are undertaking counselling, then the employee should organise sessions to be completed during non-working hours. The arrangement for taking time off during work hours will be the same as for any form of absence from the workplace, including time in lieu, however the manager does not need to be informed of the referral or the specifics of the matter.

Confidentiality
Information on all referrals to LGIS counselling services will be in strict confidence. Confidentiality means that the Shire of Dowerin will not receive any information from LGIS concerning the employee's problem. Employees will need to provide written consent to release their personal information, should they choose to share their counselling information to a third party.

Provider
LGIS counselling services should be contacted by the employee for an appointment.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented in an open and transparent manner.

Managers and Supervisors
Managers and Supervisors have responsibility to ensure employees are aware of this policy and actively promote and supports its implementation.

Employees
Employees have responsibility to support each other to access health and wellbeing initiatives.

Related Documentation
Nil

Related Legislation/Local Law/Policy/Procedure
Nil

Related Delegation

Nil

POLICY NUMBER	-	**7.5**
POLICY SUBJECT	-	**7.5 Grievances, Investigations and Resolution Policy**
DATE ADOPTED	-	20 August 2019 (CMRef 0034)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	9 June 2022

Policy Statement
All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Dowerin in any capacity. This policy does not apply to complaints about the Chief Executive Officer (CEO).

Roles
Complainant: An employee who raises a complaint about a matter regarding the workplace.
*Respondent***:** An employee who is alleged to have acted in a manner which caused the Complainant to raise a complaint.
*Support Person***:** A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.
*Witness***:** A person (including an employee) who is requested by the Shire of Dowerin to assist the process by providing relevant information regarding the complaint.
What to do if you have a Complaint?
If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Shire of Dowerin's Code of Conduct, policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager or the Chief Executive Officer directly.
If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their Manager. If the Manager is the Respondent in the matter or if the employee feels uncomfortable approaching their Manager, the Complainant should approach the Chief Executive Officer.
The employee who receives the complaint must contact the Chief Executive Officer and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.
If the complainant believes they are the subject of behaviour that is inconsistent with the Local Government's Code of Conduct, policies and procedures, the complainant may raise a complaint by following the process in the Grievance Procedure.

If a complaint is about the CEO
If the complaint is about the CEO, the Grievance Policy and Procedure does not apply. A complaint about the CEO must be raised directly with the President

Key Principles in the Complaint Resolution Process
The following principles are necessary for the fair investigation and resolution of a complaint:

1. **Confidential –** Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Dowerin may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint.
   This requirement does not preclude a complainant, respondent, witness or Local Government from seeking legal, financial or other professional advice.

2. **Impartial (fair/unbiased) –** Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered by either an impartial employee of the Local Government or an externally appointed investigator;
3. **Sensitive –** The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;
4. **Timely –** The Shire of Dowerin aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;
5. **Documented –** All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;
6. **Natural Justice –** The principles of natural justice provide that:
    a. a Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
    b. a Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
    c. anyone involved in the investigation should be unbiased and declare any conflict of interest;
    d. decisions must be based on objective considerations and substantiated facts; and
    e. the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.
7. **Procedural Fairness –** The principles of procedural fairness provide that:
    a. the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
    b. the Respondent is entitled to receive verbal or written communication from the Shire of Dowerin of the potential consequences of given forms of conduct, as applicable to the situation;
    c. the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
    d. any mitigating circumstances presented to the Shire of Dowerin through the grievance process are investigated and considered;
    e. the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
    f. any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
    g. all interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint
If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.
If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with the Chief Executive Officer, may elect to discipline the Respondent in accordance with the Disciplinary Policy.
If a complaint against a respondent is substantiated, there are a number of possible outcomes as detailed in the Grievance Procedure.

Vexatious or Malicious Complaints
Where a Complainant has deliberately made a vexatious or malicious complaint that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of complainant, respondent or witness
A complainant, respondent or witness should not be victimised for making a complaint, being the subject of a complaint or providing information about a complaint. Anyone responsible for victimising a complainant, respondent or witness may be subject to disciplinary action, including but not limited to termination of employment.

Reporting obligations

The Local Government must comply with its obligations to report minor or serious misconduct to either the Public Sector Commission or Corruption and Crime Commission in accordance with the Corruption, Crime and Misconduct Act 2003 (WA).
Employees must also be aware of and adhere to any obligations pursuant to the Public Interest Disclosure Act 2003 (WA).

Variation to This Policy
This policy may be cancelled or varied from time to time. All the Shire of Dowerin's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents
Grievances, Investigations and Resolution Procedure
Discrimination, Harassment & Bullying Policy
Code of Conduct for Employees
EEO Management Plan

Document Control	
Policy Number	7.5
Policy Version	2
Policy Owners	Manager Corporate & Community Services
Creation Date	20 August 2019 (CMRef 0034)
Last Review Date	9 June 2022
Next Review Due	This policy will be reviewed bi-annually or more often where circumstances require.

POLICY NUMBER	-	**7.6**
POLICY SUBJECT	-	**7.6 Disciplinary Policy**
DATE ADOPTED	-	20 August 2019 (CMRef 0034)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	9 June 2022

Policy Statement
The Shire of Dowerin (Local Government) is committed to ensuring its employees conduct themselves in an appropriate and professional manner and perform their duties in accordance with Local Government policies, procedures and guidelines (Policies).

The Local Government may from time to time consider that issues of employee behaviour, misconduct or less than satisfactory performance require disciplinary action. All disciplinary action will be applied in a consistent, fair and objective manner as set out in this policy, and in appropriate circumstances employees may be given an opportunity and assistance to improve.

Application
This policy applies to all employees who work at the Shire of Dowerin including contractors, volunteers and any person performing work for or with the Shire of Dowerin in any capacity.

Authority to take Disciplinary Action
Disciplinary action, with the exception of termination of employment, will only be taken when authorised by the employee's Manager**.** The Manager may only approve disciplinary action after consultation with the Chief Executive Officer.

A decision to terminate an employee's employment with the Local Government must be authorised by the Chief Executive Officer.

When the Disciplinary Policy Applies
Some examples of when this policy may be invoked include breaches of the Shire of Dowerin policies and procedures including, but not limited to:

1. breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
2. poor performance such as frequently attending for work late or producing a poor quality of work; or
3. inappropriate behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, or wilfully disobeying a lawful instruction.

General Disciplinary Principles
The following principles will apply to any disciplinary action taken:

1. **Nature of allegation and investigation:** Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may follow, in accordance with the *Grievances, Investigations & Resolution Policy and Procedure*;
2. **Right to a support person:** Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support;
3. **Confidential:** All parties must keep matters related to a disciplinary process confidential; and
4. **Fair and impartial:** The Shire of Dowerin strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

Serious Misconduct
Serious misconduct pursuant to the *Fair Work Regulations 2009* includes, but is not limited to:

1. Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
2. Conduct that causes serious and imminent risk to the health or safety of a person; or the reputation, viability or profitability of the Shire of Dowerin's organisation;
3. The employee, in the course of the employee's employment, engaging in:
   a. theft; or
   b. fraud; or
   c. assault;
4. The employee being intoxicated at work; or
5. The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

Other Disciplinary Action
With the exception of serious misconduct, where an employee has engaged in misconduct in breach of the Shire of Dowerin's Policies, procedures, code of conduct, employment contract and/or legislation, the employee could be disciplined as follows:

1. **Verbal warning –**Management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file;
2. **Written warning –**Management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning and it must be placed on the employee's personnel file.; and
3. **Termination of employment with notice –** In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Shire of Dowerin has a valid reason for terminating the employee's employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Dowerin's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

Principles to be Applied
Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Dowerin's Grievances, Investigations, and Resolutions Policy and Procedure.

Investigation Procedures for Alleged Misconduct
Investigations into alleged misconduct should follow the processes detailed in the Shire of Dowerin's Grievances, Investigations, and Resolutions Policy and Procedure.

Reporting Obligations
If an officer or employee of the Shire of Dowerin has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Pursuant to the Corruption, Crime and Misconduct Act 2003 (WA) it is the responsibility of the Principal Officer acting in their official capacity to notify where they suspect on reasonable grounds, a matter that concerns or may concern either serious or minor misconduct. Minor misconduct is reported to the Public Sector Commission. Please note that

what constitutes 'minor' or 'serious misconduct' for the purpose of the CCM Act differs from the industrial definition of 'misconduct' and 'serious misconduct'.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

Variation to this Policy
This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents
Grievances, Investigations, and Resolutions Policy
Grievances, Investigations, and Resolutions Procedure
Code of Conduct for Employees

Document Control	
Policy Number	7.6
Policy Version	2
Policy Owners	Manager Corporate & Community Services
Creation Date	20 August 2019 (CMRef 0034)
Last Review Date	9 June 2022
Next Review Due	This policy will be reviewed annually or more often where circumstances require.

POLICY NUMBER	-	**7.7**
POLICY SUBJECT	-	**7.7 Discrimination, Bullying and Harassment Policy**
DATE ADOPTED	-	20 August 2019 (CMRef 0034)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	9 June 2022

Policy Statement
The Shire of Dowerin and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Dowerin in any capacity.

Unlawful Discrimination
An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance because of any one of the grounds of discrimination outlined below. Indirect discrimination can occur where a practice or requirement is imposed upon all employees; but where a high proportion of employees with a protected ground cannot comply with, or are affected by, that practice or requirement.

