



# SHIRE OF KOJONUP

Policy Manual

DECEMBER 2023



## FOREWORD

This publication is a “living” document which has been designed to serve as a tool for the Council, Staff and any other person who wishes to use it in their dealings with the Shire. It is only one of several reference sites to guide you in conducting your daily business with the Shire of Kojonup.

Users should be mindful of the fact that in simple terms:

- Policy provides what can be done;
- Procedures provide how to do it; and
- Delegation provides who can do it.

It is important to note that the Council’s adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

Several other related policies and procedures have also been developed relating to specific operational areas; however, have been recorded separately due to their size and for ease of use. These documents are available on request and should be read in conjunction with this manual. They include:

- Springhaven Lodge Policy Manual;
- Employee Manual;
- Asset Management Plan;
- Information Communication Technology Plan (Draft);
- Risk Management Plan;
- Business Continuity and Disaster Recovery Plan;
- Volunteer Management Plan;
- Elected Member Manual; and
- Work Health and Safety Procedure Manual.

All policies are reviewed on an annual basis; however, this does not prevent or preclude a policy from an independent review if circumstances (e.g., a change in legislation etc.) warrant a review to be undertaken.

The *Freedom of Information Act 1992* embodies the following basic principles:

1. That members of the public have a legally enforceable right of access to government information;
2. That government departments and agencies are required to publish information concerning the documents they hold;
3. That people may ask for inaccurate, incomplete, out of date or misleading information to their personal records to be amended;
4. That people may appeal against a decision by a government body not to give access to the information or not to amend a personal record; and
5. *The Freedom of Information Act 1992* provides the opportunity for public access to certain Council documents and the Council fully supports these principles and makes a wide range of information available to the public.

**Grant Thompson**  
**Chief Executive Officer (CEO)**

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# 1 COMMUNITY DEVELOPMENT & TOURISM

## 1.1 KOJONUP COMMUNITY BUS

<b>Adopted or Reviewed by Council:</b>	15/11/16	<b>Council Minute Reference:</b>	151/16
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	13 Procedure & Bus Hire Form		
<b>Delegation:</b>			

### OBJECTIVE

To provide access to specialist transport facilities to the residents of Kojonup for educational, recreational and social outings to improve their quality of life.

### POLICY

It is the policy of the Shire of Kojonup to provide a wheelchair adapted bus for the primary use of residents of Springhaven Lodge for recreational outings and also for the use of local groups, organisations and private individuals.

Procedures define the eligibility for, and conditions of use, when hiring the bus.

## 1.2 \*\* DELETED\*\* COMMUNITY FUNDING PROGRAM (CAPITAL & OPERATING)

Policy 1.2 was deleted 15 November 2016

## 1.3 COMMUNITY ORGANISATION WAIVING OF DEVELOPMENT FEES

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
<b>Reviewer:</b>	Chief Executive Officer/Manager Regulatory Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	Admin 18 – Donations to Local Groups or Individuals		

### OBJECTIVE

To encourage, develop and promote community organisations.

### POLICY

Fees and charges associated with the development of facilities for community or sporting groups may be waived where the community will benefit from or have use of the facility, programme etc., at the discretion of the CEO.

Donations to be journaled from the Donation Account to the relevant income account so that the value of donations can be recorded.

## 1.4 \*\* MOVED TO POLICY 2.2.14 \*\*

## 1.5 MEMORIAL AND LESSER HALLS COMMUNITY USAGE/MANAGEMENT

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:** Local Government Property Local Law 2020

**Procedure:**

**Delegation:**

### OBJECTIVE

To provide a framework for the equitable, efficient and effective management of the usage and hire of the Shire of Kojonup Memorial/Lesser Halls.

The Policy outlines the use, occupancy arrangements and management of the hire of the Memorial/Lesser Halls.

### PRINCIPLES

Priority for use of the Memorial/Lesser Halls will be given to residents from the Shire of Kojonup, locally based groups and not for profit organisations.

The Memorial/Lesser Halls are not to be used for the purpose of holding any activities that may be deemed discriminatory or racially intolerant.

The Memorial/Lesser Halls will be used primarily for activities that provide community development outcomes and benefits for residents of the Shire.

The Shire recognises the need to provide community facilities that are equipped for a range of different uses and cater to the needs of a range of different users.

The Shire will ensure fair and equitable access for all user groups to the Memorial/Lesser Halls.

### POLICY

1. All hirers of the Memorial/Lesser Halls will be required to enter into an agreement with the Shire to comply with the terms and conditions of hire and payment of fees and charges. This Agreement can be downloaded from the website at: <https://www.kojonup.wa.gov.au/community/facilities/memorial-hall-lesser-hall.aspx> or obtained from the Shire office.
2. Use of the Memorial/Lesser Halls for conducting commercial or business activities unless run by and for a not for profit organisation, will require the approval of the Shire or its delegate and must demonstrate community benefit.
3. The Memorial/Lesser Halls will support a range of activities, events and functions conducted by community organisations and residents; be used for both public and private events and functions; and primarily support activities and functions conducted by residents of the Shire of Kojonup or locally based organisations.
4. The closing time for any functions will be agreed/set by the Shire, having regard to the duration of the event, size, potential for noise/disturbance, sale of alcohol and direction from any other regulatory or enforcement body.

5. Fees and charges will be applied to hire the Memorial/Lesser Halls in accordance with the Shire's fees and charges schedule. Application of a discount for not for profit community organisations is currently discounted by 50% of the full fee. Fees and charges are reviewed and set each year. These charges are based on the use of the Kojonup Memorial and Lesser Halls or part thereof. Please refer to Fees and Charges on our website at: [www.kojonup.wa.gov.au/volunteers/fees-charges/](http://www.kojonup.wa.gov.au/volunteers/fees-charges/) or obtain from Shire Office.
6. Bond payments will be collected from all hirers and will be refunded to the hirer only if all of the conditions of hire have been met.
7. If catering for a large function, the hirer will be expected to pay for additional waste management.
8. Priority of use of the Memorial/Lesser Halls may be given for the purpose of delivering Shire managed community programs and services.
9. The CEO or nominee will be delegated with the authority to make decisions dealing with special requests and those users which are not covered in the Policy.
10. Response for requests for hire of the Memorial/Lesser Halls will be in accordance with the Shire's Customer Service Charter.
11. Complaints from hirers in relation to the use of the facility or the service received should be directed via email to [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au) or by mail to the CEO, Shire of Kojonup, PO Box 163, Kojonup, WA, 6395.



## 1.6 HALL EQUIPMENT – RSL HALL

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:**

**Procedure:**

**Delegation:**

### **OBJECTIVE**

To maintain an inventory of hall equipment available for external hire.

### **POLICY**

Equipment from the RSL Hall is available for general hire (external to the facility) and not necessarily restricted to Shire of Kojonup residents. Equipment from any other Council operated facility is not to be hired externally to the venue.

A schedule of hall equipment (not including fixtures) but primarily being tables, chairs and crockery, be maintained with a view to the equipment being available for hire, with the fees (including bonds if considered necessary) to be set by Council. Refer to the adopted list of fees and charges.

Equipment from the RSL Hall is not available for hire if the venue has also been hired during the corresponding time period (regardless of when the bookings are made).

## 2 CORPORATE SERVICES

### 2.1 FINANCE

#### 2.1.1 \*\* MOVED TO POLICY 3.23 \*\*

#### 2.1.2 PURCHASING & CREDITOR CONTROL

<b>Adopted or Reviewed by</b>	17/05/16	<b>Council Minute</b>	60/16
<b>Council:</b>	20/11/18	<b>Reference:</b>	143/18
<b>Date/s Amended:</b>	19/11/19		156/19
	17/05/20		60/20
	17/11/20		156/20
	28/09/21		110/21
<b>Reviewer:</b>	Chief Executive Officer/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services		
	ADMIN 016 - Acquisition & Disposal of Property		

#### PURPOSE

To clearly articulate the parameters for purchasing on behalf of the Shire of Kojonup.

#### OBJECTIVES

1. To provide compliance with the *Local Government Act 1995*, the Local Government (Functions and General) Regulations 1996 and the Local Government (Financial Management) Regulations 1996;
2. To deliver a best practice approach and procedures to internal purchasing; and
3. To ensure consistency for all purchasing activities throughout the Shire's operational areas.

#### PRINCIPLES

##### 1. Ethics and Integrity

All employees of the Shire of Kojonup shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Kojonup.

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

- a. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- b. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with Shire of Kojonup policies and its Code of Conduct;
- c. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully

- e. documented in accordance with applicable policies and audit requirements;
- f. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- g. Any information provided to the Shire of Kojonup by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

**2. Purchasing Thresholds**

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

Amount of Purchase	Policy	Authorised Officers
<b>\$0 to \$100</b>	<p><b>No formal process</b>                      Small incidental purchases made from local suppliers with a running monthly account to the value of \$100 do not require quotations or purchase orders e.g. Milk from the Supermarket. All care and responsibility must still be taken as is expected when spending public money.</p>	Shire of Kojonup Employees
<b>\$101 - \$5,000</b>	<p><b>Direct purchase from suppliers requiring only one verbal quotation.</b>                      Where the value of procurement of goods or services does not exceed \$5,000 purchase on the basis of at least one verbal quotation, is permitted. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.                      This purchasing method is suitable where the purchase is relatively small and low risk.                      A purchase order is required for all purchases.</p>	CEO, Senior Managers
<b>\$5,001 - \$20,000</b>	<p><b>Obtain at least two verbal or written quotations.</b>                      Where possible, at least two verbal or written quotations (or a combination of both) are required. A "Record of Quotes" form must still be completed where no written quote is available, i.e.; for verbal quotations or when obtaining multiple quotes is not practical (e.g.; when due to limited suppliers, it must be noted by completing a Record of Quotes form).                      The general principles for obtaining verbal quotations are:</p> <ol style="list-style-type: none"> <li>1. Ensure that the requirement/specification is clearly understood by the employee seeking the verbal quotations;</li> <li>2. Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;</li> <li>3. Read back the details to the Supplier contact person to confirm their accuracy; and</li> <li>4. Written notes detailing each verbal quotation must be recorded.</li> </ol>	CEO, Senior Managers

	<p>Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>A purchase order is required for all purchases.</p>	
<p><b>\$20,001 - \$50,000</b></p>	<p><b>Where possible, obtain at least three written quotations</b></p> <p>The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies. It is required to obtain at least three written quotes; should three quotes not be possible, a “Record of Quotes” form is to be completed and attached to the purchase order.</p> <p><b>NOTE:</b> The general principles relating to written quotations are:</p> <ul style="list-style-type: none"> <li>• An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;</li> <li>• The request for written quotation should include as a minimum:             <ol style="list-style-type: none"> <li>1. Written Specification;</li> <li>2. Selection Criteria to be applied;</li> <li>3. Price Schedule;</li> <li>4. Conditions of responding;</li> <li>5. Validity period of offer;</li> <li>6. Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond;</li> <li>7. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements;</li> <li>8. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and</li> <li>9. Respondents should be advised in writing as soon as possible after the final determination is made and approved.</li> </ol> </li> </ul> <p>A purchase order is required for all purchases.</p>	<p>CEO</p>
<p><b>\$50,001 - less than \$250,000</b></p>	<p><b>Obtain at least three written quotations containing price and specification of goods and services.</b></p> <p>For the procurement of goods or services where the value exceeds \$50,000 but is less than \$250,000, it is required that procurements be requested in writing and at least three written quotations obtained that contain price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies. For this procurement range, the selection should not be based on price alone, and the CEO shall consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements,</p>	<p>CEO</p>

	organisation’s capability, previous relevant experience and any other relevant factors as part of the assessment of the quote. A purchase order is required for all purchases.	
<b>Above \$250,000</b>	<b>TENDER</b> Conduct a public tender process (See also clause 3 – Regulatory Compliance).	Full Council

Other purchasing threshold points to note:

- a. The requirement for quotations and purchase orders contained above do not apply to the following purchase types:
  - i. Fuels and Oils
  - ii. Great Southern Treasures
  - iii. Postage and Freight
  - iv. Annual Subscription and Membership Renewals
  - v. Telephone and Utilities
  - vi. Audits
- b. Where the Shire has already conducted a similar quotation process within the previous two years or is currently using a regular supplier, an existing supplier may be used with the approval of the CEO. This only applies to purchases below the tender threshold and where it would be financially and/or operationally beneficial to do so.
- c. Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000, the tender process outlined in the *Local Government Act 1995* must be followed in full (r13).
- d. When assessing quotes please refer to section 3. d. Regional Price Preference.
- e. The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.
- f. All requisitions must be created by one officer and authorised by a different officer, resulting in a purchase order that has been seen by two different officers prior to dispatch to a creditor. The Authorising Officer must only authorise to the amount prescribed in the Purchasing Thresholds above.
- g. Springhaven Lodge purchasing may deviate from this policy to meet other legislative requirements (such as contractors requiring a Police Clearance – Aged Care Acts).

### 3. Regulatory Compliance

#### a. Tender Exemption

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

- i. An emergency situation as defined by the *Local Government Act 1995*, providing that the goods and services are required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates;
- ii. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- iii. The purchase is under auction which has been authorised in advance by the Council;
- iv. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and

v. Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

b. Sole Source of Supply (Monopoly Suppliers)

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

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

c. Anti-Avoidance

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

d. Regional Price Preference

Preference may be given to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:

- i. 5% for goods or services for a supplier from within the Shire of Kojonup; and
- ii. 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association)

if price then demonstrates best value outcome for the Shire.

#### 4. Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- a. Tender documentation;
- b. Internal documentation;
- c. Evaluation documentation;
- d. Enquiry and response documentation; and
- e. Notification and award documentation.

For a direct purchasing process this shall be via the attachments tab in the SynergySoft requisition module and includes:

- a. Quotation documentation;
- b. Internal documentation; and
- c. Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Kojonup's internal Records Management Policy.

## **5. Payment of Creditors**

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a. The payee's name;
- b. The amount of the payment;
- c. The date of the payment; and
- d. Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

## 2.1.3 DEBTOR CONTROL

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Reviewer:</b>	Chief Executive Officer/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	FIN 003		

### OBJECTIVE

To ensure Council receives payment for goods and services provided within its credit terms, bad debts are minimised and debtor control is cost effective.

### POLICY

#### Sundry Debtors

1. The following accounts are to be paid for prior to the service being provided:
  - a. Photocopying;
  - b. Sale of Goods, Materials or Publications;
  - c. Hall Hire and ancillary charges;
  - d. Building Applications;
  - e. Septic Tank Application Fees;
  - f. *Freedom of Information Act 1992* Application Fees;
  - g. *Planning Plans; and*
  - h. *Development Plans.*
2. The terms of credit given by the Shire of Kojonup via the *Local Government Act 1995* is 30 days. The Manager of Financial and Corporate Services is to ensure that procedures are in place to limit the risk of debts turning bad.
3. Where Private Works are to be undertaken an estimated value is to be provided to the person/group/firm requesting the private works. The Shire of Kojonup requires an agreement to be signed for any private works prior to the work being undertaken.

#### Rates Debtors

Options for payment and associated matters:

1. By one (1) Instalment within 14 days of date of issue of Rate Notice (early payment discount to apply);
2. By one (1) Instalment within 35 days of date of issue of Rate Notice;
3. By way of two (2) instalments; and
4. By way of four (4) instalments.

Rate Debtors that remain outstanding after the due date for payment will incur late payment interest as per the *Local Government Act 1995*. Interest is to be calculated using the prescribed maximum as per regulation 70 of the Local Government (Financial Management) Regulations 1996.

Where the option to pay by two (2) or four (4) instalments is taken, instalment interest and administration fees as per the *Local Government Act 1995* are to apply. Interest is to be calculated using the prescribed maximum as per regulation 68 of the Local Government (Financial Management) Regulations 1996.



The Manager of Financial and Corporate Services is to ensure that procedures are in place to ensure the timely recovery of outstanding amounts and to limit the risk of debts turning bad. Debtors who do not pay their accounts within the Shire's terms are not to be offered any further line of credit.

## 2.1.4 SELF SUPPORTING LOANS

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
<b>Reviewer:</b>	Chief Executive Officer/Manager of Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

To provide financial assistance, by way of self-supporting loans to local non-profit clubs or organisations, for capital improvement works to land, facilities or buildings owned or vested in the Shire of Kojonup.

### POLICY

Self-supporting loans may be considered by the Council on behalf of incorporated local clubs or organisations who occupy land or buildings owned by or vested in the Shire of Kojonup and who undertake to meet the capital, interest and loan guarantee payments.

Council's requirements for self-supporting loan applications will be made on a case-by-case basis and may include some or all of the following:

1. Applicant organisations must be an incorporated body and occupy land or buildings owned by or vested in the Shire of Kojonup;
2. A formal application shall be submitted, which shall include as a minimum:
  - a. Details of the amount requested, the term, purpose and any security offered;
  - b. Sufficient financial information to determine the capacity to repay the borrowing operational cash flows;
  - c. Evidence of a minuted request from the controlling Board/Committee;
  - d. Evidence of researching other funding sources e.g.; Lotterywest;
  - e. The club or organisation is to demonstrate how it will fund the replacement or refurbishment of those improvements whilst still servicing the loan; and
  - f. For requests over \$200,000, a formal business plan evidencing appropriate financial planning.
3. The funds are to be used for capital improvements to the land, facilities or buildings they occupy including matching contributions to grants;
4. Approval will only be considered where the club or organisation can adequately demonstrate, by the provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayments;
5. The term of the loan should be less than or equal to the life of the capital works or improvements being undertaken;
6. All applications for self-supporting loans shall be considered by the Council for approval or rejection;
7. Where approval is granted, loan funding is to be sourced in accordance with s. 6.20 of the Local Government Act 1995 – "Power to Borrow";
8. An "Acknowledgement of Debt Agreement" or alternative written agreement is to be entered into before any release of funding to the club or organisation is made.

## 2.1.5 INVESTMENTS

<b>Adopted or Amended by Council:</b>	20/02/18	<b>Council Minute Reference:</b>	9/18
<b>Date/s Amended:</b>	20/11/18		143/18
	19/11/19		156/19
<b>Reviewer:</b>	Chief Executive Officer/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	FIN 002 - Investment of Surplus Funds		

### OBJECTIVE

To invest the local government's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time for that investment type, while ensuring that its liquidity requirements are being met. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

### POLICY

1. Investment of surplus Municipal, Reserve, Trust and Loan Funds shall be the responsibility of the Manager Financial and Corporate Services;
2. The total amount of investments is to be recorded separately in the general ledger for Municipal, Reserve, Trust and Loan Funds;
3. A summary of the nature, location, amount and interest rate applicable to each investment will be reported to Council as part of the monthly Statement of Financial Activity;
4. Only 'Authorised Institutions', as defined by the Local Government (Financial Management) Regulations 1996, that have a fully operational Branch presence with local employment in the Kojonup town site, may be used; and
5. All fixed investments must be for a term of 12 months or less.
6. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

All investments are to comply with the following:

1. Local Government Act 1995 – s. 6.14;
2. The Trustees Act 1962 – Part III Investments;
3. Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28, and Regulation 49; and
4. Australian Accounting Standards.

### **Prudent Person Standard**

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

### **Ethics and Conflicts of Interest**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

### **Approved Investments**

Without approvals from Council, investments are limited to:

1. State/Commonwealth Government Bonds;
2. Interest bearing deposits;
3. Bank accepted/endorsed bank bills;
4. Commercial paper;
5. Bank negotiable Certificate of Deposits; and
6. Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2".

### **Prohibited Investments**

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

1. Derivative based instruments;
2. Principal only investments or securities that provide potentially negative cash flow;
3. Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
4. Investment in foreign currency/bonds; or
5. Cryptocurrency e.g.; Bitcoin.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment. A file is to be maintained detailing all investments and associated transactions. Investments to be reconciled to source documentation on a monthly basis.

## 2.1.6 MONTHLY FINANCIAL STATEMENTS

<b>Adopted or Reviewed by Council:</b>	15/11/16 19/11/19 17/11/20	<b>Council Minute Reference:</b>	151/16 156/19 156/20
<b>Reviewer:</b>	Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	FIN 001		

### OBJECTIVE

To define the information contained within:

1. The monthly and quarterly financial statements; and
2. The material variance level for financial reporting in accordance with Local Government (Financial Management) Regulations 1996 r.34.

### POLICY

#### Format of Monthly Financial Statements

The monthly financial statements to be prepared in accordance with Local Government (Financial Management) Regulation 34 shall be prepared in the following manner:

1. Quarterly (months ending September, December, March and June) – A detailed financial description of the Shire’s operations;
2. Monthly (remaining 8 months) – A short and succinct overview, or snap shot, of the financial position at month’s end; and
3. Variances will only be reported where it has a negative impact on the Shire’s finances. For example; over expenditure and under revenue will be reported; under expenditure or excess revenue will not.

As such, the Monthly Financial Statements will contain the following information as a minimum:

QUARTERLY	MONTHLY
• Executive Summary	• Executive Summary
• Municipal Fund Summary (Rate Setting Statement)	• Municipal Fund Summary (Rate Setting Statement)
• Income Statement by Nature & Type	• Income Statement by Nature & Type
• Variance Report	• Variance Report
• Progress of the Capital Program	
• Reserve Accounts	
• Rates and Sundry Receivables	
• Information on Borrowings	
• Details of Major Business Units	
• Description of Programs	
• Detailed Statement of Operating Income	
• Plant Replacement Details	
• Capital Grants and Restricted Cash	
• Summary of Budget Amendments	

**Defining Material Variances**

For the purposes of identifying “material variances” under Local Government (Financial Management) Regulation 34, the following formula shall be used:

$$\frac{\text{Year-to-Date Actual}}{\text{Year-to-Date Budget}} - 100\%$$

Material variances will be reported when exceeding 10%, or a minimum of \$10,000, of the items contained within the Rate Setting Statement. Examples of how this formula will be implemented, providing that this remains as a guide only with staff free to additionally identify or comment on greater variances and where other factors warrant, are as follows:

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Variance %</b>	<b>Comments</b>
<b>Operating Revenue</b>					
General Purpose Funding	-\$5,759,496	-\$4,198,600	-\$4,226,968	1%	No Report - More revenue is advantageous
Governance	-\$48,028	-\$16,000	-\$15,721	-2%	No Report - less than 10%
Law, Order, Public Safety	-\$58,250	-\$19,404	-\$25,000	29%	No Report - More revenue is advantageous
Health	-\$44,162	-\$14,712	-\$9,240	-37%	Variance Explanation Required
Education and Welfare	-\$2,850	-\$944	\$0	-100%	No Report - less than \$5,000
<b>Operating Expenditure</b>					
General Purpose Funding	\$132,097	\$80,722	\$78,042	-3%	No Report - under expenditure is advantageous
Governance	\$587,197	\$233,784	\$240,464	3%	No Report - less than 10%
Law, Order, Public Safety	\$294,005	\$97,964	\$110,006	12%	Variance Explanation Required
<b>Loans</b>					
Repayment of Debentures	\$47,306	\$15,769	\$0	-100%	No Report - under expenditure is advantageous
Proceeds from New Debentures	-\$950,000	-\$316,667	\$0	-100%	Variance Explanation Required

## 2.1.7 \*\* DELETED \*\* MAJOR GRANT APPLICATIONS

Policy 2.1.7 was deleted 19 November 2019

Covered in Capital Evaluation Framework

## 2.1.8 FINANCIAL GOVERNANCE

<b>Adopted or Reviewed by Council:</b>	13/12/16	<b>Council Minute Reference:</b>	165/16
<b>Amended:</b>	21/05/19		49/19
	19/11/19		156/19
	14/12/21		154/21

**Reviewer:** Chief Executive Officer/Manager Financial and Corporate Services

**Local Law:**

**Procedure:**

**Delegation:**

### BACKGROUND

This financial governance policy should be read in conjunction with other financial management policies which contain the Shire's overarching financial objectives.

### OBJECTIVE

The objective is to establish financial management and governance principles to be applied to general financial decision making.

### POLICY

#### General Principles

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;
2. Examples of financial risks to be managed prudently include the level of debt, commercial activities, community business activities, financial assets and liabilities;
3. Implement spending and rating policies to promote stability and predictability;
4. Fund physical assets with regard to intergenerational equity;
5. Manage and maintain physical assets to achieve the maximum useful life from the initial investment; and
6. Ensure full, accurate and timely disclosure of financial information, unless commercial in confidence.
7. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

#### Major Projects

Each major building project or budget item coming before the Council for consideration shall be assessed against the following factors:

1. Demonstrated community need;
2. Estimated annual cost to the Shire of operating;
3. Estimated annual cost to the Shire of maintenance;

4. Agreed lease or tenure conditions by third party;
5. Savings required to fund asset replacement at the end of its useful life;
6. Economic or community development advantages to the area;
7. Identified funding sources, both for construction and operating, secured and potential;
8. Council's Capital Evaluation Framework; and
9. Council's Risk Management Framework.

### **Operating Results**

The Council will structure its budget to achieve an outcome where operating revenue (less capital contributions) is at least sufficient to meet operating expenses. 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.

### **Cash Reserves**

In addition to grant funding, the Shire's reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.

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

1. To smooth funding allocations over future years;
2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;
3. To meet statutory obligations;
4. To fund renewal of existing physical/built assets;
5. To fund future strategic initiatives and the provision of new services and facilities to future residents;
6. To buffer against unpredictable events;
7. To hold unspent grants and contributions; and
8. Other purposes as determined by the Council from time to time.

When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.

The Manager Financial and Corporate Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.

Specifically, the following goals are set for individual reserve account balances:

- Employee Leave – As a minimum, the level of this reserve should meet both:
  - The EBA sick leave liability (clause 29); and
  - The current portion of the long service leave liability for staff with seven (7) years or more service.

This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.

- Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;
- Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;
- Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;



- Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;
- Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;
- Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account;
- Netball Court Resurfacing Reserve – A \$3,500 annual contribution will be made to this reserve to make provision for the resurfacing of the acrylic surface at the end of its useful life.

### **Borrowing**

Borrowing will be undertaken in accordance with the Shire's Borrowing Management Policy.

### **Regulatory Role**

Where the Shire 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 through transparency to maintain confidence in its regulatory independence.

## 2.1.9 BORROWING MANAGEMENT

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer/Manager Financial and Corporate Services

Local Law:

Procedure:

Delegation:

### BACKGROUND

This Borrowing Management Policy should be read in conjunction with other Financial Management Policies which contain the Shire of Kojonup's overarching financial objectives.

A local government may borrow to perform the functions and exercise the powers conferred on it under the *Local Government Act 1995*.

### OBJECTIVE

The objective is to define the conditions under which the Council will consider the use of borrowings to fund its activities.

### PRINCIPLES

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

### STATEMENT OF POLICY

#### Overview

The following is a general description of the Shire's policy objectives with respect to borrowing management:

1. Prudently manage the Council's borrowing to ensure sustainable funding;
2. Minimise borrowing costs;
3. Manage short-term cash flows in an efficient and prudent manner;
4. Maintain market confidence in the local government's creditworthiness and financial stability;
5. Plan future cash flow needs to assist with borrowing decisions; and
6. Maintain sufficient liquidity to meet planned and un-planned cash flow needs.

#### Matching revenue sources to service debt

To achieve prudent use of the Shire's borrowing powers, it is our objective that debt repayments are:

1. Matched by investments or assets that produce or have the potential to produce income that can service the debt; or
2. Matched by binding agreements entered into with external parties to service the debts (e.g.; self-supporting loans for community groups); or
3. Supported by identified specific revenue sources (e.g.; Specified Area Rates); or
4. Supported by specific general revenue sources (such as rates or fees and charges) or identified reductions in future operating expenditure sufficient to match the repayment schedule.