The Shire of Dowerin acknowledges its responsibilities and obligations pursuant to State and Federal equal opportunity and anti-discrimination laws.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

1. Age;
2. Family responsibility or status;
3. Race, colour or ethnic origin;
4. Sex including gender identity, sexual orientation and intersex status;
5. Physical or mental disability;
6. Marital status;
7. Political or religious conviction;
8. Pregnancy;
9. Criminal record;
10. Breastfeeding;
11. Gender history;
12. Impairment;
13. National extraction or social origin; and
14. Trade union activity

Sexual Harassment
The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provides that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

1. Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
2. Gestures of a sexual nature;
3. Leering or staring;
4. Offensive telephone calls, emails, text messages or notes;
5. Sexual suggestive jokes or comments;
6. sexually explicit posts on social networking sites
7. Tales of sexual exploits;
8. Repeated requests for a date;

9. Unwelcome comments or questions about a person's sex life, appearance or dress; and
10. Displaying sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Bullying
Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA).*

Some examples of bullying include, but are not limited to:

1. Loud, abusive or offensive language or comments;
2. Yelling and screaming;
3. Unjustified criticism and insults;
4. Unjustified threats of dismissal or other disciplinary action;
5. Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
6. Spreading malicious rumours or misinformation;
7. Inappropriate comments about an employee's appearance, lifestyle of family;
8. Deliberately excluding an employee from workplace meetings or activities;
9. Hiding documents or equipment or withholding vital information required for effective work performance;
10. Constantly changing targets or work guidelines;
11. Overloading an employee with work and impossible deadlines;
12. Setting tasks that are unreasonably below or beyond an employee's level of skill;
13. Threats of assault or violence or actual violence;
14. Teasing and practical jokes; and
15. Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee the police should be called.

Ways in which Bullying can Occur
There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers

Reasonable Management Action
The Shire of Dowerin has a right to take reasonable management action to direct the way in which work is conducted and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

1. The establishment and regular use of performance management systems;
2. The setting of reasonable performance targets and deadlines;
3. Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
4. Issuing a lawful and reasonable direction to an employee to complete a work task;
5. Preparing and amending a roster for employees;
6. Transferring an employee to a different work location for operational reasons;
7. Implementing organisational change;

8. Informing an employee about inappropriate behaviour in a confidential manner; and
9. Taking disciplinary action against an employee.

Other Behaviours not Considered to be Bullying
Where two or more employees have a difference of opinion and disagree on an issue, this is not usually considered to be workplace bullying. However, where conflict escalates and is repeated it may meet the definition of workplace bullying.

Additionally, bullying does not occur where bullying behaviour is a one off occurrence and if that behaviour does not create a risk to health or safety.

What to do if you think you are being Discriminated Against, Sexually Harassed or Bullied
Refer to the Grievance Policy and Grievance Procedure for steps to take if you think you are being discriminated against, sexually harassed or bullied, or if you suspect another employee is experiencing any of those things.

Roles & Responsibilities
To ensure the intent of this policy is realised various roles within the Shire of Dowerin must assume certain responsibilities.

The Employer
The Shire of Dowerin will endeavour to:

1. provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
2. provide and maintain safe systems of work;
3. provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
4. treat all employees fairly; and
5. take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All the Organisation's Employees
Employees, contractors and volunteers are required to:

1. report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
2. follow all policies and procedures of the Shire of Dowerin;
3. ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying; and
4. treat all employees fairly and with respect.

Employees should be aware that discrimination, bullying and sexual harassment may expose them individually to legal action.

Consequences of Breaching This Policy
Any breach of this policy may result in disciplinary action up to and including termination of employment.

Variation to this Policy
This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents
Grievances, Investigations and Resolution Policy and Procedure
Disciplinary Policy and Procedure
Code of Conduct for Employees
EEO Management Plan

Related External Documents
Equal Opportunity Act 1984 (WA)
Racial Discrimination Act 1975

Disability Services Act 1993
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Sex Discrimination Act 1984
WALGA Employee Relations Services

Document Control	
Policy Number	7.7
Policy Version	2
Policy Owners	Manager Corporate & Community Services
Creation Date	20 August 2019 (CMRef 0034)
Last Review Date	9 June 2022
Next Review Due	This policy will be reviewed bi-annually or more often where circumstances require.

POLICY NUMBER	-	**7.8**
POLICY SUBJECT	**-**	**7.8 Equal Opportunity Employment Policy**
DATE ADOPTED	-	20 August 2019 (CMRef 0034)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Purpose
To detail the Shire of Dowerin's commitment to Equal Opportunity.

Policy Statement
This Council recognises its legal obligations under the *Equal Opportunity Act 1984* and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

This policy applies to all elected members, employees and contractors to the Shire of Dowerin.

Guidelines
1. All offers of employment within this Council will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.
2. All employment training with this Council will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.
3. All promotional policies and opportunities with this Council will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.
4. The equal employment opportunity goals of this Council are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
5. This Council will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive actions or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

Related Policies & Procedures
Code of Conduct
Bullying, Discrimination & Harassment Policy
Grievances, Investigations & Resolutions Policy
Disciplinary Policy
Grievances, Investigations & Resolutions Procedure

POLICY NUMBER	-	**7.9**
POLICY SUBJECT	-	**7.9 Occupational Safety, Health and Environmental Policy**
DATE ADOPTED	-	30 September 2016
RESPONSIBLE OFFICER	-	Rebecca McCall
REVIEWED	-	26 March 2019
REVIEWED	-	4 May 2021

Objective

The Shire of Dowerin (the Shire) is committed to achieving zero harm to all stakeholders whether internal or external when engaged in any capacity with the Shire.

Policy

The Shire is committed to providing a safe working environment for all internal and external stakeholders that may be impacted by any of its activities.

The Shire will endeavor to improve safety and health in the workplace with the philosophy that all injuries and accidents are preventable and that a safe and healthy working environment is conducive to job satisfaction whilst achieving the objectives of the Shire.

Safety and Health Objectives

Commitment, co-operation and effective teamwork is fundamental to achieving the following key safety and health objectives:

The Shire will:

- Provide all Personal Protective Equipment to its staff;
- Provide a workplace that ensures safe work practices and systems are of the highest standard;
- Ensure that employees understand their responsibilities for safe working conditions and be provided with appropriate instruction, training, information and equipment;
- Involve employees in safety and health matters and consult with them in ways to reduce workplace hazards and prevent injuries;
- Protect the public, the environment, equipment and materials from injury, accidental loss or damage;
- Conform to statutory requirements as a minimum standard; and
- Take all practicable steps to occupationally rehabilitate employees after injury or illness in the workplace.

Responsibilities

Safety and health are both an individual and a collective responsibility of all employees, in particular;

- **Chief Executive Officer**

The Chief Executive Officer is the responsible officer for all Occupation Safety and Health practices within the organisation.

- **Managers and Supervisors**

Managers and supervisors are responsible for implementing the Occupational Safety and Health Policy and ensure that appropriate planning, development, implementation and monitoring of Occupational Safety and Health Procedures is kept up to date and adhered to on a daily basis.

- **Employees**

Employees are required to follow all safe working practices and use provided personal protective equipment at all times to minimise risks. Employees are to take responsibility in ensuring that both their own safety, along with the safety of others, is a priority consideration when undertaking work for the Shire. It is a requirement that all employees immediately, or as soon as practicable, report all accidents and hazardous situations that arises in the course of their work and file a completed Incident Report.

Related Documentation

Safety, Health and Environmental Management Plan

Related Legislation/Local Law/Policy/Procedure

Occupational Health and Safety Act 1984

Occupational Health and Safety Regulations 1996

Australian Standard AS 4801 – Occupational Health and Safety Management Systems

Related Delegation

Nil

CEO Endoresement

Signed:	Rebecca McCall, Chief Executive Officer	Dated:

POLICY NUMBER	-	**7.10**
POLICY SUBJECT	-	**7.10 Drug and Alcohol Policy**
DATE ADOPTED	-	November 2020
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	9 June 2022

Objective

The Shire of Dowerin (Local Government) is committed to providing a safe and healthy workplace for all employees, contractors, sub-contractors and volunteers. As a part of this commitment the Shire will not tolerate the misuse of alcohol and/or other drugs in the workplace.

The purpose of this policy is to ensure the following:

- That all employees, contractors, sub-contractors and volunteers are fit for work and not under the influence of alcohol and/or other drugs while at work.
- That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and/or alcohol.
- That the illegal and/or criminal activity of possession or dealing in drugs does not occur at the workplace.

Policy Statement

The Shire of Dowerin's Commitment

The Shire of Dowerin and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and/or other drug usage becomes a work health safety issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

This policy applies to all employees, contractors, visitors and volunteers engaged or appointed by the Local Government while on the Local Government's premises or while engaged in Local Government related activities

The Individual's Responsibility

Under the *Work Health and Safety Act 2020* workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at the workplace is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. The workplace extends to Shire owned vehicles and plant. At any time as a worker of the Shire whilst undertaking their respective duties, employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence or impaired by alcohol and/or drugs at the workplace, may face disciplinary action up to and including termination of employment.

Reporting Requirements

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Drug Use on the Premises

Employees who buy, take, or sell drugs on Local Government premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their Manager or Chief Executive Officer and disclose any side effects that these prescribed medication/drugs may cause.

Consumption of Alcohol on the Premises

Except in situations where the Local Government holds a function on the premises and alcohol is provided, employees must not consume alcohol in the workplace.

Managers' Responsibilities – Consumption of Alcohol at Work Sponsored Functions

Managers are required to:

- encourage employees to make alternative arrangements for transport to and from work prior to the function;
- ensure that the following is made available: water, soft drinks, low alcohol drink options, tea and/or coffee and food;
- assist the employee with safe transport home, including contacting a family member or arranging transport, if the manager believes a person may be over the BAC 0.05 limit; and
- appoint a delegate to oversee the remainder of the function if the manager must leave early.

Counselling and Rehabilitation

All personnel will be offered the opportunity to seek appropriate counselling and rehabilitation services where the need arises. The Council intends in appropriate circumstances to help employees with problems associated with the abuse of drugs and alcohol and to encourage their rehabilitation.

However, no part of this Policy or any related procedures is intended to affect the Shire's right to manage its workplace and discipline its employees or to offer employment or continued employment, nor to make the Shire liable for the costs associated with counselling and rehabilitation.

If an employee feels they require assistance with a substance abuse or dependence related issue they may bring this to the attention of their Safety Representative, Supervisor or CEO. No disciplinary action will result from such a request, even if it is obvious that the Policy must have been previously breached, provided that the request is made well in advance of and not as a result of a drug and alcohol test.

Counselling and Rehabilitation, if required, can be arranged on a strictly confidential basis. This may be arranged through other agencies as listed below:

Service Provider	**Metro No.**	**Toll Free**
Occupational Services (WA)	9225 4522	1800 198 191
Alcohol and Drug Information Service (24hrs)	9442 5000	1800 198 024
Alcoholics Anonymous (24 hrs)	9325 3566	
Narcotics Anonymous	9227 8361	
Parents Alcohol and Drug Information Service	9442 5050	1800 653 203

Identification of Impairment & Testing

If the Local Government has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

Reasonable grounds may include, but are not limited to, where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the Local Government suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a suitably qualified person appointed by the Local Government; and/or
- direct an employee to go home.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 – Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Local Government may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Local Government may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee, up to and including the termination of employment.

The following steps are to be taken where an employee, who has submitted to a medical assessment, returns a positive test result for alcohol and/or drugs:

- the employee tested and the supervisor (or respective employer) will be informed of the result, and
- a disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Local Government.

Testing Methods

Employees and other persons in the workplace are required to undertake alcohol and drug testing when, where and as required. This will include:

- Random testing
- Extraordinary testing
- Incident testing
- Fitness for Work testing
- Pre-Employment testing

All initial drug testing undertaken will comprise of a saliva test. Confirmatory test may comprise of either a urine or saliva test.

Urine testing will be conducted in accordance with Australian/New Zealand Standard AS/NZS 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2019.

Alcohol testing will be conducted in accordance with current random breath testing procedures in Western Australia (Australian Standard AS 3547:2019).

All drug testing shall be conducted at a Shire approved testing facility for urine testing or by authorised and trained persons at the workplace for oral testing. Authorised and trained persons will conduct all alcohol testing at the workplace.

Where an employee or other person in the workplace returns a positive screening test result a confirmatory test will be conducted.

A person who returns a positive screening test will not be permitted to remain in or return to the workplace pending the receipt by the employer of the confirmatory test result. Where a person is so required to leave the Shire's premises or property the Shire will ensure that it is in a safe and responsible manner.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical

assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee, up to and including the termination of employment.

A positive confirmatory test result will be dealt with in accordance with the "Action in Relation to Test Results" provisions as contained in this Policy.
A person who returns a negative confirmatory test result will be permitted to return to the workplace.

Random Testing

All employees and other persons in the workplace may be required to provide a sample for testing as a result of a random selection process. The Shire reserves the right to amend and adjust the random selection process from time to time as appropriate.

Extraordinary Testing

An employee once found to have obtained a positive result in either drug or alcohol testing shall be required to undergo further urine testing at the rate of three extraordinary tests over six months not including normal selection for random testing.
The Shire's Chief Executive Officer shall determine when extraordinary testing is to take place.

Incident Testing

Employees involved in significant incidents will be tested immediately following an incident. Significant incidents may include, but are not limited to:

- Vehicle and plant accidents
- Injuries treated by a medical practitioner
- Property/ vehicle/ plant/ equipment damage
- Reportable near misses

Persons involved in such incidents will be tested for alcohol and/or drugs as per the procedures under this policy. They will not be permitted to commence work until a negative test result is returned and they are considered to be fit for work.
A person who is required to provide a post-incident sample will be on full pay until the testing process is completed at which time they will either return to work or be dealt with in accordance with the "Action in Relation to Test Results" provisions as contained in this Policy.

Fitness for Work Testing

Any employee who has reason to believe that another employee, a contractor's employee, or a visitor is under the influence of drugs or alcohol must report their suspicions to their supervisor/manager. If the supervisor/manager agrees that there is cause for suspicion, they must arrange for the person to be removed from the workplace and undertake to provide a urine or breathalyser test in consultation with the CEO. The employee reporting the suspicion will also be tested.
The person will not be permitted to commence work until a negative test result is returned and they are considered to be fit for work. The persons who are required to provide the sample will be on full pay until the testing process is completed at which time they will either return to work or be dealt with in accordance with the "Action in Relation to Test Results" provisions as contained in this Policy.
Employees have the opportunity to voluntarily self-test "without prejudice" at least 10 minutes prior to the commencement of work if they are in doubt of their fitness for work. An employee who removes themselves from the workplace prior to any incident or disciplinary action will do so either on annual or unpaid leave. Repeated events will be treated as a performance matter.

Pre-Employment Testing

All prospective employees shall be required to provide a urine sample that will be analysed for traces of prohibited or restricted drugs in accordance with Australian Standard 4308 as a pre-requisite for employment with the Shire.

The prospective employee will be requested to declare to the person administering the test whether they are taking any medication, including prescription and/or non-prescription over the counter drugs.

Refusal to Undertake a Test

Refusal by an employee to submit to or cooperate fully with the administration of a drug and alcohol test will be deemed to be the same as a First Positive result and the employee will be sent home on either earned annual leave or unpaid leave at the employee's choice.
The employee will be given a verbal warning. This will be performed in accordance with the relevant Shire procedure which requires a record to be kept including the full details of the misconduct, time and date of warning, and names of witnesses.
The employee will present themselves at an authorised testing centre within 24 hours of the first refusal and undergo a test. If the employee continues to refuse to take a test, it will be treated as a 'second positive' result and the employee will be sent home on either earned annual leave or unpaid leave at the employee's choice. The employee will be given a final written warning assuming there are no mitigating circumstances.
The employee will present themselves for another test within 24 hours of the second refusal and undergo a test. If the employee continues to refuse to take a test, it will be treated as a 'third positive' result. Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case. Unless there are convincing arguments to the contrary, the individual may be dismissed without notice.

Provision of an Invalid Sample or Inability to Provide a Sample

An employee or other person in the workplace who provides an invalid sample for testing will be required to provide a valid sample for testing within 24 hours at an authorised testing centre and to comply with the instructions of the authorised testing centre to ensure the provision of a valid sample. In the absence of a medical explanation acceptable to the employer for the provision of an invalid sample, the provision of a second consecutive invalid sample will be treated as a Positive result for the purposes of this Policy.
Where an employee or other person in the workplace asserts that they are unable to provide a sample for testing, in the absence of an explanation acceptable to the employer and when given a reasonable timeframe, the person will be deemed to have returned a positive confirmatory test result for the purposes of this Policy.

Requirement to Declare Use of Drugs Prior to Testing

As part of the drug testing process where Staff are on certain medication or prescriptions they are to provide a photocopy of same in a sealed envelope which is placed in the employees file and only opened if a positive reading is registered.
Where a positive test result is returned indicating the presence of a class of drugs consistent with the declared prescription and/or over the counter drugs no further action will be taken pending receipt of the confirmatory test results and provided the person is fit for work. If the confirmatory test result is consistent with the proper and/or prescribed use of the declared prescription and/or non-prescription over the counter drugs it will not be considered a Positive result for the purposes of this Policy and no further action will be taken, provided that the person is fit for work.
Where the confirmatory test result is not consistent with the proper and/or prescribed use of the declared prescription and/or non-prescription over the counter drugs or where the use of prescription and/or non-prescription over the counter drugs has not been declared it will be considered a Positive result for the purposes of this Policy.

Testing Levels

Alcohol

Range zero to less than 0.02%

Where an individual, after the 20 minute break, records a BAC greater than zero and up to and including 0.02% they will be stood down and provided with safe transport off site. Time off is to be taken as annual/unpaid leave.

For the first offence of a positive recording between zero and 0.02% the employee will be given a verbal warning by their supervisor.

Any subsequent positive test will result in formal disciplinary action being taken and a letter of warning issued.

Range 0.02% to 0.10%
Where an individual, after the 20 minute break, records a BAC greater than 0.02% and up to and including 0.10% they will be stood down and provided with safe transport off site. Time off is to be taken as annual/unpaid leave.

A formal written warning will be issued.

Range greater than 0.10%
A positive result greater than 0.10% will be stood down for 24 hours immediately with a view to termination of their employment at the discretion of the Chief Executive Officer.