#### Purpose of Borrowing

In general, the Shire will not borrow to fund operating expenditure. Loan funds are viewed as a valid form of funding source, under certain circumstances:

1. Loans can be used when funding an asset that has a useful life exceeding the term of loan;
2. Loans will not be used for plant and equipment, or assets that can easily be removed;
3. Capital expenditure that provides a new intergenerational service or renews an existing service;
4. Short-term peak working capital requirements (overdraft or short-term fixed amounts);
5. Investment in Major Land Transactions (Post Business Plan adoption);
6. Investment in Major Trading Undertakings (Post Business Plan adoption)
7. Investment in Community Business Activities;
8. Transitional/bridging funding for projects or acquisitions; and
9. Loans help spread the cost of providing long term assets (such as land and buildings) to future users of the facility.

Borrowing in exception to this policy will only occur in either an emergency or when considered necessary and financially prudent on a case-by-case basis. In such cases, the Council would consider:

1. Special circumstances;
2. Nature of the borrowing;
3. Its repayment terms; and
4. The source of funding.

Before committing to a loan, a report outlining future loan commitments (both existing and planned), financial ratios and the Shire's borrowing capacity will be prepared and presented to the Council.

### **Term of Debt**

The maximum debt repayment period will be determined by taking into account:

1. The expected useful lives of assets financed by the debt;
2. Considerations relating to intergenerational equity; and
3. Preference for loan terms not exceeding fifteen (15) years, nor more than half of the total project cost.

Debt repayments levels (both interest and principal) will be determined by:

1. The need to maintain prudent and sustainable debt levels;
2. Comparison with the borrowing levels of WA local governments with similar economic profiles;
3. Prevailing interest rates and possible future movements;
4. The need to re-negotiate borrowings at future periods;
5. The cash flow forecasts of any supporting asset used as a source of funds to service the debt; and
6. The transitional or bridging nature of the borrowing.

The Council will consider its forecast borrowing requirements as part of its:

1. Community Strategic Plan;
2. Corporate Business Plan;
3. Long Term Financial Plan;
4. Asset Management Plan; and
5. Adoption of the annual budget.

### **Borrowing Parameters**

To help ensure that the Shire achieves the objectives of its Borrowing Management Policy, the following outstanding borrowing parameters will prevail:

Measurement ratio:

Total principal outstanding / less self-supporting loan principal  
General Funds (S 6.21 Act)

**Restriction on Borrowings**

To be prudent with its borrowing powers, the Shire will restrict its 'own purpose' borrowings to a measurement ratio of 0.80.

A measurement ratio exceeding 0.80 may be specifically approved by a resolution of the Council providing the amount above the threshold relates to a community business or commercial activity (as defined) that generates positive cash flows sufficient to offset the debt repayments without a negative impact upon general revenue.

**Interest Rate Risk**

To promote interest rate predictability and a linkage with nominated revenue sources, the Shire's preferred borrowing instrument is a fixed interest rate debenture. Within any total loan portfolio the maximum amount of loans with a variable floating interest rate is not to exceed 15%.

**Institution Selection**

In selecting the lender the Shire will undertake a transparent process which tests the current credit market and displays good governance principals.

**Self-Supporting Loans**

Refer to Council policy 2.1.4 – Self-Supporting Loans.

## 2.1.10 CORPORATE CREDIT CARDS

<b>Adopted or Reviewed by</b>	17/11/15	<b>Council Minute</b>	183/15
<b>Council:</b>	20/11/18	<b>Reference:</b>	143/18
<b>Date/s Amended:</b>	19/11/19		156/19
<b>Reviewer:</b>	Chief Executive Officer/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

To establish the use of Corporate credit cards and outline the responsibilities of card holders.

### POLICY STATEMENT

Corporate credit cards can deliver significant benefits through improved administrative practices and more effective cash management. They can, however, also expose a local government to significant risks if not properly controlled; these risks can be minimised by implementing policies to control their use. Credit cards can be a more efficient purchasing method than that of formal methods in some circumstances and can reduce administration costs, and the need to carry cash.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies that govern the use of credit cards.

### LEGISLATION

The use of credit cards is not specifically mentioned in the *Local Government Act 1995*; however, the following sections of this *Act* impact the use and control of corporate credit cards:

1. s. 2.72(2) (a) and (b) requires the Council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
2. s. 6.5(a) requires the CEO to ensure proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulations 1996 r. 11(1) (a) requires local governments to develop procedures for the authorisation and 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.

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

### GENERAL

Corporate Credit Cards shall only be issued to the Chief Executive Officer and Executive Managers.

Each officer shall sign an agreement which sets out the cardholder's responsibilities and legal obligations when using the credit card:

1. A register of all current cardholders shall be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;

2. In the event of their employment ceasing, the cardholder is to immediately return the credit card for destruction, in accordance with employee termination procedures;
3. If a card is lost or misplaced, the cardholder shall notify the Chief Executive Officer immediately to enable the loss to be reported and to arrange a replacement card;
4. Credit cards should never be transferred to other users; and
5. There will be no reward schemes (such as frequent flyer points) attached to the cards.

### **PURCHASING**

1. Corporate credit cards are only to be used for purchasing goods and services on behalf of the local government which have been authorised in the current annual budget;
2. Cardholders should ensure that suppliers record an adequate description of goods or services on the tax invoice to ensure appropriate levels of accountability. Appropriate documentation should be obtained to ensure that the purchase can be verified to the satisfaction of the CEO. Wherever possible, a tax invoice must be obtained;
3. Cardholders must adhere to Council Policy 2.1.2 - Purchasing and Creditors Control;
4. Personal expenditure is strictly prohibited and disciplinary action may be taken;
5. Cash withdrawals are not available on the cards;
6. Each credit card provided shall have a maximum limit of \$3,000 except for the Chief Executive Officer whose maximum limit shall be \$10,000;
7. Where a cardholder undertakes purchases by way of facsimile, telephone or over the internet, a tax invoice or receipt is required in all circumstances and must contain details of the purchase; and
8. All invoices/receipts, complete with general ledger/job number allocations, must be provided to the Manager Financial and Corporate Services as soon as practicable after the credit card purchase is made.

### **PAYMENTS**

1. On receipt of the monthly statement, the Manager Financial and Corporate Services will attach all invoices/receipts to the statement and assign GL/Job number allocations;
2. The monthly credit card statement will be distributed to the respective cardholder to certify transactions; and
3. The monthly balance for each credit card will be recouped by direct debit from the Municipal Fund on the statement due date.

### **AUSTRALIAN BUSINESS NUMBER (ABN)**

Cardholders should remember that if a supplier does not have an ABN and Pay As You Go tax has not been withheld on the credit card statement, the local government is still liable to pay the corporate credit card provider the full amount and also the ATO prevailing ABN Withholding Tax Rate (46.5% as at 1 July 2014) of the purchase price.

### **GUIDELINES FOR USE OF CORPORATE CREDIT CARDS**

It is not proposed to list or describe every situation where the corporate credit card can or should be used but rather to provide general guidelines to be followed – senior officers should be scrupulous in the usage of corporate credit cards and always have appropriate documentation which can verify and justify the expenditure to the CEO.

Expenditure utilising the corporate credit card should, where possible, be kept to a minimum. The preferred method for purchasing goods or services is by using an official Shire purchase order in accordance with Council Policy 2.1.2. On occasion it is recognised that some goods cannot be

purchased by order or, because of circumstances (i.e.; away from the office), it is more convenient to use the credit card.

Purchase of food, drink or other forms of entertainment should be restricted to officially sanctioned events such as:

1. Whilst travelling on Shire business – training, conferences etc.;
2. Providing sustenance for councillors or staff;
3. Meals following Council meetings; and
4. Meals for emergency personnel during an emergency.

## 2.1.11 RELATED PARTY TRANSACTION DISCLOSURES

**Adopted or Reviewed by Council:** 15/08/2017 **Council Minute Reference:** 90/17

**Reviewer:** Manager Governance and Administration

**Local Law:**

**Procedure:** Related Party Disclosures – Declaration Form

**Delegation:**

### OBJECTIVE

This policy relates to the requirements of Related Party Disclosures to be made in the Shire's Annual Financial Reports in compliance with Australian Accounting Standards Board (AASB) 124.

To provide guidance to elected members and identified Key Management Personnel (KMP) to assist in them making an informed judgement as to who is considered to be a related party and what transactions need to be considered when determining if disclosure is required.

### POLICY STATEMENT

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made and that:

1. The Council recognises the requirement to comply with AASB 124 and thus disclose Related Party Disclosures in each Annual Financial Report commencing from 1 July 2016; and
2. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

### 1.0 IDENTIFICATION OF RELATED PARTIES

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

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

**Key Management Personnel** (KMP) are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

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

1. An elected Council member;
2. Key management personnel being a person employed under s. 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Manager;
3. Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependants of that person or person's spouse or domestic partner; and
4. Entities that are controlled or jointly controlled by a Council member, KMP or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

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

### 2.0 IDENTIFICATION OF RELATED PARTY TRANSACTIONS

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



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

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not);
4. Attending Council functions that are open to the public;
5. Employee compensation whether it is for KMP or close family members of KMP;
6. Application fees paid to the Shire for licences, approvals or permits;
7. Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);
8. Lease agreements for commercial properties;
9. Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);
10. Sale or purchase of any property owned by the Shire, to a person identified above;
11. Sale or purchase of any property owned by a person identified above, to the Shire;
12. Loan Arrangements; and
13. Contracts and agreements for construction, consultancy or services.

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

### **3.0 DISCLOSURE REQUIREMENTS**

For the purposes of determining relevant transactions in 2.0 above, elected Council members and key management personnel, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Manager Financial and Corporate Services.

#### **Ordinary Citizen Transactions (OCTs)**

Based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such, no disclosure in the *Related Party Disclosures - Declaration* form will be required.

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
4. Attending Council functions that are open to the public.

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

### **All other transactions**

For all other transactions listed above in 2.0, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

### **Frequency of disclosures**

1. Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form each year.
2. Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.
3. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

## **4.0 CONFIDENTIALITY**

All information contained in a disclosure return will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and, as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

## **5.0 MATERIALITY**

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

## 2.1.12 **\*\*DELETED\*\* COVID-19 FINANCIAL HARDSHIP**

Policy 2.1.23 no longer valid

## 2.2 HUMAN RESOURCES

### 2.2.1 STAFF EQUAL OPPORTUNITY

<b>Adopted or Reviewed by Council:</b>	17/11/15 19/11/19	<b>Council Minute Reference:</b>	183/15 156/19
<b>Reviewer:</b>	Chief Executive Officer/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>	Section 4, Supporting our Staff in the Workplace, Policy 14 – Equality Policy, p82 – Employee Manual		
<b>Delegation:</b>			

#### OBJECTIVE

To comply with the provisions of the *WA Equal Opportunity Act 1984*.

#### POLICY

The Shire of Kojonup is an equal opportunities employer and ensures that there is no discrimination on grounds unrelated to the job requirements. In particular, there will not be any contravention of the *WA Equal Opportunity Act 1984* which prohibits discrimination in employment on the basis of sex, age, marital status, parenthood, race, colour, pregnancy, religious or political activity or views, physical or mental impairment, sexual orientation, family responsibility or family status, or breastfeeding.

#### POLICY STATEMENT

The Shire of Kojonup recognises that discrimination and victimisation is unacceptable and that it is in the interests of the Shire and its employees to utilise the skills of the total workforce. It is the aim of the Shire to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender/gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, or sexual orientation (the **protected characteristics**).

Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Shire.

Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of the Shire's goods and services.

## 1. **Our Commitment**

- To create an environment in which individual differences and the contributions of all staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- The Shire of Kojonup will review all our employment practices and procedures to ensure fairness regularly.
- Breaches of the equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

## 2. **Responsibilities of Management**

Managers will ensure that they and their staff to operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Each manager will ensure that:

- all their staff are aware of the policy and the arrangements, and the reasons for the policy;
- grievances concerning discrimination are dealt with properly, fairly and as quickly as possible;
- proper records are maintained.

The Chief Executive Officer will be responsible for monitoring the operation of the policy in respect of employees and job applicants.

## 3. **Responsibilities of Staff and Elected Members**

Responsibility for ensuring that there is no unlawful discrimination rests with all staff and elected members and the attitudes of staff and elected members are crucial to the successful operation of fair employment practices. In particular, all members of staff and elected members should:

- comply with the policy and arrangements;
- not discriminate in their day to day activities or induce others to do so;
- not victimise, harass or intimidate other staff or elected members or groups who have, or are perceived to have one of the protected characteristics;
- ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic; and
- inform their manager if they become aware of any discriminatory practice.

## 4. **Third Parties**

Third-party harassment occurs where a Shire employee or elected member is harassed, and the harassment is related to a protected characteristic, by third parties such as clients or customers. The Shire of Kojonup will not tolerate such actions against its staff or elected members, and the employee/elected member concerned should inform their manager/supervisor/Shire President at once that this has occurred. The Shire of Kojonup will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

## 5. **Related Policies and Arrangements**

All employment policies and arrangements have a bearing on equality of opportunity. The Shire policies will be reviewed regularly and any discriminatory elements removed by the CEO.

## 6. **Rights of Disabled People**

The Shire attaches particular importance to the needs of disabled people.

Under the terms of this policy, managers are required to:

- make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours. (NB: managers are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment);
- include disabled people in training/development programs;
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to be able to do the job.

## 7. **Equality Training**

A series of regular briefing sessions will be held for staff and elected members on equality issues. These will be repeated as necessary.

Training will be provided on this policy and the associated arrangements. All staff and elected members who have an involvement in the recruitment and selection process will receive specialist training.

## 8. **Monitoring**

- The Shire deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the Shire as a whole. Accordingly, a monitoring system will be introduced to measure the effectiveness of the policy and arrangements.
- The system will involve the routine collection and analysis of information on employees by gender, marital status, ethnic origin, sexual orientation, religion / beliefs, grade and length of service in current grade. Information regarding the number of staff who declare themselves as disabled will also be maintained.
- There will also be regular assessments to measure the extent to which recruitment to first appointment, internal promotion and access to training/development opportunities affect equal opportunities for all groups.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that the Shire, or areas within it, are not representative, or that sections of our workforce are not progressing properly within the Shire, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Shire policies and practices as well as consideration of taking legal Positive Action.

## 9. **Grievances/Discipline**

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Shire *Workplace Discrimination and Harassment Policy*.

## 2.2.2 ELIMINATION OF HARASSMENT IN THE WORKPLACE

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>	Employee Manual		
<b>Delegation:</b>			

### OBJECTIVE

To provide a workplace that is free from all forms of harassment and victimisation.

### POLICY

It is the right of every individual to be able to carry out their job in an environment which promotes job satisfaction and maximises performance. Such an environment is dependent on it being free from all forms of harassment and victimisation.

**Note:** Reference also the *WA Equal Employment Opportunity Act 1984*.

## 2.2.3 EMPLOYEE CONFERENCES, SEMINARS & WORKSHOPS

<b>Adopted or Reviewed by Council:</b>	17/11/15 17/11/20	<b>Council Minute Reference:</b>	183/15 156/20
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	ADMIN 004		

### OBJECTIVE

To provide employees with opportunities to attend conferences, seminars and workshops that “add value” and continuous improvement to their positions as well as enhance skill sets and knowledge to the benefit of the employee, Shire and Community in meeting and delivering effective strategic and operational outcomes.

### POLICY

1. The progression of employee development and continuous improvement is an ongoing commitment of Council, ensuring the effective and efficient performance of employees as recognised in the Workforce Plan.
2. In respect of employees attending approved conferences, seminars or workshops with the Shire’s approval, the following expenses will be met by the Shire:
  - (a) Registration Fees;
  - (b) Accommodation and reasonable meal costs, excluding minibar and alcohol;
  - (c) Incidental expenses such as work related parking, taxis and telephone calls; and
  - (d) Travelling.All travelling procedures must comply with Work Health and Safety (WHS) requirements.
3. The Shire will allow employees to travel to the course in work time; that is, if the course is held in Perth, the employee can depart Kojonup at 1.00 p.m. on the day prior to the course in order to arrive at the approximate normal finishing time. The same principle would apply for any other destinations.
4. The Shire may provide a vehicle for travel; however, the vehicle must be returned to the Shire immediately on return to Kojonup, unless arrangements are made to the Shire’s satisfaction for an extension. If a Shire vehicle is unavailable, the Shire will reimburse travelling expenses in accordance with Australian Taxation Office kilometre allowances as varied each year.
5. Dependent on the type of conference, seminar or workshop and content thereof, an employee may be required as directed by their respective Manager, CEO or Council to submit a report or make a presentation enabling Council to remain informed of benefits derived from an employee’s attendance which may also be of benefit to the organisation in building corporate and employee knowledge and awareness.
6. No overtime or penalty rates will apply for any employee attending a conference, seminar or workshop under this policy.
7. An employee attending a conference, seminar or workshop, subject to WHS requirements, will be expected to wear the corporate uniform wherever possible to signify your representation of the Shire of Kojonup.
8. Employees will adhere to the Shire’s Code of Conduct at all times.

## 2.2.4 EDUCATION ASSISTANCE

**Adopted or Reviewed by Council:** 14/11/17

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/all personnel Managers

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

To provide assistance to employees when undertaking courses of study to improve job skills and knowledge in better equipping employees to contribute to the objectives of the Council.

Specifically, the objective is to increase the efficiency of Council through the provision of suitably qualified and trained employees, improved work performance and improved adaptability of employees to organisational change.

### POLICY

That the Council provides the following support to employees desiring to undertake courses of study in enhancing their skills and knowledge:

1. Reimbursement of prepaid compulsory fees upon successful completion of each unit including enrolment fees, subject fees and Government fees subject to a maximum of \$2,000 excluding GST per annum per employee;
2. The cost of accommodation and travelling costs will not be reimbursed;
3. The cost of textbooks, instruments, and materials up to \$250 will be refunded upon production of receipts;
4. Special leave of up to four days per annum will be granted to employees required to attend examinations, compulsory seminars, workshops, or practical sessions;
5. The CEO is responsible for approving any application for Educational Assistance in accordance with the Policy objectives and may consider amending specific conditions due to financial hardship requests.

The employee is to satisfy the CEO that any course of study proposed to be undertaken will benefit the organisation in accordance with workforce planning and/or performance appraisals.



## 2.2.5 PRESENTATIONS – DEPARTING EMPLOYEES

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring or departing employees.

### POLICY

Upon resignation or retirement of an employee, the Shire may at the CEO's sole discretion, as a token of appreciation for many years of continuous service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to \$100 for each completed year of service, to a maximum of \$1,000;
2. Gift selection to be discussed with the Chief Executive Officer.

CEO to take into consideration the employee's performance history and continuous time with the Shire.

This policy intention is to reward long term employees who have served the Council continuously in good stead throughout their career.

It is not intended to reward short term employees; as an example, of less than 5 years' service.

**Note:**

Reference s. 5.50 of the *Local Government Act 1995*, as amended, which requires action if paying in excess of this Policy.

## 2.2.6 SALARY PACKAGING

<b>Adopted or Reviewed by Council:</b>	20/02/18	<b>Council Minute Reference:</b>	13/18
<b>Date/s Amended:</b>	20/11/18		143/18
	12/12/23		141/23
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

To recognise the importance of establishing the correct packages for each of these key positions in order to attract the person with the skills and experience necessary to perform in the top quartile of the performance spectrum.

To ensure that the parameters for the calculation of salary and other salary package items for senior employees is comparable, in at least some key aspects of its operations and responsibilities, with other Band 3 shires.

To recognise the special role played by these officers in the development of the Shire of Kojonup.

### POLICY

It is acknowledged by Council that Salary packaging, in the recruiting environment, is a tool to attract the right person to a required role. The Chief Executive Officer (CEO) requires flexibility when negotiating Employee Contracts and their remuneration packages.

The Council delegates and authorises the CEO, in their operational capacity, to decide and negotiate remuneration packages.

This policy covers all contracted positions in the Shire. The following positions are established as Designated Officers under s5.37 of the *Local Government Act 1995*:

- Chief Executive Officer;
- Manager Governance & Administration;
- Manager of Financial & Corporate Services;
- Manager of Works & Services;
- Manager of Regulatory & Technical Services; and
- Manager of Aged Care Services.

The Salary Packaging Policy of the Shire of Kojonup is constructed to provide flexibility to attract and retain skilled and experienced management necessary to professionally manage the Council as follows:

1. Council expects outstanding professional and management performance from contracted officers in the delivery of agreed outcomes and the delivery of services to the ratepayers and residents of the Shire;
2. To reward these skilled and experienced management personnel with realistic and competitive salary packages;
3. To convey to each of the appointees that the Shire has selected the person with the most appropriate skills and qualifications for the position and that this is clearly identified in the package offered to the recommended appointee;
4. To construct salary packages that are easily understood by the beneficiary and operable without the need for the raising of minor charges invoices;

5. To recognise that it will be necessary to pay Fringe Benefits Tax on these packages and to provide for such FBT in the staff budget;
6. To undertake at least one regular and professional review and assessment of the performance of each of these officers during each twelve month period;
7. To recognise the trend is towards senior officers being engaged on shorter term contractual basis to achieve specific outcomes and that the Council will consider performance related rewards for outstanding achievements at the end of such contracts; and
8. To comply with the requirements of the appropriate legislation and regulations.

### **SALARY PACKAGING – ALL STAFF**

The CEO is responsible for determining salary packages and may include but is not limited to:

1. A competitive cash salary component in each package;
2. Provision of a motor vehicle as per Policy 2.2.8 Motor Vehicles - Officers;
3. Provision of housing as per Policy 2.2.7 Staff Housing;
4. Novated leasing of a vehicle (refer policy 2.2.8);
5. Bundling of Australian Taxation Office approved private housing expenses; and
6. Additional superannuation payments.

Employees shall be able to take advantage of salary sacrificing provisions on the basis that it will be at no cost to Council.

Any of the above arrangements shall be stipulated in the respective Manager's/Employee's Contract of Employment.

### **Provision of Housing**

Housing may be provided and, if so, supply will be in accordance with Council's Policy 2.2.7 Staff Housing, with a Residential Tenancy Agreement completed separately to an Officer's contract. This is deemed a part of the remuneration package.

### **Service Charges**

Electricity and gas charges for the duration of the occupancy may be negotiated as part of the package or be for the account of the Officer concerned - charges for water, sewerage, rates, rubbish and other property charges are for the account of the Shire.

### **Annual Leave**

Standard Annual Leave is 4 weeks.

1. Where an officer is required to regularly attend evening meetings, an extra week's leave may be granted in full recognition of the need to attend these meetings after hours.
2. These extra days may be taken either as part of annual leave or as accumulated during the year.
3. Annual leave loading - applicable at the rate of 17.5% to the standard annual leave.  
The CEO has delegated authority to offer an additional week's annual leave where it is justified. This is deemed a part of the remuneration package.

### **Professional Organisation Membership Dues**

The Shire will pay the annual membership fees for the State/National Professional Association of the Officer's choice that relates directly to the Officer's responsibilities to Council.

**Salary Sacrifice**

This policy allows Senior Officers the opportunity of Salary Sacrificing within their salary package based on sound accounting/taxation advice being available to both employer and employee.

**Miscellaneous Expenses**

Reimbursement for expenses are not considered part of the salary package.

Participation in conferences will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Professional Development will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Operational expenses incurred during the conduct of Council business are reimbursed to the Officer concerned or paid direct by the Council through the Council's financial processes and are not deemed salary for the purpose of negotiating a remuneration package.

## 2.2.7 STAFF HOUSING

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b> 183/15
	20/11/18	143/18
	19/11/19	156/19
<b>Date/s Amended:</b>	19/05/20	57/20
	17/08/21	99/21
	18/10/22	111/22
	12/12/23	141/23
<b>Reviewer:</b>	Chief Executive Officer	
<b>Local Law:</b>	Nil	
<b>Procedure:</b>	Nil	
<b>Delegation:</b>	EMPL 004	

### OBJECTIVE

To support Council Policy 2.2.6 Salary Packaging in attracting the person with the skills and experience necessary to fill the senior staff positions.

### POLICY

The Shire owns a range of housing for Team Members from executive homes to apartments.

It is acknowledged by Council that Housing, in the recruiting environment, is a tool to attract the right person to a required role. The Chief Executive Officer (CEO) requires flexibility when negotiating Employee Contracts and their remuneration packages.

The Council delegates and authorises the CEO, in their operational capacity, to decide and negotiate which roles access housing in their remuneration package.

It is the preference of the Council to offer Shire owned housing as a priority to the following role:

- Chief Executive Officer 15 Loton Close

As a priority and determined by the authority delegated to the CEO then to other senior employee roles:

- Manager Regulatory Services
- Manager Financial and Corporate Services
- Manager Works and Services
- Manager Aged Care Services
- Manager Project and Community Services
- Manager Governance and Administration

The rent for the above houses is established through negotiation of a manager's individual employment contract and the subsidies are set by the Council through the fees and charges process.

Other Shire roles:

To attract and retain professional, technical and specialised roles, it is also policy to offer available housing to other Team Members as determined, at the discretion of the Chief Executive Officer.

The rental charged on these properties will be 60% of the list of fees and charges (market value) with the balance of 40% being a subsidy under the prospective employee's employment conditions or contract of employment. To attract other qualified roles and senior managers, the CEO has delegated authority to negotiate all aspects of a rental agreement including foregoing rent to attract the right person to the role.

Bagg Street units:

Temporary Bagg Street accommodation may be offered to staff, at the CEO's discretion, if required and available, at either 1A (one bedroom) or 1B (two bedroom) Bagg Street units.

The CEO may negotiate weekly rental for all staff in accordance with annual performance reviews.

### **No-Smoking**

Smoking is strictly prohibited within the premises of all Shire owned houses and buildings at all times.

### **Bond**

All tenants, unless negotiated with the CEO, will be required to lodge a sum equivalent to four weeks' rent, as per Council's Fees and Charges, as a bond towards any damage sustained by the tenant during the tenancy. All tenancies, unless negotiated with the CEO, will have a written residential tenancy agreement.

### **Private Rentals**

In the event that any Council provided accommodation is, at any time, not required for entitled Council employees identified above, then the CEO is delegated authority to rent the accommodation to other persons, including other Shire employees, provided the residential tenancy arrangement is on a fixed basis and includes a clause that the property will be vacated if required for the priority roles listed above.

### **Relocation Assistance**

The CEO may, at the CEO's discretion, financially assist new staff appointments by covering relocation expenses of \$5,000 or 50% of cost whichever is the lesser.

## 2.2.8 MOTOR VEHICLES - OFFICERS

<b>Adopted or Reviewed by Council:</b>	20/02/18	13/18
	12/12/23	141/23
<b>Reviewer:</b>	Chief Executive Officer	
<b>Local Law:</b>		
<b>Procedure:</b>		
<b>Delegation:</b>		

### OBJECTIVE

To provide motor vehicles for senior employees used in a manner comparable to shires with similar operations and responsibilities.

### POLICY

It is acknowledged by Council that Motor Vehicles, in the recruiting environment, are a tool to attract the right person to a required role. The CEO requires flexibility when negotiating Employee Contracts and their remuneration packages.

The Council delegates and authorises the CEO, in their operational capacity, to decide and negotiate which roles incur a vehicle in their remuneration package.