Other Drugs

The screening test cut-off levels for urine tests are:

Class of Drug	**Cut-off Level**
Methyl amphetamine and Amphetamine	300 ug/l
Cannabis metabolites	50 ug/l
Cocaine metabolites	300 ug/l
Benzodiazepines	200 ug/l
Opiates	300 ug/l

The screening test cut-off levels for oral tests are:

Class of Drug	**Cut-off Level**
Methyl amphetamine and Amphetamine	50 ng/ml
Cannabis metabolites	25 ng/ml
Cocaine metabolites	50 ng/ml
Opiates	50 ng/ml

The confirmatory test cut-off levels are:

Class of Drug	**Cut-off Level**
Opiates*	300
Codeine	300
Amphetamine	300
Methyl amphetamine	300
Methylene dioxy methylampetamine	300
Phentermine	500
Ephedrine	500
Pseudoephedrine	500
11-nor- Δ9-tetrahydrocannabinol-9-carboxylic acid	15
Benzoylecgonine	150
Ecgonine methyl ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
7-amino-clonazepam	200
7-amino-flunitrazepam	200
7-amino-nitrazepam	200

Action in Relation to Test Results

First Positive

If an employee or other person in the workplace returns a positive confirmatory test result for the first time for other drugs then the following will apply:

1) They will be provided with a copy of the laboratory drug and alcohol test results.
2) The employee will be sent home on either annual leave or unpaid leave at the employee's choice and given a verbal warning. This will be performed in accordance with the Shire's relevant disciplinary procedure which requires a record to be kept including the full details of the misconduct, time and date of warning, and names of witnesses.
3) The employee shall enter into discussions with their manager and the CEO regarding the positive result. The employee may request a representative to be present in a purely observatory capacity.
4) The Shire will recommend to the employee that they seek medical and/or counselling help.

In the event of the positive result being for drugs other than cannabis, the employee will present themselves within 48 hours at an authorised testing centre and undergo a further test. If the test is positive, it will be treated as a Second Positive.

Only if the test is negative will the employee be able to resume their normal duties. In the event of the positive result being for cannabis, the employee shall undertake weekly drug testing at an authorised testing centre. The employee will not be permitted to commence work until a negative result is achieved. This may continue for a maximum period of up to six weeks.

The cost of testing to provide a negative result shall be at the employee's own expense.

The employer will consider failure to undertake weekly drug testing, as required, and to return a test result that indicates a decline in the level of the drug which was found to be at or above the cut-off level prescribed in this Policy, or to return a test result which indicates the presence of any other drug at or above the cut-off level prescribed in this Policy, as evidence of the employee's intention not to return to work and may terminate the contract of employment accordingly.

In the case of any other person in the workplace they will be removed from Shire premises and will not be permitted to perform work for or with the Shire or to enter Shire premises until a negative result is achieved. The cost of testing to provide a negative result shall be at the person's own cost and shall be conducted by an authorised testing centre approved by the Shire.

On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.

Disputed results will be dealt with in accordance with Australian Standard 4308 and at the employee's own cost. The referee sample will be made available for testing by an authorised testing centre and all records of the original test made available for re-examination. Due to possible degradation of sample over time, re-testing need only detect the presence of the drug or metabolite using mass spectrometry.

Second Positive

If an employee or other person in the workplace records a positive confirmatory test result for the second time for alcohol or drugs then the following will apply:

1) They will be provided with a copy of the laboratory drug and alcohol test results.
2) The employee will be sent home on either annual leave or unpaid leave at the employee's choice and given a final written warning.
3) The employee shall present themselves as soon as possible to a panel consisting of;
    - Direct Manager
    - Chief Executive Officer, and
    - Health and Safety Representative (employee's choice)

The objective of the panel is to discuss;

- Source of problem
- Explain the repercussions of a Third Positive test
- Reinforce the Fit to Work Policy
- Organise counselling and/or medical help

The employee shall undertake counselling and provide some proof or display an undertaking as to a change in lifestyle. The Counsellor shall decide when such proof or display is sufficient and when enforced counselling is over. Failure to complete enforced counselling or to provide sufficient proof of a change in lifestyle will result in disciplinary action up to and including termination of employment.

In the event of the positive result being for alcohol and drugs other than cannabis, the employee will present themselves within 48 hours at an authorised testing centre and undergo a further urine or breath test. If the test is positive, it will be treated as a Third Positive.

Only if the test is negative will the employee be able to resume their normal duties. In the event of the positive result being for cannabis, the employee shall undertake weekly drug testing at an authorised testing centre. The employee will not be permitted to commence work until a negative result is achieved. This may continue for a maximum period of up to six weeks.

The cost of testing to provide a negative result shall be at the employee's own expense.

The employer will consider failure to undertake weekly drug testing, as required, and to return a test result that indicates a decline in the level of the drug which was found to be at or above the cut-off level prescribed in this Policy, or to return a test result which indicates the presence of any other drug at or above the cut-off level prescribed in this Policy, as evidence of the employee's intention not to return to work and may terminate the contract of employment accordingly.
In the case of any other person in the workplace they will be removed from Shire premises and will not be permitted to perform work for or with the Shire or to enter Shire premises until a negative result is achieved. The cost of testing to provide a negative result shall be at the person's own cost and shall be conducted by an authorised testing centre approved by the Shire.

On return to work the employee or other person in the workplace will be subject to extraordinary testing in addition to the usual testing programme. Further contravention of this Policy will result in disciplinary action up to and including termination of employment.

Disputed results will be dealt with in accordance with Australian Standard 4308 and at the employee's own cost. The referee sample will be made available for testing by an authorised testing centre and all records of the original test made available for re-examination. Due to possible degradation of sample over time, re-testing need only detect the presence of the drug or metabolite using mass spectrometry.

Third Positive

The employee will be immediately suspended from work without pay pending an investigation of the incident or occurrence. Formal disciplinary procedures will be invoked to ascertain if any mitigating circumstances exist and to allow the employee to state their case.

Unless there are convincing arguments to the contrary, the individual may be dismissed without notice. Where a person in the workplace other than an employee returns a positive confirmatory test result for the third time, the Shire of Dowerin may refuse to permit the person to perform work for or on behalf of the Council or to perform work on the premises or property of the Shire.

Disciplinary Record

Where an employee has not breached this Policy for a period of not less than 24 months the

individual will be regarded as successfully rehabilitated and any future incident or occurrence will be treated as a First Positive.

Variation to this policy
This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the usual correspondence method.

Roles and Responsibilities
The Chief Executive Officer is responsible for ensuring the successful implementation and operation of the Drug and Alcohol Policy. This will ensure that all employees understand and support the Policy and adequate resources are provided for appropriate education, training, counselling, and other requirements of the Policy.

Managers and Supervisors are accountable for ensuring that all individuals are aware of and comply with the provisions of this Policy and that the Policy is applied fairly and consistently to everybody in their areas of responsibility. This includes the provision of training, education, and other support programmes and periodic review of the implementation, application, and effectiveness of the Policy.

Managers and Supervisors also have responsibility for determining the fitness for work of individuals under their control and for taking prompt and appropriate action to address declining safety or work performance as a result of alcohol or other drug misuse. Failure to apply and enforce the Policy in a timely and effective manner will be treated as a performance matter.

All Managers and Supervisors will be appropriately trained to ensure their competency in handling these matters

Related Corporate Documents

Code of Conduct for Employees
Grievances, Investigations and Resolution Policy
Grievance Procedures
Disciplinary Policy
Disciplinary Procedure

Related Legislation/Local Law/Policy/Procedure

Work Health and Safety Act 2020
Australian/New Zealand Standard AS/NZS 4308:2008
Australian Standard 4760:2019.
Australian Standard AS 3547:2019

Related Delegation

Nil

Document Control	
Policy Number	7.10
Policy Version	2
Policy Owners	Manager Corporate & Community Services
Creation Date	November 2020

Last Review Date	9 June 2022
Next Review Due	This policy will be reviewed annually or more often where circumstances require.

POLICY NUMBER	-	**7.11**
POLICY SUBJECT	-	**7.11 Social Media Policy**
DATE ADOPTED	-	19 December 2017
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	21 April 2020 (CMRef 0181)

Objective

This policy outlines the protocols for employees, contractors and volunteers of the Shire of Dowerin for using social media on behalf of the Shire of Dowerin, and provides guidance for when using their personal social media accounts.

Policy

Application
This policy applies to all employees, contractors and volunteers at the Shire of Dowerin who access and use social media for professional or social purposes whether via personal devices or those supplied by the Shire.

What is social media?
Social media means websites and applications whereby users create or participate in online communities to share information, ideas, personal messages, photos, videos and other content.

Examples of social media platforms include:

1. Social networks such as Facebook, LinkedIn and Twitter;
2. Media sharing networks such as Instagram, YouTube and Snapchat;
3. Discussion forums such as Reddit;
4. Content curating networks such as Pinterest;
5. Consumer review networks such as TripAdvisor and Yelp; and
6. Blogging and publishing networks such as WordPress and Tumblr.

Use of social media
The Shire of Dowerin may direct employees to use social media via the Shire's social media accounts. Only employees with appropriate training and knowledge who are expressly authorised by the Chief Executive Officer may use social media for Shire purposes.

Employees who are authorised to use social media in the course of their work must:

1. Ensure information posted is truthful, accurate, professional and in the best interest of the Shire of Dowerin;
2. Not post commercially sensitive information or personal information about employees and rate payers;
3. Use spell check and proof read each post before publication;
4. Know the facts and verify the sources of those facts;
5. Be respectful of all individuals and communities when interacting online;
6. Not post or engage with any material that is inappropriate or unlawful, or infringes on any intellectual property rights;
7. Seek to conform to the cultural and behavioural norms of the social media platform being used;
8. Acknowledge and correct any errors promptly after disclosing the error to their line manager;

9. Comply with any procedure for social media posts to be approved by their line manager; and
10. Be aware that the Shire of Dowerin is responsible and liable for any social media posts made on behalf of the organisation.