It is the policy of the Shire of Kojonup, in the first instance, to supply motor vehicles to officers appointed to the following positions, if so negotiated by the officer, under Policy 2.26 - Salary Packaging. However, the Council has delegated authority to the CEO to negotiate remuneration packages with all employees and use discretion to nominate vehicles to other roles if required:

- Chief Executive Officer;
- Manager Governance and Administration
- Project Manager/Community Services officer
- Manager Financial and Corporate Services;
- Manager Works and Services;
- Manager Regulatory Services;
- Manager Aged Care Services;
- Mechanic;
- Works Foreman; and,
- Horticultural Supervisor

Use of the vehicle shall include the following conditions:

1. Smoking is strictly prohibited within Council motor vehicles at all times;
2. Private use of the motor vehicle outside the state of Western Australia or North of the 26th parallel and for long service leave will require the officer to obtain permission in writing from Council. Where private use is approved outside of this region, all fuel and expenses are to be borne by the officer;
3. The Council may also provide motor vehicles for permanent, acting or temporary officers when specific terms and conditions may be offered and agreed;
4. In the event that any of the positions become vacant and are re-advertised, any private usage will be negotiated at the time of appointment;
5. Spouses or partners are allowed to drive these motor vehicles provided that this does not disrupt the Shire business for which that vehicle is allocated, in any way;

6. Council does not expect other dependants or other persons to be driving these vehicles unless there is a specific need related to Shire business or in an emergency situation or where the CEO has granted specific approval;
7. Staff and elected members are to meet the costs of any parking or traffic infringements incurred whilst driving Council vehicles;
8. Where the motor vehicle has been equipped with a first aid kit and/or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through Council's Works and Services Division when used/expired;
9. All vehicles are regarded as pool vehicles for general use by Council employees for work related purposes during office hours;
10. The vehicle must be used by the employee in executing their role within the Shire and not claim mileage for private vehicle use, where private use is not a negotiated part of an employee's employment;
11. The Chief Executive Officer has the ability to negotiate with Council with respect to the provision of a motor vehicle or, alternatively, salary sacrifice arrangements in lieu of Council providing a motor vehicle; and
12. Motor vehicles shall not be used for approved secondary employment or in the conduct of private commercial business, unless express written approval of the CEO is given.

**NOVATED LEASES:**

When a novated lease is taken by an employee, their employment contract shall contain the following clause:

A vehicle allowance of \$XXXXXX per annum (taxable) is provided in lieu of the provision of a motor vehicle. Allowances may be utilised to purchase a vehicle through a novated lease in accordance with the following:

1. The vehicle must be utilised by the employee for work purposes and that employee is not able to utilise "pool" vehicles for work or private purposes;
2. The insurance for a novated leased vehicle is the employee's sole responsibility.

Any arrangement under this policy is to be included in the employee's Contract of Employment.



## 2.2.9 WORKPLACE DRUG & ALCOHOL USE

**Adopted or Reviewed by Council:** 17/11/15 **Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer

**Local Law:**

**Procedure:** Employee Manual

**Delegation:**

### OBJECTIVE

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

### POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden at any time; please refer to the Employee Manual.

## 2.2.10 LEAVE – COMMUNITY SERVICE

<b>Adopted or Reviewed by Council:</b>	15/11/16 20/11/18	<b>Council Minute Reference:</b>	151/16 143/18
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

To recognise that members of the Defence Reserve Service that are employed by the Shire of Kojonup are able to access a reasonable amount of additional leave for that purpose.

To ensure that all employees fulfil their obligations with regard to witness and jury service.

To recognise the members of the local Emergency Services employed by the Shire are able to respond to a reasonable number of callouts during working hours without loss of income.

### POLICY

#### Defence Reservist Leave

It is recognised that the Defence Reserve Service provides an economical method of maintaining Defence Forces in peacetime and can be a valuable addition to staff development within the Organisation.

Employees seeking Defence Reservist Leave under this Policy must provide certification that they have become reserve members of the Armed Services.

1. Leave not exceeding two weeks in any one year will be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training camps, or equivalent continuous duty. This leave will be in addition to annual leave entitlements.
2. The payment for Defence Reservist Leave will be on the basis of the difference between the employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services. Should the amount received from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Shire. Superannuation contributions will be based on the employee's normal weekly salary.
3. Defence Reservist Leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements.
4. Staff taking Defence Reservist Leave are required to pay normal rental during their absence should they have access to employee housing.
5. Employees wishing to take Defence Reservist Leave are to provide reasonable notification to the Shire and have the leave approved by the Chief Executive Officer.

#### Witness and Jury Service Leave

The Shire will ensure that all employees are granted relevant leave to attend any obligation associated with court proceedings as either a witness or juror.

An employee who is called to serve on a jury or is subpoenaed or called as a witness to give evidence in any proceeding, shall notify their Manager or Supervisor, as soon as practicable.

Where an employee is required to serve on a jury or is subpoenaed or called as a witness to give evidence on behalf of the Shire or the Crown, that employee shall be granted paid leave for that period.

If the employee is on leave, when required to attend on behalf of the Local Government, the period of leave lost shall be reinstated, if appropriate documentation is provided.

An employee subpoenaed or called as a witness under any other circumstances other than specified above shall be granted leave of absence without pay.

Where an employee is on any form of paid leave, they are not entitled to retain any witness fee.

### **Emergency Services**

It is recognised that the Local Emergency Services (St John's Ambulance, Kojonup Fire and Rescue Service, local Volunteer Bush Fire Brigades) provide an economical method of responding to local emergencies and can be a valuable addition to staff development within the Shire.

In instances when a Shire staff member is called out to attend an emergency during working hours, the Shire will pay his/her normal wages or salary, to a maximum of 38 hours per financial year.

All staff are required to provide details to their Supervisor/Manager of any local emergency service organisations in which they are members.

In all instances where a staff member is called to respond to an emergency, the staff member must inform his/her immediate Supervisor/Manager before leaving the work site.

The CEO will be provided a quarterly report from Managers or Payroll to monitor any employee exceeding 38 hours per financial year for emergency service provision. An employee who has exceeded the maximum will be required to lodge a submission to their supervisor/Manager who, in turn, will lodge a submission to the CEO to consider exercising discretion on the enforcement of this policy.

## 2.2.11 SHIRE UNIFORMS

<b>Adopted or Amended by Council:</b>	12/02/17	<b>Council Minute Reference:</b>	148/17
<b>Date/s Amended:</b>	20/11/18		143/18
	19/11/19		156/19
	14/12/21		153/21
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

This policy endeavours to enhance the corporate image of the Shire and its employees. The Council recognises that a corporate wardrobe promotes a:

1. Professional image;
2. Strong customer focus; and a
3. Safe work environment.

This policy applies to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer.

The objectives of this policy are to:

1. Establish guidelines for the purchasing and wearing of Shire of Kojonup corporate uniform;
2. Outline dress standards staff are to observe when representing the Shire in a professional capacity and provide staff with clear guidelines for accepted standards of dress and appearance during work hours; and
3. Provide senior management with clear guidelines to use in monitoring and managing the standard of dress and appearance of staff in their department.

### POLICY

1. Employees who are ceasing work with the Shire of Kojonup must return their uniforms which have the corporate logo embroidered or permanently printed on tops, vests, shirts, jackets, etcetera prior to the completion of their final working day.
2. Primarily, uniforms are to be worn only during working hours and employees should take care to refrain from wearing uniforms outside of work.
3. Employees must recognise that when wearing the uniform, they are recognised as representing the Shire of Kojonup. Employees must adhere to the Code of Conduct and Shire policies and procedures if they are wearing the uniform outside of work.
4. Employees who consume alcohol or act in an inappropriate manner whilst wearing a Shire uniform may face disciplinary action.

#### Personal Presentation

A high standard of personal presentation is required from employees at all times whilst on duty. It is expected that items of personal hygiene are attended to daily and all clothing is clean, neatly pressed and in good condition.

The following list of non-exhaustive items of clothing are considered inappropriate corporate attire:

1. Crop tops, backless and strapless tops and singlets; and
2. Denim jeans, denim skirts or shorts, and miniskirts or mini-shorts.

### **Body Art and Piercing**

Tattoos that could be perceived as offensive should be discreetly covered where possible (e.g.; tattoos of naked men/women, skulls or daggers dripping blood). This item is to be administered at the discretion of the Department Manager.

The Shire's image and that of the region can be affected by the presentation of our staff. Any form of body piercing, other than ear piercing, must be discreet and ensure a professional image is portrayed at all times.

Staff working around or on machinery are not permitted to wear earrings that protrude or hang below the ear lobe, as they can become entangled in machinery.

Long hair must be worn up and back or in a hair net when working in areas with machinery and other moving parts or during food preparation. Jewellery, including earrings and/or other items that have the potential to get caught in machinery, must be removed whilst on duty.

### **Safety**

It is the Supervisor's responsibility to ensure that appropriate Personal Protective Equipment (PPE) is supplied to and worn by Employees. Employees who mistreat, abuse or fail to comply with Council's requirements for safety and PPE will be subject to disciplinary action.

### **Identification**

The wearing of identification improves visibility with the public and friendliness within the work environment. Employees should wear a form of visible identification at all times.

Name badges are a form of visual identification. 1 (one) name badge will be supplied to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer. Name badges must be kept in good condition and worn in a place that is visible to others. If an allocated name badge is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price. Employees may opt for this to be deducted from their Uniform Allowance.

Embroidery is another form of visual identification and may be more appropriate to outside staff.

### **Outside Staff Uniforms**

1. The Shire of Kojonup shall supply up to 3 (three) sets of work clothes per annum to each operational employee who is based at the Works Depot or predominately in an outside position.
2. Work clothes represent footwear, shirts, trousers, vests, polo tops, jumpers, jackets and shorts. A set of work clothes consists of 6 items that are interchangeable; for example, 2 shirts, 2 trousers and 2 jumpers = 6 items or 2 shirts and 4 trousers = 6 items.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to 1.5 sets).
4. An employee will be required to pay immediately, in full or via agreed deductions from fortnightly pay, for any item in addition to the 6 items allocated in any one financial year.
5. The Shire's Work Health and Safety Committee shall make input into the types of clothing and footwear issued.
6. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

### **Inside Staff Uniforms**

1. The Shire shall meet 50% of the initial cost of corporate wardrobe uniforms up to a maximum contribution of \$650 per employee (total expenditure \$1,300) in the first year of employment; that is; the Shire will pay 50% of all orders up to these amounts.
2. In each subsequent year of employment, the Shire shall provide \$450 uniform allowance per employee.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to \$325 in year one and \$225 each subsequent year).
4. An employee will be required to pay immediately in full or via agreed deductions from fortnightly pay for any expenditure in addition to the allocation in points 1 and 2 above.
5. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

### **Prescription Safety Glasses**

The Shire of Kojonup will contribute up to \$200 biennially to permanent full time employees who require prescription safety glasses for work purposes (subject to provision by the employee of an optometrist's prescription/quotation which will in turn effect a purchase order to the optometrist or on provision by the employee of a receipt for payment for prescription safety glasses from an optometrist). The Chief Executive Officer will assess each request. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their prescription safety glasses.

### **Footwear**

Shoes are the responsibility of individual staff members, unless negotiated with the Chief Executive Officer. It is recommended that covered shoes be worn at all times in conjunction with the corporate uniform.

As with clothing, Council expects all employees to wear shoes which meet a presentable standard for their particular work area. The following non-exhaustive list of items of footwear may be considered inappropriate corporate footwear:

1. Thongs;
2. Runners or sandals; and/or
3. Ugg boots.

### **Polo Shirts**

All elected members, employees, and applicable contractors (at the discretion of the Chief Executive Officer) are entitled to 1 (one) corporate polo shirt every two years. If an allocated shirt is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price and may opt for this to be deducted from their uniform allowance.

Generally, a corporate polo shirt will not be a day to day uniform item for staff; however, it can be worn on "free dress days" or at events/training days representing the Shire. The Chief Executive Officer or relevant manager may give approval to employees to incorporate the polo shirt into their uniform, where appropriate.

It is also possible that volunteers may be able to wear the corporate polo at the discretion of the Chief Executive Officer or relevant manager. This would be paid by the relevant department's budget.

The Corporate Polo Shirt shall only be worn whilst undertaking work related activities. Consideration should be given to maintaining the image of the Shire whilst wearing the corporate polo shirt.

**Dispute Resolution**

If a Manager considers that a particular staff member's attire is inappropriate according to the standards set in this policy, they may approach the individual and ask appropriate changes be made.

**Free Dress Days**

The first working day of the month is approved and shall be in conjunction with the fundraising and awareness activities of well-known and registered charities such as 'Jeans for Genes' Day. On these allocated days, staff will be permitted to wear appropriate dress that reflects the theme of the fundraising event. The Chief Executive Officer or relevant manager may allocate additional "free dress days" for inside staff.

Free dress days must not compromise safety, customer service or the perception of Council staff within the community. Staff shall be made aware of these allocated days by way of email from the Chief Executive Officer or delegated officer. Funds raised on these specific days will be presented to the relevant charity.

## 2.2.12 EMPLOYEE TRAINING

**Adopted or Reviewed by Council:** 14/11/17

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/all personnel Managers

**Local Law:** N/A

**Procedure:**

**Delegation:**

### OBJECTIVES

1. To provide development opportunities to all employees, as recognised in the Shire of Kojonup Workforce Plan, as the Shire is committed to the provision of employee training and professional development opportunities to ensure that employees achieve productivity aims relevant to their position.
2. All training needs will be considered as part of the annual performance review process and Annual Budget provisions.
  - a) Where an employee undertakes such training it shall be conducted as far as practicable in the employee's usual working time and the employee shall not lose pay for attendance for extra travel associated with such training.
  - b) Fees, materials or any other reasonable costs associated with the training shall be reimbursed by the employer.
3. Relevant training is to be identified and documented during an individual's annual performance review.
4. It is recognised that employees will take ownership of their training needs and consult their managers to ensure that their training needs are met.

### POLICY

The progression of employees through training and personnel development is an ongoing Workforce Plan goal (continuous improvement) ensuring the effective and efficient performance of employees.

Training and development opportunities will benefit the Shire of Kojonup through an improved knowledge base, increased skills and performance of employees and provide a platform for career pathways. The Council has adopted a Workforce Plan which meets organisational, occupational and individual needs.

#### **Specific aims of the Employee Training Policy include but are not limited to the following:**

1. Develop an annual training calendar to ensure that training opportunities are provided to all employees and routinely encouraged;
2. Ensuring that all staff have the skills necessary to perform the requirements of their position description;
3. In consultation with employees, continue to develop the annual Development Review process identifying key achievements and commitment to the Shire;
4. Providing staff with training and education identified through the Development Review process;
5. Ensuring that links to the Strategic Plan and Customer Service Charter are made within staff review processes;
6. Ensuring that supervisors and managers provide open and ongoing feedback to employees; and
7. Developing and implementing ongoing two-way communication processes that encourage staff to be involved in the organisation and their own professional growth.



## 2.2.13 EMPLOYEE ASSISTANCE PROGRAM

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	Policy to capture previous inclusion in All of Staff Agreement 2011		
<b>Delegation:</b>			

### OBJECTIVE

Where appropriate and required, provide provision for employees and elected members to access **confidential qualified support and assistance.**

### POLICY

1. The Shire of Kojonup will provide, via LGIS Counselling Services and Southern Agcare, an Employee Assistance Program that provides professional counselling for all elected members, employees and/or their immediate families wishing to access such counselling to help to resolve personal problems.
2. Employees accessing this counselling service shall be guaranteed total confidentiality and anonymity by the service provider. The Shire will only be informed of the number of workers that have accessed the service.
3. Employees are encouraged to make use of the Employee Assistance Program if they are experiencing difficulties in areas such as:
  - (a) Emotional problems;
  - (b) Marital or family concerns;
  - (c) Relationship difficulties;
  - (d) Financial concerns;
  - (e) Alcohol or other drug problems; or
  - (f) Problems such as those above that may result in conflict and absenteeism.
4. Employees are reminded that problems primarily stemming from issues in the workplace should be resolved through the Shire of Kojonup Employee Manual Section 7.1: Employee Concern and Grievance Process and/or Clause 23 Dispute Settlement Procedure of the All of Staff Agreement 2011.

## 2.2.14 WORK HEALTH AND SAFETY

<b>Adopted or Reviewed by Council:</b>	15/11/16	<b>Council Minute Reference:</b>	151/16
<b>Amended:</b>	19/11/19		156/19
	17/11/20		156/20
	16/11/21		135/21
<b>Reviewer:</b>	Chief Executive Officer/Project Manager and Community Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

This Policy statement aims to exemplify the commitment and steadfast aspiration of everyone at the Shire of Kojonup (Shire) in creating and maintaining a safe and healthy place to work. We realise that our fellow workers, volunteers and the contractors who come and work for us are of value and worth to our organisation and our community, and that everyone should enjoy a safe and healthy work environment here.

We also realise that the work we do can impact our community and the visitors travelling to or through our Shire and we will aim to do our work safely in order that their safety and health is not adversely affected by what we do.

We believe good performance of Work Health and Safety (WHS) practices is essential to everyone's professional being.

In summary, we expect of our leaders:

- To lead by good example, create, adopt and maintain safe work practices and behaviours that lend to safe & healthy team environments;
- To resource our workplace and our teams so they can operate safely;
- To remove barriers that could prevent a safe and healthy environment;
- To promote and maintain standards defined by our Safety Management Plan, practices and WHS legislation;
- To supervise effectively, encourage and foster work practices, and implement hazard management and work planning to the requirements of our WHS Safety Management Plan.

We expect all our workers and volunteers:

- To lead by good example, participate in safe work practices and behaviours that lend to safe and healthy team environments;
- To work respectfully and foster professional and healthy relationships with fellow team members and co-workers;
- To follow work procedures and instructions that will assist in meeting the objectives of this Policy;
- To follow the training they have been provided with in order to work safely;
- To report on hazards, incidents and safety concerns within the procedures of our Safety Management Plan and practices.

We expect all our contractors:

- To work within their own safety management plans and to liaise with us on ours when we share work spaces and areas;
- To work with us in identifying and reporting on hazards, incidents and safety concerns;

- To work respectfully in our environment and foster professional and healthy relationships with our workers and volunteers and our other contractors;
- To represent positive, safe and healthy practices as contractors doing work for us in our community.

In order to continually improve our performance, we will regularly review our WHS Safety Management Plan, this Policy statement and our WHS Committee's Terms of Reference. By all of us working together and aspiring to meet the standards, expectations, and obligations in our Safety Management Plan, we believe we can create a work environment that is safe and healthy, and makes our Shire a great place to work or volunteer within.

## 2.2.15 GRIEVANCES, INVESTIGATION & RESOLUTION POLICY

<b>Adopted or Reviewed by Council:</b>	17/11/20	<b>Council Minute Reference:</b>	156/20
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	XXXX - Grievances, Investigations & Resolution Procedure		
<b>Delegation:</b>			

### OBJECTIVE

To foster a safe and inclusive work environment where all employees, volunteers and contractors have a right to express any genuine grievances or complaints via an impartial internal process.

### POLICY

The Shire of Kojonup supports the rights of employees, volunteers and contractors to achieve their full potential free from discrimination, bullying, harassment, victimisation and vilification and, in circumstances in which they feel aggrieved, provide a mechanism to raise a complaint or grievance in relation to:

- Employment conditions;
- Breaches of policy;
- Conflict (including working relationships or interaction with colleagues).

The Shire of Kojonup supports a collegial approach to concerns, complaints and grievance resolution through informal processes where possible, with access to formal mechanisms for resolving complaints and grievances if required.

All employees, volunteers and contractors involved in a grievance process are expected to participate in good faith.

### SCOPE

For the purposes of this Grievances, Investigations and Resolution Policy (Policy), the term “employee(s)” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Kojonup in any capacity.

This Policy works in conjunction with other policies and may not apply in situations where there is another more appropriate policy in force, including in relation to complaints made under:

- 2.2.1 Staff Equal Opportunity
- 2.2.2 Elimination of Harassment in the Workplace
- 2.2.14 Work Health and Safety
- 3.1 Code of Conduct

## DEFINITIONS

**Complainant** – A person who raises a complaint about a matter regarding the workplace.

**Respondent** – A person who is alleged to have acted in a manner which caused the Complainant to raise a complaint.

**Support Person** – A person who may provide emotional support to either the Complainant or the Respondent and who may be present during meetings; however, may not interact with proceedings.

**Witness** – A person (including an employee) who is requested by the Shire of Kojonup to assist the process by providing relevant information regarding the complaint.

## KEY PRINCIPLES IN THE COMPLAINT RESOLUTION PROCESS

The following principles are necessary for the fair investigation and resolution of a complaint:

- Confidential – Only those employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Kojonup 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 personnel file if they are disciplined as a result of the complaint.*
- Impartial (fair/unbiased) – Both parties will have an opportunity to put their case and no assumptions will be made or action taken until available and relevant information has been collected and considered.
- Sensitive – 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.
- Timely – The Shire of Kojonup aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
- Records – All complaints and investigations must be documented and formal records must be kept of all documents collected and/or drafted as part of that process.

### Natural Justice – The principles of natural justice provide that:

- an employee against whom an allegation is made has the right to respond to the allegations before any determination is made;
- an employee against whom an allegation is made has the right to be told (where appropriate to do so) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest; and
- decisions must be based on objective considerations and substantiated facts.

### Procedural Fairness – The principles of procedural fairness provide that:

- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- the Respondent is entitled to receive verbal and written communication from the Shire of Kojonup of the potential consequences of given forms of conduct, as applicable to the situation;
- the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- any mitigating circumstances presented to the Shire of Kojonup through the grievance process are investigated and considered;
- the Complainant and Respondent have the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- all interviews of witnesses are conducted separately and confidentially.

### Outcome of Making a Complaint

If a complaint is substantiated and involves a performance issue, the Manager of the Respondent may commence a formal performance management process with the Respondent or elect to discipline the Respondent in accordance with any applicable policy.

If the complaint is substantiated and involves a breach of a policy, the Manager of the Respondent, in consultation with the Chief Executive Officer, may elect to discipline the Respondent appropriately in accordance with the severity of the matter.

**Vexatious or Malicious Complaints**

Where an employee has deliberately made a vexatious or malicious complaint, that employee may be subject to disciplinary action including, but not limited to, termination of employment.

**Victimisation of Complainant**

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Kojonup for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action including, but not limited to, termination of employment.

## 2.3 ADMINISTRATION

### 2.3.1 \*\* MOVED TO POLICY 1.6 \*\*

### 2.3.2 RECORDS MANAGEMENT

<b>Adopted or Reviewed by Council:</b>	17/11/15 19/11/19	<b>Council Minute Reference:</b>	183/15 156/19
<b>Reviewer:</b>	Manager Governance and Administration/Records Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	Contained within the Recordkeeping Plan		
<b>Delegation:</b>			

#### OBJECTIVE

The purpose of this policy is to define the principles of the Shire of Kojonup's record management function. This policy applies to all staff, elected members, contractors and volunteers.

1. All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification.
2. All communications in the form of records which are handled, received or generated by the Shire of Kojonup, whether paper or electronic, and whether internal or external, are to be captured within the appropriate recordkeeping system (SynergySoft).
3. Registers are to be maintained of all records including, but not limited to registers of policies, databases, Freedom of Information applications, assets, tenders and quotations, forms, vital records, files and contracts.
4. All contractual arrangements are to ensure the Shire of Kojonup's ownership of significant records.
5. Any records/files in the possession of individual staff are to be registered to them and, dependent upon security classification, kept accessible.
6. Only approved record formats are to be used in effecting the Shire of Kojonup's business.
7. Records are not to be removed from the Shire of Kojonup's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

#### POLICY

The purpose of this policy is to define the principles of the Shire of Kojonup's records management function and to document an orderly and efficient approach to the proper management of records.

Records are recognised as an important information resource in the Shire of Kojonup and it is accepted that sound record management practices are vital and integral to the overall efficiency and effectiveness of the Shire of Kojonup. Due to legislative requirement, the Shire of Kojonup is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.

The policy and associated procedure applies to all external and internal records which are handled, received or generated by the Shire of Kojonup, regardless of their physical format or media type.

The Council reviews the Recordkeeping Plan every five years which contains the procedure for recordkeeping in accordance with the *State Records Act 2000*. The next review is due in March 2015.

## **Guidelines:**

### **Roles and Responsibilities**

#### Chief Executive Officer

The CEO is to ensure there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures. This includes the provisions of s. 5.11(h) of the *Local Government Act 1995*.

#### Managers

Managers are to ensure their staff are familiar with, and adhere to, the Records Management Policy and any associated procedures endorsed by the CEO.

#### Staff

Staff are to ensure they retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are registered in the records management system (SynergySoft), and protected and disposed of in accordance with the State Records Office of Western Australia's General Disposal Authority.

### **General Disposal Schedule for Local Government Records**

All records within the recordkeeping system maintained by the Shire of Kojonup are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.

### **Custodianship**

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Kojonup by virtue of their possession and not to the individuals who created such records during their time as a public officer or elected member at the Shire of Kojonup. Officers or elected members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

### **Council Meetings**

Once the minutes of a Council Meeting have been confirmed by the Council, all individual elected member and staff notes made, including in the Docs on Tap app., will be deleted.



## Definitions

### A Record

A record as defined in the *State Records Act 2000* means any record of information however recorded and includes:

1. Anything 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, or symbols, having a meaning for persons qualified to interpret them;
5. Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
6. Anything on which information has been stored or recorded either mechanically, magnetically, or electronically.

Records in the public sector are referred to as:

### Government Records (or Public Records)

Records created or received by a public officer or elected member in the course of his or her duties regardless of whether the communication is between staff in the same agency, between different agencies, or between public officers and members of the community (both private and business).

Records may be categorised as:

### Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records of routine enquiries.

### Significant Records

Significant records contain information which is of administrative, legal, fiscal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

*Important Note: Distinguishing between significant and ephemeral records is a matter of judgment and the above definitions can only act as a guide. Reference to "records" in this guideline document should be read as relating to significant public records unless otherwise stated.*

### Vital Records

Vital records are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire's reconstruction in the event of a disaster.

The Shire of Kojonup considers that the following are vital records:

Computer system records, Council and Committee Minutes and Agendas, Title Deeds, Policy and Procedure Manuals, Registers, Contracts/Tenders, Licences, Historical documents, Delegation of Authority, Insurance Policies, Cemetery Records, Town Planning Scheme deeds/information, Financial documents such as Budgets & Annual Financial Statements and any documents detailing approvals of some kind.

### Non-Records

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire's activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party.

### Records Disposal

Disposal/Archiving is conducted in accordance with the General Disposal Authority for Local Government Records. Records are stored onsite at the Shire of Kojonup Office and offsite at the Shire of Kojonup Works Depot, Springhaven Frail Aged Lodge and the Broomehill Repository.

### Procedures

Procedures have been developed by the Shire of Kojonup to ensure correct treatment of incoming, outgoing, internal and confidential mail.

### 2.3.3 NATIVE TITLE CLAIMS PROCESS

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

To consult with the claimants and their local representatives in the spirit of reconciliation to avoid protracted negotiations or expensive litigation exposure to the Shire.

#### POLICY

At all times the Council will consider Native Title claim/s made over any or all crown reserves vested in the Shire, through dialogue with local elders and relevant representative bodies.

The Shire of Kojonup is subject to a number of native title claims and will adhere to accepted protocols of consultation with the Native Title claimants and their local representatives.

## 2.3.4 ASSET MANAGEMENT

<b>Adopted or Reviewed by Council:</b>	18/04/17	<b>Council Minute Ref:</b>	41/17
<b>Amended by Council:</b>	16/11/21		135/21
<b>Reviewer:</b>	Chief Executive Officer/all Managers		
<b>Local Law:</b>			
<b>Procedure:</b>	Asset Management Plan		
<b>Delegation:</b>			

### OBJECTIVE

To guide the management of the Shire's infrastructure assets to meet agreed service delivery and performance expectations, as the asset custodian for the community.

### DEFINITIONS

- "Asset" A physical item of value that is owned by the Shire of Kojonup and provides or contributes to the provision of services to the community (in this context excluding financial, intellectual, and non-tangible assets).
- "Asset Management" The combination of management, financial, economic, engineering, and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner to meet Council's priorities for service delivery.
- "Asset Management Plan" developed for each Asset Class to outline the management activities to meet defined levels of service with available resources. These are long term plans that investigate future demand and forecast lifecycle costs for existing assets.
- "Council" The elected members of the Council of the Shire of Kojonup.
- "Infrastructure Assets" are fixed network assets that support the delivery of services to the community. These include Transport Assets (roads, footpaths, kerbing, drainage etc.), Buildings, Park and recreation infrastructure.
- "Level of Service" is the measurable objective of the Shire in relation to assets based on the criteria of safety, quality, quantity, reliability, responsiveness, cost/efficiency and legislative compliance. The aim is to balance the level of service of the asset to community expectations with what is financially sustainable.
- "Whole of Life cost(s)" Is the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.
- "Maintenance" means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.
- "Operations" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g.; road grading, grass mowing, cleaning, street lighting and graffiti removal.
- "New" means creation of a new asset to meet additional service level requirements.
- "Resources" means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).
- "Renewal" relates to expenditure on an existing asset, which returns the service potential or the life of the asset up to that which it had originally.
- "Risk" is the likelihood and consequence of an event that may impact on the Council's ability to meet its strategic objectives.
- "Shire" refers to the collective Shire of Kojonup organisation. The Chief Executive Officer of the Shire of Kojonup is responsible for ensuring the Shire's obligations and commitments are met.

- “Stakeholders” are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.
- “Upgrade” relates to expenditure that enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally.

## **POLICY**

To achieve the policy objective, the Shire of Kojonup is committed to ensuring that Asset Management is recognised as a major corporate function.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will maintain an Asset Management Improvement Strategy that guides the implementation of asset management across the organisation. The key outcome being the adoption by Council of an Asset Management Plan for the following classes of infrastructure assets:

1. Infrastructure (including roads, footpaths, kerbing and signs);
2. Drainage;
3. Buildings; and
4. Parks & Reserves.

Asset Management Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

1. New asset acquisition;
2. Renewal of assets;
3. Upgrade of assets; and
4. Disposal of assets.

Asset Management Plans will be prepared in accordance with the IPWEA’s (The Institute of Public Works Engineering Australasia) International Infrastructure Management Manual Guidelines and will include long term financial modelling of the renewal profile and whole of life costs of each asset class to underpin Long Term Financial Plans.

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition and where possible, the Shire is also committed to rationalising assets that are no longer used or do not provide the agreed level of service. The Shire of Kojonup is committed to determining the Level of Service required for infrastructure assets in a collaborative manner with asset stakeholders and the wider community, primarily through community consultation during the Integrated Planning & Reporting process.

## **LINKAGE TO STRATEGIC PLAN**

This policy links to the Shire of Kojonup’s Community Strategic Plan - undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.

The Asset Management Plan also links very closely to the Shire’s Long Term Financial Plan which is the primary funding planning tool to enable achievement of the Plan’s objectives.

## **RESPONSIBILITY AND REPORTING**

**Council** - Council is responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of any adopted Asset Management Plans. In adopting Asset Management Plans, Council is also determining the Level of Service for each asset class.

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

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

All Managers will ensure that relevant staff are appropriately trained in asset management and that funds are put aside each year to ensure that this training occurs.

**Building Assessment Framework**

The following building assessment framework has been adopted by the Shire of Kojonup:

Criteria	Assessment Considerations
Degree to which provision of the building meets Community Strategic Plan commitments (Weighting 30%)	5 = Addresses all commitments to some degree (may be indirectly) or four or more to a significant degree 4 = Addresses six or seven commitments to some degree (may be indirectly) and/or three to a significant degree 3 = Addresses four or five commitments to some degree (may be indirectly) and/or two to a significant degree 2 = Addresses two or three commitments to some degree (may be indirectly) and/or one to a significant degree 1 = Addresses a single commitment to some degree 0 = Does not address any CSP objectives
Level of efficiency with regards to operational and maintenance costs (Weighting 20%)	Comparative assessment considering whole of life cost on a like for like basis for the type of building/construction. 5 = Highly efficient and low whole of life cost 4 = Moderately efficient and moderately low whole of life cost 3 = Average efficiency and average whole of life cost 2 = Moderately inefficient and/or moderately high whole of life cost 1 = Highly inefficient and/or very high whole of life cost
Fit for Purpose/Adaptability for new purpose/Risk and BCA Compliance (score to the highest possible use) (Weighting 35%)	Comparative assessment taking into account: a. Degree building meets requirements for current use; b. Adaptability for new use/potential for dual/multi-use; c. Frequency of use; d. Level of risk associated with continued use; and e. BCA compliance. 5= Meets standards, excellent fit for purpose or adaptability for new purpose 1= Major compliance issues, poor fit for purpose or poor adaptability for new purpose
Historical and cultural value (Weighting 15%)	Elements of significance to be considered include: a. Aesthetic significance; b. Architectural significance; c. Historical significance; d. Scientific significance; e. Social significance; f. Other significance; g. Significance to past, present and future generations; and h. Period of significance. 5 = Listed on State Heritage Register and/or Nationally significant and/or profoundly culturally and historically significant for the majority of the Kojonup population

	4 = On State Heritage list and/or strongly culturally and historically significant for the majority of the Kojonup population 3 = Strongly culturally and historically significant for a small proportion and/or moderately significant for a large proportion of the Kojonup community 2 = Culturally and historically significant for a moderate proportion of the Kojonup community 1 = Culturally and historically significant for a small proportion of the Kojonup community 0= Not culturally and historically significant
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In the event any building scores a total weighted score of 30 or less out of 100 in the assessment, then officers will subsequently prepare a detailed assessment of the building and present the results to the Council. The assessment will include at a minimum:

1. Background information about the building;
2. Valuation and asset management condition scoring information;
3. A detailed option and impact assessment of the pros and cons of renewal/repurposing, replacement, rationalisation and/or other relevant options; and
4. Recommendations.

#### **Capital Evaluation Framework**

To ensure that Capital Projects are evaluated against an appropriate framework so that Council attains best value for money to meet the community's needs while complying with all other relevant Council policies and procedures. The most appropriate mix of projects will then be selected for delivery within the available budget while maximising external funding.

The Shire shall develop and implement a 'Capital Evaluation Framework' to evaluate all capital projects to feed into the Corporate Business Plan and Annual Budget. The framework will be documented within 'Capital Evaluation Procedures' and include:

1. A logical, consistent process to allow all projects to be comparatively evaluated and decisions made;
2. Assessment of the degree each project meets Council objectives;
3. Assessment of risk relating to the consequences of inaction for each project;
4. Assessment of the financial viability of each project, including the level of external funding;
5. Assessment of the degree of positive impact implementation of each project will have to the community and organisation; and
6. Assessment of the level of 'project readiness' for each project.

This policy applies to all Council projects valued at over \$50,000 and all road construction projects valued at over \$100,000.

#### **Roles and Responsibilities**

##### The Elected Member Body (Council)

Responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of this Policy.

Council is also responsible for reviewing the results and recommendations from staff assessment, where a project's scope/cost reaches a defined threshold, and making appropriate determinations.

##### Chief Executive Officer (CEO)

Responsible for ensuring that systems are in place to develop, implement, maintain and regularly review Council's 'Capital Evaluation Policy' and associated procedures.

##### Senior Management Team (SMT)

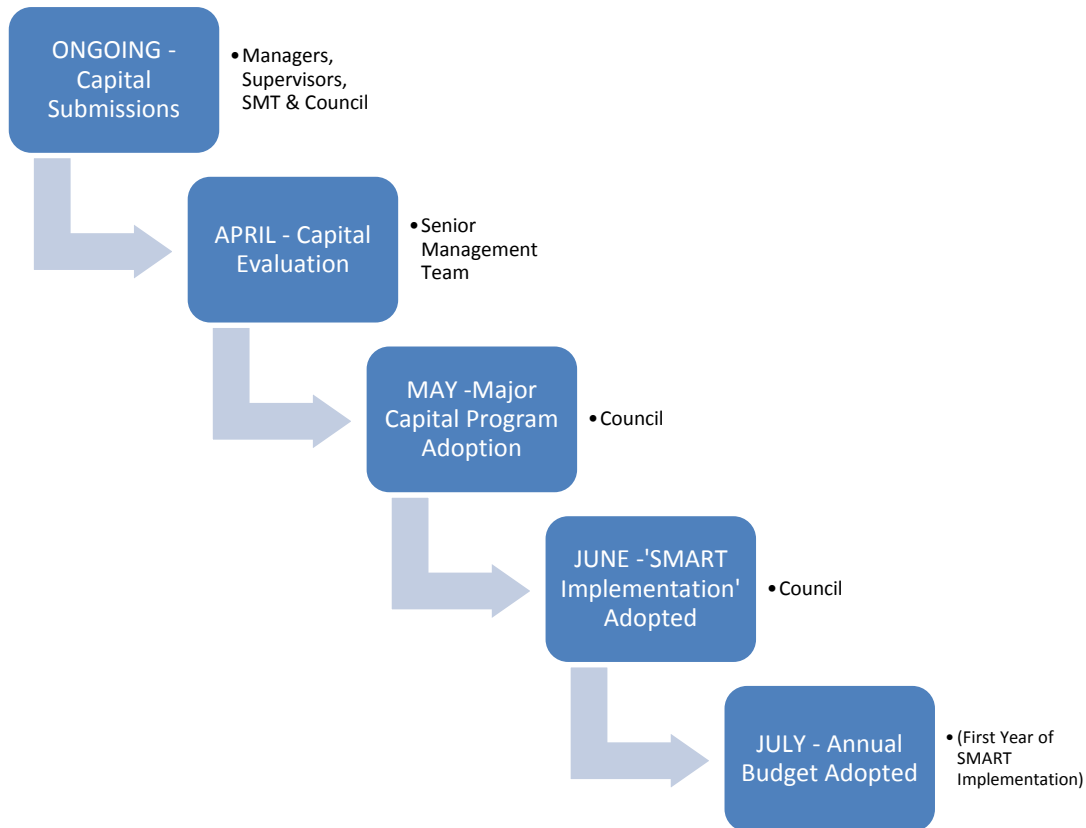
Responsible for implementation of this Policy and associated procedures across the organisation.

Where aspects of Council’s Policy and procedures are not being achieved or adhered to, the SMT will maintain a list of non-compliances and take corrective action. The SMT reports to the CEO (who is also a member of the group) on all matters relating to capital evaluation.

All Managers/Co-ordinators

Responsible for ensuring that resources under their control are appropriately allocated to resource capital evaluation. All Managers/Co-ordinators must report to the CEO on all matters relating to capital evaluation under their area of control.

**Integrated Process**



(Note – SMART Implementation is the Shire of Kojonup’s Corporate Business Plan as required by the *Local Government Act 1995*)

**Review and Evaluation**

The effectiveness of the Policy shall be reviewed annually, both as part of the capital evaluation assessment presented to Council and via the annual review of Council Policies.

**Policy Review**

This policy is to be reviewed annually by senior staff and Council.



## 2.3.5 RISK MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Amended:	21/05/19		52/19
	19/11/19		156/19
	16/11/21		135/21
Reviewer/s:	Chief Executive Officer/Manager Governance and Administration		
Local Law:			
Procedure:	Risk Management Framework/Business Continuity and Disaster Recovery Plan		
Delegation:			

### OBJECTIVE

The objective of this Policy is to state the Shire of Kojonup's (the 'Shire's') intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

### POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines) in the management of all risks that may affect the Shire meeting its objectives.

The Shire 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. This will ensure compliance with the Integrated Planning requirements of the *Local Government Act (1995) s. 5.56(2)*.

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

This policy applies to Council Members, Executive Management, all employees, volunteers and contractors involved in any Shire operations.

### KEY POLICY DEFINITIONS

**Risk:** Effect of uncertainty on objectives.

**Note 1:** An effect is a deviation from the expected – positive or negative.

**Note 2:** Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

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

### POLICY DETAILS

The following points provide detail on the objective specifics:

1. Aligns with and assists the implementation of all Shire policies.
2. Optimises the achievement of the Shire's vision, mission, strategies, goals and objectives.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision-making.
4. Enhances risk versus return within the Shire's risk appetite.

5. Embeds appropriate and effective controls to mitigate risk.
6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.

### **RISK ASSESSMENT AND ACCEPTANCE CRITERIA**

The Shire quantified its broad 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 utilized; 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. A copy of the Risk Management Framework's Risk Dashboard Report and the Prioritised Actions List will be provided to Council's Audit and Risk Committee at each meeting of the Committee.

This Policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed annually.

For staff purposes, the following links directly to the Risk Management Framework Risk Profiles:

[G:\Governance\Risk Management\2019\Current\\_RM\\_Framework\\_&\\_Profile\\_Register\\_-\\_2019\Current\2019\\_Kojonup\\_Risk\\_Profile\\_and\\_Reporting\\_Tool.xlsm](G:\Governance\Risk Management\2019\Current_RM_Framework_&_Profile_Register_-_2019\Current\2019_Kojonup_Risk_Profile_and_Reporting_Tool.xlsm)

## Risk Assessment and Acceptance Criteria

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
<b>Insignificant (1)</b>	Near miss. Minor first aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response	Exceeds deadline by 10% of project timeline	Exceeds project budget by 10%
<b>Minor (2)</b>	Medical type injuries	\$10,001 - \$100,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	Exceeds deadline by 15% of project timeline	Exceeds project budget by 15%
<b>Moderate (3)</b>	Lost time injury <30 days	\$100,001 - \$500,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	Exceeds deadline by 20% of project timeline	Exceeds project budget by 20%
<b>Major (4)</b>	Lost time injury >30 days	\$500,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	Exceeds deadline by 25% of project timeline	Exceeds project budget by 25%
<b>Catastrophic (5)</b>	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of	Non-compliance results in	Substantiated, public embarrassment,	Extensive damage requiring	Uncontained, irreversible impact	Exceeds deadline by 30% of	Exceeds project

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
			services – non-performance > 1 month	litigation, criminal charges or significant damages or penalties	very high multiple impacts, high widespread multiple news profile, third party actions	prolonged period of restitution Complete loss of plant, equipment & building		project timeline	budget by 30%

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
<b>LOW</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
<b>MODERATE</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
<b>HIGH</b>	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
<b>EXTREME</b>	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Control Ratings		
Rating	Foreseeable	Description
<b>Effective</b>	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
<b>Adequate</b>	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Nil or limited monitoring. Reviewed and tested, but not regularly.
<b>Inadequate</b>	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

## 2.3.6 **\*\*DELETED\*\*** BUSINESS CONTINUITY

Policy 2.3.6 was deleted 16 November 2021

Business Continuity is addressed under Policy 2.3.5 – Risk Management

## 2.3.7 DEPARTMENT OF TRANSPORT LICENSING SERVICES

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>	ADMIN 017 - Vehicle Licensing & Registration Agency Contract		

### OBJECTIVE

Set a position on the provision of localised licensing services at no cost to Council.

### POLICY

The Shire of Kojonup is committed to maintaining the traffic licensing agency role subject to the financial commissions received from the State Government providing sufficient revenue such that there is a net benefit to Council, or community benefit.

The Chief Executive Officer is delegated authority to negotiate the renewal of future contracts for the delivery of traffic licensing and services.

## 2.3.8 VOLUNTEER MANAGEMENT

<b>Adopted or Reviewed by Council:</b>	16/02/16	<b>Council Minute Reference:</b>	19/16
<b>Date/s Amended:</b>	20/11/18		143/18
	19/11/19		156/19
<b>Reviewer:</b>	Chief Executive Officer/Manager Governance and Administration/all volunteer Managers		
<b>Local Law:</b>			
<b>Procedure:</b>	Volunteer Management Handbook		
<b>Delegation:</b>			

### OBJECTIVE

To provide a Volunteer Management system that integrates and coordinates the core policies processes and activities the organisation has in place for working with volunteers. It is made up of policies, procedures and work documents which control how the volunteer program is implemented from day to day.

### POLICY

Volunteering promotes civic participation and encourages local people to be active, shape, contribute and make a difference to their local community. Volunteering benefits everyone including the individuals involved, the Council and the wider community.

Council is committed to utilising and valuing the skills, time, talents and energy of volunteers effectively which is supported through the provision of a comprehensive volunteer management framework.

This policy defines the relationship between the Shire and its volunteers; setting out the role and responsibility of Council and outlining the rights and responsibilities of volunteers.

**Volunteers** working on behalf of the Shire will be defined as individuals who:

1. Provide their services of their own free will;
2. Do not receive any monetary reward (out of pocket expenses are not regarded as monetary reward);
3. Benefit the community and themselves by participating in volunteer programs; and
4. Complement, but do not replace or threaten the livelihood of, paid workers in designated positions.

### LEGISLATION AND REFERENCES

Volunteers are entitled to protection through the following legislation:

- *Work Health and Safety Act 2020*
- *Equal Opportunity Act 1984 (WA)*

This policy is to be read in conjunction with the Volunteer Handbook.

### BACKGROUND

The Shire of Kojonup has many volunteers across a range of differing activities. Volunteers work alongside staff to deliver and enhance a diverse number of services and initiatives offered by the Shire. Many of these services and initiatives would not occur or would not be sustainable in the long term without the support and contribution of volunteers.

The following outlines the various categories of volunteering throughout Council:

- Springhaven Lodge;
- The Kodja Place Precinct; and
- Library.

## PRINCIPLES

The following principles underpin Council's approach to volunteering:

**Council performance:** Volunteers contribute to the delivery of the Shire's Community Strategic Plan;  
**Community participation:** All citizens have the right to apply to volunteer and the Shire will provide opportunities for members of the community to participate as volunteers in a variety of programs and Shire activities;

**Inclusiveness:** The Shire will ensure its programs and activities meet individual needs, are welcoming of diversity, and value the strengths and abilities of all community members;

**Training:** Volunteers will be equipped with the necessary skills and resources required to successfully fulfil the positions;

**Identifying strengths & meeting individual needs:** Volunteers expectations, interests, availability, abilities, skills and knowledge will be taken into account when matching them with a volunteer position;

**Balance of paid staff and volunteers:** Volunteers will complement but not threaten the livelihood of paid workers or replace the services or roles provided by paid staff;

**Risk Management:** Council will provide a safe working environment and address risks that affect the safety and wellbeing of volunteers;

**Mutual benefit:** Volunteering remains a mutually beneficial activity for the individual volunteer, the program, the community and Council; and

**Volunteer Management:** Volunteers will be managed in a structured, organised and professional manner.

## VOLUNTEER RIGHTS AND RESPONSIBILITIES

Unlike paid staff, volunteers are not covered by awards or workplace agreements. Volunteers, however, have rights and responsibilities which are in part defined by legislation and in recognition of the significant value that volunteers bring to Council and the community.

### Volunteer Rights

1. To be respected and valued in the role as a volunteer.
2. To work in a healthy and safe environment.
3. To choose the type of activities they are to be involved in, in accordance with their skills, interests and needs.
4. To receive an orientation and induction to the Shire of Kojonup and individual program areas.
5. To have their ideas welcomed and acknowledged by their Manager and other staff.
6. To be able to raise any grievances or issues in accordance with the Shire's process.
7. To receive reimbursement for out of pocket expenses.
8. To have the training, equipment and resources required to do the duties.
9. To have open communication between Volunteers and Managers.
10. To be protected by insurance.
11. To be actively involved in the decision making that affects them.



### **Responsibilities of Volunteers**

Volunteers have obligations to Council and will be required to:

1. Fulfil the duties as specified in their position description in accordance with relevant legislation;
2. Understand and acknowledge the requirements of the Shire's Code of Conduct and relevant policies and guidelines;
3. Participate in the appropriate induction and on-going training as provided;
4. Operate under the direction and supervision of Shire staff to achieve the objectives required;
5. Maintain confidentiality regarding Shire business, program information or any other sensitive, private information they come across during their volunteer duties;
6. Report any unsafe working conditions/potential hazards to their Manager; and
7. Report any injury/damage to themselves or a third party.

### **Supporting Documentation**

Volunteer Handbook

Employee Manual

Risk Management Framework

Business Continuity Plan

## 2.3.9 CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS AND RECORDING

<b>Adopted or Reviewed by Council:</b>	18/04/17	<b>Council Minute</b>	40/17
<b>Date last amended:</b>	20/11/18	<b>Reference:</b>	143/18
	20/08/19		85/19
	19/11/19		156/19
<b>Reviewers:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

This policy applies to Closed Circuit Television (CCTV) and any other device capable of recording video footage in the performance of Shire duties by employees, contractors and elected members.

Provisions relating to recording devices such as Dash Cam will be separately addressed as part of Councils Motor Vehicle/Plant policies/procedures.

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned or controlled by the Shire of Kojonup:

1. Within, on or around Shire facilities; and
2. In public places within the Shire of Kojonup.

The policy also provides guidance to ensure a consistent approach in identifying suitable locations when considering future public place CCTV installation within the Shire of Kojonup.

### POLICY

#### Purpose

The Shire of Kojonup conducts CCTV operations in order to:

1. Assist in deterring, detecting and responding to criminal offences against people or property;
2. Record evidence to support investigations and prosecutions by Police in relation to offences; and
3. Address community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Kojonup.

### CCTV OPERATIONS

The objectives established for CCTV operations should be based on measurable criteria, which may include:

1. Reducing crime and incidents reported to Police;
2. Reducing damage and graffiti reported to the Shire of Kojonup;
3. Improving perceptions of safety and reducing fear of crime; and
4. Evidence purposes.

#### **Ownership**

The CCTV Operation is owned by and is the sole property of the Shire of Kojonup.

#### **Determining CCTV Camera Location**

In determining CCTV camera location and placement in public places, the following factors (in consultation with key stakeholders) will be considered:

1. Incidence of criminal activity;
2. Level of human activity;
3. Level of deterrent;
4. Logistical requirements; and
5. The surveillance is legally permitted.

The selection criteria for each camera placement and location should be documented and the effectiveness of the installation should be measurable and reviewed annually.

A replacement or upgrade program based on system value should be implemented as part of the Shire of Kojonup Information & Communications Technology Plan. Camera technology is continuously evolving and, as a result, the Shire must be aware of the need to remain up-to-date with technology improvements and to factor general maintenance, regular servicing, software upgrades and replacement hardware into the annual budget.

#### **Access and Security of CCTV Equipment**

All CCTV recording equipment will be located within secure areas and not accessible to unauthorised persons.

#### **Storage and disposal of surveillance images**

Storage and disposal of records from CCTV is to be in accordance with the General Disposal Authority for Local Government Records (DA2015-001) as follows:

No	Function/Activity	Description	Disposal Action	Custody
100.4	<b>Surveillance - Investigations</b>	Surveillance/CCTV footage <b>REQUIRED</b> for investigations and/or court proceedings. <b>NB: If a tape forms part of a case file, it should be sentenced in accordance with the related case records.</b>		
100.4.1		Footage presented by the local government (LG) to the authorities where the LG is not party to the investigation in any further capacity. In these situations, the LG is merely the provider of the footage and the incident does not involve LG staff or assets.	Destroy	Retain 7 years after provision of footage then destroy
100.4.2		Footage concerning incidents involving local government staff or assets, required for investigations.	Destroy	Retain 7 years after investigation finalised, then Destroy.

100.5	<b>Surveillance - No Investigations</b>	Surveillance/CCTV footage NOT REQUIRED for investigations.		
100.5.1		Surveillance/CCTV footage taken from fixed cameras around public open spaces and public access areas.	Destroy	Destroy or re-use tape 30 days after footage taken
100.5.2		Surveillance/CCTV footage taken by mobile cameras or car-based cameras.	Destroy	Destroy or re-use tape 7 days after footage taken
100.5.3		Surveillance/CCTV footage taken from fixed cameras around local government buildings and assets with staff in attendance on a regular basis.	Destroy	Destroy or re-use tape 7 days after footage taken

All hardware purchased for CCTV use must have adequate capacity available to meet the minimum retention period above.

**Requests for Stored Information**

1. Access to designated surveillance areas and data will be restricted to Authorised Personnel or with written authorisation from the CEO.
2. Any person requesting a copy of any CCTV data records is to apply in writing to the Chief Executive Officer, outlining reasons for such requests. This includes the Senior Management Team, insurance companies and WA Police.
3. At no time will any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without prior approval of the Chief Executive Officer. If access is denied, applicants are able to utilise the Freedom of Information application process.
4. Recorded material released shall be verified for accuracy, relevance and must not exceed that necessary to fulfil the purposes of the written request.
5. Access is allowed by the Senior Management Team to live CCTV images which may be required to view public areas for reviewing, monitoring or verifying maintenance services and public works.
6. All reasonable attempts will be made to serve the interests of anyone affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Shire of Kojonup or operational needs of the WA Police.

**The recording of Audio**

There is no foreseen use of audio recording within the CCTV system. However, before audio recording is introduced, a policy for its proper use must be defined.

**Complaints Handling**

Any complaints regarding CCTV operations are to be directed in writing to the Chief Executive Officer.

**Audit & Review**

CCTV operations will be monitored and evaluated to verify compliance.

**Privacy Principles**

CCTV will be operated within the *Surveillance Devices Act 1998* and only for the purposes defined in this policy.

**ROLES AND RESPONSIBILITIES**

Council Authorised Officers

Chief Executive Officer

The Senior Management Team will be able to view live footage of their department on their smart phone or tablet as follows:

1. Manager Works & Services – Works Depot, Blackwood Road, Kojonup
2. Manager Financial and Corporate Services/Manager Governance and Administration – Administration Office & Library, 93-95 Albany Highway, Kojonup
3. Manager Regulatory Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
4. Manager Aged Care Services – Springhaven Lodge, Barracks Place, Kojonup
5. Chief Executive Officer – All departments of the Shire

The Chief Executive Officer is responsible for the application of delegations in regards to the policy.

The Senior Ranger/Building Maintenance Coordinator, under the supervision of the CEO, is responsible for addressing any technical aspects for CCTV equipment owned, operated or leased by the Shire of Kojonup including equipment maintenance and upgrades and signage. The Senior Ranger/Building Maintenance Coordinator, as part of technical checks, is to arrange viewing with each manager.

The Records Officer, under the supervision of the CEO, is responsible for reviewing and monitoring operations of the policy.

The following CCTV Authority Table reflects operational responsibility per Officer Position:

<b>CCTV Authority Table</b>					
<b>OFFICER</b>	<b>CCTV BUILDING ACCESS</b>	<b>DEVICE</b>	<b>REAL TIME LIVE VIEW</b>	<b>HISTORICAL PLAYBACK</b>	<b>DOWNLOAD FOOTAGE</b>
<b>CHIEF EXECUTIVE</b>	ALL BUILDINGS	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	Yes
<b>MANAGER FINANCIAL &amp; CORPORATE SERVICES/ MANAGER GOVERNANCE &amp; ADMINISTRATION</b>	SHIRE ADMIN/ KODJA PLACE	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO

<b>MANAGER WORKS &amp; SERVICES</b>	WORKS DEPOT	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
<b>MANAGER AGED CARE</b>	SPRINGHAVEN	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
<b>SENIOR RANGER/ BUILDING MAINTENANCE COORDINATOR</b>	ALL BUILDINGS	COMPUTER		PLAYBACK FOR POLICE ENQUIRIES – MAINTENANCE /TECHNICAL CHECKS	NO - CEO APPROVAL
<b>RECORDS</b>	ALL BUILDINGS	COMPUTER		PLAYBACK	NO - CEO APPROVAL

**ETHICAL USE OF CCTV SYSTEMS AND RECORDED MATERIAL**

This policy represents the formal policy and expected standards of Council. Approval of Council is required prior to any deviation from this policy. Elected Members and Employees are reminded of their obligations under Council’s Code of Conduct to give full effect to the lawful policies, decisions and practices of Council.