Personal use of social media
Local government social media accounts
An employee cannot comment on behalf of the Shire of Dowerin on social media unless expressly authorised to do so by the Chief Executive Officer.

An employee may share links, 'like' a post or comment on a post published by the Shire of Dowerin, provided the interaction complies with the Code of Conduct and the personal use of social media provisions contained in this policy.

Personal social media accounts
Employees, contractors and volunteers who use personal social media accounts must not, at any time:

1. Infer or state they are speaking on behalf of the Shire of Dowerin;
2. Disclose any local government information that is not otherwise publically available;
3. Use their personal social media accounts in such a way that it interferes with their ability to work professionally, efficiently and impartially;
4. Use a work email address to register personal social media accounts; or
5. Criticise decisions of the Council or Councillors and employees of the Shire of Dowerin.

Personal use of social media by an employee may be considered inappropriate and may result in disciplinary action if it is:

1. Likely to damage the Shire's interests;
2. Likely to damage the relationship between the Shire and the employee; or
3. Incompatible with the employee's duty as an employee.

Employees should be mindful that content published on the internet, including posts on social media are permanently retained and even if an employee is posting on their private social media account, this may be viewed by the public.

Consequences of breaching this policy
This policy constitutes a lawful instruction to employees. Any breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

Developing new social media platforms
The Chief Executive Officer must authorise the use of any online marketing tools such as additional websites and social media channels that are branded or deemed to be associated with the Shire of Dowerin.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented.

Executive Manager Corporate & Community Services
The Executive Manager Corporate & Community Services has responsibility to ensure this policy is reviewed and presented to Council for consideration.

Managers
Managers are responsible for ensuring their staff are aware of this policy and for reporting any breaches to the Chief Executive Officer.

Staff, Contactors & Volunteers
Staff, contractors and volunteers have the responsibility of ensuring they understand and comply with the requirements of this policy.

Related Documentation

Code of Conduct
Social Media Procedure
Disciplinary Policy
Discrimination, Bullying & Harassment Policy

Related Legislation/Local Law/Policy/Procedure
Local Government Act 1995
Copyright Act 1968
Privacy Act 1988
Information Privacy Bill 2007 (WA)
Defamation Act 2005

Related Delegation
Nil

POLICY NUMBER	-	**7.12**
POLICY SUBJECT	**-**	**7.12 Recruitment and Selection Policy**
DATE ADOPTED	-	18 March 2014
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	24 April 2018
RESCINDED	-	20 October 2020 (CMRef 0288)

POLICY NUMBER	-	**7.13**
POLICY SUBJECT	-	**7.13 Recognising Council Service Policy**
DATE ADOPTED	-	20 December 2016
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	24 October 2017
REVIEWED	-	15 September 2020 (CMRef 0275)
REVIEWED	-	16 February 2021 (CMRef 0371) Refer Policy 1.17

POLICY NUMBER	-	**7.14**
POLICY SUBJECT	-	**7.14 Uniforms Staff Policy**
DATE ADOPTED	-	25 September 2018 (Item 10.1.3)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	21 April 2020 (CMRef 0186)

Objective

To provide clear guidelines and parameters regarding a standardised dress code/uniforms for all staff when representing the Shire of Dowerin.

Policy

The Shire of Dowerin is committed to presenting itself in a professional manner as well as maintaining a safe and healthy working environment for its employees.

Payments Made Under This Policy

The Shire will pay up to a maximum of $500 per financial year to employees towards the cost of an approved corporate uniform for permanent employees. The cost of any uniforms purchased above the $500 limit will be borne by the employee.

Compulsory Uniform/Protective Clothing

Some conditions of employment involve the wearing of compulsory Personal Protective Equipment (PPE). In this instance, it is the responsibility of the Shire of Dowerin to provide appropriate and sufficient PPE to allow the employee to undertake the requirements of their role.

Each year, after budget adoption, the Shire of Dowerin will place a bulk order of the required PPE needed to ensure all employees are appropriately equipped. For employees who commence after the bulk PPE order occurs, the following guidelines for Shire of Dowerin provided PPE are:

Upon appointment as full-time on probation, part-time on probation or casual:

- One set of safety boots;
- Two pairs of long pants;
- Two long sleeved shirts with logo;
- One sun appropriate hat;
- One winter appropriate jacket with logo;
- One glove clip; and
- One four litre water drink container.

Upon confirmation of being made a permanent employee ie: satisfactory completion of probation, an additional three long sleeve shirts with logo and three pairs of long pants will be provided.

Each year, all permanent employees who have passed their probation will be provided with the following:

- One set of safety boots;
- Three pairs of long pants;
- Three long sleeved shirts with logo;
- One sun appropriate hat;
- One winter appropriate jacket with logo;
- One glove clip; and

- One four litre water drink container.

For safety reasons and risk mitigation, all staff are required to wear long sleeve tops/shirts and long pants. The rolling up of sleeves and pants is not allowed.

All two-tone uniform colours are yellow and navy with the Shire of Dowerin Logo in colour and all pants and hats are navy.

Safety gloves and sunglasses are stored at the depot as stock & will be available to all staff as required.

The employee is responsible for:

- Ensuring the uniform is kept clean and presentable; and
- The uniform is worn at all time during working hours.

Any employee who fails to wear the required uniform when presenting for duty shall be sent home to change and may not receive payment for the time they are not at work.

Additional Requirements Relating to Protective Clothing

Uniforms will only be replaced outside of the standard ordering periods if it is proven by an employee that the PPE is no longer suitable for use due to ordinary wear and tear and/or a work-related incident.

An employee may not be entitled to a replacement uniform or an additional one-off allowance if their uniform has been damaged due to neglect or misconduct. In such cases the employee will be responsible for the replacement costs of the uniform.

An employee may be instructed to wear protective clothing by their supervisor. Employees will be issued with protective clothing by the Shire of Dowerin in accordance with the Shire's Personal Protective Equipment and Clothing (PPE) Procedure. An employee must not modify, alter or change protective clothing under any circumstances unless they are directed to do so by their supervisor.

Wearing Uniform Out of Hours

Uniforms are to be worn only during working hours and not outside of working hours.

When wearing the Shire of Dowerin uniform, employees considered representatives of the organisation and must adhere to the Shire of Dowerin's Code of Conduct and behave to a high standard.

Acceptable Standards of Dress

Employees who are not required to wear uniforms must present for work in a professional manner and be suitably attired for their work activities. The standard for both men and women is smart business dress.

Smart business dress for work may include tailored trousers, tailored skirts, collared business shirts, tailored jackets, dresses, blouses, smart/business shoes, socks, belts and ties.

Clothing considered inappropriate for the work environment includes low cut or sheer tops, tops that expose the midriff, shorts, thongs, sneakers, bare feet, singlets, faded or frayed jeans or other items of clothing deemed unsuitable by their supervisor.

The following items are considered acceptable provided they do not pose any possible hazard to health and safety at work or deviate significantly from the image required in the given work area:

- Clothing worn to comply with cultural or religious practices;
- Tattoos or body piercings; and
- Jewellery.

In relation to appropriate footwear and clothing, staff must have regard for possible hazards within the workplace eg: hot water spills, dropping heavy items etcetera and take steps to minimise the risk of injury.

When out of the office, staff are required to wear footwear and clothing appropriate to the task being conducted eg: water or housing/building inspections, loading or unloading vehicles etcetera which may be different to the footwear and clothing worn within the office environment.

Casual Dress Days

Staff working at the Shire Administration Office are allocated Friday as 'casual dress' day. On 'casual dress' days, 'smart casual' is the minimum required standard. On this day, staff may wear the Shire of Dowerin polo shirt with skirts and pants and acceptable jeans.

Unacceptable Standard of Dress

The following are considered unacceptable at the Shire of Dowerin:

- Clothing that contains messages or designs that may be offensive to others including but not limited to items of clothing which may be considered racist, sexist or derogatory; and
- Body tattoos that contain messages or designs that may be offensive to others including but not limited to tattoos which may be considered racist, sexist or derogatory.

Personal Hygiene

Employees are responsible for ensuring that they maintain good standards of personal hygiene whilst at the workplace. Clothes should be laundered to a reasonable standard and employees should be respectful of others and minimise strong body odour, perfumes and colognes when attending the workplace.

All matters relating to personal hygiene will be handled sympathetically and discreetly.

Consequences of Breaching This Policy

This policy constitutes a lawful instruction to all staff of the organisation and breaches may lead to disciplinary action by the Shire of Dowerin. People who breach this policy may also be personally liable for their actions.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer has responsibility to ensure this policy is implemented.

Managers and Supervisors

Managers and supervisors have responsibility to ensure employees are aware of this policy.

Related Documentation

Personal Protective Equipment and Clothing (PPE) Procedure

Related Legislation/Local Law/Policy/Procedure

Strategic Community Plan – Our Leaders – Outcome 3 – Commitment to continuous improvement in service delivery and good governance practices ensures the Shire is adaptive to evolving community needs.