1. The CCTV System will be operated within applicable law and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
2. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
3. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.

The Shire of Kojonup has the highest expectation of all Authorised Personnel to:

1. At all times, act in an honest and legal manner to carry out duties which reflects community values;
2. Treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity;
3. Interact with WA Police and stakeholders in a timely, courteous and cooperative manner; and
4. Ensure toilets, showers and change rooms and other similar areas shall not be subject to CCTV surveillance.

**CONFIDENTIALITY**

The Shire of Kojonup expects Authorised Personnel to ensure confidentiality of information gathered by or from CCTV Operations by not disclosing or discussing any events with unauthorised Personnel or associates who have no direct responsibility relating to CCTV operations.

In addition, Authorised Personnel will not explicitly identify any involved person or party with family, friends, or acquaintances and will not disclose any information to third parties, including the media without prior written approval from the Chief Executive Officer.

## 2.3.10 SOCIAL MEDIA

<b>Adopted by Council:</b>	17/03/20	<b>Council Minute Reference:</b>	26/20
<b>Date last amended:</b>	20/10/20		141/20
	12/12/23		141/23
<b>Reviewer:</b>	Chief Executive Officer/Project Manager and Community Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

Social media is revolutionising the way we stay connected with our family, friends and communities. It is growing with evidence from statistics for Facebook showing more than 14 million Australians are active each month.

### OBJECTIVES

The use of social media within the Shire of Kojonup has the objective of making content available to engage the people who connect with the Shire via this medium.

This policy establishes the use of social media within the organisation to make content available, provide feedback and communicate with others who are interested in similar topics, and help the Shire of Kojonup find new ways of engaging with people who live, work or spend time within the Shire.

By implementing social media more effectively, the Shire will improve communication, engagement and collaboration with its community to help strengthen the positive and professional identity of the Shire.

This policy is intended to provide clear guidance with respect to the appropriate use of Social Media by all employees. The appropriate use of Social Media applies as it is defined by this policy, the Shire's Code of Conduct and individual contracts of employment.

### POLICY

This policy is applicable to all Shire staff, Elected Members and Volunteers. It applies to any social media activity on behalf of the Shire or for staff in contexts that relate to the Shire or the performance of their responsibilities.

Social media platforms may include but are not limited to:

- blogs;
- photo and video sharing such as YouTube and Instagram;
- social networks such as Facebook, Twitter and Linked In;
- mobile phone applications;
- texting;
- digital TV services;
- wikis;
- collaboration tools;
- websites; and
- online forums

## PURPOSE

The Shire uses social media for:

- **Communication**  
Social media tools are used to tell people what's happening in the Shire of Kojonup. For example, using the Shire's Facebook page to promote major events and to share the latest news.
- **Engagement**  
Social media is used to help people to get involved in their community and in local decision making by encouraging discussion on a range of different topics across the different platforms such as Facebook and YouTube. It also means that the Shire can respond to comments and concerns faster, reduce the requirement for customers having to visit the Shire office and reduce the risk and impact of negative comments and bad publicity.
- **Collaboration**  
Social media is used to find new, more efficient ways of working together with the community. The Shire's expansion into Social Media provides the opportunity to encourage residents to share content, thoughts and ideas across different platforms such as Instagram.

### 1. Organisational Use

Any use of social media within the Shire must:

- Follow these social media process and guidelines. These guidelines are in addition to any professional standards that govern specific areas of work and all other relevant policies;
- Ensure appropriate authorisations are obtained before providing any information for posting on social media site;
- Ensure that any information posted online serves to enhance the services of the Shire, is in line with the Shire's missions and values, and will not bring the Shire into disrepute;
- Comply with all laws relating to copyright, record keeping, privacy and defamation, including the need for accurate information and constantly ensuring comments are free from harassment and discrimination;
- Cite all sources quoted within information posted;
- Social Media use on the Shire's relevant media is limited to those employees expressly authorised by the CEO and the following:
  - Shire of Kojonup Facebook Page - Customer Service Officer, Records Officer , Project Manager/Community Services, Manager Governance and Administration, and Chief Executive Officer.
  - Kojonup Library Facebook Page – Chief Executive Officer, Project Manager and Community Services, Senior Library Officer, Records Officer, Manager Governance and Administration
  - Kojonup Play in the Park Facebook Page – Play Café Coordinator, Senior Library Officer, Manager Governance and Administration, Project Manager/Community Services, and Chief Executive Officer.
  - Kojonup Visitors Centre Facebook Page - Visitor Services Officer, Manager Kodja Place, Tourism and Marketing, and Chief Executive Officer.

All the Shire's digital communication channels are filtered through the CEO/Executive Assistant to ensure the appropriate moderation and security measures are taken. **Before setting up any new digital platforms** (inc social media channels, websites, analytics and applications) the CEO and relevant manager are to be engaged prior to any decision being made.



## 2. Guidelines for using Social Media on behalf of the Shire of Kojonup

The following information is provided to assist staff when preparing social media content and responses:

- The Shire President and the CEO are the official spokespersons for the Shire of Kojonup; any statements on behalf of the Council and the Shire are only to be made with specific authority (see above);
- Ensure content is accurate, relevant and complies with current policies, if in doubt always check;
- Avoid offensive, defamatory, intimidating and provocative language, and avoid commenting on or liking posts that contain this type of language;
- Avoid making personal comments about elected members, staff or members of the community;
- Maintain a professional, positive and respectful tone;
- Adhere to copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- If in doubt, do not post – Do not reveal any confidential or time sensitive information that has not yet been made publically available and, if you are not sure on how to respond to a post, refer to the CEO.
- All posts to be written in the third person point of view;
- Liking, sharing or reacting to a post on Social Media is generally taken to be an endorsement of that material, as if you had created it yourself, and may be seen by a wider audience than intended.
- Be responsive – Replying to comments and messages needs to be in a timely manner;
- Keep in mind that you are responding to comments on behalf of the whole organisation;
- There is no such thing as ‘off the record’ for social media. Staff should understand that conversations are in the public domain and can be re-posted elsewhere online and quoted by the media without asking for permission;
- Remember the audience the Shire is targeting when determining which platform you would use to engage with the Shire’s followers;
- Each post must have a photo or picture;
- Always complete each post with a contact: i.e.; If you have any queries, please do not hesitate to contact me on 9831 2400 or email \*your email\*.

## 3. Personal Use

Social Media is now a part of daily life and an accepted method of instant communication. The Shire of Kojonup recognises that its staff use social media in a personal capacity outside the context of the workplace. This policy is not intended to discourage nor unduly limit personal expression or online activities. An individual acting on behalf of the Shire, acting in a capacity that they could be seen as representing the Shire or a person seen as, by the public, to be working for the Shire needs to be aware that there is the potential their comments, endorsements and social media activity after hours could influence people to question their ability to remain apolitical and impartial.

It is important, however, to remember that the use of social media is not without risk and the speed and reach of publishing online means content is available immediately to a wide audience. Anything posted online can be difficult to delete and may be replicated to a wide audience. It may be sent to, or seen by people the author never intended or expected would see it. Staff must therefore recognise the need to exercise caution when posting or endorsing content on social media.

The nature of social media often identifies the place of work of the individual using it. In any circumstance where the person is using social media outside the context of the workplace and can be identified as a Shire of Kojonup employee, they are personally responsible for the content they publish and the content published by others to their social media platforms.

Comments or endorsements of content posted on social media by staff members must ensure their actions/posts/content do not provide grounds for a reasonable person to conclude that they could not serve the Local Government impartially and professionally. Staff should also follow and adhere to relevant policies and procedures in a professional manner that is free from bias.

The more senior you are within the organisation, the more weight your opinions will carry and have a greater capacity to impact the reputation of the Shire.

### **Private Profiles and Private Groups**

Nothing that is posted on-line is truly 'private'. Private profile settings and private groups are no guarantee information is only seen by the target audience. Posts may have been screenshot and distributed to individuals, groups and organisations that were never intended to see the content, even after the original post has been deleted.

Privacy settings are not enough to stop someone who disagrees with what has been posted from copying and using it (privacy settings are also constantly being changed and upgraded from social media platform to platform). As staff members of the Shire, your comments have the capacity to affect the Shire's reputation or impact perceptions of you in your role within the Shire.

## **4. Social Media Management**

The Shire's use of social media is intended to be holistic, cross-functional, and owned by all Service Areas.

All defamatory postings will be removed and or hidden through either Facebook's profanity filter or by a manager/CEO at their discretion.

Defamatory postings include but are not limited to those that are racist, sexist, threatening, insulting, and/or unlawful and threatening to another's privacy or safety, possibly constituting a breach of the Shire's Code of Conduct.

### **4.1 Managing Content (Refer to below organisational charts)**

In the case of any particular comment, there are ways to take action;

- No action at all – the comment is allowed to stand as is. This is by far the most common "action" you will take
- An answer or response may be provided to a contributor's query or comment
- The comment may be drawn to the attention of a manager/ CEO for consideration or action
- The comment may be deleted

### **4.2 Record Keeping Requirements**

Social media postings by the Shire are considered the same as any other means of communication, are often considered a record of the Shire's activities and are subject to freedom

of information requests. This means that the posting and any comments made on the platform must be captured within the Shire's records management systems. Any required guidance on records management of social media should be referred to the Records Administration Officer.

## **5. Breaches**

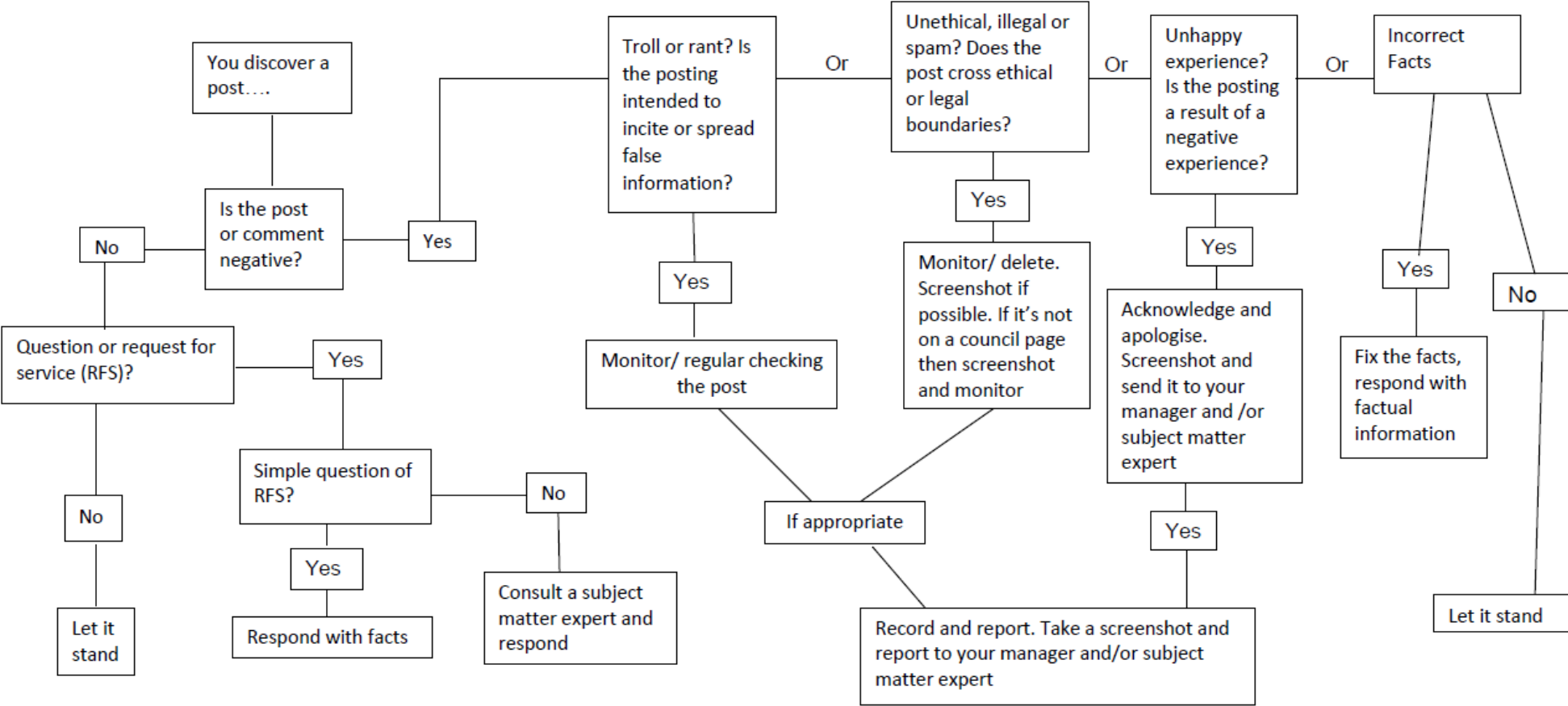
Employees who breach this policy may face disciplinary action which may include a review of their employment with the Shire of Kojonup.

Inappropriate use of social media will not be tolerated by the Shire of Kojonup. An employee who engages in any conduct in breach of this policy will be subject to disciplinary action up to and including instant dismissal.

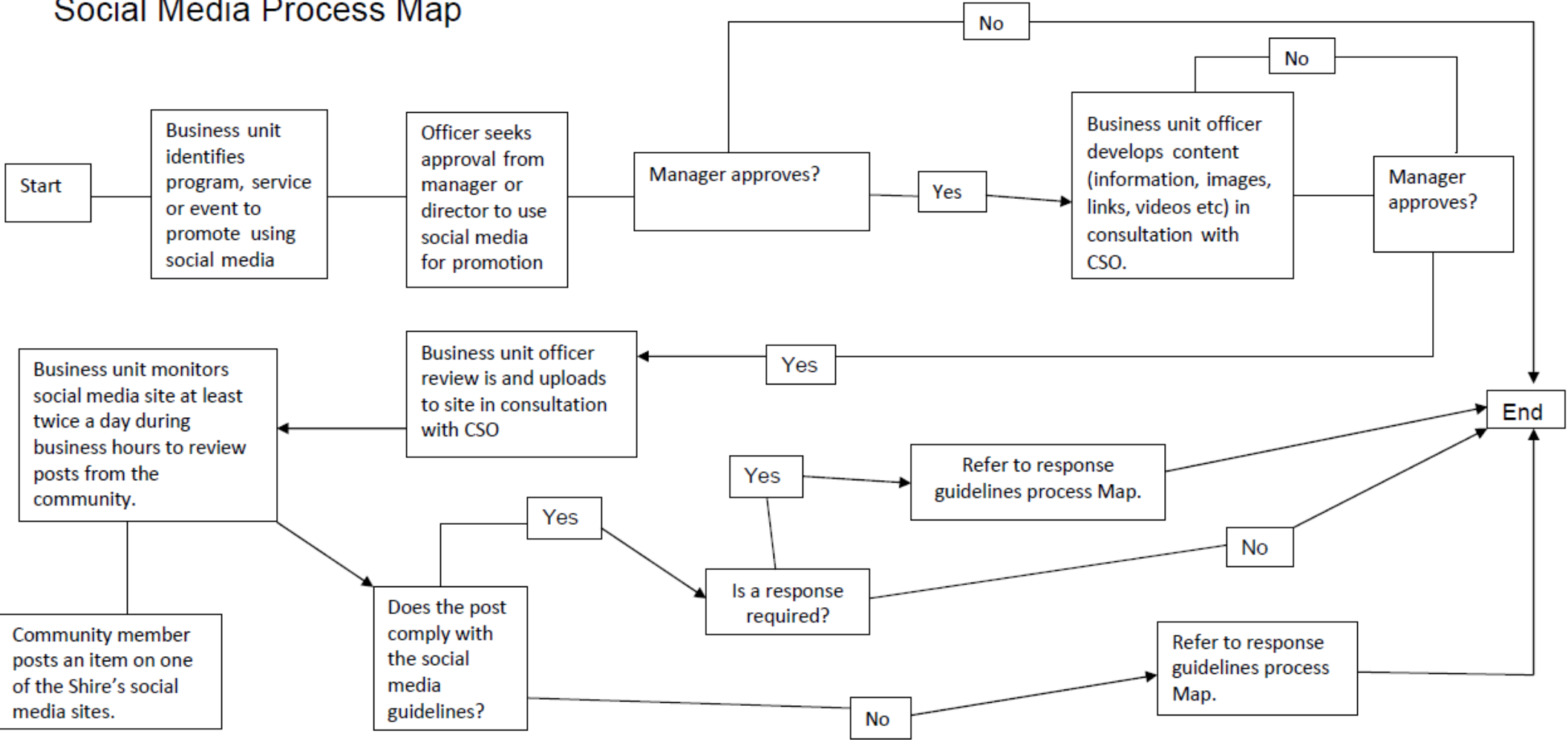
Any manager who is made aware of any of the behaviour outlined in this policy and who does not deal with the code of conduct appropriately or report the inappropriate usage will also be subject to disciplinary action.

# Response Guidelines

## Shire Approved social media administrators and editors only



# Social Media Process Map



## 3 EXECUTIVE & GOVERNANCE

### 3.1 **\*\*DELETED\*\*** CODE OF CONDUCT

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Deleted by Council:</b>	12/12/23		141/23
<b>Reviewer:</b>	Chief Executive Officer/Manager Governance and Administration		
<b>Local Law:</b>	Local Government (Council Meetings) Local Law 2020		
<b>Procedure:</b>			
<b>Delegation:</b>			

Replaced with Policy 3.25 – Code of Conduct for Council Members, Committee Members and Candidates – 18 May 2021

### 3.2 **\*\*DELETED\*\*** ECONOMIC DEVELOPMENT INCENTIVES - BUILDING & PLANNING FEES & RATES

Policy 3.2 was deleted on 17 November 2020

### 3.3 COUNCILLOR INDUCTION

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
	17/11/20		156/20
	12/12/23		141/23
<b>Reviewer:</b>	Chief Executive Officer/Manager Governance and Administration		
<b>Local Law:</b>			
<b>Procedure:</b>	Councillor Induction Manual		
<b>Delegation:</b>			

#### OBJECTIVE

To ensure that elected Council members have sufficient opportunity to be conversant with their legal responsibilities and local government practices and procedures, by undergoing an induction at commencement of their term.

#### POLICY

##### Induction

All elected Council members shall, following their swearing in, be given an induction session by the CEO to acquaint themselves with the operations of the Shire of Kojonup and local government in general.

##### Training

Elected Council members are required to complete the following training in the first year of their term:

1. Understanding Local Government;
2. Conflicts of Interest;
3. Serving on Council;
4. Meeting Procedures;
5. Understanding Financial Reports and Budgeting; and
6. CEO Performance Appraisal

Attendance is encouraged at seminars, workshops or conferences that are applicable to local government and which will also provide improved knowledge, business practices and procedures for

the benefit of the Shire of Kojonup – see Policy 3.28 – Councillors Continued Professional Development.

### 3.4 **\*\*DELETED\*\* SHIRE BOUNDARY CHANGES**

Policy 3.4 was deleted on 14 November 2017.

### 3.5 **USE OF COUNCIL CHAMBERS & RECEPTION LOUNGE**

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### **OBJECTIVE**

To ensure the Council Chambers are recognised and utilised specifically for local government related activities, and to establish a protocol of use.

#### **POLICY**

The Council Chambers are to be used for local government meeting purposes only, except where otherwise approved by the Chief Executive Officer or the Shire President.

Any requests for usage of the Council Chambers not conforming to this policy are to be referred to the CEO.

The Council Reception Lounge is available for restricted Community use in accordance with the adopted fees and charges, whereby either a Councillor or Staff member is in attendance or by a community group approved by the CEO.

The Council Chambers and Reception Lounge may be used as a Local Emergency Management Centre.



### 3.6 CERTIFICATES OF APPRECIATION

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
	16/11/21		135/21
<b>Reviewer:</b>	Chief Executive Officer/all personnel Managers		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

To recognise contributions and achievements from Staff, local residents and organisations.

#### POLICY

To recognise valuable contributions to the community and the good governance of the district, the Council may award Appreciation Certificates, with eligibility guidelines being:

1. Community Organisations/Individuals
2. Following receipt of a written submission containing detailed information on the nominee whether the nominee be from a recreational club, service club or community organisation;
3. Employee
4. Continuous periods of 5 years, 10 years, 15 years, 20 years, 25 years, 30 years or over to be based upon anniversary date; and
5. Others
6. As determined by Council from time to time
7. As determined by the Chief Executive Officer from time to time.

#### PROCEDURE

Community Organisation/Individual

- Ideally, presented at a formal meeting of Council or, alternatively, at a Community/Volunteer Recognition BBQ held either March/April annually.

Employee

- In respect of Council Employees, subject to the approval of the recipient, certificates will generally be presented at a formal meeting of Council (family members may attend).

### 3.7 PRESENTATIONS – RETIRING COUNCILLORS

**Adopted or Reviewed by Council:** 14/11/17 **Council Minute Reference:** 151/16

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring Councillors.

#### POLICY

Upon resignation or retirement as a Councillor, the Shire may, provided the Councillor has served at least one full 4 year term of office and as a token of appreciation for the years of service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to a maximum of \$200; and/or
2. A presentation made at an appropriate function approved by the Shire President.

#### Note:

When reviewing the policy, reference should also be made to r. 34AC. of the Local Government (Administration) Regulations 1996 which sets the four year minimum referenced above and also sets a maximum gift value of \$100 per year to a permissible total of \$1,000.

### 3.8 COMMON SEAL

<b>Adopted or Reviewed by Council:</b>	17/11/15 12/12/23	<b>Council Minute Reference:</b>	183/15 141/23
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**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

To clearly define who is authorised to affix the Common Seal, and in what circumstances and to provide a standard sealing clause.

#### POLICY

That the President and Chief Executive Officer be authorised to use the Shire of Kojonup's Common Seal when and as required to comply with contractual and legal obligations and that the wording be as follows:

*"The Common Seal of the Shire of Kojonup was hereunto affixed in the presence of:  
Chief Executive Officer \_\_\_\_\_  
Date \_\_\_\_\_  
Shire President \_\_\_\_\_  
Date \_\_\_\_\_"*

The guidelines for use of the Common Seal are as follows:

1. The Manager Governance and Administration is to have charge of the Shire of Kojonup's Common Seal, and is responsible for the safe custody and proper use of it;
2. The Common Seal of the Shire of Kojonup is to be affixed to any local law, which is made by Council;
3. The Manager Governance and Administration is to record in a register each date on which the Common Seal is affixed to a document, the nature of the document, and the parties to any agreement to which the Common Seal is affixed; and
4. For use in legal and contractual forms, as deemed appropriate or required by law.

### 3.9 FLYING OF FLAGS

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
<b>Date amended:</b>	19/11/19		156/19
	16/11/21		135/21
<b>Reviewer:</b>	Chief Executive Officer/Manager Governance and Administration/Customer Service Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

To ensure that a consistent policy is applied to requests for flying of legitimate and recognised flags.

#### POLICY

The Australian, State and Aboriginal flags are to be flown at The Kodja Place on a permanent basis. The Australian, Aboriginal and Shire of Kojonup flags are to be flown at the Council administration offices.

When requests are received for the flying of other flags on Council's flagpoles, the Western Australian state flag be substituted unless protocol (as described below) dictates otherwise.

**Note:** Many protocols exist for the flying of flags. The following is an excerpt from the booklet 'Australian flags' – Part 2: The protocols for the appropriate use and the flying of the flag. Refer to [www.itsanhonour.gov.au](http://www.itsanhonour.gov.au) for more information.

*"Flying and handling*

*When flown in Australia or on Australian territory the Australian National Flag takes precedence over all other flags with the exception of the United Nations Flag on United Nations Day (refer to page 35). See the order of precedence (page 25) when flying the Australian National Flag in company with other flags.*

*The flag should not be flown in a position inferior to that of any other flag or ensign. The superior position is based on the formation of the flagpoles in the set, not the height of the flag on the flagpole."*

*"Order of Precedence*

*The Australian National Flag takes precedence in Australia over all other flags when it is flown in company with other flags. Thereafter when flown in the community the order of precedence of flags is:*

*1: National Flag of other nations*

*2: State and Territory Flags*

*3: Other flags prescribed by the Flags Act 1953 including:*

*> the Australian Aboriginal Flag and the Torres Strait Islander Flag in either order; and*

*> the Defence ensigns which should be flown in the following order:*

*- the Australian Defence Force Ensign*

*- the Australian White Ensign*

*- the Royal Australian Air Force Ensign.*

*4: Ensigns and pennants – local government; Commonwealth, state and territory agencies; non-government organisations.*

*The order of precedence may be varied in the following circumstances:*

*> On military occasions or establishments, the Australian National Flag may be followed in the order of precedence by the prescribed Defence ensigns and military pennants ahead of other flags, ensigns and pennants.*

*> On Commonwealth occasions and Aboriginal or Torres Strait Island occasions for their peoples, the Australian Aboriginal Flag or the Torres Strait Islander Flag may follow the Australian National Flag ahead of other flags prescribed under the Flags Act 1953, state and territory flags and other ensigns and pennants.”...*

*“In the absence of a flag or flags higher in the order, a flag shall follow the flag being flown that is higher in the order. The order of precedence does not require that a flag listed in the order must be flown in company with other flags in the order”.*

Other:

1. Flags will be flown at half-mast during a funeral held in Kojonup.
2. Directives from government departments are in addition to the above policy and will be complied with.

### 3.10 COUNCILLORS FEES & REIMBURSEMENTS

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Reviewer:</b>	Chief Executive Officer/Manager Governance and Administration/Manager Financial and Corporate Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

To define elected member fees and allowances as determined by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

To encourage elected members' use of Council vehicles, where possible, for Council business.

#### POLICY

##### Fees and Allowances

Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the *Local Government Act 1995* and *Salaries and Allowances Act 1975*.

The Information and Communication Technology allowance be set at \$3,000 or 75% of the maximum level permitted, whichever is the greater.

##### Reimbursement of Expenses

###### Conferences

Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.

###### Travel

Council will reimburse Councillors' travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective, a Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre in the Local Government Industry Award on presentation of a completed log book.

###### Out of Pocket Expenses

Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager Financial and Corporate Services.

##### Administration

1. Councillors attending official Council meetings as an observer authorised by the Presiding Member or the Council in general will be entitled to travel reimbursement.
2. Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.
3. Councillors may elect not to receive meeting fees and other allowances.
4. Councillor fees and allowances shall be paid on a quarterly basis, in arrears.

5. Payment of travel reimbursements and out of pocket expenses shall be made on application to the Manager Financial and Corporate Services.
6. Only one amount can be claimed for annual attendance fees i.e.; two positions cannot be added so as to get a higher figure.

### 3.11 \*\* MOVED TO POLICY 2.3.7 \*\*

### 3.12 COUNCIL ADVISORY COMMITTEES

**Adopted or Reviewed by Council:** 17/11/15 **Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:** Local Government (Council Meetings) Local Law 2020

**Procedure:**

**Delegation:**

#### OBJECTIVE

The Shire of Kojonup appreciates the service provided by members of Council Committees. In providing these services, however, a standard of professional behaviour must be demonstrated that maintains and promotes confidence and trust in the work of Council.

Advisory Committees are appointed to provide input and overview to Council on a specific topic either to a term of reference or on an ongoing basis.

Advisory Committees:

1. Advise Council on current and emerging issues;
2. Promote the awareness of a specific topic within Council and the community;
3. Provide a process for input into the planning and provision of services and facilities; and
4. Provide a process for feedback from community to Council.

This policy provides guidelines for consistent practice in the way Advisory Committees are formed and operate.