Related Delegation

Nil

POLICY NUMBER	-	**7.15**
POLICY SUBJECT	-	**7.15 Education and Assistance Policy**
DATE ADOPTED	-	25 September 2018 (Item 10.1.1)
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

The Shire of Dowerin is committed to providing an environment in which its employees are adequately equipped to achieve their career and professional development needs relevant to their employment.

All employees have equal access to training and development opportunities promoted by the Shire and/or courses of study that will contribute to the improvement of their professional skills and knowledge relevant to their employment with the Shire, as identified in the staff performance review process.

This policy provides guidance in administering an employee's request for further education and specifies what the Shire will reimburse employees for expenses incurred as well as leave allocation while undertaking approved courses of study, as part of their career planning.

Policy

The Shire of Dowerin supports and encourages employees to undertake studies appropriate to the needs of the Shire.

The Shire recognises that employees will from time to time aspire to upgrade their knowledge and skills.

1. Education (being acquisition of general, tertiary and professional skills and qualification) is the responsibility of the individual employee.
2. The Shire will provide regular opportunities for employees of the Shire to upgrade or enhance their skills.
3. This policy only applies to full time and part time employment. Employees who are a trainee, apprentice, casual and employees on a temporary contract of 12 months or less will not be eligible to apply.
4. The employee must gain Manager and Chief Executive Officer approval of the course prior to seeking assistance under this policy.
5. The Shire is supportive of employees who seek further education and, through the Chief Executive Officer, an application may be considered and/or approved under the following considerations:
   a. the studies are relevant to the current position or potential future career development;
   b. the extent to which the department/section will be inconvenienced;
   c. the employees past work performance and behaviour.

Contribution to Fees

1. When it is financially advantageous to do so the Shire will consider paying the fees incurred upfront in order to receive any discount offered by their respective Educational Institution.

2. The employee pays for the fees and thereafter provides a copy of their receipt and statement of results at the end of the semester at which time the Shire will repay the employee up to 100% upon proof of completion and passing of the course. A statement of results as well as a copy of the payment receipt is required for reimbursement.

3. A repayment scale is applied if an employee leaves the Shire within 2 years from the date they received the payment:

    a. Within 6 months – 100% repay to the Shire
    b. Within 12 months – 75% repay to the Shire
    c. Within 18 months – 50% repay to the Shire
    d. Within 24 months – 25% repay to the Shire

4. The Shire will not make any contribution towards the books, parking, campus fines, memberships, guild fees, travel costs or other costs associated with the course of study undertaken.

5. All requests for assistance from the Shire should be made and approved within a financial year and not be carried into a second financial year.

6. The need for an employee to repeat a unit shall be deemed to be unsatisfactory performance and the employee will not receive further assistance from the Shire.

7. Fees paid to employees who work part-time hours will be calculated on a pro-rata system calculated as a percentage of a full time equivalent figure based on the employee's normal hours of work.

8. All costs, other than salaries, incurred under this policy will be costed against the Shire's training budget.

Leave Arrangements

The Shire will provide the opportunity for an employee to take time off (study leave) of up to 5 hours per week, provided that such time is made up and does not interfere with Council operations significantly, excepting in the case of employees classified as "trainee", "cadet" or "apprentice" where additional Study Leave may be granted by the Chief Executive Officer.

Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer has responsibility to ensure this policy is implemented.

Managers and Supervisors

Managers and supervisors have responsibility to ensure employees are aware of this policy and actively promote professional development of staff as part of this policy.

Related Documentation

Study Assistance Application Form

Related Legislation/Local Law/Policy/Procedure

Strategic Community Plan – Our Leaders – Outcome 3 – Commitment to continuous improvement in service delivery and good governance practices ensures the Shire is adaptive to evolving community needs.

Related Delegation

Nil

POLICY NUMBER	-	**7.16**
POLICY SUBJECT	**-**	**7.16 Prescription Safety Glasses Policy**
DATE ADOPTED	-	22 January 2019 (Item 10.1.2)
RESPONSIBLE OFFICER	-	Manager Works & Assets
REVIEWED	-	

Objective

To comply with the *Occupational Health and Safety Act 1984* in providing appropriate personal protective equipment (PPE) for employees.

To provide prescription safety glasses for employees where optical aids are required and their regular duties require the use of safety glasses.

Policy

This policy applies to all Shire employes with the exception of employees on casual contracts, independent contractors and volunteers.

Reimbursing an employee for prescription safety glasses will only be approved when the safety glasses provided by the Shire, which fit over prescription glasses, do not fit properly and therefore are not fit for purpose.

If a reimbursement is approved, based on the above, the Shire will reimburse employees for the cost of prescription safety glasses up to a maximum value of $200.

Employees may purchase glasses costing more than this amount, however they will only be reimbursed the prescribed amount above. If the amount is less than the prescribed amount or the employee obtains any kind of rebate which brings the total cost of the glasses to less than the prescribed amount, the Shire will only reimburse the employee for their out-of-pocket expenses. Employees wishing to be reimbursed will be required to produce:

1. A receipt for the glasses; and/or
2. A private health insurance or other rebate receipt (if applicable).

Employees are responsible for ensuring that all glasses purchased comply with the Australian/New Zealand standards:

1. AS/NZS 1337:1992 Eye protectors for industrial applications; and
2. AS/NZS 1338:1992 Filters for eye protectors.

Prescription safety glasses may be replaced where:

1. they are lost or stolen;
2. they are scratched or damaged during regular work duties; or
3. the employee's prescription changes.

Employees are entitled to one (1) pair of prescription safety glasses per financial year. The Shire will only consider replacing glasses more than once per year in extenuating circumstances.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has a responsibility to ensure this policy is implemented.

Managers and Supervisors
Managers and supervisors have a responsibility to ensure employees are aware of this policy.

Related Documentation
Occupational Safety Health and Environmental Policy

Related Legislation/Local Law/Policy/Procedure
Occupational Health and Safety Act 1984
Occupational Health and Safety Regulations 1996
AS/NZS 1337: 1992 Eye protectors for industrial applications
AS/NZS 1338: 1992 Filters for eye protectors

Related Delegation
Nil

POLICY NUMBER	-	**7.17**
POLICY SUBJECT	-	**7.17 Employee Housing Policy**
DATE ADOPTED	-	19 May 2020 (CMRef 0192)
RESPONSIBLE OFFICER	-	Deputy Chief Executive Officer
REVIEWED	-	5 July 2022

Objective

To provide transparency, equity and consistency in the provision of Shire owned housing for all employees across the organisation.

To assist in ensuring the Shire of Dowerin is competitive in attracting and retaining quality employees noting that access to quality housing in rural communities such as Dowerin where local availability is scarce, housing is an important means of achieving the organisations goals.

This Policy will:

1. Establish the guidelines for allocation of Shire owned housing for employees;
2. Establish the guidelines for determining the rental value;
3. Establish the guidelines for any additional expenditure that may be incurred by the tenant; and
4. Establish the standards required for Shire owned housing.

Policy

This Policy applies to all permanent (excludes temporary, contract and casual) employees of the Shire of Dowerin.

Housing may be offered to all permanent staff, subject to and determined by the availability of Shire owned housing.

Housing will be offered as part of the remuneration package on a predominately hierarchical basis for positions that have traditionally been difficult to attract interest specifically:

1. Chief Executive Officer;
2. Manager Corporate & Community Services; and

From time to time, if considered appropriate to the management of the organisation, the Chief Executive Officer may take into account requirements of the employee and/or the significance of the position for the ongoing operations of the organisation and may offer Shire owned housing.

Leases will be subject to periodic tenancy agreements limited to the term of employment with the Shire and will be terminated upon cessation of employment with the Shire.

Due to the shortage of accommodation, the Chief Executive Officer will consider what is best for the strategic future of the Organisation and therefore, is not able to guarantee accommodation to positions other than the above designated positions.

Shire staff will be given preference over staff from other local businesses unless an exceptional circumstance arises.

Staff will have an option to apply for upgraded housing if such housing becomes available. Their application will be assessed by the Chief Executive Officer on the following criteria:

1. The Shire's circumstances and operational need;
2. Suitable tenancy history;
3. Demand; and
4. Any other relevant factors.

The lease fee will be set 100% of the gross rental value of the property except where a negotiated employment contract provides otherwise. Staff may elect to pay their rent direct via payroll after tax.

Bond will be the equivalent of four weeks of 100% of the gross rental value. All bonds will be lodged with the Bond Administrator as per legislation.

A request to allow pets must be requested in writing prior to the signing of the Tenancy Agreement and approval is subject to the Chief Executive Officer's discretion. The keeping of a pet will require an additional bond equivalent to one weeks' rent.

The gross rental value will be obtained by the Shire on an annual basis with any resulting variation applied in accordance with the terms of the tenancy agreement. Rental charges will be determined and implemented effective as of 1 July for each financial year.

Shire land tax, sewer and property rates and waste collection are the responsibility of the Shire. The Shire will insure the building and any additional insurance such as contents is the responsibility of the tenant.

All other utilities, such as power, water, gas, telephone, internet and other charges are to be met by the tenant.

All lease agreements are to be in accordance with the *Residential Tenancies Act 1987* (WA) and all agreements are to be in writing using Form 1AA Residential Tenancy Agreement as varied from time to time.

All Shire owned housing is subject to a twelve month inspection based on the starting date of the Tenancy Agreement which will occur between the period of March to May of each financial year. This will assist in determining budget requirements for the upcoming financial year.

All tenants will receive a minimum of 21 days' notice in writing prior to the inspection taking place.