#### POLICY

##### Legal Environment

In accordance with s. 5.8 of the *Local Government Act 1995*, the Council may convene a Committee of three or more persons for the purpose of assisting the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A Committee shall operate in accordance with the relevant requirements of:

1. *Local Government Act 1995*, Part 5, Division 2;
2. Local Government (Administration) Regulations 1996;
3. Shire of Kojonup Policy 3.1 Code of Conduct; and
4. Local Government (Council Meetings) Local Law 2020 ; and
5. This policy.

A committee member ceases to be a member of a committee if the member has been absent from three consecutive meetings of the committee without having been given a leave of absence.

##### Resources

The Chief Executive Officer will appoint a responsible officer for ensuring that a committee is provided with appropriate administrative support and professional advice. Committee members shall ensure that matters regarding the operation of a committee are referred, in the first instance, to the responsible officer.

Shire resources can only be used for Shire purposes if the CEO has given specific approval. Shire resources include:

1. Materials;
2. Equipment;
3. Facilities;



4. Vehicles;
5. Documents;
6. Staff time; and
7. Records, Data and Information.

Advisory committees cannot commit Council resources.

### **Recommendations to Council**

Unless a specific Delegation of Statutory Authority has been established in accordance with s. 5.16 of the *Local Government Act 1995*, the decision making of a committee of Council is limited to providing recommendations for Council's consideration. The recommendations of advisory committees can assist Council in making informed decisions on complex matters.

Recommendations to Council shall be strategic in nature and reflect the role of the Council; that is, they shall not be of an administrative nature.

### **Conduct of Committee Members**

Committee members are responsible for their own good conduct when providing services to Council and to the community. They are to know and understand the standards set out in this policy and in the Council's Code of Conduct. All relevant laws must also be obeyed. Any breaches of the Council's Code of Conduct will result in loss of membership to the committee.

Representing the Council on an advisory committee is an important responsibility and each member is to sign a declaration, as attached. Community members are unable to serve on Council committees if they have not signed the declaration.

When representing or providing services to the Council, committee members should, at all times, be courteous towards the public, Councillors, Council Staff and other committee members so as not to bring Council into disrepute.

All public comments and media statements representing the Shire of Kojonup or its committees must first be approved by the Shire President or the Chief Executive Officer.

### **Meetings**

No Council Advisory Committee shall call a meeting without first obtaining written permission of the CEO detailing the purpose of the meeting. Approval will determine the following:

1. Who chairs the meeting;
2. The format of the meeting; and
3. Whether recommendations for consideration will be accepted.

Each committee of Council must ensure that full and accurate minutes of the proceedings of its meetings are kept in accordance with Local Government (Administration) Regulations 1996 r. 11. Minutes of Committee meetings shall be referred to the next available ordinary Council meeting, where appropriate.

### **Safety**

Council is responsible for providing a safe work environment and gives priority to the health, safety and welfare of Council officials and committee members. Committee members should protect their safety and that of others in the work environment and public areas. All safety concerns should be reported immediately to Council staff.

No member shall take part in activities or attend meetings of a Council committee while under the influence of alcohol or other drugs which could impair abilities or cause danger to themselves or others.

**Disclosure of Interest**

A member of a Council Advisory Committee who has a pecuniary or financial interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The member declaring an interest must not be present at, or in sight of, the meeting of the committee:

1. At any time during which the matter is being considered or discussed by the Committee; or
2. At any time during which the Committee is voting on any question in relation to the matter.



# DECLARATION BY ADVISORY COMMITTEE MEMBER

## Declaration by Advisory Committee Member

I,

\_\_\_\_\_

of \_\_\_\_\_<sup>1</sup>

,  
having been elected to the <sup>2</sup>\_\_\_\_\_ Advisory  
Committee of the Shire of Kojonup, declare that I take the office upon myself and will duly, faithfully,  
honestly, and with integrity, fulfil the duties of the Advisory Committee for the people in the district  
according to the best of my judgement and ability, and will observe the Shire of Kojonup's Policies  
*3.12 Council Advisory Committees and 2.24 Code of Conduct*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> Insert your residential address.

<sup>2</sup> Insert Name of Advisory Committee

### 3.13 PUBLIC QUESTION TIME

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:** Local Government (Council Meetings) Local Law 2020

**Procedure:**

**Delegation:**

#### OBJECTIVE

The Shire of Kojonup provides the public with the opportunity to raise questions (as per s. 5.24 of the *Local Government Act 1995*), or to make a brief statement on issues of concern at all Ordinary Meetings and Standing Committee Meetings of Council. The purpose of this policy is to ensure that the Public Question Time during these meetings is conducted with respect, discretion and morality.

#### POLICY

The *Local Government Act 1995* requires that a minimum of 15 minutes is to be provided at the beginning of the meeting for question time (where members of the public wish to ask questions). Question time is the first item on the agenda and the following procedures apply:

1. Council encourages input from its residents but will not debate any issue with those in attendance at meetings;
2. Questions should be directed to the Shire President (or Chairman at Committee Meetings). Where appropriate, the President may ask another Councillor or Officer to respond if necessary. If the answer is not known and requires further investigation, a written response will be provided at a later date;
3. The President (or Chairman) has the right to determine any address, question or statement made by a member of the public to be out of order if it is considered to be:
  - i. A personal attack or adverse reflection on the integrity of Councillors or Staff; or
  - ii. Inappropriate behaviour and use of public question time.Such behaviour will not be permitted or tolerated;
4. Prevention of Disturbance:
  - a. Any member of the public addressing Council or a Council committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so; and
  - b. No person observing a meeting is to create a disturbance at a meeting by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
5. Taped recording of meetings is not permitted.
6. Copies of the Council's Public Question Time Policy are to be distributed at Council/Committee Meetings where members of the public are in attendance.

### 3.14 LATE AGENDA ITEMS – COUNCIL MEETINGS

**Adopted or Reviewed by Council:** 15/11/16 **Council Minute Reference:** 151/16

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:** Local Government (Council Meetings) Local Law 2020

**Procedure:**

**Delegation:**

#### OBJECTIVE

To ensure that the decision-making process enables all issues to be properly considered in a professional and timely manner.

#### POLICY

1. The submission of late items to a Council meeting is only permitted with the prior permission of the Chief Executive Officer or the Presiding Member.
2. Late items must be in the approved report format including all relevant information and where possible late items are to be e-mailed to all elected members and loaded onto Docs-on-Tap.
3. Under the section of the Agenda titled "*NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING*" the meeting of the Council is to decide by a properly recorded vote whether to accept the late report before proceeding.

### 3.15 CITIZENSHIP CEREMONIES

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
	19/02/19		10/19
	12/12/23		141/23

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

Ensure that people receiving the Certificate of Australian Citizenship be given a ceremony of their choice, as per the options below.

#### POLICY

Candidates for Australian Citizenship will be given the opportunity to choose from the following options for their ceremony:

1. A private ceremony with the President or, in the President's absence, the Deputy President or, in the Deputy President's absence, the CEO;
2. A formal ceremony within three months of receipt of a conferral list from the Department of Home Affairs and during an Ordinary Council Meeting; or

In the interests of building community relations, citizenship ceremonies conducted by the Shire of Kojonup provide for the attendance of any family or supporting friends and for the attendance of all Councillors provided each applicant is consulted beforehand and approves.

#### PROCEDURES – CEREMONIES

People receiving the Certificate of Australian Citizenship will receive a gift up to the value of \$50 (subject to the discretion of the Shire President), such as:

1. Native Plant;
2. Souvenir relative to Kojonup;
3. Commemorative item; or
4. Item relative to Adult/Youth/Child.

Citizenship ceremonies are to be held in accordance with the Australian Citizenship Ceremonies Code.

### 3.16 COMMUNITY CONSULTATION CHARTER

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
	19/11/19		156/19
	16/11/21		135/21

**Reviewer:** Chief Executive Officer/Project Manager and Community Services

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

The following Community Consultation Charter be adopted as Council's policy for consulting and communicating with the community.

#### POLICY

##### THE SHIRE OF KOJONUP'S COMMITMENT

The Community Consultation Charter reflects Council's commitment to open and effective consultation and communication with the community when progressing the aspirations contained within the Community Strategic Plan 'SMART Possibilities' 2027+ and effective decision making.

#### OUR VISION

Kojonup is a **smart** region featuring a technologically advanced **agricultural** community, an educational and historical **destination** and a healthy and enviable **lifestyle**.

#### OUR GUIDING VALUES

##### Integrity

We will act in an honest, professional and accountable manner that maintains the community trust.

##### Care and Respect for People

We will treat people with respect in all of our interactions. We are committed to the safety and wellbeing of our community and employees and will show care and empathy when addressing issues.

##### Responsible

We are mindful of our role as custodian of the community's assets, and will make decisions in a responsible manner. We will consider value for money in decision making and ensure that our operations and systems promote efficiency and good governance.

##### Open and Reliable

We will carry out our business in a transparent and approachable way, respecting diverse views and valuing the input and contributions from the community. We will act consistently and communicate clearly.

#### WHY WE CONSULT AND HOW WE COMMUNICATE

Division 2 of the *Local Government Act 1995* stipulates the requirements for holding and conducting Council Meetings, Committee Meetings and Elector Meetings. In addition to these statutory requirements, the Shire of Kojonup establishes Advisory Committees and Work Groups, such as the

Kojonup Spring Advisory Committee and Sporting Precinct Advisory Committee, allowing community members an opportunity to contribute positively to the things that are important to them and to the decisions and outcomes that impact on their lives. It also assists the Council to make good decisions on behalf of the community.

#### **FORMAL ADVISORY COMMITTEES:**

Established under the *Local Government Act 1995 (Act)*, these Committees are an immediate extension of the Council; for example:

- Audit and Risk Committee;
- Bush Fire Advisory Committee;
- Kojonup Natural Resource Management Advisory Committee.

Each meeting shall be called, conducted and recorded in accordance with the *Local Government Act 1995* (i.e.; local public notice of meetings, Standing Orders Local Law, formal minutes, etc.). Minutes of these meetings will be presented to the Council and all recommendations considered through a written report.

#### **OTHER SHIRE COMMITTEES:**

These Committees are less formal groups established by the Council; for example:

- Sporting Precinct Advisory Committee; and
- Kojonup Spring Advisory Committee.

While they play an equally important advisory role to the Council's decision-making process, they are not established in accordance with Section 5.8 of the *Act* and are deliberately less formal than the Advisory Committees to better reflect the subject matter concerned, or are established under another Act such as the *Bush Fire Act 1954*. Minutes of these meetings will be presented to the Council to ensure information flow.

#### **DELEGATES TO OTHER LOCAL & REGIONAL ORGANISATIONS:**

This category lists the outside organisations that the Shire is either a member of and, therefore, needs representatives to attend meetings or is invited to have a delegate to represent the Shire:

- Great Southern Zone of WA Local Government Assoc.;
- Southern Link VROC (Voluntary Regional Organisation of Councils);
- Great Southern Joint Development Assessment Panel;
- Great Southern Regional Road Group;
- Kojonup Homes for the Aged Committee;
- Great Southern Recreation Advisory Group;
- Great Southern Treasures; and
- Kojonup Historical Society Inc.

Council, via elected members, is charged with the responsibility to make many decisions on behalf of, and that impact on, the community and to deliver a wide range of infrastructure and community services. Council endeavour to fulfil these responsibilities in an effective and efficient manner, while



providing as much opportunity for the community to contribute through consultative processes as possible and where appropriate. Council will continue to strive to get this balance right.

The Chief Executive Officer is charged with the responsibility of ensuring that Council receives qualified advice and the following declaration is included in each Council agenda:

*"I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:*

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."*

The Shire of Kojonup website contains:

- Council, Elector and formal Committee Agendas, Minutes, and Discussion Papers;
- Integrated Planning & Reporting Documents such as the Shire's:
  - Community Strategic Plan;
  - Corporate Business Plan;
  - Annual Budget, Fees and Charges Register;
  - Long Term Financial Plan;
  - Asset Management Plan; and
  - Workforce Plan;
- Risk Management Plan;
- Business Continuity Plan;
- Capital Evaluation Framework;
- Plant & Equipment 10 year Replacement Program;
- 10 year Footpath Replacement Program;
- 10 year Roads Program;
- Concept plans.
- Briefing Session agendas and notes of discussions held.

Council also publishes the Shire of Kojonup E-News every fortnight.

## **WHEN WE WILL CONSULT**

The decision to undertake community consultation will only be made where there are a number of possible options or directions that could be taken by Council and Council has the flexibility/ability to consider same within statutory, budgetary and other limitations.

The Shire of Kojonup (Staff and Councillors) will consider the need for, and type of, consultation required for each situation where Council is required to make an important decision about a matter that is likely to have a significant impact on the lives, homes or localities of residents, businesses, groups and organisations.

This assessment will be made in the context of the scale, importance, likelihood and expected onset of impact of the decision being made or action being taken by Council and the expected level of community interest and concern. It will also be made in the context of the level of risk or security.

## THE CONSULTATION & COMMUNICATION PROCESS

Each specific community consultation process may be undertaken in a slightly different way, reflecting the differing nature of the issue at hand. However, all community consultation undertaken by the Shire will be carried out in accordance with this Charter. Clearly, in effectively consulting the community, many diverse and different views, opinions and preferences will be conveyed to Council. We will not always be able to reconcile these differences, nor make decisions or take actions that align with everyone's viewpoint.

The important thing, we believe, is that everyone in Kojonup has an open, accessible and equal opportunity to 'have a say' on important issues that impact their lives and an explanation of Council's position in relation to that matter.

In many cases, Council is required by legislation to carry out community consultation in a very specific manner; for example, when selling Council land or in processing planning permit applications. This legislative requirement may either set a minimum standard/method of consultation or an exact standard/method of consultation.

Council is committed to:

- (a) All community consultation and communication being undertaken in a manner that is consistent with our guiding values and it is expected that all parties to a community consultation process, including community members, would behave in a way consistent with these values;
- (b) Working with established networks, groups and forums of active community members, while respecting that all community members have a right to contribute to consultation and decision-making processes, irrespective of whether they are part of an established forum or interest group;
- (c) Effective two-way communication to ensure that Council has qualitative and quantitative information available in a timely manner to make informed decisions aligned to the Community Strategic Plan;
- (d) Respecting that not everyone in the community has a civic interest and wishes to participate in consultative engagements; and
- (e) Meeting our obligations under the *Information Privacy Act 2000* and *Public Disclosures Act 2003*, regarding the handling of all personal information.

Based on all of these inputs, including a range of community views, opinions and preferences, Council will make a decision or take a course of action that it believes best serves the interests of the Kojonup community.

## CUSTOMER FEEDBACK

To gauge our performance in relation to our consultation and communication commitments, Council encourages responses from our customers, whether they be complaints, compliments or comments noting that Community Engagement Surveys are required to be conducted every two years, the Corporate Strategic Plan is reviewed every four years, Integrated Planning documents (including Council Policies) are reviewed annually and opportunity exists for community members to make submissions or participate in 'Public Question Time' at the commencement of Ordinary Council Meetings or to make presentations at Briefing Sessions.

The Community Consultation & Communication Charter is intended as a collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process.

Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website [www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au) or obtained from one of our Customer Service Officers.

If we can help, please contact us:

- In Person: Administration Centre  
93-95 Albany Highway  
KOJONUP WA 6395
- By Mail: PO Box 163  
KOJONUP WA 6395
- By Telephone: 08 9831 2400/08 9831 1566
- By Email: council@kojonup.wa.gov.au

### 3.17 CUSTOMER SERVICE CHARTER

<b>Adopted or Reviewed by Council:</b>	14/11/17	<b>Council Minute Reference:</b>	183/15
<b>Date/s Amended:</b>	20/11/18		143/18
	19/11/19		156/19

**Reviewer:** Chief Executive Officer/Manager Governance and Administration/Customer Service Officer

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

The following Customer Service Charter is Council's policy for interacting and liaising with the community.

#### POLICY

##### The Shire of Kojonup's commitment to you

Our Customer Service Charter reflects our commitment to the quality of the service which we provide to you.

The Shire of Kojonup has a large number of transactions with our community each month including approximately 350 licensing transactions, emptying of 2000 rubbish/recycle bins, receipt of 210 pieces of incoming correspondence and 2,800 swimmers through the Pool. When there is an issue with this level of service, this Customer Service Charter outlines how we will deal with such issues.

##### Our Vision

Kojonup is a smart region featuring a technologically advanced agricultural community, an educational and historical destination and a healthy and enviable lifestyle.

##### Our customers include:

1. Residents, ratepayers, business proprietors, community sporting and recreation clubs, and associations;
2. Visitors to the Shire of Kojonup;
3. Employees; and
4. Government departments and non-government agencies and organisations.

##### We will achieve our commitment to you by:

1. Progressively reviewing and improving forms, systems and procedures from a customer's perspective;
2. Conducting regular customer service Employee training programs;
3. Incorporating customer service improvements into all Business Plans;
4. Making the development of positive customer service attitudes part of the annual performance review program for all Employees;
5. Progressively improving access to our services to people with disabilities and people from culturally and linguistically diverse backgrounds;
6. Making information available in alternative formats for people with specific requirements;
7. Improving access to Council information by utilising a wide range of media types; and
8. Ensuring all complaints are dealt with fairly, quickly and equitably.

**You can assist us by:**

1. Providing accurate and complete details, such as distances or road names, when contacting us with any queries or requests for assistance.
2. Contacting us to make an appointment if you have a complex enquiry or need to see a specific officer.
3. Contacting the officer nominated on correspondence sent to you and quoting the reference number of the letter.
4. Treating Employees with the same courtesy and respect given to you.
5. Acknowledging that the Shire may not have the authority to deal with your request/complaint and that you may need to refer it to another agency/organisation.

**Service Standards (in general)**

We will advise you of the progress of your request at least every 15 working days, until the matter is resolved.

**Service Standards (in person)**

We will:

1. Promptly attend to you at all times in a professional, polite and attentive manner;
2. Listen attentively in order to understand your needs;
3. Aim to attend and complete your request at the time of your visit;
4. When enquiries of a technical or specialist nature are made at the Customer Service Centre, ensure that the appropriate Employee is called, if available, or that contact is made within 24 hours to arrange an appointment;
5. Ensure all Employees who have face-to-face contact with customers wear a name badge for ease of communication; and
6. Always be appropriately dressed and wear name badges.

**Service Standards (on the telephone)**

We will:

1. Promptly answer all telephone calls during working hours (by a human and not a machine);
2. Introduce ourselves over the phone by name and provide a direct contact number for future communications when necessary;
3. Reply to telephone enquiries on the same day or the next working day, as appropriate;
4. Take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are 'on hold';
5. Provide a 24-hour after hours telephone service for emergency calls; and
6. Promote direct dial telephone numbers in all correspondence.

**Service Standards (in writing including emails)**

We will:

1. Acknowledge your written request within 10 working days of receipt;
2. Whenever possible provide a completion date when requests require in-depth research which will take longer than 10 working days;
3. Write to you in clear, concise language that is easily understood; and
4. Send out standard information within 24 hours of the request being received.

### Customer Feedback

To gauge our performance in relation to our service commitments, the Council encourages responses from our customers, whether they be complaints or compliments.

This Service Charter is intended as collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process. Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website [www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au) or obtained from one of our Customer Service Officers.

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KOJONUP WA 6395

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KOJONUP WA 6395

By Telephone: 08 9831 2400

By Email: [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au)

### 3.18 ELECTED MEMBERS – INFORMATION & COMMUNICATION TECHNOLOGY (ICT)

<b>Adopted or Reviewed by Council:</b>	18/4/2017	<b>Council Minute Reference:</b>	54/17
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	"Getting Started" instructions for Councillors available		
<b>Delegation:</b>			

#### OBJECTIVE

The purpose of this policy is to define the ICT device requirements for elected members and to clarify the provision and ownership of such.

#### POLICY

Reference should also be made to Council Policy 3.10 – ‘Councillors Fees & Reimbursements’ which sets the level of Councillor allowances, including the ICT Allowance.

#### Shire of Kojonup ICT Environment

The Shire of Kojonup predominately utilises the application (app) ‘Docs-on-Tap’ for the dissemination of agendas, minutes and other Shire documents and information. ‘Docs-on-Tap’ is available on mobile devices that utilise the following platforms:

- iPad – iOS 6.0 Prerequisite
- Android
- Windows 10
- Windows 8
- Windows 7

In addition to the ‘Docs-on-Tap’ app, email is also utilised as a primary source of communication. Councillors will be issued with a Shire of Kojonup email address in the format of *cr.surname@kojonup.wa.gov.au* which is operated through Microsoft Exchange Server. In addition to accessing email through standard email apps, email can be accessed via <https://remote.kojonup.wa.gov.au/owa> by logging in using your user name (first part of email address) and password.

The following apps are suggested for use by elected members to assist in the performance of their role:

Type of App	Suggested	Other Products
Email	Microsoft Outlook	Mail (default iPad App)
Calendar / Diary	Microsoft Outlook	Calendar (default iPad App)
Word Processor	Word (by Microsoft)	Pages (by Apple) Docs (by Google)
Spreadsheets	Excel (by Microsoft)	Numbers (by Apple) Sheets (by Google)
Presentations	PowerPoint (by Microsoft)	Keynote (by Apple) Slides (by Google)

Type of App	Suggested	Other Products
Cloud Storage	OneDrive; Dropbox; or Google Drive	iCloud (Apple default)
Note Taking	OneNote (by Microsoft)	Evernote Keep (by Google)
Other	<ul style="list-style-type: none"> <li>• MyScript Calculator – hand drawn calculator;</li> <li>• YouTube – thousands of free videos, including “how-to” videos;</li> <li>• TED – Educational Talks;</li> <li>• Borrowbox, Rb Digital and Kanopy – see library staff for more information.</li> </ul>	

**1. Ownership & ICT Requirements**

Elected Members of the Shire of Kojonup shall provide their ICT device, data and communication requirements to fulfil the requirements of the position and an ICT Allowance is provided to enable this to occur. It is suggested, as a minimum, that the following be utilised to enable an elected member to undertake their duties:

- Mobile telephone – The elected member’s mobile telephone number will be publicly advertised on the Shire website and some correspondence; and
- Mobile computing device – such as a tablet, laptop computer or iPad. This device will need to be compatible with the Shire email network and Docs-on-Tap application. Assistance is available from the Manager Financial and Corporate Services if required prior to purchase.

Pre-payment of an individual Councillor’s ICT Allowance of up to \$1,000 is available for the purchase or upgrade of either of the two (2) components above, if not already privately owned.

As all devices are purchased by the individual elected member, all ownership and maintenance of such devices remains with the individual, both during and after their term of office.

**2. Data/Internet Access**

Each mobile computing device *should* also utilise a data pack (sim card) to increase the mobility and effectiveness of the device. This data pack will be the responsibility of the individual elected member and the service provider and monthly package chosen is at their total discretion.

When Councillors are in Shire buildings, internet access will be provided by connecting to the Shire’s wireless network (Wi-Fi) where available. Access information (password etc.) will be provided upon request. To ensure the integrity of the Shire’s computer network, the password for the Wi-Fi must never be disclosed to another party.

**3. Terms and Conditions**

The following terms and conditions must be adhered to at all times:-



- The Shire’s Wi-Fi network must not be used to access any information, applications or videos that are deemed inappropriate by Council policies or the Chief Executive Officer (such as pornography etc.);
- A ‘Bring Your Own Device’ (BYOD) policy is currently being formulated by the Manager of Corporate and Financial Services. This policy will address issues such as virus protection, SPAM and security when utilising personally owned devices on the Shire network, including those of elected members covered by this policy; and
- Elected Members’ computing devices such as tablets, smart phones and laptops that access the Shire’s network shall be fitted with an access password to ensure security if the device is lost.

#### **4. Reimbursement**

Any applications (Apps) deemed by the Chief Executive Officer to be imperative for operations are to be funded from the ICT allowance.

#### **5. Documents Relating to Council Use**

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the “Docs on Tap” App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (*Local Government Act 1995* s. 5.5(1)). Councillors will receive an email in the week prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

### 3.19 COMMERCIAL TRADERS – FACILITY HIRE

**Adopted or Reviewed by Council:** 17/11/15 **Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

To ensure that commercial traders do not gain an unfair advantage over commercial businesses within the Shire of Kojonup, which have their own premises and are required to meet ongoing operational costs associated with business operations.

#### POLICY

That no Shire of Kojonup owned facilities be hired or made available to commercial traders that will be in direct competition with local business operators; however, this does not include local non-profit making organisations conducting prima facie commercial operations.

### 3.20 **\*\*DELETED\*\*** MOTOR VEHICLE USE – SHIRE PRESIDENT

**Adopted or Reviewed by Council:** 21/03/17 **Council Minute Reference:** 28/17

**Reviewer:** Chief Executive Officer

**Local Law:**

**Procedure:**

**Delegation:**

### 3.21 APPOINTMENT OF OFFICERS TO ACTING CEO

<b>Adopted or Reviewed by</b>	17/11/15	<b>Council Minute</b>	183/15
<b>Council:</b>	16/11/21	<b>Reference:</b>	135/21
	19/07/23		85/23
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

To ensure that the Shire of Kojonup maintains continuity of business relating to the CEO's responsibilities and duties in the CEO's absence as well as Delegated Authority to that role.

#### POLICY

That:

In the event the Chief Executive Officer (CEO) is on leave for a period of more than seven (7) business days, the CEO has delegated authority to determine which Senior Employee will appointed to the position of Acting CEO during their absence of leave.

The higher duties salary for the Acting CEO role is to be set at a rate of the mid-point between the current CEO's salary and the current Senior Employee's salary.

Where a Senior Employee is appointed as Acting CEO, the Council Delegates CEO Authority to that person.

Council determines that Senior Employees in the Shire of Kojonup, as per the *Local Government Act 1995*, are:

1. Manager Governance & Administration;
2. Manager Financial & Corporate Services;
3. Manager Regulatory Services;
4. Manager Works & Services.

### 3.22 MOVED TO POLICY 5.3 – INDEPENDENT LIVING UNITS

### 3.23 LEGAL REPRESENTATION COSTS INDEMNIFICATION

<b>Adopted or Reviewed by Council:</b>	17/11/15 12/12/23	<b>Council Minute Reference:</b>	183/15 141/23
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

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

#### POLICY

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good governance of the district.

1. The local government may provide financial assistance to Members and Employees in connection with the performance of their duties provided that the Member or Employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
2. The local government may provide such assistance in the following types of legal proceedings
  - a. Proceedings brought by Members and Employees to enable them to carry out their local government functions (e.g.; where a Member or Employee seeks a restraining order against a person using threatening behaviour);
  - b. Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]; and
  - c. Statutory or other inquiries where representation of members or employees is justified.
3. The local government will not support any defamation actions seeking the payment of damages for individual Members or Employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or Employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

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

#### Applications for Financial Assistance:

1. The Council may:
  - a. refuse;

- b. grant; or
  - c. grant subject to conditions an application for payment of legal representation costs.
2. Decisions as to financial assistance under this policy are to be made by the Council.
  3. A Member or Employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
  4. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
  5. A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
  6. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under s. 5.42 of the *Local Government Act 1995*.
  7. Where it is the CEO who is seeking urgent financial support for legal services, the Council shall deal with the application.
  8. The Council will not refuse a request for legal funding if the request is on reasonable grounds.

### **Repayment of Assistance**

Any amount recovered by a Member or Employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Shire of Kojonup.

1. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire of Kojonup or otherwise in bad faith, or where information from the person is shown to have been false or misleading.
2. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire of Kojonup may take action to recover any such moneys in a court of competent jurisdiction.

### 3.24 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION POLICY

<b>Adopted or Reviewed by Council:</b>	19/11/19	<b>Council Minute Reference:</b>	152/19
<b>Amended by Council:</b>	16/11/21		
<b>Reviewer:</b>	Chief Executive Officer		
<b>Local Law:</b>			
<b>Procedure:</b>	Public Interest Disclosure Fraud, Corruption and Misconduct Prevention Plan		
<b>Delegation:</b>			

#### BACKGROUND

This Fraud, Corruption and Misconduct Prevention Policy should be read in conjunction with Council Policies 3.1 - Code of Conduct and 2.3.5 – Risk Management and the Shire of Kojonup Public Interest Disclosure Procedure.

Sections 5.103 through to s. 5.125 of the *Local Government Act 1995* and Part 9 of the Local Government (Rules of Conduct) Regulations 2007 are relevant to this Policy.

A Public Officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter they suspect on reasonable grounds may constitute serious or minor misconduct. Further information is available on the websites of these Commissions.

#### OBJECTIVE

To take a zero-tolerance approach to fraud, corruption and misconduct and to prevent, deter and detect incidents of fraud and corruption wherever possible. This will be strived for by raising the awareness of the risk of fraud, corruption and misconduct, taking necessary actions for its prevention (as per a Fraud, Corruption and Misconduct Prevention Plan), providing processes for the reporting and investigation of incidents, and protecting those who report suspected fraud or corruption incidents.

#### SCOPE

The management of fraud, corruption and misconduct is the collective responsibility of all persons associated with the Shire; that is:

- Council as the decision making body
- Councillors and Committee members as individuals
- Employees and volunteers
- Contractors, suppliers, consultants and/or service providers

#### DEFINITIONS

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines fraud as:

*“Dishonest activity, causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal*

*benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' for the purposes of this standard."*

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines corruption as:

*"Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly."*

The *Corruption, Crime and Misconduct Act 2003* (Section 4) defines misconduct, for public officers, as follows:

Misconduct occurs if —

- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) a public officer engages in conduct that —
  - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
  - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
  - (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
  - (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute —

*[(v) deleted]*

- (vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

To delineate, clauses (a), (b) and (c) above constitute serious misconduct and clause (d) constitutes minor misconduct (Public Sector Commission/Corruption and Crime Commission '*Notifying misconduct – A guide for Principal Officers of Notifying Authorities*').

The *Corruption, Crime and Misconduct Act 2003* defines public authority and public officer as:

**public authority** means —

- (a) a notifying authority; or
- (b) a body mentioned in Schedule V Part 3 to the *Constitution Acts Amendment Act 1899*; or
- (c) an authority, board, corporation, commission, council, committee, local government, regional local government, regional subsidiary or similar body established under a written law; or
- (d) a body that is the governing authority of a body referred to in paragraph (b) or (c); or
- (e) a contractor or subcontractor;

**public officer** has the meaning given by section 1 of *The Criminal Code*;

*The Criminal Code*, in relation to local government, defines ‘public officer’ as —

- (d) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law.

## RESPONSIBILITY

### Councillors

Collectively, Councillors are responsible for ensuring that Council, as the decision making body:

- promotes community awareness of Council's commitment to the prevention of fraud and corruption;
- provides for the prevention of fraud and corruption by way of budgetary provision for secure storage of assets;
- ensures that, where appropriate (if the Chief Executive Officer [CEO] is the perpetrator), proper investigations are conducted into allegations that involve fraud or corruption;
- ensures that the CEO is aware of his/her responsibilities in relation to fraud and corruption through the provision of appropriate and regular training; and
- promotes a culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur.

## PREVENTION

Council recognises that the most effective way to prevent the occurrence of fraud and corruption is to promote an ethical environment fully supported and demonstrated by management and in which internal control mechanisms have been implemented. Council's fraud and corruption prevention strategies include the following elements:

- Codes of Conduct, one for Councillors and one for staff, that outline statements of values and detail unacceptable behaviour;
- Recognition from Management who adhere to, promote and maintain an ethical culture and actively promote such a culture;
- A program for communicating Council's Code of Conducts through regular dissemination of material;
- Ongoing training in the use of codes of behaviour and ethical standards; and
- Ensuring the CEO has developed a mechanism to report ethical complaints or concerns inside and outside the normal channels of communication.



## 3.25 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

**Adopted or Reviewed by Council:** 18/05/2021 **Council Minute Reference:** 53/21  
**Amended by Council:**

**Reviewer:** Chief Executive Officer /Manager Governance and Administration

**Local Law:**

**Procedure:** Public Interest Disclosure  
Fraud, Corruption and Misconduct Prevention Plan

**Delegation:**

### **Policy Purpose:**

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

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

#### **1. Citation**

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

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

(1) In this code —

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

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

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

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

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

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

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

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

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

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## **5. Relationship with others**

- (1) A council member, committee member or candidate should —
  - (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

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

## **Division 3 — Behaviour**

### **7. Overview of Division**

This Division sets out —

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

### **8. Personal integrity**

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

### **9. Relationship with others**

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

- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

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

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

—

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

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

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

#### **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;

- (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### **14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

### **15. Other provisions about complaints**

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## **Division 4 — Rules of conduct**

*Notes for this Division:*

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

### **16. Overview of Division**

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

**17. Misuse of local government resources**

- (1) In this clause —  
**electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;  
**resources** of a local government includes —
- (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**18. Securing personal advantage or disadvantaging others**

- (1) A council member must not make improper use of their office —
- (a) to gain, directly or indirectly, an advantage for the council member or any other person;  
or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

**19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**20. Relationship with local government employees**

- (1) In this clause —  
**local government employee** means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

## 21. Disclosure of information

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
  - confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
  - document** includes a part of a document;
  - non confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

- (1) In this clause —
- interest** —
- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

**23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

### 3.26 CHILD SAFETY AWARENESS

**Adopted or Reviewed by Council:** 16/08/2022

**Council Minute Reference:** 73/22

**Reviewer:** Chief Executive Officer/Project Manager and  
Community Services

**Local Law:**

**Procedure:**

**Delegation:**

#### Policy Statement

- The Shire of Kojonup (Shire) supports and values all children. Local Government makes a commitment to support the safety and wellbeing of all children, including protection from abuse. This policy aims to reduce the risk of harm and child abuse in our communities by encouraging child safe environments to be created and maintained.
- The Shire takes seriously its commitment to encourage local organisations to be child safe and ensure children are empowered, is committed to being child safe and demonstrating a zero- tolerance approach towards child abuse.
- This policy recognises that the Shire is uniquely placed within the local community to demonstrate leadership in supporting organisations to be child safe to protect children from harm or abuse.
- This policy serves as a framework that outlines our role in supporting local organisations to be child safe through access to resources, support, awareness raising and sharing information. We will be guided by the National Principles for Child Safe Organisations.

#### Scope

- Child safety is everyone's responsibility.
- This policy applies to all Elected Members, employees, volunteers, trainees, work experience students and interns at the Shire. It applies to occupants of Local Government facilities and venues, contractors and suppliers and anyone else who undertakes work on behalf of the Shire, irrespective of their involvement in child-related work.

#### Definitions

- **Child/young person:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

**Child Safe Organisation:** Refers to organisations that:

- Create an environment where children's safety and wellbeing are at the centre of thought, values, and actions.
- Place emphasis on genuine engagement with and valuing of children and young people.
- Create conditions that reduce the likelihood of harm to children and young people.



- Create conditions that increase the likelihood of identifying any harm.
- Respond to any concerns, disclosures, allegations, or suspicions of harm (note: in the context of local governments this would involve referring to the Department of Communities or WA Police to respond as appropriate).
- **Child safe:** In this policy, child safe means protecting the rights of children/young people to be safe by taking actions that can help prevent harm and abuse.
- **Harm:** Means any detrimental effect of a significant nature on the child's or young person's wellbeing including physical, emotional, or psychological development.

### Principles

- The rights of children are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe.
- Children have the right to speak up, be heard and taken seriously.
- The best interests of children and young people come first when making decisions.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps reduce the risk of harm and abuse.
- Communities are informed and involved in promoting child safety and wellbeing including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

### Roles and responsibilities

- The Shire will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.
- Developing a process to deliver child safe messages (for example at Shire venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).
- The Shire does not have oversight, control, responsibility, or accountability for third parties to uphold legal and moral compliance for child safety, or to be a child safe organisation. The Shire is taking on a leadership role within community to support community organisations fulfil their responsibilities.
- Local Government roles involved in the implementation of this policy (examples only)
  - CEO
  - Community Services
  - Communications
  - Governance
- Local government is not responsible for developing child safe messages but is responsible for sharing them.

**Related Legislation (examples only)**

- *Child Care Services Act 2007*
- *Equal Opportunity Act 1984*
- *Local Government Act 1995*
- *National Principles for Child Safety Organisations*
- *United Nations Convention on the Rights of the Child (CRC)*
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

**Review**

- This policy will be reviewed every two years or upon the introduction of other policy or legislation related to child safety.

### 3.27 ATTENDANCE AT EVENTS (COUNCILLORS AND CHIEF EXECUTIVE OFFICER)

<b>Adopted or Reviewed by Council:</b>	12/12/23	<b>Council Minute Reference</b>	141/23
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**Reviewer:** Chief Executive Officer

**Local Law:**

**Procedure:**

**Delegation:**

#### Introduction:

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt, by absolute majority, an Attendance at Events policy. The Attendance at Events policy is to enable Council members and the Chief Executive Officer (CEO) to attend events as a representative of Council without restricting their ability to participate in Council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

#### Objectives:

- To provide a framework for the acceptance of invitations to various events and clarification of who will pay for tickets or the equivalent value of the invitation whether free of charge, part of a sponsorship agreement, or paid by the local government.
- To ensure attendance at events is dealt with in a transparent manner and takes into consideration benefits to the community or local government.
- To ensure any actual or potential conflicts of interest are mitigated and decision making is free from influence in the best interests of the community.

#### Definitions

An **'event'** includes, but is not limited to, the following:

- A concert;
- A conference;
- A function;
- A sporting event;
- Agricultural shows/field days;
- School awards nights;
- Cultural events;
- An occasion of a kind prescribed for the purposes of this definition.

A **'gift'** is defined under section 5.57 *Local Government Act (1995)* as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.

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.

See also Local Government Operational Guidelines – Disclosure of gifts and disclosure of interests relating to gifts – May 2022.

A door prize or raffle prize received by chance is not considered a gift.

A **'ticket'** includes an admission ticket to an event, an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

Policy:

This Policy applies to Councillors and the Chief Executive Officer (CEO) and deals with matters relating to event attendance including:

- The provision of tickets to events;
- Payments in respect of attendance;
- Approval of attendance by the local government and criteria for approval; and
- Any event from a specified entity under r. 20B of the *Local Government (Administration) Regulations 1996*.

Provision of tickets/invitations to events

Any ticket/invitation to an event must be provided to the Councillor or CEO in their capacity as a Councillor or CEO.

Any ticket provided to a Councillor or the CEO to attend an event in their personal capacity is not captured by this Policy and must be treated as a gift.

To assist in determining if the ticket is received in the capacity as a Councillor or CEO, the following question can be asked: *'Would the ticket to the event have been given to me if I was not a Councillor or the CEO?'* If the answer is no, then the ticket was received in the capacity of Councillor or CEO.

Tickets should preferably be provided to the local government and not individuals.

Attendance at pre-approved events

Council approves attendance by Councillors and the CEO at the following events (pre-approved events):

- Shire organised events;
- Events that are a free event to members of the public;
- Events where a Councillor or the CEO is a representative on an external committee or organisation and the Councillor or CEO is in attendance for the purposes of fulfilling their role on the external committee or organisation;
- Where the ticket to an event is from a specified entity under r. 20B of *Local Government (Administration) Regulations 1996*, which includes:
  - Western Australian Local Government Association (WALGA);
  - Australian Local Government Association (ALGA);
  - Local Government Professionals Australia WA (LG Pro);
  - Department of a Public Service;
  - Commonwealth, State or Territory government department;
  - Local government or regional local government.

Council approves attendance by the Shire President and the CEO at the following events (pre-approved events):

- events held by local community or sporting groups;
- events held by not-for-profit organisations;
- events within the Shire run by schools and universities;
- local community cultural events/festivals/art exhibitions;
- events held by industry associations relevant to the local area;
- Shire funded events; or
- Events organised by the embassy or consulate of another nation.

If the Shire President cannot attend, then the Deputy President may attend or any Councillor delegated by the Shire President or Deputy Shire President to attend in their place.

Council approves attendance by the Shire President at events (pre-approved events) where the Shire President is performing any of the following functions:

- presenting at the event;
- participating as a member in a panel;
- opening or launching an event or facility;
- presenting or accepting awards or prizes to others on behalf of the Shire; or
- any other civic or ceremonial duty on behalf of the Shire

If the Shire President is unable to attend, then the Deputy President may attend or any Councillor delegated by the Shire President or Deputy Shire President to attend in their place.

Council approves attendance by the CEO at events (pre-approved events) where the CEO is performing any of the following functions:

- presenting at an event;
- participating as a member on a panel; or
- accepting an award on behalf of the Shire of Kojonup (Shire).

In relation to attendance at a pre-approved event in accordance with the above, the following applies in respect to payment of tickets:

- Where the ticket is offered free of charge and tickets are also offered to members of the public free of charge, the ticket may be accepted (ticket is not considered a gift);
- Where the ticket is offered free of charge but a member of the public is required to pay, the ticket is a gift; the ticket may be accepted (as per gift disclosure requirements – see Local Government Operational Guideline as above);
- Where the ticket is offered and a benefit will be received such as dinner and beverages, but there is no purchase price for the ticket, the ticket may be accepted (as per gift disclosure requirements – see Local Government Operational Guideline as above);
- Where the Shire President or the CEO performs a function at the event, providing adequate consideration, or partial consideration for the ticket, the ticket may be accepted, (as per gift disclosure requirements – see Local Government Operational Guideline as above);
- Where the ticket is offered at a discounted rate, the ticket may be paid for by the Shire administration if adequate funding is available in the budget (as per gift disclosure requirements – see Local Government Operational Guideline as above);
- Where the ticket requires payment: the ticket may be paid for by Shire administration or a Councillor may pay for the ticket and request a reimbursement of the expense (prior CEO approval is required), if adequate funding is available in the budget.

See below *Disclosure requirements relating to tickets accepted as gifts* for further gift disclosure information.

In relation to attendance at pre-approved events, in accordance with the above, the following applies in respect to payment of expenses associated with attendance:

The Shire may pay reasonable expenses associated with attendance by a Councillor or the CEO, such as travel and accommodation expenses, within the expenditure limitations prescribed in the current Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members under the *Salaries and Allowances Act 1975*: section 7B ('Determination'), if adequate

funds are available in the allocated budget. Accommodation expenses will only be paid for events outside of the Shire.

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

A Councillor may seek reimbursement of reasonable expenses associated with attendance (such as travel and accommodation expenses) if adequate funding is available in the budget. Accommodation expenses will only be reimbursed for events outside of the Shire.

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

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

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

If a Councillor or the CEO is invited to attend an event that is not a pre-approved event or are not authorised to attend the event, as above, then:

- the Councillor or CEO can request Council approval to attend the event; or
- pay for the ticket to attend the event at their own expense.

#### Attendance at events requiring approval

Attendance by a Councillor or the CEO at an event which is not a pre-approved event, as above, must be determined by Council in the case of a Councillor's attendance or the Shire President in the case of the CEO's attendance at the event (simple majority).

Key factors for consideration include:

- Who is providing the ticket to the event;
- The location of the event in relation to the Shire;
- The role of the Councillor or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- The benefit to the community in the Councillor or CEO attending the event;
- The benefit to the organisation in the Councillor or CEO attending event;
- Alignment to the Shire's strategic objectives;
- Whether the event is funded by the Shire;
- The number of invitations /tickets received;
- The cost to attend the event (if any) and any other expenses such as travel and accommodation.
- Whether there is a personal benefit to a Councillor or the CEO in attending the event; for example, if food and alcohol are included, or if the benefit is primarily for entertainment;
- The likely community perception of a Councillor or the CEO attending the event; or
- Whether the ticket can be paid for to avoid the acceptance of a gift and risk of influenced (or perception of influenced) decision-making.

Approval is required in respect of:

- Attendance at the event by a Councillor or the CEO;
- Whether the ticket is accepted as a gift, or is paid for by the Shire; or
- Whether the Shire pays or contributes to associated expenses such as travel or accommodation.

Decisions to attend events in accordance with this Policy will be made by simple majority.

Partners

Where attendance to an event is approved under this Policy, the following applies in respect of tickets for partners to attend:

A Councillor or the CEO may accept a ticket for their partner to attend an event if the ticket is offered free of charge and tickets are also offered to members of the public free of charge or if it is a Shire organised event (ticket is not considered a gift).

The CEO or Councillor may accept a ticket for their partner to attend an event where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket, and the ticket for partner cannot be purchased by the CEO or Councillor.

A Councillor or the CEO must not accept a gifted or discounted ticket for their partner to attend, where a member of the public is required to pay for a ticket.

A Councillor or the CEO can purchase a ticket for their partner to attend the event at their own expense. The Shire will not pay for, or reimburse, the cost of tickets or associated expenses such as travel or accommodation for partners to attend events, unless expressly authorised by Council. A Councillor or the CEO may purchase travel or accommodation for a partner at their own expense.

Disclosure requirements relating to tickets accepted as gifts

Where, in accordance with this Policy, a Councillor or the CEO has accepted:

- a ticket free of charge where members of the public are required to pay;
- a ticket where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket;
- a ticket at a discounted rate; or
- a ticket where they have provided partial consideration in money's worth through the performance of a function at the event

and the value of the benefit received is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), a Councillor or the CEO is required to make a gift disclosure under the gift provisions according to s5.87A and 5.87B of the *Local Government Act 1995*. The disclosure will be published on the gift register on the Shire's website (s5.89A - *Local Government Act 1995*).

In accordance with the above, where a Councillor or the CEO has accepted a ticket for their partner to attend an event where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket and the ticket for the partner cannot be purchased by the Councillor or CEO, then, if the total value of the benefit received by the Councillor or CEO and partner is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), the Councillor or CEO is required to make a gift disclosure under the gift provisions s5.87A and 5.87B of the *Local Government Act 1995*. The disclosure will be published on the gift register on the Shire's website (s5.89A of the *Local Government Act 1995*).

The gift disclosure by a Councillor must be made to the CEO (or Shire President in the case of the CEO disclosing the gift) within 10 days of the Councillor or CEO receiving the ticket and is to include, under s5.87C of the *Local Government Act 1995*:

- a description of the gift;
- the name and address of the person who gave the gift;

- the date on which the gift was received;
- the estimated value of the gift at the time it was made; and
- the nature of the relationship between the person who made the gift and the person who received it.

Provision of tickets/invitations to events

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

Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the *Local Government Act 1995*.



### 3.28 COUNCILLORS CONTINUING PROFESSIONAL DEVELOPMENT

**Adopted or Reviewed by Council:** 12/12/23

**Council Minute Reference:**

141/23

**Amended by Council:**

**Reviewer:** Chief Executive Officer/Manager Governance and Administration

**Local Law:**

**Procedure:**

**Delegation:**

*See also:*

- *Policy 3.3 Councillor Induction & Training*
- *Policy 3.10 Councillors Fees & Reimbursements*

#### Introduction

Section 5.128 of the *Local Government Act 1995 (Act)* requires that a Local Government prepare and adopt, by absolute majority, a policy in relation to the continuing professional development of elected members.

The continuing professional development of Councillors is in addition to the compulsory training required to be undertaken by newly elected Councillors that must be taken within twelve months of election (as per s. 5.126 (1) of the *Local Government Act 1995* and r.35 of the *Local Government (Administration) Regulations 1996*). Councillors have a responsibility to complete compulsory training in accordance with the legislation and non-compliance is an offence under the *Act*, punishable by a fine not exceeding \$5,000. The Chief Executive Officer will ensure newly elected Councillors are able to select a training option that is suitable to their availability and learning style.

#### Policy

The Shire is committed to supporting continuing professional development of Councillors to the benefit of Council, the Shire and the Community. Continuing professional development includes attendance at training events such as, but not limited to, those organised or conducted by the following organisations/individuals:

- Western Australian Local Government Association (WALGA);
- Local Government Professionals Western Australia;
- Department of Local Government, Sport and Cultural Industries;
- Accredited training organisations offering training that directly relates to the role and responsibilities of Councillors;
- Seminars, training and/or information sessions provided by individuals with a strong knowledge of local government in Western Australian
- Australian Institute of Management
- Australian Institute of Company Directors
- National General Assembly of Local Government
- Annual Road Congress

### WALGA Annual General Meeting (AGM) and Convention

The Shire President and Deputy Shire President are Council's nominated delegates to the WALGA AGM and Convention. Any other Councillor attendance at the WALGA AGM and/or Convention is required to be authorised by resolution of Council. The WALGA AGM and Convention is budgeted separately to other continuing professional development.

### Choice of Training Events/Conferences etc

Councillors wishing to attend a training event should indicate same to the President or Chief Executive Officer in a timely manner so that eligibility and budget consideration can be taken into account and bookings/registration and other arrangements made.

### Interstate Training/Conference Events etc

Attendance at interstate events is at the discretion of Council.

### Air Travel

Any airline travel for a Councillor is to be booked at economy level. Other than to amend departure times, tickets provided to representatives of the Shire shall not be exchanged, upgraded, downgraded or rebated and may not be altered to include personal travel that is not part of the scheduled training/conference itinerary.

Expenses associated with air travel will extend to the following:

- Air fare;
- Travel insurance;
- Training/conference registration;
- Room accommodation;
- Reasonable telephone utilisation;
- Reasonable laundry expenses (if away from home for more than one week);
- Meals in the hotel where registered if not provided during the course of the training/conference;
- Travel to and from the training/conference venue; and
- Travel to and from airport destinations relevant to the training/conference.

### Budgetary Consideration

All training attendance requests will take into account other costs including travel, accommodation and incidentals related to undertaking the training, and those costs will be allocated to the training budget. Any training requests that would exceed the budgeted amount may only be approved by resolution of Council.

In accordance with Policy 3.10 *Councillors Fees & Reimbursements*, Council will pay for all reasonable expenses incurred (including out of pocket expenses) that relate to conferences and Council business, and upon presentation of a receipt to the Manager Governance and Administration. Such expenses will be reimbursed on a quarterly basis. Councillors may elect to not be reimbursed for such expenses. If a Councillor requiring accommodation, for training/conference purposes, elects to stay with relatives or friends (as an alternative to staying in motel/hotel accommodation), they may be paid an amount as set out under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission. Councillors may elect to not be reimbursed for such expenses.

Where a Councillor is accompanied by an accompanying person, all costs incurred for/by the accompanying person are to be borne by the Councillor or accompanying person and not by the Shire unless the Council has approved that the partner accompany the elected member. The exception to this being the cost of attending any official event dinners where partners would normally attend; for example, the WALGA Convention Gala Dinner or Sundowner drinks at the event opening.

### Vehicle travel for training/conferences

Travel should be undertaken by Council vehicle, where a suitable Council vehicle is available, unless authorisation is received from the CEO for use of a private vehicle. In the instance where a Council vehicle is used, Councillors will have access to the fuel cards relevant to the Council vehicle for use when driving in the location of the training/conference and nearby locations.

Councillors are to provide receipts and traceable evidence (Odometer readings etc) to the CEO of all reimbursements being claimed. Councillors may elect to not be reimbursed for fuel expenses.

Where a Council vehicle is not available and it is necessary to use a personal vehicle, the Australian Taxation Office kilometre rate will be reimbursed to the Councillor. Councillors may elect to not be reimbursed for such expenses.

NB: Council's Policy 3.10 *Councillors Fees & Reimbursement* applies to Councillors attending Council and Committee Meetings, Advisory Committees and Council authorised meetings rather than training/conferences.

### Reporting and Publishing

All Councillors attending any training, conferences or meetings are expected to create a report and submit for Ordinary Council Meeting agendas soonest after the date of the event, and report on the benefits achieved by attending and should make any training/conference papers available to other Councillors.

A record of training/conferences attended by Councillors will be maintained by the CEO. The CEO is to ensure a register is kept and a report prepared each financial year on prescribed professional development training undertaken in the previous financial year. That report is to be published on the Shire of Kojonup's official website within one (1) month of the end of the financial year to which the report relates, in accordance with s. 5.127 of the Act.

## 4 WORKS & ENGINEERING

### 4.1 VEHICULAR CROSSINGS (DRIVEWAYS)

<b>Adopted or Reviewed by Council:</b>	<b>Council Minute Reference:</b>	69/18
<b>Amended by Council:</b>	19/06/18	
<b>Reviewer:</b>	Manager Works & Services	
<b>Local Law:</b>	Activities in Thoroughfares and Public Places and Trading Local Law 2020	
<b>Procedure:</b>		
<b>Delegation:</b>	ROADS 008 – Construction of Crossing from Thoroughfare to Private Land	

#### OBJECTIVE

- To define the Council's requirements and financial obligations for the construction of vehicle crossovers.
- Outline the approval process for constructing crossovers.

#### POLICY

Definition – A crossover is the section of a driveway from the property boundary to the edge of the road carriageway.

The policy applies to the installation of crossovers for properties within the Shire of Kojonup.

In accordance with Schedule 9.1; Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996, an application to the Local Government must be made by the landowners to request approval to construct a crossover.

#### GUIDELINES

The following specifications set out the minimum standards for the construction of a vehicle crossover.

'Standard Crossover' means the first constructed crossover to a lot that is constructed in accordance with the specifications fixed by the resolution of Council. The specifications relate to the following types of materials used in construction:

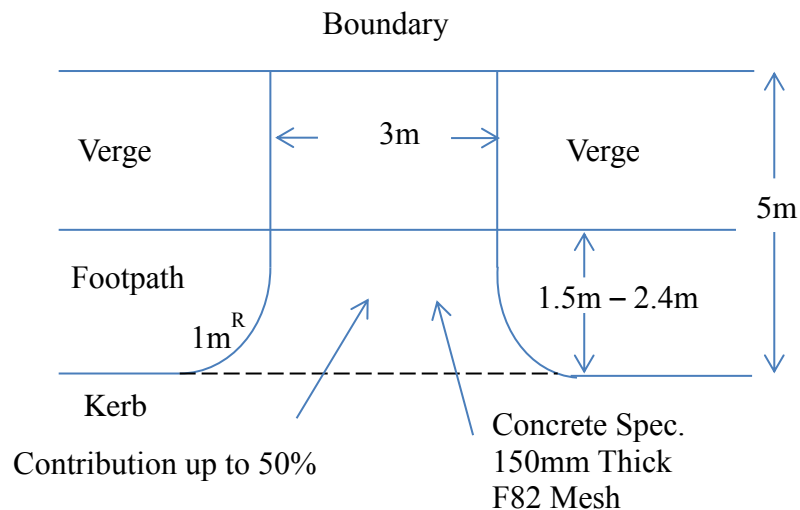
- Type 1 Concrete
- Type 2 Bitumen
- Type 3 Brick Paving
- Type 4 Gravel

#### Standard Crossover

1. Urban – sealed: 3.0m wide (excluding splays), constructed in gravel and sealed with bitumen.
2. Urban – unsealed: 3.0m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm
3. Urban – concrete 3.0m wide (excluding splays), constructed in concrete 150mm thick with mesh
4. Rural – unsealed: 4.5m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.

5.

**Example Standard Crossover**



In accordance with the *Local Government Act 1995* and regulations, the Shire will permit the crossover to be constructed by a Private Contractor under the supervision of and to the satisfaction of the Shire. If the crossover is a standard crossover, or superior to a standard crossover, Council shall bear one half the cost of a standard crossover as estimated by Council but, if the crossing is a type that is inferior to a standard crossover, then Council shall bear no part of the cost thereof.