Prior to occupancy, a Property Inspection including gardens will be carried out with all information noted in writing and signed by both parties. A copy of this report will be retained at the Shire office and a copy given to the tenant.

Excluding general wear and tear, the property is to be maintained to the same condition as per the information provided on the initial inspection report.

No changes are to be made to Shire owned housing by the tenant unless approved in writing by the Chief Executive Officer. Any such changes are to be undertaken as per legal requirements to a maximum standard.

Under no circumstances is smoking allowed within Shire owned housing.

All employees are to abide by the Employee Code of Conduct and ensure that their behaviour in Shire owned housing does not cause an inconvenience or create a disturbance to neighbours and the surrounding areas.

Staff who do not satisfactorily maintain their property or breach their lease and/or *Residential Tenancies Act 1987* (WA) may be evicted and have their lease terminated.

Roles and Responsibilities

Chief Executive Officer
1. Ensure fair and equitable remuneration elements to all employees; and
2. To ensure implementation of this Policy.

Senior Staff
1. Ensure new employees are aware of this Policy; and
2. Ensure that all employees are treated equitably.

Variation to this Policy
This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Documentation
Lease agreements with employees
Employment Contract/Agreement

Related Legislation/Local Law/Policy/Procedure
Residential Tenancies Act 1987 (WA)
Shire of Dowerin Strategic Community Plan

Related Delegation
Nil

Document Control	
Policy Number	7.17
Policy Version	2
Policy Owners	Deputy Chief Executive Officer
Creation Date	19 May 2020 (CMRef 0192)
Last Review Date	5 July 2022
Next Review Due	This policy will be reviewed annually or more often where circumstances require.

POLICY NUMBER	-	**7.18**
POLICY SUBJECT	-	**7.18 Information Technology Security**
DATE IMPLEMENTED	-	10 September 2021
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

The objectives of this policy are to ensure the following.

- That risks/ threats to the organisation are assessed and identified and appropriate steps/controls taken to minimise these risks;
- That the organisation's Information Technology (IT) assets are identified, a formal inventory put in place and is kept up to date at all times;
- That the legal, statutory, regulatory and contractual requirements of the organisation are satisfied;
- That appropriate security is developed and is available to all its equipment, data and processes to support the organisation's operations;
- That there are acceptable usage guidelines for users;
- Those procedures, standards and guidelines are available for day-to-day and incidental security operations; and
- That the security responsibilities and the roles each member of the organisation plays are identified.

Policy Statement

Information security can be defined as protecting vital organisation information that is electronically stored, processed or transmitted from a wide range of threats / risks to ensure business continuity and minimise business damage

1.1 Scope

1.1.1 This policy applies to the following areas of security.

(a) Personnel security: Permanent, part-time, casual, temporary or contract staff and users.

(b) Physical and environmental security: Premises used by IT staff and housing IT equipment; IT equipment itself.

(c) Operational security: Access control - password and privilege management, computing and network facilities access and management, monitoring and managing system access and use.

1.2 Threats and Risks

1.2.1 Some of these threats/risks can be classified as follows.

a) Viruses,

b) Fraud,
c) Theft of Data,
d) Unauthorised Use,
e) Theft of Equipment,
f) Hacking,
g) Sabotage, and
h) Terrorism

1.2.2 Information security protects the following from the following threats / risks.

a) Confidentiality of Information - Ensures that information is only available to those that have authorised access;

b) Data Integrity - This refers to the accuracy and completeness of the data, allowing only changes to data with authorised methods by authorised users;

c) System Availability - Ensures that authorised users have access to information and associated assets when required;

d) Assets - Classified into the following groups:

i. Information Assets: databases, user and company data files, user & reference manuals, operational and support processes;

ii. Software Assets: operating system software, application software, development tools and utilities;

iii. Physical Assets: computers, servers, monitors, scanners, printers, notebooks/tablets, modems, routers, storage devices, photocopiers, fax machines, un-interruptible power supplies, security/monitoring appliances and network equipment.

1.3 Roles and Responsibilities

1.3.1 Policy Management

a) The Manager of Corporate and Community Services (MCCS) and the Information Technology Service Contractor will be responsible for the implementation and review of the policy.

1.3.2 Policy Implementation

a) It is the responsibility of all employees to adhere to this policy and supporting guidelines

b) The information security of each system is the responsibility of its respective custodian.

1.3.3 Custodians

a) Information Technology Service Contractor will be the custodian of all central computing systems and network systems.

b) Various departments will be custodians of specific applications under their control.

c) Each individual employee will be the custodian of the desktop system under his or her control.

POLICY NUMBER	-	**7.19**
POLICY SUBJECT	-	**7.19 Engagement Policy**
DATE ADOPTED	-	28 September 2021
RESPONSIBLE OFFICER	-	Chief Executive Officer
REVIEWED	-	10 August 2021

Objective

The objective of this policy is to provide guidance to Councillors and Officers in the planning, implementation and evaluation of community and stakeholder engagement. This policy facilitates community involvement in Shire projects, plans, strategy, and policy development.

Policy

The Shire of Dowerin is committed to providing opportunities for all members of the community to participate and contribute to local decision-making processes. We recognise that our community is a source of knowledge and expertise, and this local knowledge can be used to help find solutions to local issues as well as complex shire challenges.

Community engagement is a key part of our commitment to be a transparent and responsive organisation. By bringing the voices of communities and stakeholders into the topics that are important to them, we lead a culture which respects and welcomes community input.

This policy is centred on the International Association for Public Participation (IAP2) framework which promotes five context dependant levels of engagement: Inform, Consult, Involve, Collaborate and Empower.

All Shire engagement activities will be planned, delivered and assessed in accordance with the following guiding principles.

1. We carefully plan engagement design and who to involve. Before we begin engaging, we identify the stakeholders who are directly involved, or likely to be affected by the project. On major projects that set a direction or define a position for the Shire, we encourage broad community participation to ensure that a diverse range of views and ideas are expressed and considered and to best include those likely to be most impacted by the decision.

2. We are committed to working with indigenous stakeholders as the traditional custodians of the land we share.

3. We recognise people engage with the Shire in different ways depending on a number of factors, such as age, background, place, and personal preference. We aim to be responsive, by ensuring our processes, venues and information are accessible. This means delivering engagement across online, face to face and written channels, and in the appropriate places, to achieve active community participation. We strive to share information that is clear and uses simple everyday language. We look to go out into the community wherever possible for engagement and are supportive of projects that are community-led.

4. We consult early and clearly communicate the community's role throughout engagement. We aim to be transparent and make our decision-making process clear. We do this by explaining upfront the process to be undertaken, identifying where there is opportunity for the community and stakeholders to have input, and where the decision-points are. We provide clear, comprehensive, and accessible information,

written in plain English, to stakeholders throughout the engagement process. From the outset, we articulate the purpose of our engagement and what will happen as a result of the information gathered. We explain what level of influence the community, stakeholders and Council have on the decision to be made, and any associated limitations or constraints. We acknowledge contributions made during the engagement process and let participants know how their feedback was used in our decision-making.

5. We deliver engagement methods that are relevant to context and place. The level of engagement will vary depending on the nature and complexity of the project or decision. The level of community participation that is appropriate depends on the level and scale of impact and is determined based on the community engagement spectrum table. This is determined with consideration of:
    - The urgency of the issue and the time available for deliberation and decision-making;
    - The availability of resources (including staff, facilitation skills, venues, technology and financial resources);
    - The need to involve local community groups, specific local places and stakeholders in matters that will affect them;
    - The complexity of the issues, the history of a project or extent of stakeholders and avoiding consultation fatigue in the community;
    - The degree that issues are of importance across the shire;
    - The need to build trust and respect;
    - The desire to be community-led and making space for communities to develop local initiatives and solutions; and
    - Legislative requirements.

Responsibilities

- **Chief Executive Officer**

The Chief Executive Officer is the responsible officer for community engagement and consultation and will also provide internal engagement activities where possible to allow staff input into processes.

- **Council Representatives**

  Council staff, consultants and Councillors who attend or facilitate engagement sessions are there to provide background information, listen and assist the community in providing input.

Related Documentation

Community Engagement Framework

Related Delegation

Nil

POLICY NUMBER	-	**7.20**
POLICY SUBJECT	-	**7.20 Management of Bushfire Volunteers**
DATE ADOPTED	-	21 December 2021
RESPONSIBLE OFFICER	-	Chief Executive Officer
REVIEWED	-	

Objective

This policy is designed to give guidance in managing the Shire's valuable bushfire volunteers in relation to their competency in fighting fires and expectations and requirements when attending a bush fire.

The State Government's new Work Health and Safety Act 2020 commences in January 2022 and will impact on the Shire's bushfire volunteers through the new Industrial Manslaughter provisions.

The new regulations require the Shire to adopt a more structured approach to managing its registered bushfire volunteers. The legislation states that all registered bushfire volunteers are deemed to be employees of the Shire of Dowerin to whom the Shire has a duty of care with respect to safety, training, performance and compliance.

As volunteers come under the Shire umbrella, liability wise, as well as any employer who has an employee attending a fire, volunteers are covered through the Shire's insurance scheme.

The Shire of Dowerin is adopting a protocol that recognises and addresses the issue of training. *Recognition of Prior Learning*, that is experience in fire situations, will be recognised and registered as a competency level. Inexperienced volunteers will need to have a recorded basic introduction to fire safety and procedure training or have been issued a Shire *Competency Certificate*.