**CONTRIBUTION BY COUNCIL**

Crossover contribution by Shire of 50% of the cost of a standard crossover based on an area of 15m<sup>2</sup> and that crossover being the first to that lot.

Should larger than 300mm diameter pipes be required – the landowner will pay for the difference. Council will fix the position of the crossover, where the Manager of Works & Services deems necessary.

Property owners are required to complete and submit an Application for Approval to Construct a Vehicle Crossover for assessment before a crossover is constructed or modified. Construction may not commence until written permission has been granted by Council.

Approval to construct a crossover is valid for a two year period from the date it is issued. If construction of the crossover has not been commenced within this period, a new application must be submitted to the Council for consideration.

All crossovers must be constructed with Council’s Specification for the Construction of Vehicle Crossovers. Where a crossing adjoins a sealed road within a townsite, a sealed crossover must be constructed. In all other cases, a sealed or unsealed crossover is permitted.

Upon application from the property owner, Council will bear one half of a standard crossover subject to the crossover being the first constructed to that lot.

## 4.2 STREET TREES

**Adopted or Reviewed by Council:** 17/11/15 **Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Works and Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

To obtain and maintain uniformity of tree planting to enhance the visual aspect of streetscape and beautification of parks, gardens and reserves and to preserve public infrastructure such as electricity, sewer and drainage.

### POLICY

The Shire undertakes maintenance of verge trees, including pruning and removal. Private planting, removal or pruning on all Road Reserves shall first require the approval of the Manager of Works and Services and shall be in accordance with this policy.

The length of the verge will determine how many trees will be planted. Residents should be aware that any trees planted on the verge remain the property of the Shire.

The Shire has the right to remove trees that create a hazardous situation.

A systematic program to remove all Queensland Box Trees shall be undertaken throughout the town site as budget resources permit.

A detailed policy on street tree varieties, themed locations, edible verges, fruit trees and community gardens is to be developed for the Council's consideration prior to 31 December 2014.

### 4.3 NAMING AND/OR CHANGING OF ROAD, STREET OR PLACE NAMES

<b>Adopted or Reviewed by Council:</b>	17/11/15	<b>Council Minute Reference:</b>	183/15
<b>Reviewer:</b>	Chief Executive Officer/Manager Works and Services		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

#### OBJECTIVE

To ensure that aspects of the District’s history are not inadvertently lost due to the changing of a name, and to provide community and public consultation.

#### POLICY

Requests to name and/or change either a road, street or place name in the District may not be approved until after Council has advertised the proposal in the local press and received written comments from the Kojonup Historical Society.

Council does not favour changing a road name which would result in portions of the road having different names.

## 4.4 TIMBER HARVEST AND HAULAGE USE OF ROADS WITHIN SHIRE OF KOJONUP

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Manager Works and Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

To maintain the condition of our roads and ensure the safety of the Shire of Kojonup's residents.

### POLICY

The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Kojonup provided that the Manager of Works and Services is satisfied with the proposed haulage route and provided that the following conditions are adhered to by the tree farm companies:

1. All heavy haulage permits being obtained from Main Roads WA;
2. Neighbouring properties to access routes being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
3. Speeds being limited to 60km p/h on unsealed roads and 80km p/h on sealed roads without pavement markings or 10km p/h lower than the posted speed limit of the roads under 80km p/h;
4. Cartage being limited to daylight hours and with all care taken to absolutely avoid use of the road by trucks during school bus running hours;
5. School bus operators being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
6. 'School Bus Hours' signs are to be erected at the start of all roads concerned with the school bus routes, together with "Trucks on Road" signs along the lengths of road concerning the truck use;
7. Drivers comply with restrictions on traffic movement on school bus routes between the signed hours and contact bus operators on UHF Channel 25 to confirm safe passage during the sign posted times;
8. An audit being conducted on the condition of the proposed route(s) by the haulage company and Manager of Works & Services prior to commencement and roads being reinstated to pre haulage condition by the tree farm companies at the completion of harvest;
9. Council being advised of any gravel/pavement failures on roads within 24 hours so that repairs can be carried out;
10. Inspection of the road condition is required after any rain event prior to the re-commencement of haulage operations; Council reserves the right to suspend haulage operations based on road condition or road closure as specified in s. 3.50 of the *Local Government Act 1995*; and
11. All cartage and harvesting operators to comply with the harvest and movement of vehicle bans as ordered by the Shire of Kojonup. Operators must check the fire ban hotline on (08) 9831 0145 as required for harvest and vehicle movement ban information.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.



## 4.5 BACK FILLING GRAVES

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Manager Works and Services

**Local Law:** Cemeteries Local Law 2020

**Procedure:**

**Delegation:**

### OBJECTIVE

To meet cultural and religious expectations and the specific needs of families, relating to the backfill of graves where active participation is sought. Also, to provide religious and cultural groups and families an opportunity to participate in backfilling a grave following the conduct of a funeral, while ensuring that the Shire meets its obligations under the *Work Health and Safety Act 2020*.

### POLICY

For religious, cultural and personal reasons, people or groups may, following the conduct of a funeral, seek to assist in the full or partial backfill of a grave. It is important that requests of this nature be managed in a way that not only protects the safety and health of individuals but follows an established process that is respectful of those involved.

Requirements:

1. Request for private backfilling is to be received no less than five (5) hours prior to the conduct of a funeral;
2. The request is to be included on the Digging Requisition submitted by the Funeral Director;
3. Participation in the backfilling of a grave will not reduce the amount of the burial fee payable;
4. Backfilling is limited to the use of hand tools by members of the public;
5. Backfilling is limited to a maximum of six people;
6. If shoring is to be removed from the grave, this will be done only by a Shire of Kojonup employee or the Shire's nominated sub-contractor; and
7. Individual family members are not permitted to enter the grave.

Families may simply request to observe the Shire of Kojonup backfilling a grave and this can be accommodated on a request being made no less than five (5) hours prior to the conduct of a funeral.

## 4.6 GRAVEL AND SAND EXTRACTION

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Manager Works & Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

The objective of this policy is to provide clear guidelines for the Shire of Kojonup to approach and make an agreement with a landowner for the purpose of extracting gravel or sand for road works or general use.

### POLICY

The Council will provide a written signed agreement between the landowner and Shire for the extraction of gravel or sand. The Manager of Works and Services will approach the landowner and will draw up the Gravel/Sand Agreement.

1. Agreement will detail the period of time.
2. The value of gravel or sand at a rate of \$#/ m<sup>3</sup>, not exceeding #/m<sup>3</sup>.
3. The Manager of Works and Services and the landowner will sign off on quantities.
4. Photos of before and after extraction will be taken and logged in Records.
5. The works will be carried out on the property which materials have been extracted from and are to be carried out as soon as practicable.
6. Agreement of the area for gravel or sand extraction is to be agreed upon prior to extraction commencing. The area of the extraction site shall be pegged.
7. The topsoil (approx. 150mm) will be windrowed to the side of the area and after the excavation is complete, the floor will be ripped and the topsoil will be respread.
8. The Shire will construct a track to the extraction site and install a new gate in the boundary fences if required. Any tracks which are used by the Council staff will be maintained during use and, where a new gate is fitted, it will be left in place after this agreement has expired.
9. The Shire undertakes to rehabilitate the track and the extraction site after excavation is complete, to the satisfaction of the landowner and the Council's authorised officer.
10. The Shire will obtain all necessary clearances for the extraction of the required materials and be in accordance with all relevant Acts and Regulations.

## 4.7 DIRECTIONAL SERVICE AND TOURISM SIGNAGE

**Adopted or Reviewed by Council:** 19/9/17 **Council Minute Reference:** 103/17

**Reviewer:** Manager Works & Services

**Local Law:** Activities in Thoroughfares and Public Places and Trading Local Law 2020  
Local Government Property Local Law 2020

**Procedure:**

**Delegation:**

### OBJECTIVE

1. Provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs.
2. Provide clear and logical directional signs through the use of standardised dimensions, symbols and consistent colour coding compliant with Australian Standards.
3. Maintain effectiveness of traffic control signs that regulate, warn and guide traffic and facilitate safe, efficient and orderly travel.
4. Clearly identify those facilities that may qualify for directional signs and the conditions under which they may be permitted.
5. Provide and allow for adequate and suitable promotion of local businesses.

### POLICY

The Shire of Kojonup acknowledges the need to regulate signs on its road reserves, footpaths and public spaces to maintain the effectiveness of priority traffic control signs and directional signs and to ensure the amenity of the townships and rural areas is appropriate. A proliferation of signs and advertising can reduce the overall effectiveness of the sign.

### REGULATORY, WARNING, GUIDE SIGNS

These signs are Traffic Control Devices (e.g.; 'Stop' sign, 'Give Way' sign) installed by Statutory Authorities. Missing or damaged signs should be reported to Main Roads WA or the Shire Office.

### FINGERBOARD SIGNS

A fingerboard sign portrays the name or type of service provided by a facility, is small and rectangular in shape with the long axis horizontal (similar in characteristic to a street name sign), secured to a post and positioned directly below a street name sign. Its purpose is to advise road users of the direction to facilities located on side streets.

Fingerboard signs are to only include street name, emergency services and community service information signs. Commercial and tourist business signs not permitted as finger board signs.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all fingerboard signs:

1. Applications for new fingerboard signs should be made to the Shire in writing and may be addressed in terms of the need, the usefulness, desirability and availability of space in relation to this policy; and
2. No more than four (4) fingerboard signs may be placed on a post in accordance with Australian Standards. Street addresses are the primary means of locating particular facilities. For this reason all streets and roads should be clearly identified with street name signs. Priority for placing signs to be in the order of:

- a. Street name
- b. Street information (e.g.; “No Through Road”)
- c. Emergency Services
- d. Community facilities

Fingerboard signs are to be installed in accordance with Australian Standards, Codes of Practice and adopted Council policies. This is to provide a consistent standard throughout the Shire and throughout the state and country.

No fees apply for fingerboard signs. Fingerboard signs may not be supported for those facilities situated on main roads. A maximum of two fingerboard signs may be supported per facility.

### **TOURIST SIGN**

Tourist signs safely and efficiently guide visitors to their destination, identify and guide visitors along touring routes, welcome visitors to the region and inform visitors of the range of attractions and services available at the destination.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all tourist signs:

1. Applications for tourist signs to be considered in accordance with this policy;
2. Applications for new tourist signs should be made to the Shire in writing;
3. Standard fees for assessment and installation apply in accordance with Council’s current adopted Annual Fees and Charges; and
4. Premises that are predominantly retail/sales outlets should not be considered as tourist establishments but as commercial establishments.

### **TEMPORARY SIGN**

Temporary advertising signs are defined as those signs that announce a local event of a religious, cultural, political or recreational nature, for a fixed time period.

An application is required to be lodged with the Shire and approved prior to the installation of all temporary signs.

Temporary Signs are those that announce a local event of a religious, educational, cultural, social or recreational nature or that relate to an event of a political nature. This type of sign does not require Development Approval from Council if:

1. The total area of advertisements of that type on the site is not more than 2 square metres (except for a sign advertising a federal, state or local government election), the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and
2. That the advertisement does not move, flash or reflect light, so as to cause distraction to motorists, and is not internally illuminated.

Temporary Signs that are to be placed on public or Council controlled land require the permission of Council prior to their display; no fees apply for temporary signs. Council reserves the right to remove any temporary signs that:

1. Contain offensive or inappropriate wording;
2. The design or construction of is determined to be unsuitable;
3. Unreasonably restrict the use of the road; or
4. Unreasonably endangers the safety of members of the public.

## COMMERCIAL SIGN

Commercial advertising signs promote a commercial activity, service or product rather than give directions to it.

A Development Application is required to be lodged with the Shire of Kojonup and approved prior to the installation of all commercial and advertising signs.

1. Commercial advertising signs require Development Approval. A Development Application form is required to be lodged with Council along with the required plans and written details. Should a person propose to erect an advertising sign on a road reserve or Council land, consent is unlikely to be granted unless circumstances are exceptional. Permission needs to be obtained from the relevant land owner (e.g.; Shire, Main Roads WA, etc.) and a Development Application needs to be lodged and approved. The applicant needs to demonstrate that they have Public Liability Insurance (in the Shire's name) to the value of \$10 million which needs to remain current for the lifetime of the sign and adequate structural plans need to be submitted with the application.
2. Commercial advertising signs are not permitted on fingerboard signs.
3. Fixed commercial advertising signs should be located only on the property of the premises being advertised.
4. Precinct signs advertising or listing individual businesses as "cluster" signs may be installed at the entrance to a recognised estate where there is an incorporated association or body that represents that estate and this body takes the responsibility for the sign.
5. Property identification displayed on signs that do not exceed a total area of 0.5m<sup>2</sup> may be erected without development approval.

## EXISTING SIGNS

1. Existing signs may be allowed to remain at the Council's discretion.
2. Council maintains the right to remove any signs if any of the following occurs:
  - a. The existing sign does not comply with the Council policy in place at the time of its installation;
  - b. The facility no longer conforms with the conditions of the sign approval;
  - c. The sign is in a poor state of repair;
  - d. The facility no longer operates as an eligible community facility;
  - e. The facility ceases to operate;
  - f. There is a demonstrated need for aggregating signs in a particular location;
  - g. The road authority needs to resume the land;
  - h. The sign contains offensive or inappropriate wording;
  - i. The design or construction is determined to be unsuitable;
  - j. The sign unreasonably restricts the use of the road;
  - k. The sign unreasonably endangers the safety of members of the public; or
  - l. Replacement of any existing sign is subject to this policy and requires an application as applicable.


Replacement signs to only be approved in accordance with this policy; prior existence of signs does not infer automatic approval of new signage.

**SIGN COLOURS**

Directional signs to be coloured in accordance with the Australian Standards 1742.2-1994, 1742.5-1997, and 1742.6-2004 as per the table below:

Category	Font Size	Colours	
		Text	Background
Street Name – including Shire logo against post	150mm	Black	White Reflective
Street Information, e.g.; “No Through Road” Or “One Way”	As per Standard	Black	White Reflective
Emergency Services (e.g.; Police, Hospital, Ambulance)	As per Standard	White	Blue Reflective
Visitor Services Roadside & Commercial Services (e.g.; Motel, Caravan Park, Parking, Public Toilets, Information Centre)	As per Standard	White	Blue Reflective
Community Facilities Likely To Be Sought By Visitors (e.g.; Post Office, Shopping Centre, Civic Centre, Library, Art Gallery, Railway Station)	As per Standard	White	Blue Reflective
Tourist Attractions (e.g.; Lookout, Winery, Botanic Gardens)	As per Standard	White	Brown Reflective
Other Community Facilities (e.g.; Church, Sports Grounds, Youth Centre, Cemetery)	As per Standard	White	Blue Reflective
Specified Commercial And All Other Business Activities, All Other Destinations	As per Standard	White	Green Reflective





**BAKERY**

**BUTCHER**

**FOOD COURT**

**AUSTRALIA POST**

**COLES**



**FLIGHT CENTRE**

**KMART**

**WESTPAC**

**WOOLWORTHS**

**1300x3500mm**

APPROVED BY	SIGNED	DATE	<small>While every care is taken in checking artwork, Sunny Signs accepts NO RESPONSIBILITY for any errors. Please check artwork carefully.</small> <small>Production will not proceed until approval is given.</small> <small>This artwork is the property of Sunny Signs &amp; not to be used without permission. © Sunny Signs, Mt Pleasant, WA 6000</small>	CLIENT: <i>Shire of Kojonup</i> SLIP NO: 281765
				 

## 4.8 NO SPRAY REGISTER

<b>Adopted Council:</b>	19 June 2018	<b>Council Minute Reference:</b>	69/18
<b>Reviewer:</b>	Manager Works and Services/Horticultural Supervisor		
<b>Local Law:</b>			
<b>Procedure:</b>			
<b>Delegation:</b>			

### OBJECTIVE

This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

### POLICY

Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include hand weeding, slashing and the use of chemical herbicides to eradicate vegetation growing in the road reserve.

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms, where residents have a medical condition where avoidance of spray is necessary, and where residents look after their own verges.

**Rural Roads** – Council has responsibility for maintenance of Council owned or management of roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

**Urban Roads** – Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Council's various weed management strategies.

**Council Land** – Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

### PROCEDURE

This policy will be administered by the Manager of Works & Services and the Horticultural Supervisor as part of the Council land and road reserves maintenance program.



### **Applications to No Spray Register**

An advertisement will be placed in the Kojonup News, E-News Bulletin and Shire website no later than 30 March each year advising that applications are invited for road reserves frontage and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 April each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

1. Controlling all National, State and Locally-listed pest plants;
2. Keeping the road frontage clear and/or tidy;
3. Keeping drainage and/or paths free of obstruction and fully operational at all times; and
4. Ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

1. Whether the adjoining land is used for certified organic vegetable/fruit/cereal production;
2. Existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives; and
3. The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any applications on the grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial applications.

### **No Spray Register**

The register will be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of three (3) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Works and Services Department and be available in an appropriate Drive for all relevant staff to be able to access.

**Failure to Comply**

In agreeing to take over the responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur;

1. Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
2. Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and
3. The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

**Roadside Spraying and Slashing Contractors**

In the event that the Shire employs the services of a contractor for roadside spraying, the Council Staff will ensure that the roadside spraying contractor has acknowledged the No Spray Zones and ensure that the contractor does not breach contract by spraying within the zone.

## 4.9 PRIVATE USE OF COUNCIL PLANT AND EQUIPMENT POLICY

**Adopted by Council:** 19 June 2018

**Council Minute Reference:** 69/18

**Reviewer:** Manager Works & Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

The objective of this policy is to ensure that the private use of Council's plant and equipment is transparent and to retain community confidence that the hire of plant and equipment is consistent for both Council employees and the general public.

### POLICY

The policy shall apply to all parties who utilise any of Council's plant and or equipment for private or commercial use.

1. Council will not "dry hire" any plant or equipment to outside parties for commercial use.
2. Hire of plant or equipment for commercial use will be charged in accordance with plant hire and labour rates as detailed in Council's fees and charges.
3. Permission for the hire of all plant and equipment by any party must be authorised by the Manager of Works and Services.
4. Small plant and general plant/equipment, may be utilised by community groups or individual employees of Council in accordance with the following conditions:
  - a. The user shall enter into a Private Agreement with council prior to any plant or equipment being obtained for use;
  - b. In the case of a club or other organisation wishing to utilise Council plant at no cost, a community grants form must be completed and approved prior to use;
  - c. Only duly trained personnel may operate plant and equipment outside work hours for private use (including operating plant for clubs or organisations in the Shire) with no labour hire component being applied to the cost;
  - d. Actual hours and/or kilometres associated with the use of the plant, equipment and/or operator is recorded on the Private Works Agreement immediately after return so the item can be charged out appropriately;
  - e. Council's external Plant Hire Rates shall apply for private use and/or where no community grant approval has been received;
  - f. The plant and equipment is available and does not adversely inconvenience or delay Council's Works Program. No private works shall take precedence over the completion of Council's Works Program;
  - g. The plant and equipment is utilised for private use only and not for commercial gain;
  - h. The plant or equipment is returned to Council premises in a clean, tidy and fully serviceable condition;
  - i. Any damage to plant or equipment will be repaired at the employee's/organisation's/ general public's costs.
5. Where plant and equipment is operated by a Council employee in accordance with this policy:
  - a. It is to be understood by all staff that use of shire plant and equipment is not an entitlement, and that a hire fee is payable for equipment that the shire own;
  - b. That any employee who agrees to operate Shire plant and equipment such as on behalf of clubs and organisations within the Shire, does so in a voluntary capacity and no remuneration will be made to the employee;

- c. Council does not take any responsibility in relation to break downs, faults or mishaps that may occur while the plant is being used;
- d. Where plant is required to be towed by a private vehicle, it is the responsibility of the user to ensure that the vehicle has the capacity to handle the additional towing load;
- e. All plant and equipment must be secured when being transported; and
- f. Where Personal Protective Equipment (PPE) e.g.; ear plugs is required, it is the responsibility of the employee to ensure such PPE is used when operating the plant.

## 5 AGED CARE

### 5.1 SPRINGHAVEN BOND RELEASE

**Adopted or Reviewed by Council:** 14/11/17 **Council Minute Reference:** 183/15

**Reviewer:** Chief Executive Officer/Manager Aged Care Services/Manager Financial and Corporate Services

**Local Law:**

**Procedure:**

**Delegation:**

#### OBJECTIVE

To provide reason for not releasing Accommodation Bonds (Bonds) held at Springhaven Aged Care Facility in Kojonup (Springhaven) until Probate has been issued on the death of residents.

#### Background

Council presently releases Bonds on the death of a Springhaven resident, to their Estate. The risk associated in continuing this practice is that the Shire of Kojonup (Shire) cannot be guaranteed that the Bond is being paid to the Executor or Administrator of the deceased resident's estate. This is only confirmed by production of a Grant of Probate (where there is a last Will) or Letters of Administration (where there is no Will) granted from the Supreme Court of Western Australia.

#### What is Probate?

1. Extract from Public Trustee WA website 9 Jan 2014:  
*"Probate is the process of proving and registering in the Supreme Court the last Will of a deceased person. When a person dies, somebody has to deal with their estate.*
2. *It is usually the executor of their Will who administers the estate and handles the disposal of their assets and debts. In order to get authority to do this, they usually need to obtain a legal document called a 'Grant of Probate'.*
3. *To protect the interests of those who hold the deceased's assets (for example banks) the executor may be asked to prove they are authorised to administer the Will before the assets can be released. The Grant of Probate is the proof required.*
4. *To obtain a Grant of Probate, the executor named in the Will must apply to the Probate Office of the Supreme Court. If their application is approved, the executor is given a Grant of Probate to confirm the author of the Will has died, the Will is authentic and the executor is who they say they are.*
5. *An executor can be an individual or a trustee company like the Public Trustee. Once a Grant of Probate has been given, management of the deceased's assets can safely be transferred to the executor.*
6. *All Grants of Probate are stored, along with the corresponding Will, at the Supreme Court. These are public documents. If a deceased person does not have a Will, validation of their estate and benefactors is not done with a Grant of Probate, but with a similar document known as 'Letters of Administration'.*
7. *In these circumstances, the Probate Registry refers to the Administration Act 1903 to assess applications."*

#### Implications

Without the production of a Grant of Probate or Letters of Administration the Shire of Kojonup is at risk of providing the refund of any Bond to the incorrect person and can be liable for the debts of the deceased particularly where the Bond is the only asset of the estate and there are debts of the estate to be settled.

**POLICY**

Bonds will not be released by the Shire until a Grant of Probate or Letters of Administration, or a certified copy of same, have been provided by the Executor/Administrator.

Interest accrued from the day following the date of death of the Resident will be calculated based on/as determined by the MPRI (maximum permissible rate of interest) as at the date of the contract. The balance of the Bond is payable together with the interest earned thereon from the day following the date of the death of the Resident upon production to the Shire of the original or certified copy of the Grant of Probate or Letters of Administration.

**Recommendation for Current Residents**

Obtain information as to whether they each hold a valid Will and where it is currently lodged.

All future Resident Agreements to include the process for release of Bonds and the interest payable after death to the Executor/Administrator.

## 5.2 SPRINGHAVEN POLICY MANUAL

**Adopted or Reviewed by Council:** 17/11/15

**Council Minute Reference:** 183/15

**Reviewer:** Manager Aged Care Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

To provide a range of guidelines and procedures for staff to follow in response to various services, practices, improvements, regulatory compliance, procedures, standard operating procedures, health care and medical treatments etc.

### POLICY

Council adopts the Policies regarding Management Systems, Staff, Health Care, Residents Lifestyle and Safety and Security as developed for the residents of Springhaven Lodge.

All Staff employed at the Springhaven Lodge are required to familiarise themselves and comply with the Policies.

The Springhaven Policy Manual is located in the Manager's Office at Springhaven and is reviewed annually.

## 5.3 INDEPENDENT LIVING UNITS

<b>Adopted or Reviewed by Council:</b>	13/12/16 19/11/19	<b>Council Minute Reference:</b>	172/16 156/19
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**Reviewer:** Chief Executive Officer/Manager Regulatory Services

**Local Law:**

**Procedure:**

**Delegation:**

### OBJECTIVE

To provide Independent Living Units to the elderly (Over 55 as per the R-Code definitions) of Kojonup, ensuring that:

- They are able to remain living locally, maintain family connections and age 'in place' in familiar surroundings; and
- Larger homes in the Shire become available for family structures with more occupants.

### POLICY

#### Loton Close Units

The Shire of Kojonup has built 13 Independent Living Units situated in Loton Close, Kojonup. The Shire of Kojonup recognises that the elderly in the district are proud of and loyal to Kojonup and wish to remain in the community that they call home.

The following guidelines apply:

#### Eligibility:

To help keep our elderly in town, preference is given to:

1. Locals (defined as those currently residing in the Shire of Kojonup); and
2. At least one permanent resident to be Over 55

#### Process:

1. Two lists of interested tenants is maintained by the Shire with priority given to those listed on the 'Local' list over those listed on the 'Non-Local' list;
2. The list is prioritised in date order when prospective tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If a prospective tenant refuses an offer, they retain their position on the list;
5. The shire does not maintain a priority list;
6. Once an Independent Living Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
7. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.



**Costs/Lease Conditions:**

The units are on a weekly rental basis with a bond of 4 weeks' rent being applicable. The rent is reviewed annually and is set by the Council as part of the annual Fees and Charges. Tenants are liable for power and water usage and are sub-metered. All telecommunications are between the tenant and the supplier of their choice. All building maintenance is to be performed by the Shire. The gardens are to be maintained by the tenant.

**Soldier Road Units:**

The following process and criteria applies to the three (3) independent living units located at Soldier Road.

*Note:*

*These units were funded through Royalties for Regions (Regional Aged Accommodation Program (RAAP)) Funding via the State Department of Primary Industries and Regional Development and this eligibility criteria for these units should not be altered without first seeking written approval of the Department.*

**Process:**

1. Three (3) lists of interested and eligible tenants is maintained by the Shire (see eligibility criteria below);
2. Each list is prioritised in date order when prospective eligible tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list for Band A. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If the unit cannot be tenanted from the list for Band A, it is offered to the first person on the list for Band B. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
5. If a prospective tenant refuses an offer, they retain their relevant position on the list;
6. The Shire does not maintain a priority list;
7. Once a Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
8. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.

**Eligibility Criteria:**

To be eligible to be placed onto the list for Band A or Band B referred to above, residents must:

- a) Satisfy the means testing outlined in the (former) Department of Housing 'Community Housing Income and Asset Limits' Policy – refer to [http://www.housing.wa.gov.au/HousingDocuments/CH\\_Income\\_and\\_Asset\\_Limits\\_Policy.pdf](http://www.housing.wa.gov.au/HousingDocuments/CH_Income_and_Asset_Limits_Policy.pdf); and
- b) Be over the age of 65 years at the commencement of the lease (over the age of 55 years for indigenous Australians);

If there are no applicants on the waiting list that meet the criteria above, or if the offer to lease is not taken by anyone on the list for Band A or List for Band B, then the unit may be offered to residents on the Loton Close waiting list in accordance with the policy or procedure for those units.

## 6 REGULATORY SERVICES

### 6.1 FIRE MANAGEMENT PLAN

**Adopted or Reviewed by Council:** 19/9/17

**Council Minute Reference:** 115/17

**Reviewer:** Manager Regulatory Services

**Local Law:**

**Procedure:**

**Delegation:**

#### POLICY

The Wheatbelt Regional Fire Management Plan 2012-2017 is adopted in its entirety to be the Council's policy.