The Shire of Dowerin deems the Chief Bushfire Control Officer, Bushfire Advisory Committee Chairperson and Shire Chief Executive Officer as being qualified to assess the volunteer's recognition of prior learning and to approve and sign the **Competency Certificate.**

Other requirements for volunteers who attend a bushfire include:

- Following orders of a Fire Control Officer (FCO)
- Wearing appropriate fire-fighting PPE
- Understanding and using the correct communication methods
- Notifying when arriving and leaving the fire grounds
- Ensuring firefighting plant and equipment is operational

Roles and Responsibilities

The Chief Executive Officer is responsible for ensuring this policy is implemented.

Related Documentation

RPL Assessment Form/ Certificate of Competency

Related Legislation/Local Law/Policy/Procedure

Bushfire Act 1954

Work Health and Safety Act 2020

Related Delegation

Nil

POLICY NUMBER	-	**7.21**
POLICY SUBJECT	-	**7.21 Welcome to Country**
DATE ADOPTED	-	21 December 2021
RESPONSIBLE OFFICER	-	Chief Executive Officer
REVIEWED	-	

Objective

When appropriate Council may acknowledge and show respect for the original custodians for the land on which the Shire of Dowerin is situated and ensure the correct protocols are used when doing so.

Policy

Council may show respect for Australia's first people by recognising the traditional custodians of the land at public meetings and events, either through an 'Acknowledgement of Country' or – at major events – by inviting Aboriginal Elders to formally welcome guests in the form of a "Welcome to Country'.

Acknowledgement of Country

An 'Acknowledgement of Country' will be addressed where appropriate at the following type of events, providing Chief Executive Officer approval has been sought:

- Significant events where members of the public, representatives of governments and/or the media are present
- Forum, briefing sessions, community workshops where the public are present
- NAIDOC Celebrations
- Citizenship Ceremonies

An 'Acknowledgement of Country' should be given by a speaker at the beginning of the event.

The wording of an 'Acknowledgement of Country' may vary. A list of suggest phraseology is available in the attached guidelines.

Welcome to County

A 'Welcome to Country' ceremony may be held at the start of the following types of events:

- The opening of a new significant building involving State of Federal Government representatives
- Major civic ceremonies or functions

The initiation of a 'Welcome to Country' is to occur only after receiving prior approval from the Chief Executive Officer.

A 'Welcome to Country' should always occur as the first item in a ceremony or event. It may consist of a single speech by the representative of the local Aboriginal community or may also include a performance, such as traditional song, dance or didgeridoo performance.

Definitions

Acknowledgement of Country
Is an acknowledgement of the traditional Aboriginal custodians of the land in order to pay respect to them. An acknowledgement can be performed by any person, Aboriginal or non-Aboriginal.

Welcome to County
Is where traditional custodians formally welcome people to their land. This ceremony is undertaken by Elders acknowledged as such by their family and community.

Responsibilities

- **Chief Executive Officer**

The Chief Executive Officer is the responsible for initiation of a 'Welcome to County' to occur.

- **Council Representatives**

  Council staff, consultants and Councillors who attend or facilitate on behalf on the Shire shall show respect for the original land custodians.

Related Documentation

Shire of Dowerin Guidelines / Procedures – Acknowledgement of Country and Welcome to Country

Related Delegation

Nil

POLICY NUMBER	-	**7.22**
POLICY SUBJECT	-	**7.22 Employee Leave Policy**
DATE ADOPTED	-	20 July 2022
RESPONSIBLE OFFICER	-	Manager Corporate & Community Services
REVIEWED	-	

Objective

This policy aims to inform employees of their leave entitlements and provide clarification within the *Local Government Officers' (Western Australia) Award 2021* and the *Municipal Employees (Western Australia) Interim Award 2011.*

The guiding principle of this policy is the requirement to maintain operational effectiveness at all times. Managers and Supervisors of staff must be able to guarantee the effective operation of work groups and individuals when approving leave.

This policy does not form part of any employees' contract of employment. The policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

Policy

Annual Leave

Employees must have sufficient accruals to request annual leave. Managers have the right to reject the leave request, taking into consideration appropriate accruals, conflicting staff leave, current workload and various other considerations.

Employees are required to give sufficient notice to their supervisors before taking any annual leave. Sufficient notice is required to ensure business continuity throughout the various work groups. Preferred notice periods are as below:

Length of Leave	Preferred Notice Period
1 – 2 Weeks Leave	4 Weeks' Notice
3 – 4 Weeks Leave	8 Weeks' Notice
4+ Weeks Leave	12 Weeks' Notice

Should circumstances occur in which sufficient notice cannot be provided, the Supervisors, Managers and the CEO shall discuss the implications of the leave and may deem it acceptable or unreasonable.

Public Holidays (Including Additional LG Public Holidays)

Public Holidays are covered under the National Employment Standards (NES).

Two Local Government public holidays can be utilised annually, with the dates of these being set around Easter or Christmas, at the discretion of the Chief Executive Officer. The LG public holidays are covered under the relevant awards.

Personal Leave

Employees must have sufficient accruals to request payment of personal leave. Supervisors have the right to reject the payment of personal leave if the employee does not have the appropriate entitlement. If this request is rejected due to entitlement balances, the employee may be directed to take leave without pay.

Supervisors may request a medical certificate at any point during an employee's personal leave as per the NES. Should a certificate be requested and not supplied by the employee,

the supervisor may reject the paid leave and advise the employee the leave will be without pay.
Personal leave following an RDO will require a medical certificate unless prior approval from the CEO has already been obtained.

The employee may take any length of personal leave, provided they have accumulated enough entitlements and have fulfilled any requirements as directed by their supervisor (medical certificate etc).

Employees are expected to advise their supervisor or manager of personal leave as soon as practicable.

Leave Without Pay
Leave without pay is not covered under the Awards, therefore Shire of Dowerin employees shall abide by this policy.

Staff may take leave without pay, provided they have used all other accruals for annual and personal leave, however, approval for leave without pay is ultimately at the discretion of the CEO.

Should an employee have no leave accruals and fails to attend work on a scheduled day, and continues to do so after multiple instances, the employee may be subject to Performance Management and possible disciplinary action.

Staff are required to give sufficient notice to their supervisor when taking leave without pay. At least five business days' notice is preferred, however, extenuating circumstances may occur in which advanced notice cannot be given. In this instance, the employee is required to advise their supervisor as soon as possible.

Long Service Leave
As per the Long Service Leave (LSL) Act, an employee is entitled to LSL after 10 years of continuous employment.

Employees must apply for LSL in advance as per the below preferred notice periods and LSL cannot be used for sporadic singular days.

Length of Long Service Leave	Preferred Notice Period
Full LSL	6 Months' Notice
Half LSL	3 Months' Notice
Weekly LSL	1 Month Notice

All Long Service Leave applications are to be reviewed by the CEO prior to approval.

Paid Parental Leave
Employees must apply to relevant Government agencies for Paid Parental Leave, in which they may request the payment come from the Shire of Dowerin in conjunction with the fortnightly pay runs.

The Shire of Dowerin does not pay parental leave unless advised to do so by the relevant agencies.

Workers Compensation Leave
Workers Compensation Leave is to be discussed with the employee, CEO, and the Shire of Dowerin's Insurance Provider on a case-by-case basis.

Bereavement/Compassionate Leave
Employees are entitled to Bereavement or Compassionate Leave under the NES. Employees are entitled to two full days leave each time they meet the criteria.

Employees can only take this leave type if:
- A member of their immediate family or household passes away or contracts/develops a life-threatening illness or injury;
- A baby in their immediate family or household is stillborn;

- They have a miscarriage;
- Their current spouse or de facto partner has a miscarriage.

Immediate family includes:
- Spouse or former spouse,
- De facto partner or former de facto partner;
- Child;
- Parent;
- Grandparent;
- Grandchild;
- Sibling; and,
- The employees' spouse or de facto partners (and former spouse and de facto partners) immediate family.

The Shire of Dowerin reserves the right to request evidence before approving payment of the leave. This can include a death or funeral notice or a statutory declaration.

Christmas Closure
At the discretion of the CEO, the Shire of Dowerin administration office and works depot closes for the Christmas break annually. These dates differ every year and will be provided to employees once confirmed. Employees may discuss appropriate leave entitlements for this break with their supervisor or the payroll officer.

Some employees may be requested to work or be on emergency call out to ensure continuity of essential services. Closure leave requests will be assessed across the organisation to ensure equity.

Entitlements
Annual leave, personal leave and long service leave can only be taken when the accrual falls under 'Entitlement'. Any leave that is 'Pro-Rata' is not available to be utilised. Employees may request to use pro-rata leave in some circumstances, but approval is entirely up to the discretion of the CEO.

Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer has responsibility to ensure this policy is implemented in an open and transparent manner.

Managers and Supervisors
Managers and Supervisors have responsibility to ensure employees are aware of this policy and actively promote and supports its implementation.

Employees
Employees have responsibility to follow this policy in conjunction with the Employee Code of Conduct.

Related Documentation

Nil

Related Legislation/Local Law/Policy/Procedure

Local Government Officers' (Western Australia) Award 2021

Municipal Employees (Western Australia) Interim Award 2011

National Employment Standards (NES) – Fair Work Ombudsman

Related Delegation

Nil

Document Control	
Policy Number	7.22
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Policy Owners	Chief Executive Officer
Creation Date	20 July 2022
Last Review Date	
Next Review Due	This policy will be reviewed annually or more often where circumstances require.